

online/rims.htm (call 202-208-2222 for assistance).

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP98-391-002]

#### Colorado Interstate Gas Company; Notice of Tariff Filing

March 17, 1999.

Take notice that on March 11, 1999, Colorado Interstate Gas Company (CIG), tendered for filing to become part of its FERC Gas Tariff, First Revised Volume No. 1, Substitute Fourth Revised Sheet No. 176, Substitute Third Revised Sheet No. 177, Substitute Third Revised Sheet No. 178, Substitute third Revised Sheet No. 179 and First Revised Sheet No. 317, to be effective March 5, 1999.

CIG states that tariff sheets are filed in compliance with the Order issued February 25, 1999 in Docket No. RP98-391-000 and 001. This Order approved CIG's Swing Service subject to conditions.

CIG states that copies of this compliance filing have been served on CIG's jurisdictional customers and public bodies.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. 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. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. SA99-14-000]

#### Green Wolf Oil Company; Notice of Petition for Adjustment

March 17, 1999.

Take notice that on February 17, 1999, Green Wolf Oil Company, (Green Wolf),<sup>1</sup> filed a petition for staff adjustment in the above-referenced docket, pursuant to section 502(c) of the Natural Gas Policy Act of 1978 (NGPA) and Rules 1101-1117 (18 CFR 385.1101-385.1117) of the Commission's Rules of Practice and Procedure. Green Wolf seeks relief from paying Kansas ad valorem tax refunds to Panhandle Eastern Pipe Line Company (Panhandle) and Williams Gas Pipeline Central, Inc. (Williams).<sup>2</sup> Green Wolf's petition is on file with the Commission and open to public inspection.

Green Wolf asserts that paying the two pipeline refund claims will cause it to endure a special hardship, inequity, and an unfair distribution of burdens. Green Wolf asserts that all of the assets from the dissolved partnership are long gone, and that the remaining assets, i.e., the leases in question, do not produce enough to cover the refund demand. Green Wolf also points out that six of the eight wells involved operated at a loss over most of the period from 1990-1998. Green Wolf further states that one of the former partners (Wolfberg) is in bankruptcy. Therefore, Green Wolf contends that any refund attributable to Wolfberg is uncollectible. Green Wolf also asserts that the action requiring Green Wolf to make the refunds, i.e., the Circuit Court of Appeals decision in *Public Service Company of Colorado v. FERC*, 91 F.3d 1478 (D.C. Cir. 1996), is "entirely illegal and inequitable because Green Wolf had no notice of the proceedings beginning in 1983 upon which the refund demand is based until well after the ultimate decisions became final."<sup>3</sup> Green Wolf further contends that, without notice sufficient to satisfy

<sup>1</sup> Green Wolf is a dissolved partnership that was comprised of partners Laurance B. Wolfberg (Wolfberg) and Robert I. Greenberg (Greenberg). Wolfberg and Greenberg each held a one-half interest in the partnership until it was dissolved in 1984 by withdrawal of Greenberg.

<sup>2</sup> The total refund claim against Green Wolf stands at \$330,755.13, plus the interest that continues to accrue on these refund obligations. Panhandle's refund claim totals \$145,274.28 (\$52,295.60 in principal and \$92,978.68 in interest). Williams' refund claim totals \$185,479.85 (\$67,824.06 in principal and \$117,655.79 in interest).

<sup>3</sup> Petition at pages 6 and 7.

due process under 44 U.S.C. §§ 1507 and 1508, neither the Circuit Court of Appeals nor the FERC has "in personam jurisdiction" over Green Wolf.<sup>4</sup> Green Wolf also argues that requiring Green Wolf to pay interest on the refund principal is wholly inequitable.

In addition, Green Wolf seeks relief from having to pay the refunds attributable to: (1) other working interest owners; (2) royalty interest owners; (3) pre-October 4, 1983 production; and (4) certain NGPA section 103(b)(2) wells, after the deregulation of those wells in June of 1987. Green Wolf asserts that, since 1983, the ownership of royalty interests in the leases has changed numerous times, that the records for payment of royalties for the years in question have been destroyed, and that the accountant who handled the partnership records (which includes those pertaining to payment of royalty interests) has died. In view of this, Green Wolf contends that it is now impossible to ascertain, with any degree of accuracy, the amount of overpayment which must be demanded from any of the royalty interest owners, living or dead. Therefore, Green Wolf contends that it cannot be held accountable for the refunds attributable to the royalty interest owners.

Green Wolf also contends that the Commission must permit it to offset its refund obligations on the Campbell #1 and #2 wells to compensate for Williams' underpayment to Green Wolf on two other wells which, according to Green Wolf, were entitled to but did not receive the NGPA section 108 price.

Finally, Green Wolf contends that the interest associated with Williams' refund claim should be paid by Williams, because Green Wolf's gas sales contract with Williams held that Williams would be responsible for refunding any interest associated with refunds required by the Federal Power Commission—the predecessor agency to the Federal Energy Regulatory Commission. Green Wolf also argues that Article I, Section 10 of the United States Constitution as prohibiting ex post facto laws and laws which impair the obligations of contracts, and that in view of this and the common law of contracts (which permits the parties to divide burden as they choose) Williams should be the one held responsible for paying the interest associated with its refund claim.

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 **Federal Register** of this notice, file with

<sup>4</sup> Petition at page 7.