

petition should on or before 15 days after the date of publication in the **Federal Register** of this notice, file with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 220426, 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, 385.211, 385.1105, and 385.1106). 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.

David P. Boergers,
Acting Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. SA98-54-000]

Lee Banks d/b/a Banks Oil Company; Notice of Petition for Adjustment

March 19, 1998.

Take notice that on March 9, 1998, Lee Banks d/b/a Banks Oil Company (Banks), filed a petition for adjustment under section 502(c) of the Natural Gas Policy Act of 1978 in Docket No. SA98-54-000. Banks requests to be relieved of his obligation to make Kansas ad valorem tax refunds to Panhandle Eastern Pipe Line Company, except for the Loewen "C" well, which is still producing. The Commission's September 10, 1997, order in Docket No. RP97-369-000, *et al.*, directed first sellers under the NGPA to make Kansas ad valorem tax refunds, with interest, for the period from 1983 to 1988.

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 the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C., 20426, a motion to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211, 385.105, and 385.1106). 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.

David P. Boergers,
Acting Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. SA98-56-000]

Benson Mineral Group, Inc.; Notice of Petition for Adjustment and Request for Extension of Time

March 19, 1998.

Take notice that on March 9, 1998, Benson Mineral Group, Inc., as First Seller (Benson), filed a petition, pursuant to section 502(c) of the Natural Gas Policy Act of 1978 (NGPA), for an adjustment of the Commission's refund procedures ([15 U.S.C. 4142(c)(1982)] with respect to Benson's Kansas ad valorem tax refund liability. Benson's petition is on file with the Commission and open to public inspection.

The Commission's September 10, 1997, order on remand from the D.C. Circuit Court of Appeals,¹ in Docket No. RP97-369-000, *et al.*,² directed first sellers to make Kansas ad valorem tax refunds, with interest, for the period from 1983 to 1988. The Commission clarified the refund procedures in its Order Clarifying Procedures [82 FERC ¶ 61,059 (1998)], stating therein that producers [first sellers] could request additional time to establish the uncollectability of royalty refunds, and that first sellers may file requests for NGPA section 502(c) adjustment relief from the refund requirement and the timing and procedures for implementing the refunds, based on their individual circumstances.

Benson requests an extension of 90 days from March 9, 1998, to allow Benson and Northern Natural Gas Company (Northern) to resolve any dispute as to the proper amount of refund set forth in the Statement of Refunds Due [SRD] received from Northern and make any refunds owing, or to submit such dispute to FERC for resolution if the parties cannot resolve

¹ *Public Service Company of Colorado v. FERC*, 91 F.3d 1478 (D.C. Cir. 1996), *cert. denied*, 65 U.S.L.W. 3751 and 3754 (May 12, 1997) (Nos. 96-954 and 96-1230).

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

it within such time. Additionally, Benson requests that the Commission grant an adjustment to its procedures to allow Benson to place into an escrow account not only the disputed amount of the refund, but also principal and interest on amounts attributable to production prior to October 4, 1983, and interest on all other amounts claimed to be due under the SRD, in order to stop the accrual of interest pending resolution of disputes and legal issues. Finally, Benson also requests a determination that it has no liability under the SRD except to amounts attributable solely to its own working interest.

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 the Federal Energy Regulatory Commission, 888 First Street, N.E., 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, 385.211, 385.1105, and 385.1106). 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.

David P. Boergers,
Acting Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. SA98-57-000]

Benson Mineral Group, Inc.; Notice of Petition for Adjustment and Request for Extension of Time

March 19, 1998.

Take notice that on March 9, 1998, Benson Mineral Group, Inc. (BMG) filed a petition for adjustment and a request for extension of time under section 502(c) of the Natural Gas Policy Act of 1978 (NGPA), requesting an adjustment to its obligation to make Kansas ad valorem tax refunds to KN Interstate Gas Transmission Company (KN), all as more fully set forth in the petition which is on file with the Commission and open to public inspection.