

that, “[w]here the statutory purpose could \* \* \* be easily frustrated through the use of separate corporate entities, the [Federal Communications Commission] is entitled to look through corporate form and treat the separate entities as one and the same for purposes of regulation.”<sup>20</sup> Therefore, if the Commission were to determine here that the corporate structure of the four companies frustrated the statutory purpose of the NGA and was contrary to the public interest, it would have the authority to disregard their corporate forms.

In any event, at the very minimum the Commission believes that KansOk may be an interstate pipeline, based on the nature of its transportation services. At present, it appears that KansOk provides no intrastate service on its East Leg, and only a *de minimis* amount of intrastate service on its West Leg. The Commission recognizes the KansOk's mix of intrastate and interstate transportation volumes has not changed dramatically since the Commission issued its February 6, 1992 order.<sup>21</sup> Although no party contested KansOk's claim to be an intrastate pipeline at that time, Western Resources has raised the issue now.

#### F. Show Cause

For the reasons discussed above, the Commission is instituting this show cause proceeding, pursuant to sections 5, 7, and 16 of the NGA, to investigate further these matters. To this end, the Commission is ordering the following:

(1) KansOk, Riverside, Kansas Natural, Kansas Pipeline are ordered to show cause why the Commission should not disregard their corporate forms and find them to be one interstate pipeline system subject to the Commission's NGA jurisdiction; and

(2) KansOk is ordered to show cause why, since all but a *de minimis* amount of the service it provides is in interstate commerce, it should not be found to be an interstate pipeline subject to the Commission's NGA jurisdiction.

In their responses, the parties are encouraged to address the concerns raised above by the Commission.

#### The Commission Orders

(A) Within 30 days of the issuance of this order:

<sup>20</sup> *Id.* at 855 (citations omitted). See also *Taylor v. Standard Gas & Electric Co.*, 306 U.S. 307, 322 (1939); *Transcontinental Gas Pipe Line Corp. v. FERC*, 998 F.2d 1313 (5th Cir. 1993).

<sup>21</sup> In 1990, approximately 97.4 percent of KansOk's transportation service was pursuant to NGPA section 311, whereas KansOk does not dispute Western Resources' claim that KansOk now performs approximately 99.9 percent of its services under NGPA section 311.

(1) KansOk, Riverside, Kansas Natural, Kansas Pipeline are ordered to show cause why the Commission should not disregard their corporate forms and find them to be one interstate pipeline system subject to the Commission's NGA jurisdiction; and

(2) KansOk is ordered to show cause why, since all but a *de minimis* amount of the service it provides is in interstate commerce, it should not be found to be an interstate pipeline subject to the Commission's NGA jurisdiction.

(B) Notice of this proceeding will be published in the **Federal Register**.

Interested persons will have 20 days from the date of publication of the notice to intervene.

By the Commission.

**Lois D. Cashell**,

Secretary.

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protests should be filed on or before June 7, 1995. 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 proceeding. 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.

**Lois D. Cashell**,

Secretary.

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#### [Docket No. RP95-5-004]

#### Northwest Pipeline Corp.; Notice of Proposed Changes in FERC Gas Tariff

May 31, 1995.

Take notice that on May 26, 1995, Northwest Pipeline Corporation (Northwest) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets with a proposed effective date of November 6, 1994:

Third Substitute Second Revised Sheet No. 234

Second Substitute First Revised Sheet No. 237

Second Substitute Original Sheet No. 237-A  
Third Substitute Original Sheet No. 237-B  
Third Substitute Original Sheet No. 237-C

Northwest states that the purpose of this filing is to comply with the directives established by the Federal Energy Regulatory Commission (“Commission”) Staff at the April 26, 1995, technical conference (“Conference”) which was held to discuss Northwest's Entitlement and Imbalance Filing in Docket No. RP95-5.

On May 12, 1995, Northwest provided all Conference attendees with proposed tariff language which represented Northwest's best attempt to incorporate the suggestions received in protests and at the Conference and to address the concerns presented by the various parties. On May 19, two of the nine parties represented at the Conference, Natural Gas Clearinghouse and Sierra Pacific Power Company, communicated comments to Northwest regarding the May 12 proposal. Northwest further states that the instant filing starts with the May 12 proposal and adds revisions to address the May 19 concerns.

Northwest states that a copy of this filing has been served upon all intervenors in Docket No. RP95-5, upon Northwest's jurisdictional customers, and upon relevant state regulatory commissions.

#### [Docket No. RP95-307-000]

#### Natural Gas Pipeline Company of America; Notice of Proposed Changes in FERC Gas Tariff

May 31, 1995.

Take notice that on May 26, 1995, Natural Gas Pipeline Company of America (Natural) tendered for filing to be a part of its FERC Gas Tariff, Sixth Revised Volume No. 1, Second Revised Sheet Nos. 289 and 297, to be effective May 4, 1995.

