

10-1977

## Mobil Oil Corporation v. Higginbotham

Lewis F. Powell Jr.

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Linda - Out letter

You are "out."  
Bob

Preliminary Memo

November 23, 1977 Conference  
List 3, Sheet 2

No. 77-452

MOBIL ALASKA  
PIPELINE CO.

v.

UNITED STATES

Cert to CA 5  
(Brown, Godbold;  
per curiam; Roney,  
dissenting)  
Federal/Civil

Timely

No. 77-457

EXXON PIPELINE CO.

v.

UNITED STATES

Cert to CA 5  
(Brown, Godbold;  
per curiam; Roney,  
dissenting)  
Federal/Civil

Timely

No. 77-551

BP PIPELINES, INC.

v.

UNITED STATES

Cert to CA 5  
(Brown, Godbold;  
per curiam; Roney,  
dissenting)  
Federal/Civil

Timely

No. 77-602

ARCO PIPE LINE CO.

v.

UNITED STATES

Cert to CA 5  
(Brown, Godbold;  
per curiam; Roney,  
dissenting)  
Federal/Civil

Timely

Petrs, four of the eight owners of the Trans-Alaska Pipeline System, seek this Court's review of the CA 5's dismissal of their petitions for review of an ICC order which suspended for seven months their proposed rates for transporting oil through the pipeline and specified lower interim rates that it would approve. Because the Court is already thoroughly familiar with the facts and contentions of this case, having granted petitioners' applications for stay of the ICC order, and because Mark Richman has previously written two memos setting forth all the relevant facts and arguments (see memos of September 26 and October 6), I think that it will suffice for me just to summarize the issues being raised:

(1) Whether the ICC has authority under section 15(7) of the Interstate Commerce Act to suspend the operation of an original tariff schedule of a pipeline;

(2) Whether the ICC may "suggest" interim rates that it will accept during the suspension period without conducting a full hearing; and

(3) Whether the ICC may impose special refund and accounting obligations with respect to collections made pursuant to original or interim tariffs.

The SG, the State of Alaska, and the Artic Slope Regional Corporation oppose the granting of cert.

There are responses, as well as a reply brief filed by Exxon.

11/14/77

Gibson

Opinion & Order  
in Petitions

ME

*You are "out!"*  
*Bob*

Preliminary Memo

November 23, 1977 Conference  
List 3, Sheet 2

No. 77-602

ARCO PIPE LINE  
CO.

v.

UNITED STATES

Cert to CA 5  
(Brown, Godbold;  
per curiam; Roney  
dissenting)  
Federal/Civil

Timely

Please see preliminary memo in No. 77-452, Mobil  
Alaska Pipeline Co. v. United States, November 23, 1977  
Conference (List 3, Sheet 2).

There is a response, as well as a reply brief filed  
by Exxon.

11/14/77

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Opinion & Order  
in Petition

ME



