

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 Columbia's filings are on file with the Commission and are available for public inspection.

Lois D. Cashell,  
Secretary.

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**[Docket No. CP95-779-000]**

**Gateway Pipeline Company,  
Complainant v. Western Gas Interstate  
Company, Respondent; Notice of  
Complaint**

September 27, 1995.

Take notice that on September 26, 1995, Gateway Pipeline Company (Complainant), 333 North Sam Houston Parkway East, Houston, Texas 77060, filed a complaint in Docket No. CP95-779-000, pursuant to Section 385.206 of the Commission's Rules of Practice and Procedure (18 CFR 385.206) against Western Gas Interstate Company (Respondent) to immediately cease and desist all activity related to its application filed in Docket No. CP95-606-000, as amended. Complainant states that this pleading is in response to respondent's on-going construction activities related to the proposed interstate transmission facilities identified in the above-mentioned proceeding, all as more fully set forth in the complaint which is on file with the Commission and open to public inspection.

Complainant states that respondent has already constructed the permanent delivery point facilities for which it currently has pending an application for construction authority in Docket No. CP95-606-000, and it is now in the process of constructing the associated permanent mainline transmission facilities for which it has pending an application in Docket No. CP95-606-001. Complainant states that respondent began construction of these mainline facilities on Friday, September 22, 1995, and as of Sunday, September 24, has already strung, welded and buried some four miles of mainline transmission pipeline. Complainant states that at respondent's current pace, it should complete the construction and installation of nearly all of the 16-mile mainline by the end of the week ending September 30, 1995, and the facilities should be operational within three weeks.

Complainant asserts that respondent has no authority to construct these facilities, because the amendment to the pending application filed in Docket No. CP95-606-001 is still pending before the Commission, and the Commission is in the process of conducting an environmental assessment of respondent's proposal.

Complainant also asserts that respondent's construction activities therefore appear to violate Section 7(c) of the Natural Gas Act (NGA), which, among other things, requires natural gas companies to secure prior approval of proposals to construct and operate facilities used for the transmission of gas in interstate commerce.

Complainant further asserts that by respondent having unilaterally decided to begin constructing its interstate transmission facilities without obtaining prior Commission approval of its application, respondent has now in effect told the Commission: "Never mind"; respondent never really needed to file anything because these are NGPA Section 311 facilities.<sup>1</sup>

Complainant states that the Commission should reject Western's transparent and flagrant attempt to rationalize, on a *post hoc* basis, citing what it considers respondent's "no-holds-barred" effort to get its pipeline in the ground. In its petition, complainant states that these facilities are not even arguably legitimate 311 facilities—"facilities utilized solely for transportation authorized under Section 311(a) of the NGPA"<sup>2</sup>—since no intrastate or LDC entity is involved in the proposed transportation transaction to Seaboard.<sup>3</sup>

Further, complainant states that respondent's FERC filings have evidence a pronounced "make-it-up-as-we-go" flavor, geared toward getting its pipeline in the ground as soon as possible, with as little Commission scrutiny as it can get by with. Complainant further states that respondent is not content to wait for a Commission order on its abbreviated

application and has decided simply to construct its pipeline, apparently hoping that it can cure any FERC problems after its pipeline is up and running. Complainant argues that the Commission should not tolerate respondent's disregard of Commission authority.

Complainant requests that, in order to prevent respondent from completing the construction and installation of its entire project and to preserve the *status quo* pending Commission investigation of this complaint, the Director of Enforcement issue by telephone a cease and desist order directly to respondent's offices, via telephone, by close-of-business on September 25, 1995, but in no event later than 12 noon September 26, 1995. Complainant also requests that the Commission should (1) institute an investigation into respondent's construction activities related to respondent's application, (2) order respondent to show cause why it should not be held in violation of Section 7(c) of the NGA, and thus subject to penalties under Section 21 of the NGA, including criminal and civil penalties under Sections 21(a) and 21(b), respectively, of the NGA and (3) grant other appropriate relief pursuant to Sections 5 and 16 of the NGA as a result of the requested investigation.

