

it makes with the Commission to every other intervenor in the proceeding, as well as 14 copies with the Commission.

A person does not have to intervene, however, in order to have comments considered. A person, instead, may submit two copies of comments to the Secretary of the Commission. Commenters will be placed on the Commission's environmental mailing list, will receive copies of environmental documents and will be able to participate in meetings associated with the Commission's environmental review process. Commenters will not be required to serve copies of filed documents on all other parties. However, commenters will not receive copies of all documents filed by other parties or issued by the Commission and will not have the right to seek rehearing or appeal the Commission's final order to a federal court.

The Commission will consider all comments and concerns equally, whether filed by commenters or those requesting intervenor status.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure provided for, unless otherwise advised, it will be unnecessary for FGT to appear or be represented at the hearing.

David P. Boergers,

Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98-40-024]

Panhandle Eastern Pipe Line Company; Notice of Offer of Settlement

October 19, 1999.

Take notice that on October 13, 1999, the Missouri Public Service Commission (MoPSC), Panhandle Eastern Pipe Line Company (Panhandle) and Missouri Gas Energy, a division of Southern Union Company (collectively called Sponsoring Parties) filed an Offer of Settlement under Rule 602 of the Commission's Rules of Practice and Procedure in the captioned docket. Sponsoring Parties filed the Offer of Settlement to facilitate and expedite the Commission's implementation of the decision of the United States Court of Appeals for the District of Columbia Circuit in *Public Service Company of Colorado*.¹ The Sponsoring Parties state the Offer of Settlement is intended to provide relief to small producers from their *ad valorem* tax refund liability and to reduce the administrative burdens on the Commission, its staff, first sellers and numerous interest owners and intervenors associated with the various proceedings pending at the Commission relating to such tax liability. A copy of the Offer of Settlement is on file with the Commission and is available for public inspection in the Public Reference Room. The Offer of Settlement may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

To achieve these objectives, the Offer of Settlement provides a \$50,000 credit towards the *ad valorem* tax refund liability of the first sellers listed in the Statement of Refunds Due filed by Panhandle on November 10, 1997, as adjusted in Exhibit A to the Offer of Settlement to reflect subsequent corrections. Any first seller with a refund obligation of \$50,000 or less for principal and interest will have its *ad valorem* tax refund waived in its entirety. First sellers with refund liabilities of \$50,000 or less are not required to give up any rights or provide any other consideration as a condition to receiving the benefits. Sponsoring Parties state the Offer of Settlement would eliminate the entire refund

obligation of 56 of the 105 first sellers on the Panhandle system.

Any first seller with a refund liability in excess of \$50,000 as listed in the Statement of Refunds Due filed by Panhandle on November 10, 1997, as adjusted in Exhibit A to reflect subsequent corrections, is eligible to have its refund obligation reduced by \$50,000. In order to be eligible for the \$50,000 credits, such first sellers must pay the remaining refund liability (after deducting the \$50,000), plus additional accrued interest through date of payment, and agree to withdraw all interventions, protests and court appeals related to the *ad valorem* tax refund. First sellers who accept the terms for partial waivers under the Offer of Settlement will be responsible for negotiating with their underlying interest owners the amount of the waiver relief applicable to their interest owners.

The Offer of Settlement also provides that any first seller listed in Panhandle's Statement of Refunds Due with a refund liability of \$50,000 or less for principal and interest who has refunded to Panhandle amounts which would be waived under Article II will receive a refund from Panhandle of such amounts, plus additional accrued interest through date of payment by Panhandle. In addition, Article III provides that if Panhandle has previously received refunds directly from an interest owner whose obligation was incurred under a first seller whose entire refund obligation is waived pursuant to the agreement, Panhandle will refund such payments to the interest owner within 60 days of the effective date of the settlement. If jurisdictional refunds exceed the amount of undisbursed Kansas *ad valorem* tax refunds held by Panhandle, Panhandle will maintain a credit balance for the jurisdictional refunds. Any subsequent Kansas *ad valorem* tax refunds received by Panhandle will be used to reduce any credit balance before any disbursement is made to customers. One hundred twenty days (120) after the effective date of the Offer of Settlement, Panhandle shall be permitted to direct bill any remaining credit amounts.

In accordance with § 385.602(f), initial comments on the Offer of Settlement are due on November 2, 1999 and any reply comments are due November 12, 1999.

David P. Boergers,

Secretary.

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¹ *Public Service Co. of Colorado, et al.*, 80 FERC ¶ 61,264 (1997), *reh'g denied*, 82 FERC ¶ 61,058 (1998). Appeal pending. *Anadarko Petroleum Corporation v. FERC*, Case No. 98-1227 *et al.*