Natural states that the purpose of the filing is to conform with the Commission's Order No. 577, which changed the Commission's Rules and Regulations as follows: (1) Prearranged releases of exactly one month are no longer required to have open seasons and (2) the minimum time period before a subsequent short-term prearranged release to the same replacement shipper was shortened to 28 days.

Natural requested waiver of the Commission's Regulations to the extent necessary to permit the above tariff sheets to become effective May 4, 1995, the effective date of the Commission's Order No. 577.

Natural states that a copy of the filing was mailed to Natural's jurisdictional transportation customers and interested state regulatory agencies.

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, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or

Any persons desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules of Practice and Procedure. All such protests should be filed on or before June 7, 1995. 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 proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 95-13734 Filed 6-5-95; 8:45 am]

**BILLING CODE 6717-01-M**

**[Docket No. RP95-145-002]**

**Northwest Pipeline Corporation; Notice of Proposed Change in FERC Gas Tariff**

May 31, 1995.

Take notice that on May 26, 1995, Northwest Pipeline Corporation (Northwest), tendered for filing and acceptance as part of its FERC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets with a proposed effective date of March 2, 1995:

Second Revised Sheet No. 202

Fourth Revised Sheet No. 231

First Revised Sheet No. 231-A

Original Sheet No. 303

Original Sheet No. 303-A

Northwest states that the purpose of this filing is to respond to the directives of the Commission staff at the technical conference held on April 25, 1995 in Docket No. RP95-145 wherein

Northwest was instructed to submit revised tariff sheets to the Commission by May 26, 1995. Northwest states that the proposed tariff provisions establish a new Section 32 in its General Terms and Conditions that allows Northwest to sell: (i) gas that becomes the property of Northwest pursuant to the provisions of terminated transportation or storage agreements or due to tariff provisions relating to interruptible storage or shipper imbalances; and (ii) other volumes of gas in de minimis quantities or in limited or infrequent situations.

Northwest states that it is proposing to credit its customers for certain gas sales revenues through a revenue crediting mechanism or, in the alternative, to credit its customers volumetrically for certain gas that becomes the property of Northwest by reducing the fuel use requirements

factors. Likewise, Northwest states that its customers would bear the risk for certain gas that Northwest is unable to recover in imbalance situations.

Northwest further states that it is seeking to withdraw the proposed tariff sheets submitted on January 30, 1995 and March 16, 1995 in this docket.

Northwest is requesting limited waiver of the Commission's conduct and reporting regulations in Order No. 497 with regard to the sales of this gas.

Northwest states that a copy of this filing has been served upon Northwest's jurisdictional customers, upon all intervenors in Docket No. RP95-145-000 and upon interested state regulatory commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules of Practice and Procedure. All such protests should be filed on or before June 7, 1995. 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 proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 95-13735 Filed 6-5-95; 8:45 am]

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**[Docket No. RP95-304-000]**

**North Penn Gas Co.; Notice of Filing**

May 31, 1995.

Take notice that on May 25, 1995, North Penn Gas Company (North Penn) tendered for filing a request for authority to provide payment to its current customers for (a) past North Penn overrecoveries of take-or-pay (TOP) dollars, as reduced by (b) three percent TOP payments by North Penn. As explained below, application of North Penn's tariff would allow North Penn to provide payment of \$63,619 in TOP overrecoveries, which would be the amount owed, including interest, as of July 31, 1995.

As its primary relief, however, North Penn requests authority to provide payment of TOP overrecoveries as of December 29, 1995, which will reflect the remaining North Penn TOP payments of which North Penn is aware. If the Commission denies the primary relief, then North Penn requests

authority to provide payment of the aforesaid \$63,619.

North Penn requests waiver of any of the Commission's Rules and Regulations as may be required to implement the filing.

North Penn states that copies of the letter of transmittal and all enclosures are being mailed to each of North Penn's affect customers and State Commissions shown on the service list attached to the filing.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Sections 385.211 and 385.214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before June 7, 1995. 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 proceeding. 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.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 95-13736 Filed 6-5-95; 8:45 am]

**BILLING CODE 6717-01-M**

**[Docket No. ES95-33-000]**

**Northwestern Public Service Co.; Notice of Application**

May 31, 1995.

Take notice that on May 24, 1995, Northwestern Public Service Company (Northwestern) filed an application under § 204 of the Federal Power Act seeking authorization to issue:

(1) not more than 2 million shares of Common Stock, par value \$3.50;

(2) not more than \$75 million of shares of Cumulative Preferred Stock;

(3) not more than \$125 million of New Mortgage Bonds, notes, debentures, subordinated debentures (including securities in connection with a monthly income preferred securities financing), guarantees or other evidences of indebtedness;

(4) not more than \$75 million of short-term debt securities; and

(5) not more than \$175 million of bridge financing notes, debentures, guarantees or other evidences of indebtedness, until the permanent financing in (1)-(4) is in place.

Northwestern states that it may vary the maximum issuance amounts set forth above for each type of permanent