

the cost of the new facilities would be \$801,500 which would be reimbursed by AGL.

Southern states that its proposal is an integral part of the compromises established in its Stipulation and Agreement (Settlement) filed on March 15, 1995, in Docket Nos. RP89-224, *et al.* to resolve all of its outstanding rate and gas supply realignment cost proceedings pending before the Commission. Southern requests Commission approval of the application by no later than October 31, 1995, contingent upon and in conjunction with approval of the provisions of the Settlement.³

Any person desiring to be heard or to make any protest with reference to said application should on or before April 28, 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 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 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.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Southern to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 95-9067 Filed 4-12-95; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP91-203-000, *et al.* (Phase II)]

Tennessee Gas Pipeline Co.; Notice of Informal Settlement Conference

April 7, 1995.

Take notice that an informal settlement conference will be convened in this proceeding on Monday, April 24, 1995, at 11:00 a.m., at the offices of the Federal Energy Regulatory Commission, 810 First Street NE., Washington, D.C., for the purpose of exploring the possible settlement of the above-referenced docket.

Any party, as defined by 18 CFR 385.102(c), or any participant as defined in 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, please contact Dennis H. Melvin (202) 208-0042 or Donald Williams (202) 208-0743.

Lois D. Cashell,

Secretary.

[FR Doc. 95-9070 Filed 4-12-95; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Proposed Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Notice of proposed implementation of special refund procedures.

SUMMARY: The Office of Hearings and Appeals (OHA) of the Department of Energy (DOE) announces the proposed procedures for disbursement of \$866,352.24, plus accrued interest, in refined petroleum product violation amounts obtained by the DOE pursuant to Consent Orders issued to Bell Fuels, Inc., *et al.*, Case Nos. LEF-0061, *et al.* In the absence of sufficient information to implement direct restitution to injured customers of the consenting firms, the OHA has tentatively determined that if no such customers come forward, the funds obtained from these firms, plus accrued interest, will be made available to state governments

for use in four energy conservation programs.

DATES AND ADDRESSES: Comments must be filed in duplicate on or before May 15, 1995, and should be addressed to the Office of Hearings and Appeals, Department of Energy, 1000 Independence Ave., S.W., Washington, DC 20585. All comments should display a reference to the appropriate case number.

FOR FURTHER INFORMATION CONTACT:

Thomas O. Mann, Deputy Director, Roger Klurfeld, Assistant Director, Office of Hearings and Appeals, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 586-2094 (Mann); 586-2383 (Klurfeld).

SUPPLEMENTARY INFORMATION: In accordance with 10 CFR 205.282(b), notice is hereby given of the issuance of the Proposed Decision and Order set out below. The Proposed Decision and Order sets forth the procedures that the DOE has tentatively formulated to distribute \$866,352.24, plus accrued interest, obtained by the DOE pursuant to Consent Orders issued to eighteen resellers and retailers of refined petroleum products. The Consent Orders settled DOE allegations that, during periods between 1973 and 1981, the firms had sold certain refined petroleum products at prices in excess of the maximum lawful selling price, in violation of Federal petroleum price regulations. The names of the firms, their case numbers, the dates of the settlement periods, the products covered by each Consent Order, and the amounts received from each firm are set forth in the Appendix to the Proposed Decision.

Since it lacks sufficient information to implement a standard first-stage refund process, the OHA has tentatively determined to make all of the funds obtained from the firms available for indirect restitution in accordance with the provisions of the Petroleum Overcharge Distribution and Restitution Act of 1986 (PODRA), 15 U.S.C. 4501-07. The funds will be distributed to state governments for use in four energy conservation programs. Before making the funds available to the states, however, the OHA will accept refund claims from any injured customers of the consenting firms who come forward and will devise refund procedures based on the information these applicants provide.

