

ARKANSAS PUBLIC SERVICE COMMISSION and  
Arkansas Western Gas Company v. ARKANSAS  
CHARCOAL COMPANY and TXO Production  
Corporation

89-13 766 S.W.2d 931

Supreme Court of Arkansas  
Opinion delivered March 20, 1989

Motion to Stay Mandates; granted.

*George C. Vena*, Ass't Gen. Counsel, for petitioner Arkansas  
Public Service Commission.

*Keck, Mahin & Cate*, by: *Robert Y. Hirasuna* and *Jeffrey L.  
Dangeau*, for petitioner Arkansas Western Gas Company.

*Steve Clark*, Att'y Gen., by: *Paul Cherry*, Asst. Att'y Gen.,  
for petitioner Consumer Utility Rate Advocacy Division.

*Preston, Thorgrimson, Ellis & Holman*, by: *Carol S.  
Arnold*; and *Rose Law Firm, A Professional Association*, by:  
*Herbert C. Rule III*, for respondent TXO Production Corp.

PER CURIAM. On February 6, 1989, we granted review of the  
decision of the Arkansas Court of Appeals in which it was held  
that the Arkansas Public Service Commission could not regulate  
a pipeline from a TXO facility to Arkansas Charcoal Company  
except to the extent of requiring an environmental impact  
statement.

The Commission and Arkansas Western Gas Company have  
moved to stay the mandate of the court of appeals. TXO and  
Arkansas Charcoal Company oppose the motion for fear that  
staying the court of appeals mandate will reinstate cease and  
desist orders issued by the Commission which were the subject of  
the appeal to the court of appeals. They suggest that if the court of  
appeals mandate is stayed, the only way to retain the status quo is

to stay the cease and desist orders of the Commission as well.

The Commission and Arkansas Western Gas Company have responded that they have no objection to staying the Commission's orders.

The court of appeals mandate in this case is stayed as are the orders of the Commission.

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