

RP97-369-000, GP97-3-000, GP97-4-000, and GP97-5-000.²

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 issued a January 28, 1998 order in Docket No. RP98-39-001, *et al.* (January 28 Order),⁴ clarifying the refund procedures, stating that producers could request additional time to establish the uncollectability of royalty refunds, and that first seller 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 the individual circumstances applicable to each first seller.

Farmer states that it is an operator of natural gas production and also owns working interests in said wells along with numerous other working interest owners in Kansas, which was subject to that state's ad valorem tax during the period 1983 through 1988.

Farmer requests that the pipeline be directed to tender a revised statement of refunds to Farmer and separate statements to the other individual working interest owners. Farmer states that it will work with the pipeline to provide sufficient information to prepare separate statements. Farmer also requests an adjustment to its procedures to allow Farmer to place in an interest bearing fund over which Farmer would maintain control. Farmer requests that the Commission provide for protective language to clarify that any amounts paid would be refunded with 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. SA98-72-000]

John O. Farmer, Inc.; Notice of Petition for Adjustment

March 24, 1998.

Take notice that on March 11, 1998, John O. Farmer, Inc. (Farmer), as an operator who owns 100 percent working interest in the Ackerman Ratzlaff, and Stewart Leases (First Seller),¹ 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. § 3142(c) (1982)] with respect to Farmer's Kansas ad valorem tax refund liability to Northern Natural Gas Company. Farmer'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 Appeals,² in Docket No. RP97-369-000, *et al.*,³ 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 procedures (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.

Farmer requests that the Commission: 1) provide for protective language which would clarify that any amounts paid to the pipelines that are not ultimately

required to be paid would be refunded with interest; and 2) permit the disputed amounts to be placed in an interest bearing fund over which Farmer would maintain control.

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 appropriation 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. SA98-73-000]

John O. Farmer, Inc.; Notice of Petition for Adjustment

March 24, 1998.

Take notice that on March 11, 1998, John O. Farmer, Inc. (Farmer) filed a petition for adjustment under section 502(c) of the Natural Gas Policy Act of 1978 (NGNP) [15 U.S.C. 3142(c) (1982)], requesting relief from the Commission's refund procedures, with respect to Farmer's Kansas ad valorem tax refund liability, required by the Commission's September 10, 1997 order (in Docket No. RP97-369-000 *et al.*).¹ Farmer'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 Appeals² directed first sellers under the NGPA to make Kansas ad valorem tax refunds, with interest, for

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. 96-954 and 96-1230 (65 U.S.L.W. 3751 and 3754, May 12, 1997).

⁴ 82 FERC ¶ 61,059 (1998).

¹ Attachments filed by Farmer indicate 100% ownership.

² *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).

³ See 80 FERC ¶ 61,264 (1997); order denying reh'g, issued January 28, 1998, 82 FERC ¶ 61,058 (1998).

¹ See 80 FERC ¶ 61,264 (1997); order denying reh'g issued January 28, 1998, 82 FERC ¶ 61,058 (1998).

² *Public Service Company of Colorado v. FERC*, 91 F.3d 1478 (D.C. 1996), cert. denied, Nos. 96-954 and 96-1230 (65 U.S.L.W. 3751 and 3754, May 12, 1997) (Public Service).