Any member of the public may submit written comments regarding the proposed refund procedures. Commenting parties are requested to provide two copies of their submissions. Comments must be submitted within 30

³ Southern indicates that a related filing is being made concurrently in Docket No. CP95-289-000 to provide enhanced service to the Atlanta, Georgia, and South Carolina areas and new firm transportation services for an existing customer.

days of publication of this notice in the Federal Register and should be sent to the address set forth at the beginning of this notice. All comments received in this proceeding will be available for public inspection between the hours of 1 p.m. and 5 p.m., Monday through Friday, except federal holidays, in the Public Reference Room of the Office of Hearings and Appeals, located in Room 1E-234, 1000 Independence Avenue, SW, Washington, DC 20585.

Dated: April 3, 1995.

George B. Breznay,
Director, Office of Hearings and Appeals.

Proposed Decision and Order of the Department of Energy

Implementation of Special Refund Procedures

Names of Firms: Bell Fuels, Inc., *et al.*
Dates of Filing: July 20, 1993, November 16, 1993

Case Numbers: LEF-0061, *et al.*

Date: April 3, 1995.

On July 20 and November 16, 1993, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) filed Petitions for the Implementation of Special Refund Procedures with the Office of Hearings and Appeals (OHA), to distribute the funds received pursuant to Consent Orders entered into by the DOE and the eighteen petroleum resellers and retailers listed in the Appendix to this Decision and Order (hereinafter collectively referred to as the consenting firms). In accordance with the provisions of the procedural regulations at 10 C.F.R. Part 205, Subpart V (Subpart V), the ERA requests in its Petitions that the OHA establish special procedures to make refunds in order to remedy the effects of regulatory violations set forth in the Consent Orders.

I. Background

Each of the consenting firms was a reseller or retailer of refined petroleum products during the periods relevant to this proceeding. ERA audits of the consenting firms revealed possible violations of the Mandatory Petroleum Price Regulations. Subsequently, each of these firms entered into a separate Consent Order with the DOE in order to

settle its disputes with the DOE concerning certain sales of refined petroleum products. Pursuant to these Consent Orders, the firms agreed to pay to the DOE specified amounts in settlement of their potential liability with respect to sales to their customers during the settlement periods. The firms' payments are currently being held in separate interest-bearing accounts pending distribution by the DOE. The names of the firms, their addresses, the dates of the settlement periods and of the Consent Orders, the amount received from each firm, and the products covered by each Consent Order are set forth in the Appendix to this Proposed Decision.

II. Jurisdiction and Authority

The Subpart V regulations set forth general guidelines which may be used by the OHA in formulating and implementing a plan of distribution of funds received as a result of an enforcement proceeding. The DOE policy is to use the Subpart V process to distribute such funds. For a more detailed discussion of Subpart V and the authority of the OHA to fashion procedures to distribute refunds, see *Petroleum Overcharge Distribution and Restitution Act of 1986*, 15 U.S.C. §§ 4501 et seq., *Office of Enforcement*, 9 DOE ¶ 82,508 (1981), and *Office of Enforcement*, 8 DOE ¶ 82,597 (1981) (*Vickers*).

II. Proposed Refund Procedures

In cases where the ERA is unable to identify parties injured by the alleged overcharges or the specific amounts to which they may be entitled, we normally implement a two-stage refund procedure. In the first stage of such a proceeding, those who bought refined petroleum products from the consenting firms may apply for refunds, which are calculated on a pro-rata or volumetric basis. In order to calculate the volumetric refund amount, the OHA divides the amount of money available for direct restitution by the number of gallons sold by the firm during the period covered by the consent order. In the second stage, any funds remaining after all first-stage claims are decided are distributed in accordance with *PODRA*.

In the cases covered by this Proposed Decision, however, we lack much of the information that we normally use to provide direct restitution to injured customers of the consenting firms. In particular, we have been unable to obtain any information on the volumes of the relevant petroleum products sold by the consenting firms during the settlement period. Nor do we have any information concerning the customers of these firms. Based on the present state of the record in these cases, it would be difficult to implement a volumetric refund process. Nevertheless, we will accept any refund claims submitted by persons who purchased the products specified in the Appendix from the consenting firms during the periods shown in the Appendix. We will work with those claimants to develop additional information that would enable us to determine who should receive refunds and in what amounts.

