

SA98-33-000, SA98-35-000, SA98-37-000, SA98-38-000, SA98-40-000, SA98-42-000, SA98-48-000, SA98-49-000, SA98-51-000, SA98-53-000, SA98-56-000, SA98-60-000, SA98-61-000, SA98-64-000, SA98-65-000, SA98-72-000, SA98-76-000, SA98-80-000, SA98-83-000, SA98-91-000, SA98-92-000, SA98-93-000, SA98-97-000, SA98-101-000, SA99-4-000, SA99-5-000, SA99-6-000, SA99-18-000, SA99-23-000, SA99-26-000; Mobil Oil Corporation, OXY USA Inc., Amoco Production Company, Anadarko Petroleum Corporation, Union Pacific Resources Company, Kansas Natural Gas Inc., Bill C. Romig, ONEOK Resources Company, Barbara J. Wilson *et al.*, Burlington Resources Oil & Gas Co., Strohs, Strohs, Kansas Independent Oil & Gas Assn., Ensign Oil & Gas Inc., Helmerich & Payne, Inc., Midgard Energy Company, Riviera Drilling & Exploration Co., Dale Schwarzhoff, Sally L. Bone, Kaiser—Francis Oil Company, Pioneer Natural Resources USA, Inc., Lee Banks, d/b/a Banks Oil Company, Pickrell Drilling Co., Inc., John W. Lebosquest, Hummon Corporation, Leo B. Helzel, Graham-Miochaelis Drilling Company, Kansas Petroleum, Inc., Benson Mineral Group, Inc., First National Oil Company, Louis & Bruce F. Welner, R. J. Patrick Operating Company, Pickrell Drilling Company, Inc., John O. Farmer Inc., Edwin A. Cornell, Hummon Corporation, Trees Oil Company, Beren Corporation, Broadhurst Operating Limited, Partnership No. 2, Broadhurst Operating Limited Partnership No. 3, Ralph Howard, Inc., Eastman Dillon Oil & Gas Assoc., IMC Global, Inc., Continental Energy, Questa Energy Corp., Argent Energy, Inc., Harken Energy Corporation, Chevron U.S.A. Inc., Atlantic Richfield Company, Texaco Exploration and Production, Inc.

Published here is a summary of the settlement filed by Northern on November 20, 2000. The settlement addresses Kansas *ad valorem* tax refund matters on Northern's system.

Pursuant to Rule 602(c)(1)(ii) of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (Commission), 18 CFR Section 385.602, Northern Natural Gas Company (Northern) hereby submits an Explanatory Statement with respect to the Stipulation and Agreement of Settlement (hereinafter Settlement). This statement is a summary only. The terms of the Settlement are authoritative as to the intent and the agreement of the parties.

This Settlement is intended 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 v. FERC*, involving the refund of Kansas *ad valorem* taxes on Northern's system. In Public Service, the court upheld the Commission's decision that producers must refund certain Kansas *ad valorem* tax reimbursements that were collected

in excess of the maximum lawful prices (MLP) for first sales of natural gas under Title I of the Natural Gas Policy Act of 1978. On September 10, 1997, the Commission issued an order implementing Public Service. The September 10 order established procedures and timetables for producers to make refunds to the pipelines, and for the pipelines to flow the refunds through to their customers.

To comply with the September 10 Order, Northern sent Statements of Refunds Due to producers in November 1997. Subsequently, Northern received additional information affecting the refund liability of individual working interest owners. As a result, Northern has made various revisions to its original Statements of Refunds Due. Many of the working interest owners have challenged Northern's Statements of Refunds Due in formal filings with the Commission, raising a number of issues, including headroom (*i.e.* whether the price paid by Northern and the tax reimbursement, taken together, exceeded the applicable MLP), the allocation of refund claims among working interest owners, the uncollectability of royalty related refunds, and other objections.

This Settlement is a reasonable means of helping resolve the difficult Kansas *ad valorem* tax refund matters currently before the Commission. This Settlement will eliminate the need for more lengthy proceedings, either formal or informal. Approval of this Settlement will provide relief to small producers, reduce the administrative burdens on the Commission, its Staff, Northern, first sellers and numerous interest owners and intervenors, of litigating countless proceedings before the Commission that involve many complex issues. All parties, as well as the public interest would benefit from the termination of numerous petitions for relief under Section 502(c) of the NGPA pending before the Commission.

Exhibit No. 1 contains the Deceased Estates and Bankruptcies. Exhibit Nos. 2 and 3 contain lists of large producers and small producers, respectively, who have a refund obligation pursuant to the settlement and have paid on or before December 1, 2000. Exhibit No. 4 contains a list of small producers with total refund claims of less than \$50,000. No further action is required if a Small Producer under \$50,000 accepts this settlement. Parties may access these exhibits through the Commission's

website at [www.ferc.fed.us](http://www.ferc.fed.us) or contact the Secretary's Office at 202-208-0400.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

[FR Doc. 00-30487 Filed 11-29-00; 8:45 am]

**BILLING CODE 6717-01-M**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP99-599-002]

#### Paiute Pipeline Company; Notice of Application

November 24, 2000.

