

Southwestern Public Service Company in Lea County, New Mexico located approximately 35 miles from the plant. SWEPI states that the gas to be delivered into the pipeline is not pipeline quality, and cannot be commingled or transported with any other natural gas.

In support of its claim that the primary function of the pipeline is gathering, SWEPI indicates that the facility meets the gathering criteria set forth in *Farmland Industries, Inc.*, 23 FERC ¶61.063 (1983), as modified by later Commission orders, indicating the following:

#### Length and Diameter of the Line

SWEPI states that onshore lines of comparable and greater length and diameter, including a 60-mile, 10-inch pipeline downstream of a processing plant (see 67 FERC ¶61.254 (1994), have been characterized as gathering. Also, the length of the pipeline is dictated by the length of the existing liquids line which would be converted to natural gas service.

#### Beyond the Plant

SWEPI also states that the plant is a separation facility that removes water, hydrocarbons and hydrogen sulfide from the CO<sub>2</sub> produced from the unit and is not a gas plant in the traditional sense that it processes or treats natural gas. However, it is indicated that the pipeline would be an incidental extension of the existing integrated production, gathering, and CO<sub>2</sub> separation and re-injection functions at the Denver plant. SWEPI states that gas would be produced from the various wells located in the Denver Unit, gathered to DUCRP for carbon dioxide separation, and then either routed through a return pipeline for re-injected in the field or routed through the pipeline to a point where it can be transported to the end user. It is indicated that the gas would not be pipeline quality when delivered into the pipeline and would require a segregated line dedicated to off-spec usage. SWEPI states that the traditional behind-the-plant test recognized that the line of demarcation between the production and gathering function and transmission function is the point where the gas is processed to make the gas of salable quality. SWEPI concludes that the pipeline does not provide that line of demarcation because the gas is never of pipeline quality.

#### Operating Pressure of the Line

SWEPI states that it would operate the pipeline at 600 psi, based on the pressure at the outlet of the plant.

#### Ownership and Use of the Line

Concerning the general activity of the owners of the facility, SWEPI states that the proposed pipeline would be utilized by the participating working interest owners to gather their off-spec gas to a point where it can be received for transportation to the only available market. SWEPI states that the fact that the lessees of the line are the producers of the off-spec gas to be handled by the pipeline is an additional factor weighing in favor of a non-jurisdictional determination.

#### Gathering Across State Lines

SWEPI states that the Commission has recognized in *Superior Oil Co.*, 13 FERC ¶61.218 (1980) that gathering may cross state lines and should not affect the jurisdictional status of the line.

#### Access to Line

SWEPI states that the pipeline would serve the unique and discrete function of gathering off-spec produced by the Denver Unit working interest owners to a point where it can be transported to the only available market. It is indicated that, because all of the working owners would have the opportunity to use the pipeline, there will be no access issues.

Any person desiring to be heard or to make any protest with reference to said petition should on or before May 1, 1995, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 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). 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.

Linwood A. Watson, Jr.,

*Acting Secretary.*

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#### [Docket No. CP95-76-000]

#### **Texas Eastern Transmission Corp.; Notice of Site Visit**

April 10, 1995.

On May 3, 1995, the Office of Pipeline Regulation staff, accompanied by representatives of Texas Eastern Transmission Corporation (Texas Eastern), will inspect the proposed

location of Texas Eastern's Line I-A Loop, and Line I-H Upgrade in the Philadelphia Lateral Expansion Project. The proposed facilities are in Chester, Delaware, and Philadelphia Counties, Pennsylvania.

Parties to the proceeding may attend. Those planning to attend must provide their own transportation. For further information, call Jeff Gerber, (202) 208-1121.

Linwood A. Watson, Jr.,

*Acting Secretary.*

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#### [Docket No. CP95-299-000]

#### **Texas Gas Transmission Corp. and Texas Eastern Transmission Corp.; Notice of Joint Application for Abandonment**

April 10, 1995.

Take notice that on April 5, 1995, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky, 42301 and Texas Eastern Transmission Corporation (TETCO), P.O. Box 1642, Houston, Texas 77251-1642, filed in Docket No. CP95-299-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon an exchange service between Texas Gas and TETCO and facilities which were authorized in Docket No. G-13268 and G-1086, all as more fully set forth in the application on file with the Commission and open to public inspection.

Texas Gas and TETCO propose to abandon an exchange service and to abandon the Orleans Purchase Meter Station in Orange County, Indiana.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 1, 1995, file with the Federal Energy Regulatory Commission, Washington, D.C. 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