If no claims are received, we propose to distribute all of the funds received from the consenting firms in accordance with the provisions of *PODRA*. See *Green Oil Company*, 20 DOE ¶ 85,450 (1990). *PODRA* requires that the Secretary of Energy determine annually the amount of oil overcharge funds that will not be required to refund monies to injured parties in Subpart V proceedings and make those funds available to state governments for use in four energy conservation programs.

Before taking this action, we intend to publicize our proposal and solicit comments from interested parties. We invite anyone who has information concerning the consenting firms sales during the settlement period to submit that information. Comments concerning the tentative distribution process set forth in this Proposed Decision and Order should be filed with the OHA within 30 days of its publication in the Federal Register.

It Is Therefore Ordered That:

The payments remitted to the Department of Energy by the firms listed in the Appendix to this Decision and Order pursuant to the Consent Orders whose dates are set forth in the Appendix will be distributed in accordance with the foregoing Decision.

Appendix

| Case No., firm | Address | Settlement period | Date of consent order | Amount received | Product |
|-------------------------------|--|-------------------|-----------------------|-----------------|-----------------------------|
| LEF-0061, Bell Fuels, Inc. .. | 4116 W. Peterson Ave., Chicago, IL 60646. | 1/1/79-11/30/79 | 8/31/82 | \$33,973.12 | Gasoline. |
| LEF-0062, Este Oil Company. | 5556 Vine St., Cincinnati, OH 45217. | 11/1/73-1/28/81 | 5/13/83 | 63,033.90 | Refined petroleum products. |

Appendix—Continued

| Case No., firm | Address | Settlement period | Date of consent order | Amount received | Product |
|--|---|-------------------|-----------------------|-----------------|-----------------------------|
| LEF-0063, G&G Oil Co. of Indiana, Inc. | 220 E. Centennial Ave., Muncie, IN 47305. | 4/1/79-12/31/79 | 2/1/83 | 49,097.11 | Refined petroleum products. |
| LEF-0064, General Petroleum Products, Inc. | P.O. Box 209, Gary, IN 46402. | 11/1/73-4/30/74 | 7/13/83 | 23,060.52 | Refined petroleum products. |
| LEF-0065, Reco Petroleum, Inc. | 100 N. 4th St., Reading, PA 19601. | 3/1/79-1/30/81 | 2/8/83 | 26,472.40 | Gasoline. |
| LEF-0066, SOS Monarch Oil Corp. | East Village Rd., Tuxedo, NY 10987. | 4/1/79-9/30/79 | 10/25/82 | 5,901.03 | Gasoline. |
| LEF-0067, Capitol 66 oil Company. | P.O. Box 2839, Jackson, MS 39207. | 11/1/73-3/31/74 | 9/15/82 | 15,766.43 | Refined petroleum products. |
| LEF-0068, Cumberland Farms Dairy, Inc. | 777 Dedham St., Canton, MA 02021. | 1/1/73-1/28/81 | 4/17/83 | 183,193.74 | Gasoline. |
| LEF-0069, Kickapoo Oil Co | 215 E. Madison, Hillsboro, WI 54634. | 3/1/79-8/31/79 | 9/24/82 | 40,812.58 | Gasoline. |
| LEF-0070, Lampton-Love, Inc. | P.O. Drawer 1607, Jackson, MS 39205. | 11/73-4/74 | 9/30/82 | 12,983.93 | Gasoline. |
| LEF-0071, Skinny's Inc | 5189 Texas Ave., Abilene, TX 79608. | 3/1/79-3/31/80 | 9/2/82 | 16,000.00 | Gasoline. |
| LEF-0072, Vermont Morgan Corp. | 114 Broadway, Saratoga, NY 12866. | 4/1/79-6/30/79 | 4/5/83 | 20,275.00 | Gasoline. |
| LEF-0075, Bob's Broadway Shell. | 220 W. 17th St., Santa Ana, CA 92708. | 8/1/79-5/7/80 | 10/8/81 | 2,100.00 | Gasoline. |
| LEF-0076, Clearview Gulf .. | 3120 Clearview Parkway, Metairie, LA 70002. | 4/1/79-7/15/79 | 8/14/81 | 594.84 | Gasoline. |
| LEF-0077, E-Z Serve, Inc . | P.O. Box 3579, Abilene, TX 79604. | 8/19/73-1/27/81 | 12/27/82 | 368,550.56 | Gasoline. |
| LEF-0079, Millbrae Shell | 825 Spruance Ln., Foster City, CA 94404. | 8/1/79-11/30/79 | 3/5/82 | 2,500.00 | Gasoline. |
| LEF-0080, Bob Hutchinson, Inc. | 1334 Breckenridge St., San Leandro, CA 94579. | 8/1/79-11/30/79 | 3/5/82 | 1,762.00 | Gasoline. |
| LEF-0016, Maxwell Oil Co., Inc. | P.O. Box 1936, Olympia, WA 98507. | 5/1/79-12/1/79 | 9/1/81 | 275.01 | Gasoline. |