Take notice that on October 31, 2000, Paiute Pipeline Company (Paiute) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1-A, the following tariff sheets, to become effective November 1, 2000:

Ninth Revised Sheet No. 10  
Fourth Revised Sheet No. 21  
Second Revised Sheet No. 22  
Ninth Revised Sheet No. 161

Paiute states that the purpose of this filing is to comply with the Commission's order issued June 30, 2000 in Docket Nos. CP99-599-000, *et al.*

Paiute states that the Commission's order, among other things, authorized Paiute to construct and operate certain pipeline loop and replacement pipeline facilities, referred to as the Carson Lateral Project. Paiute indicates that the Commission's order authorized Paiute to recover a portion of the cost of service associated with the construction project by means of an incremental facilities surcharge to be assessed to Southwest Gas Corporation-Northern Nevada. By its filing, Paiute proposes to establish the initial incremental facilities surcharge. Paiute requests that its proposed incremental rate and tariff sheets be permitted to become effective on November 1, 2000, following the inservice date of the completed construction project.

Any person desiring to be heard or to make any protest with reference to said application should on or before Dec. 15, 2000, 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 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). 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.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

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BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. PR01-2-000]

#### The Peoples Gas Light and Coke Company; Notice of Application for Rate Approval

November 24, 2000.

Take notice that on November 9, 2000, The Peoples Gas Light and Coke Company (Peoples Gas), 130 East Randolph Drive, Chicago, Illinois 60601, filed pursuant to Section 284.123 of the Commission's Regulations under the Natural Gas Act (18 CFR 284.123) a petition for rate approval in Docket No. PR01-2-000 requesting that the Commission approve fair and equitable rates for the transportation, storage and parking and loaning services to be provided pursuant to Peoples Gas' blanket authority, all as more fully set forth in the application that is on file with the Commission and open to public inspection.

Peoples Gas states that it is an intrastate gas distribution company serving retail customers in the City of Chicago, Illinois. Peoples Gas states that it is a public utility under the Public Utilities Act of Illinois and is subject to the jurisdiction of the Illinois Commerce Commission. Peoples Gas states that it received a Hinshaw blanket certificate and approval for firm and interruptible transportation services and rates from the Commission in March 1998.

Peoples Gas proposes to continue to offer, pursuant to the blanket certificate, firm and interruptible transportation services, firm and interruptible storage services and a parking and loaning service. Peoples Gas proposes, for the firm transportation service, a cost-based maximum monthly reservation charge of \$1.9275 per MMBtu of maximum daily quantity. The minimum charge is zero. For the interruptible transportation service, Peoples Gas proposes a maximum commodity charge, based on a 100% load factor derivation of the firm storage rate, of \$0.0634 per MMBtu

and a minimum charge of zero. Peoples Gas proposes, for the firm storage service, a cost-based maximum monthly reservation rate of \$1.4861 per MMBtu of maximum daily withdrawal quantity with a minimum charge of zero; a maximum monthly capacity charge of \$0.0594 per MMBtu of maximum storage quantity with a minimum charge of zero; and a \$0.0555 commodity charge per MMBtu of gas injected on any day with a minimum commodity charge of \$0.0002 per MMBtu. For the interruptible storage service, Peoples Gas proposes a maximum commodity charge, based on a 100% load factor derivation of the firm storage rate, of \$0.0511 per MMBtu of inventory on any day and a minimum charge of \$0.0002 per MMBtu of inventory. For the parking and loaning service, which includes embedded transportation, the maximum rate, based on storage and transportation costs, would be \$0.1144 per MMBtu of inventory on any day and the minimum rate would be \$0.0002 per MMBtu of inventory on any day. These proposed maximum rates would be subject to discounting.

Peoples Gas proposes an effective date of December 1, 2000.

Pursuant to Section 284.123(b)(2)(ii), if the Commission does not act within 150 days of the filing date, the rates will be deemed to be fair and equitable and not in excess of an amount that interstate pipelines would be permitted to charge for similar services. The Commission may, prior to the expiration of the 150-day period, extend the time for action or institute a proceeding.

Any person desiring to participate in this rate proceeding must file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First 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 motions must be filed with the Secretary of the Commission on or before December 7, 2000. This petition for rate approval is on file with the Commission and is available for public inspection. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.200(a)(1)(iii) and the instruction on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

[FR Doc. 00-30490 Filed 11-29-00; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. EC01-27-000]

#### Rochester Gas and Electric Corporation; Niagara Mohawk Power Corporation; Notice of Filing

November 24, 2000.

Take notice that on November 17, 2000, Rochester Gas and Electric Corporation (RG&E) and Niagara Mohawk Power Corporation (Niagara Mohawk) tendered for filing with the Federal Energy Regulatory Commission (Commission) an Application pursuant to Section 203 of the Federal Power Act, 16 U.S.C. § 824b, for authority to transfer ownership of a substation from RG&E to Niagara Mohawk. RG&E and Niagara Mohawk request that the Commission expeditiously review this Application and issue an order granting authority for the proposed disposition by December 29, 2000.

A copy of this Application was served on the New York Public Service Commission.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First 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 and protests should be filed on or before December 8, 2000. Protests will be considered by the Commission to determine 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 this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.200(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

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