Any person desiring to be heard or to make protest with reference to said complaint should on or before October 4, 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). 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. Answers to the complaint are also due on or before October 4, 1995.

Lois D. Cashell,  
Secretary.

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<sup>1</sup> In the Notice of Withdrawal, respondent attempts to withdraw both its request and abbreviated application, claiming that both of these applications have "become moot, because [Western] will construct and operate the 15.5 miles of 8" pipeline and sales tap to the Seaboard Farm (Seaboard) processing plant \* \* \* pursuant to Section 311 of the Natural Gas Policy Act." Notice of Withdrawal at 1-2.

<sup>2</sup> 18 CFR 284.3(c).

<sup>3</sup> According to Exhibit I of Western's Abbreviated Application, Seaboard is to be served by Western under a Rate Schedule FT-N transportation contract executed by Seaboard. Nowhere in that contract or in the abbreviated application is there any mention of an LDC or intrastate pipeline "on behalf of" entity, the essential element for transportation service to qualify as a Section 311(a) transaction.

**[Docket Nos. RP95-185-000 and RP95-185-001]****Northern Natural Gas Co.; Notice of Informal Settlement Conference**

September 27, 1995.

Take notice that Commission Staff will convene an informal settlement conference in this proceeding on November 1, 1995, at 1 p.m. The conference will continue on November 2, if necessary. The conference will be held in a hearing room at the offices of the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC.

Any party, as defined by 18 CFR 385.102(c), or any participant, as defined in 18 CFR 385.102(b), may 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, contact Donald Heydt at (202) 208-0740 or Robert Young at (202) 208-5705.

Lois D. Cashell,  
*Secretary.*

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**[Docket No. RP95-443-000]****Northwest Pipeline Corporation; Notice of Petition for Grant of Limited Waiver of Tariff**

September 27, 1995.

Take notice that on September 22, 1995, pursuant to Rule 207(a)(5) of the Commission's Rules of Practice and Procedure, 18 CFR 385.207(a)(5), Northwest Pipeline Corporation (Northwest) tendered for filing a Petition for Grant of Limited Waiver of Tariff.

Northwest seeks a waiver of the provisions of Section 12.3 of the General Terms and Conditions addressing priority of service during curtailment, Section 14.1 of the General Terms and Conditions addressing nomination procedure for gas deliveries, and Section 10 of Rate Schedule TF-1 and Section 4 of Rate Schedule T-1 addressing reservation charge adjustments, and waivers of any other tariff provisions necessary to allow Northwest to provide unscheduled emergency service to Exxon Company, U.S.A. (Exxon) at its Shute Creek plant with priority over scheduled firm and interruptible services, even during periods of curtailment or declared entitlement, in order to prevent the venting of untreated gas from the plant which contains lethal amounts of

hydrogen sulfide and could create a safety hazard for Exxon's field employees and the public.

Any person desiring to be heard or 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 385.214 and 385.211 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before October 4, 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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on file with the Commission and are available for public inspection.

Lois D. Cashell,  
*Secretary.*

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**[Docket No. RP95-445-000]****South Georgia Natural Gas Co.; Notice of Proposed Changes in FERC Gas Tariff**

September 27, 1995.

Take notice that on September 22, 1995, South Georgia Natural Gas Company (South Georgia) tendered for filing to become part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets to be effective October 1, 1995:

Second Revised Sheet No. 15  
Second Revised Sheet No. 33  
Second Revised Sheet No. 34  
Second Revised Sheet No. 114

South Georgia states that the purpose of this filing is to (1) Revise its nomination procedures, in response to feedback received from its shippers who utilize the midday nomination process, to allow midday nominations to remain in effect, i.e. to roll, during the month, unless changed by the shipper, and (2) to provide for shippers to prioritize their receipt and delivery nominations in case of scheduling cuts. South Georgia submits that both of these changes will enhance its nomination and scheduling process. Accordingly, South Georgia has requested all waivers necessary to make these changes effective October 1, 1995.

South Georgia states that copies of the filing will be served upon its shippers and interested state commissions.

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 Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before October 4, 1995. Protests will not be considered by the Commission in determining the 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.*

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