

unnecessary for El Paso to appear or be represented at the hearing.

Linwood A. Watson, Jr.,

Acting Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG99-37-000]

FPL Energy Wyman LLC; Notice of Amendment To Application for Commission Determination of Exempt Wholesale Generator Status

February 9, 1999.

Take notice that on February 8, 1999, FPL Energy Wyman LLC tendered for filing with the Federal Energy Regulatory Commission an amendment to their application for determination of exempt wholesale generator status for the W.F. Wyman Station in Yarmouth, Maine. The supplement provided an additional explanation regarding the leasing of four incidental facilities (a house, cottage, camp site and Coast Guard Light), which FPL Wyman proposed to acquire along with the Wyman generating units.

Any person desiring to be heard concerning the amended application for exempt wholesale generator status should file a motion to intervene or comments with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the amended application. All such motions and comments should be filed on or before February 16, 1999, and must be served on the applicant. 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99-3595 Filed 2-12-99; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99-218-000]

Kern River Gas Transmission Company; Notice of Petition for Grant of Expedited Limited Waivers of Tariff

February 9, 1999.

Take notice that on February 3, 1999, pursuant to Rule 207(a)(5) of the Commission's Rules of Practice and Procedure, 18 CFR 385.207(a)(5), Kern River Gas Transmission Company (Kern River) tendered for filing a petition for grant of expedited limited waivers of Section 17.1(b) (Gas Research Institute Surcharge) and Section 19 (Discounting Policy for Rates and Charges) of the General Terms and Conditions in its FERC Gas Tariff, First Revised Volume No. 1. Kern River seeks waiver of these tariff terms relating to the way certain discounts are accounted for with respect to the GRI reservation surcharge.

Kern River states that a copy of this filing has been served upon its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before February 16, 1999. 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 proceedings. 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 in the Public Reference Room.

Linwood A. Watson, Jr.

Acting Secretary.

[FR Doc. 99-3601 Filed 2-12-99; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. SA99-11-000]

Alf M. Landon; Notice of Petition for Adjustment

February 9, 1999.

Take notice that on January 12, 1999, Frank M. Rice (Rice), the attorney for

Alf M. Landon, a/k/a/ Alfred Mossman Landon (Landon), filed a petition for staff adjustment in Docket No. SA99-11-000, pursuant to section 502(c) of the Natural Gas Policy Act of 1978. Rice, on behalf of Landon and the Kansas University Endowment Association (KUEA), contends that neither Landon nor the KUEA owe the gas purchaser—Panhandle Eastern Pipe Line Company (Panhandle)—a refund under the Commission's September 10, 1997 order in docket No. RP97-369-000 *et al.*,¹ because the price that Panhandle paid to Landon and the KUEA, inclusive of the ad valorem tax reimbursements, was not in excess of the applicable maximum lawful price (MLP). The subject petition is on file with the Commission and open to public inspection.

The petition indicates: (1) that Panhandle served Landon with a \$32,944.63 refund claim; (2) that Panhandle purchased the gas produced from the Davis Unit, in Stevens County, Kansas, under a January 27, 1961 gas purchase contract (Contract No. 0538); (3) that Landon and D.E. Ackers were the co-owners of that unit, each with a 50% working interest in the unit; (4) that the KUEA became the successor-in-interest to D.E. Ackers' 50% working interest in the unit; (5) that Landon is deceased;² (6) that the price that Panhandle paid Landon and the KUEA, from 1983 through 1988, inclusive of the ad valorem tax reimbursements, was not in excess of the applicable MLP; and (7) that neither Landon, successor-in-interest to Landon, nor the KUEA owe a refund to Panhandle.

Rice adds that Panhandle terminated the subject gas purchase contract in January of 1991, and that one of the signers of the termination agreement, as a Seller, was the KUEA. Rice further asserts that K.S.A. 55-708(7) [a/k/a House Bill No. 2419] prohibits First Sellers such as Landon or the KUEA from taking action against royalty owners, or obtaining the ad valorem tax royalty refunds ordered by the FERC. Therefore, Rice contends that it would be inequitable to require Landon, Landon's successor(s) or the KUEA to make such refunds, when Kansas law prohibits them from attempting to obtain the refunds from the royalty owners.

Any person desiring to be heard or to make any protest with reference to said petition should on or before 15 days after the date of publication in the

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

² The subject petition includes a copy of the death certificate for Alfred Mossman Landon [a/k/a Alf M. Landon], showing that he died on October 12, 1987.