[FR Doc. 95-9172 Filed 4-12-95; 8:45 am]

BILLING CODE 6450-01-P

Office of Hearings and Appeals**Proposed Implementation of Special Refund Procedures****AGENCY:** Office of Hearings and Appeals, Department of Energy.**ACTION:** Notice of proposed implementation of special refund procedures.

SUMMARY: The Office of Hearings and Appeals (OHA) of the Department of Energy (DOE) announces the proposed procedures for disbursement of a total of \$7,280,202, plus accrued interest, in crude oil overcharges obtained by the DOE from MAPCO, Inc. and MAPCO International, Inc., Case No. VEF-0004 (MAPCO). The OHA has determined that the funds obtained from MAPCO, plus accrued interest, will be distributed in accordance with the DOE's Modified Statement of Restitutionary Policy in Crude Oil Cases, 51 Fed. Reg. 27899 (August 4, 1986).

DATES AND ADDRESSES: Comments must be filed on or before May 15, 1995, and should be addressed to the Office of

Hearings and Appeals, Department of Energy, 1000 Independence Ave., S.W., Washington, DC 20585. All comments should display a reference to Case No. VEF-0004.

FOR FURTHER INFORMATION CONTACT: Thomas O. Mann, Deputy Director, Roger Klurfeld, Assistant Director, Office of Hearings and Appeals, 1000 Independence Avenue, S.W., Washington, DC 20585, (202) 586-2094 (Mann); 586-2383 (Klurfeld).

SUPPLEMENTARY INFORMATION: In accordance with 10 C.F.R. 205.282(c), notice is hereby given of the issuance of the Proposed Decision and Order set out below. The Proposed Decision and Order sets forth the procedures that the DOE has tentatively formulated to distribute a total of \$7,280,202, plus accrued interest, remitted to the DOE by MAPCO, Inc. and MAPCO International, Inc. to the DOE. The DOE is currently holding these funds in an interest bearing account pending distribution.

The OHA proposes to distribute these funds in accordance with the DOE's Modified Statement of Restitutionary Policy in Crude Oil Cases, 51 FR 27899 (August 4, 1986) (the MSRP). Under the MSRP, crude oil overcharge monies are divided among the federal government,

the states, and injured purchasers of refined petroleum products. Refunds to the states will be distributed in proportion to each state's consumption of petroleum products during the price control period. Refunds to eligible purchasers will be based on the volume of petroleum products that they purchased and the extent to which they can demonstrate injury.

The tentative deadline for filing Applications for Refund is June 3, 1996. As we state in the Proposed Decision, any party who has previously submitted a refund application in the crude oil proceedings should not file another Application for Refund. The previously filed crude oil application will be deemed filed in all crude oil proceedings as the proceedings are finalized.

Dated: April 4, 1995.
George B. Breznay,
Director, Office of Hearings and Appeals.

Proposed Decision and Order of the Department of Energy

Implementation of Special Refund Procedures

Name of Firm: MAPCO International, Inc.
Date of Filing: February 23, 1995
Case Number: VEF-0004