

No. CP98-709-000 a request pursuant to §§ 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.211) for authorization to construct and operate a new meter station to provide deliveries under authorized transportation agreements to the Town of Eagle Mountain (Eagle Mountain) for residential and commercial uses, as well as electric generation in Eagle Mountain's residential development in Utah County, Utah, under Kern River's blanket certificate issued in Docket No. CP89-2048, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Kern River proposes to construct and operate the new Eagle Mountain Meter Station at Milepost 168.8 on Kern River's mainline in Section 19, Township 6 South, Range 1 West, Utah County, Utah. Kern River states the new meter station will consist of a 6-inch mainline tap, a 1-inch turbine meter and appurtenances with a daily design capacity of 1,600 Mcf per day at 650 psig. Kern River also states that Eagle Mountain will install, own and operate the distribution and electric generation facilities to be located downstream of the proposed Eagle Mountain Meter Station.

Kern River states that the estimated cost to construct the Eagle Mountain Meter Station is approximately \$277,680, exclusive of tax liabilities. Kern River further states that pursuant to a Facilities Construction Agreement and the facilities reimbursement provisions of Kern River's tariff, Eagle Mountain Properties, L.L.C., the developer for the Town of Eagle Mountain, will reimburse Kern River for the actual costs associated with the construction of the meter station including all tax liabilities.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for

authorization pursuant to section 7 of the Natural Gas Act.

Linwood A. Watson, Jr.,

Acting Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. SA98-94-000]

McGiness Oil Company; Notice of Petition for Dispute Resolution and Adjustment

August 11, 1998.

Take notice that on July 8, 1998, McGiness Oil Company (McGiness) filed the above-referenced petition, pursuant to section 502(c) of the Natural Gas Policy Act of 1978. McGiness' petition rejects the Kansas ad valorem tax refund claims made by Panhandle Eastern Pipeline Company (PEPL), because PEPL has failed to demonstrate that the amount received by McGiness, inclusive of Kansas ad valorem tax reimbursement, exceeded an applicable maximum lawful price under the NGPA. If adjustment relief becomes necessary (i.e., if the Commission determines that McGiness owes Kansas ad valorem tax refunds to PEPL), McGiness requests to be relieved from making the refunds attributable to royalties, on the ground that such refunds are now uncollectible. McGiness asserts uncollectability based on the enactment of section 7 of House Bill No. 2419, by the State of Kansas. McGiness' petition is on file with the Commission and is open to public inspection.

The Commission by order issued September 10, 1997, in Docket No. RP97-369-000 *et al.*,¹ on remand from the D.C. Circuit Court of Appeals,² directed First Sellers to make Kansas ad valorem tax refunds, with interest, to the appropriate pipelines, for the period from 1983 to 1988. In its January 28, 1998 Order Clarifying Procedures [82 FERC ¶ 61,059 (1998)], the Commission stated that producers (i.e., First Sellers) could file dispute resolution requests with the Commission, asking the Commission to resolve the dispute with the pipeline over the amount of Kansas ad valorem tax refunds owed.

Any person desiring to be heard or to make any protest with reference to any

¹ See: 80 FERC ¶ 61,264 (1997); rehearing denied January 28, 1998, 82 FERC ¶ 61,058 (1998).

² Public Service Company of Colorado v. FERC, 91 F.3d 1478 (D.C. 1996), cert. denied, Nos. 96-954 and 96-1230 (65 U.S.L.W. 3751 and 3754, May 12, 1997).

of these petitions should on or before 15 days after the date of publication in the **Federal Register** of this notice, file with the Federal Energy Regulatory Commission, 888 First 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, 385.211, 385.1105, and 385.1106). 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.

David P. Boergers,

Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98-352-001]

MIGC, Inc.; Notice of Compliance Filing

August 11, 1998.

Take notice that on August 7, 1998, MIGC, Inc. (MIGC) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1 (Tariff), Substitute Third Revised Sheet No. 51 to be effective August 1, 1998.

MIGC states that this tariff sheet was filed in compliance with the Federal Energy Regulatory Commission's letter order issued July 30, 1998 in Docket No. RP98-352-000 (Letter Order). MIGC believes that the tariff revisions made in the instant filing will bring MIGC's Tariff into full compliance with the Commission's Order No. 587-G.

MIGC requested waiver of the Commission's Regulations to the extent necessary to permit the tendered tariff sheet to become effective August 1, 1998, pursuant to Order No. 587-G and the Letter Order.

MIGC states that copies of the filing have been mailed to MIGC's customers, interested state regulatory agencies and all parties set out on the official service list in Docket No. RP98-352.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Regulations. All such