

rendered a decision in the matter of *Jimmy Little v. Arkansas Department of Human Services, Division for the Blind (Docket No. R-S/92-1)*. This panel was convened by the Secretary of the Department of Education pursuant to 20 U.S.C. 107d-2, upon receipt of a complaint filed by petitioner Jimmy Little.

**FOR FURTHER INFORMATION CONTACT:** A copy of the full text of the arbitration panel decision may be obtained from George F. Arsnow, U.S. Department of Education, 600 Independence Avenue, SW., Room 3230, Switzer Building, Washington, DC. 20202-2738. Telephone: (202) 205-9317. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205-8298.

**SUPPLEMENTARY INFORMATION:** Pursuant to the Randolph-Sheppard Act (20 U.S.C. 107d-2(c)), the Secretary publishes a synopsis of arbitration panel decisions affecting the administration of vending facilities on Federal property.

### Background

Jimmy Little, complainant, is a blind vendor licensed by the Department of Human Services, Division of Services for the Blind, State of Arkansas. Mr. Little operated the vending facility at Newport Vo-Tech in Arkansas.

The Arkansas State licensing agency expressed concern and had evidence that Mr. Little was not following established Vending Facility Program (VFP) procedures for notifying program officials regarding his opening and closing hours during the summer.

In a telephone conversation on August 6, 1990, Mr. Little and the Administrator for the VFP discussed his procedural failures, and it was indicated then that the agency might revoke his vendor's license. On August 7, 1990, the Administrator and a specialist in the VFP visited Mr. Little's facility with questions concerning his summer opening and closing schedule. The VFP representatives reviewed Mr. Little's business records and counted his inventory. Complainant felt that the Administrator's conduct was inappropriate and cast doubts on his honesty and integrity. As the lunch hour approached, business increased and the two VFP officials waited outside before continuing their discussion with Mr. Little.

Mr. Little believed that the Administrator made him look like a thief in front of his customers, and, upon the officials' return to the facility, complainant informed them he would no longer manage the facility and turned in his keys. Subsequently, Mr. Little's

license to operate the vending facility at Newport Vo-Tech was revoked for abandonment of his facility.

Mr. Little's position is that his abandonment was not by choice but that he was forced to leave by the behavior of the VFP officials. Mr. Little has sought the return of his license to operate the facility at Newport Vo-Tech as well as monetary damages for lost earnings. Mr. Little requested and was granted a State fair hearing on the matter on March 1, 1991. The hearing officer ruled that there was not sufficient evidence presented at the State fair hearing to warrant a finding that the actions of the VFP personnel were responsible for the complainant's abandonment of the Newport Vo-Tech facility.

### Arbitration Panel Decision

The panel stated that there are sound business reasons to visit a vendor at his facility, especially if there are questions about his records, inventory, and hours of business during the summer. Based on both men's testimony at the hearing, the panel found there was no evidence that the Administrator ever called Mr. Little a thief and by Mr. Little's own admission he did not believe any of his patrons overheard any of the Administrator's inquiry. The complainant believed that his integrity was questioned because of the Administrator's request to count his inventory and examine his receipts, but the panel found that this was part of the Administrator's job. It also found Mr. Little had not been harassed and was not justified in abandoning his facility.

On November 13, 1992, the arbitration panel issued its opinion. The panel found that Mr. Little voluntarily abandoned the facility at Newport Vo-Tech, and the panel upheld the revocation of complainant's vending facility license by the Arkansas Department of Human Services, Division for the Blind.

Dated: April 5, 1995.

**Judith E. Heumann,**

*Assistant Secretary for Special Education and Rehabilitative Services.*

[FR Doc. 95-8896 Filed 4-10-95; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER94-1147-000, et al.]

#### Madison Gas & Electric Company, et al.; Electric Rate and Corporate Regulation Filings

April 4, 1995.

Take notice that the following filings have been made with the Commission:

##### 1. Madison Gas & Electric Company

[Docket No. ER94-1147-000]

Take notice that on March 23, 1995, Madison Gas & Electric Company tendered for filing an amendment in the above-referenced docket.

*Comment date:* April 18, 1995, in accordance with Standard Paragraph E at the end of this notice.

##### 2. Public Service Company of New Mexico

[Docket No. ER94-1367-000]

Take notice that on March 21, 1995, Public Service Company of New Mexico (PNM) submitted for filing a letter of clarification to supplement its June 16, 1994 filing of a Capacity and Energy Services Agreement between PNM and Enron Power Marketing, Inc. (EPMI).

Copies of the supplement have been served upon EPMI and the New Mexico Public Utility Commission.

*Comment date:* April 18, 1995, in accordance with Standard Paragraph E at the end of this notice.

