

October 9, 2007

DECISION AND ORDER  
OF THE DEPARTMENT OF ENERGY

Supplemental Order

Name of Petitioner: Crude Oil Supplemental Refund Distribution

Date of Filing: October 5, 2007

Case Number: RB272-10140

This decision grants supplemental crude oil refunds. The names of the recipients and the amount of the refunds are listed in the Appendix to this decision.

This supplemental refund decision concerns the crude oil overcharge refund proceeding. Pursuant to the long-standing policy of the Department of Energy (DOE), thousands of purchasers of petroleum products have applied for, and been granted, refunds from crude oil overcharge funds under the jurisdiction of the DOE's Office of Hearings and Appeals (OHA). See Modified Statement of Restitutionary Policy In Crude Oil Cases, 51 Fed. Reg. 27899 (August 4, 1986). The standards for considering Applications for Refund from these crude oil funds are set forth at 10 C.F.R. Part 205, Subpart V. The deadline for applications in the crude oil proceeding was June 30, 1995.

The OHA has approved more than 87,000 crude oil overcharge refund applications. A claimant is generally eligible for a refund equal to the number of gallons of eligible refined petroleum products it purchased during the period August 19, 1973 through January 27, 1981, multiplied by a per gallon refund amount. That per gallon refund amount, also referred to as the volumetric, is derived by dividing the total refund monies available by the total U.S. consumption of petroleum products during the crude oil price control period. Originally, the DOE calculated refunds at a \$0.0002 per gallon volumetric. In 1989, the DOE increased the volumetric to \$0.0008 per gallon, and applicants paid at the lower \$0.0002 per gallon rate were eligible for a \$0.0006 per gallon supplemental payment. See Crude Oil Supplemental Refund Distribution, 18 DOE ¶ 85,878 (1989). In 1995, the DOE increased the volumetric to \$0.0016 per gallon, and applicants paid at the lower \$0.0008 per gallon rate were eligible for a \$0.0008 per gallon supplemental payment.

On January 13, 2006, the DOE announced that applicants paid at the lower \$0.0016 per gallon rate were eligible for an additional \$0.000695389 per gallon supplemental refund. 71 Fed. Reg. 2195 (January 13, 2006). In order to receive this supplemental refund check, applicants were required to verify that their name and address in our records was correct, to correct any information that was not accurate, and to verify whether the refund could not be paid to the original applicant for any reason, e.g., due to death, divorce, bankruptcy or dissolution of a business.

On August 20, 2007, the DOE announced that a final additional \$0.000083748502302897 per gallon refund would be paid to all applicants who had been found eligible for the \$0.000695389 per gallon supplemental refund announced on January 13, 2006. 72 Fed. Reg. 46461 (August 20, 2007). We have previously ordered the payment of the \$0.000695389 per gallon supplemental refund to the applicants listed in the Appendix to this decision. Therefore, this decision approves final supplemental refunds of \$0.000083748502302897 per gallon to these applicants. Refunds are rounded to the nearest dollar. For each applicant, the Appendix contains the name, case number, and the amount of the supplemental refund. The decision approves supplemental refunds for 192 applicants, totaling \$219,654.00.

It Is Therefore Ordered That:

(1) The Director of Special Accounts and Payroll, Office of Departmental Accounting and Financial Systems Development, Office of the Controller of the Department of Energy shall take appropriate action to disburse supplemental refunds to National Equity Devmt. Grp., Inc., on behalf of the Applicants listed in the Appendix to this Order, in the amount of \$219,654.00, via ACH payment, as set forth in a memorandum accompanying this Decision and Order.

(2) The funds shall be disbursed from the escrow fund denominated Crude Tracking-Claimants 4, Account No. 999DOE010Z, maintained at the Department of the Treasury.

(3) Applicants shall notify the Office of Hearings and Appeals in the event that there is a change of address, or if an address correction is necessary. Such notification shall be sent to:

Director of Management Information  
Office of Hearings and Appeals  
Department of Energy  
1000 Independence Avenue, S.W.  
Washington, D.C. 20585-0107

(4) Any conditions imposed that applied to an applicant's receipt of the initial crude oil refund shall also apply to that applicant's receipt of this supplemental refund.

(5) The determinations made in this Decision and Order are based upon the presumed validity of the statements and documentary material submitted by the applicants. This

Decision and Order may be revoked or modified at any time upon a determination that the basis underlying a refund application is incorrect.

