

CFR 385.214). All such motions or protests should be filed on or before February 24, 1998. Protests will be considered by the Commission 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 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. 98-4024 Filed 2-17-98; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98-1678-000]

Black Hills Corporation; Notice of Filing

February 11, 1998.

Take notice that on February 2, 1998, Black Hills Corporation, which operates its electric utility business under the assumed name of Black Hills Power and Light Company (Black Hills), tendered for filing an executed Form Service Agreement with Colorado Springs utilities.

Copies of the filing were provided to the regulatory commission of each of the states of Montana, South Dakota, and Wyoming.

Black Hills has requested that further notice requirement be waived and the tariff and executed service agreements be allowed to become effective January 12, 1998.

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, 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 18 CFR 385.214). All such motions or protests should be filed on or before February 24, 1998. 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98-4025 Filed 2-17-98; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98-1675-000]

Cinergy Services, Inc.; Notice of Filing

February 11, 1998.

Take notice that on January 30, 1998, Cinergy Services, Inc. (Cinergy), tendered for filing a service agreement under Cinergy's Power Sales Standard Tariff entered into between Cincergy and MidAmerican Energy Company (MidAmerican).

Cincergy and MidAmerican are requesting an effective date of one day after the filing of this Power Sales Service Agreement.

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, 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 18 CFR 385.214). All such motions or protests should be filed on or before February 24, 1998. 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98-4022 Filed 2-17-98; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. SA98-2-000]

CLX Energy, Inc.; Notice of Petition for Adjustment

February 12, 1998.

Take notice that on February 9, 1998, CLX Energy, Inc. (CLX), successor in interest to Calvin Exploration, Inc. (Calvin), filed a petition for adjustment

under section 502(c) of the Natural Gas Policy Act of 1978 (NGPA),¹ requesting to be relieved of its obligation to refund to Panhandle Eastern Pipe Line Company (Panhandle) the Kansas ad valorem tax refunds owed by CLX's royalty interest, overriding royalty interest, and other working interest owners, otherwise required by the Commission's September 10, 1997 order in Docket Nos. GP97-3-000, GP97-4-000, GP97-5-000, and RP97-369-000.² CLX also requests Commission authorization to amortize its own refund obligation over a 5-year period. CLX's petition is on file with the Commission and open to public inspection.

The Commission's September 10 order on remand from the D.C. Circuit Court of Appeals³ directed first sellers under the NGPA to make Kansas ad valorem tax refunds, with interest, for the period from 1983 to 1988. The Commission's September 10 order also provided that first sellers could, with the Commission's prior approval, amortize their Kansas ad valorem tax refunds over a 5-year period, although interest would continue to accrue on any outstanding balance.

CLX states that it became successor in interest to Calvin as a result of a March, 1993 merger with Calvin. CLX further states that Panhandle made a total of \$57,731.80 in Kansas ad valorem tax distributions to Calvin, of which \$12,956.03 was distributed to Calvin and \$38,868.10 to the other working interest owners. Royalty owners received \$5,503.83, and overriding royalty owners received \$403.84.

CLX states that it notified the various interest owners of their respective refund obligations, but doubts that anyone will pay the specified amount by the March 9, 1998 deadline for making refunds. CLX also asserts that it is not in a financial position to pursue litigation against the other interest owners, and that paying the entire refund (which is approaching \$200,000) would be financially devastating to CLX.

CLX's petition includes a copy of Securities and Exchange Commission Form 10-Q for the quarter ending December 31, 1997. CLX argues that it would not be fair, equitable, or reasonable to require CLX to pay the entire refund amount when it only received the benefit of a small portion

¹ 15 U.S.C. § 3142(c) (1982)

² See 80 FERC ¶ 61,264 (1997); order denying reh'g issued January 28, 1998, 82 FERC ¶ 61,058 (1998).

³ *Public Service Company of Colorado v. FERC*, 91 F.3d 1478 (D.C. 1996), cert. denied, Nos. 94-954 and 96-1230 (65 U.S.L.W. 3751 and 3754, May 12, 1997) (Public Service).