##### 3. Ohio Edison Company

[Docket No. ER94-1661-000]

Take notice that on March 28, 1995, Ohio Edison Company tendered for filing an amendment in the above-referenced docket.

*Comment date:* April 18, 1995, in accordance with Standard Paragraph E at the end of this notice.

##### 4. New England Power Service Company

[Docket No. ER95-539-000]

Take notice that on March 17, 1995, New England Power Service Company tendered for filing an amendment in the above-referenced docket.

*Comment date:* April 18, 1995, in accordance with Standard Paragraph E at the end of this notice.

### Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE.,

Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 95-8864 Filed 4-10-95; 8:45 am]

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[Docket No. CP95-284-000, et al.]

**National Fuel Gas Supply Corporation, et al. Natural Gas Certificate Filings**

April 4, 1995.

Take notice that the following filings have been made with the Commission:

**1. National Fuel Gas Supply Corporation**

[Docket No. CP95-284-000]

Take notice that on March 24, 1995, National Fuel Gas Supply Corporation (National), 10 Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP95-284-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon a natural gas transportation service, authorized in Docket No. CP76-492-031 and -032,<sup>1</sup> all as more fully set forth in the application on file with the Commission and open to public inspection.

National proposes to abandon a transportation service which it provides to UGI Utilities, Inc. (UGI), pursuant to a transportation agreement dated October 3, 1984. National states that the transportation agreement is on file as Rate Schedule X-30 of its FERC Gas Tariff, First Revised Volume No. 2. National further states that the proposed termination is requested due to a written termination notice by UPI dated March 24, 1994, which cites April 1, 1995, as the contractual date of termination.

National states that the service to be abandoned involves the transportation for injection of up to 19,019 Mcf per day on a firm basis and the withdrawal of up to 25,358 Mcf per day on an interruptible basis through National

Fuel's Ellisburg-First Fork pipeline. It is indicated that the service involves gas stored with Penn-York Energy Corporation in the East Independence, West Independence and Beech Hill storage pools in Allegany County, New York.

*Comment date:* April 25, 1995, in accordance with Standard Paragraph F at the end of this notice.

**2. Mississippi River Transmission Corporation**

[Docket No. CP95-290-000]

Take notice that on March 30, 1995, Mississippi River Transmission Corporation (MRT), 9900 Clayton Road, St. Louis, Missouri 63214, filed in Docket No. CP95-290-000 a request pursuant to Section 7 of the Natural Gas Act, as amended, and Sections 157.205 and 157.216(b) for authorization to abandon certain lateral lines, sales taps and related facilities and equipment which have been used to serve Illinois Terminal Railroad Company (Terminal Railroad) and Missouri Portland Cement Company (Missouri Portland), pursuant to MRT's blanket authorization issued in Docket No. CP82-489-000, all as more fully described in the request which is on file with the Commission and open for public inspection. MRT also proposes to abandon service to these two customers.

MRT proposes to abandon approximately 60 feet of Line A-108 pipeline in Madison County, Illinois used to serve Terminal Railroad and approximately 2,337 feet of Line A-123 pipeline in St. Louis City, Missouri, used to serve Missouri Portland.

MRT proposes to blind off at the tap valve the metering and regulating stations of Terminal Railroad and Missouri Portland and remove all the above ground facilities. It is further stated that MRT proposes to abandon in place all the underground pipe.

*Comment date:* May 19, 1995, in accordance with Standard Paragraph G at the end of this notice.

**3. Colorado Interstate Gas Company**

[Docket No. CP95-293-000]

Take notice that on March 31, 1995, Colorado Interstate Gas Company (CIG), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP95-293-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon a firm gas transportation service for Coastal Chem, Inc. (Coastal Chem), which was authorized in Docket No. CP82-483 et. al., all as more fully set forth in the application on file with the Commission and open to public inspection.

CIG states that it proposes to abandon a certificated agreement related to the transportation of natural gas by CIG for Coastal Chem. CIG states that the agreement, dated March 16, 1982, as amended, constitutes CIG's Rate Schedule X-44 of its FERC Gas Tariff, Original Volume No. 2.

CIG states that Coastal Chem has agreed for CIG to terminate the March 16, 1982 transportation agreement. CIG states that it will continue to provide transportation service for Coastal Chem pursuant to its open access certificate.

CIG further states that it does not propose to abandon any facilities as a result of the authorization requested herein and that CIG will continue to use these facilities for open access transportation service.

*Comment date:* April 25, 1995, in accordance with Standard Paragraph F at the end of this notice.

**Standard Paragraphs**

F. Any person desiring to be heard or to make any protest with reference to said application should on or before the comment date, file with the Federal Energy Regulatory Commission, Washington, DC, 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and/or permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

<sup>1</sup> See 29 FERC ¶ 61,034, 61,311 (1984).