(6) This is a final Order of the Department of Energy.

Poli A. Marmolejos  
Acting Director  
Office of Hearings and Appeals

Date: October 9, 2007

**Appendix - Supplemental Refund Case No. RB272-10140**

| <b>Case No.</b> | <b>Firm</b>                    | <b>Volume</b> | <b>Refund</b> |
|-----------------|--------------------------------|---------------|---------------|
| RC272-00378     | MOUNTAIN VIEW COOP-FAIRVIEW    | 7,172,838     | \$601.00      |
| RF272-00022     | TOLEDO AREA REGIONAL TRANSIT   | 9,047,556     | \$758.00      |
| RF272-00096     | COCA-COLA BOTTLING OF MERIDIAN | 857,797       | \$72.00       |
| RF272-00247     | SALT RIVER PROJECT             | 574,959,818   | \$48,152.00   |
| RF272-00428     | PPG INDUSTRIES, INC.           | 459,961,608   | \$38,521.00   |
| RF272-01581     | BUFFALO COLOR CORP.            | 33,050,877    | \$2,768.00    |
| RF272-01950     | AMERICAN REFRACT. & CRUC. CORP | 4,884,641     | \$409.00      |
| RF272-05972     | LAWRENCE CNTY. BRD. EDUCATION  | 1,452,780     | \$122.00      |
| RF272-06492     | MCCAUGHAN FARM                 | 974,958       | \$82.00       |
| RF272-07289     | GABOR TRUCKING, INC.           | 9,017,034     | \$755.00      |
| RF272-08870     | JOSEPH J. HOCK, INC.           | 7,927,953     | \$664.00      |
| RF272-09001     | JOHNSON MEMORIAL HOSPITAL      | 2,005,021     | \$168.00      |
| RF272-09505     | GRAND VIEW FARMS               | 1,044,559     | \$87.00       |
| RF272-10170     | S.T.L. TRANSPORT INC.          | 1,209,277     | \$101.00      |
| RF272-10438     | SHUPE & YOST, INC.             | 2,205,453     | \$185.00      |
| RF272-11118     | HAWKINS COUNTY HWY. DEPT.      | 3,401,867     | \$285.00      |
| RF272-12145     | JOHANNA FARMS, INC.            | 5,151,260     | \$431.00      |
| RF272-13479     | LUTHERAN HOSPITAL-LACROSSE     | 2,433,301     | \$204.00      |
| RF272-13599     | WERNER BROTHERS                | 1,167,463     | \$98.00       |
| RF272-14013     | TAYLOR CLAY PRODUCTS CO.       | 4,146,339     | \$347.00      |
| RF272-14016     | SMITHTOWN CENTRAL SCHOOL DIST. | 10,747,427    | \$900.00      |
| RF272-14139     | BTL MANAGEMENT, INC.           | 3,593,761     | \$301.00      |
| RF272-15380     | COCALICO SCHOOL DIST.          | 1,070,864     | \$90.00       |
| RF272-15951     | MONTEREY COUNTY PUBLIC WORKS   | 4,781,828     | \$400.00      |
| RF272-16183     | RIDLEY SCHOOL DIST.            | 3,765,812     | \$315.00      |
| RF272-16276     | DAMON PURSELL CONSTRUCTION CO. | 1,660,632     | \$139.00      |
| RF272-16313     | RAY JERREL, INC.               | 1,808,977     | \$151.00      |
| RF272-16588     | HARTZ MOUNTAIN CORP.           | 5,146,829     | \$431.00      |
| RF272-16731     | SUSAN VALLEY RANCH             | 7,880,235     | \$660.00      |
| RF272-18031     | MOORE COUNTY HWY. DEPT.        | 2,932,135     | \$246.00      |
| RF272-18455     | CUMBERLAND VALLEY SCHOOL DIST. | 2,099,250     | \$176.00      |
| RF272-19102     | MACON COUNTY BD. EDUCATION     | 850,857       | \$71.00       |
| RF272-19661     | PUTNAM COUNTY BD. EDUCATION    | 1,286,230     | \$108.00      |
| RF272-20246     | SUGAR CANE GROWERS COOP OF FLA | 69,797,549    | \$5,845.00    |
| RF272-20655     | BUFORD PLANTATION              | 932,668       | \$78.00       |
| RF272-20959     | PENDLETON COUNTY SCHOOLS       | 1,803,136     | \$151.00      |
| RF272-21537     | DWIRE, INC.                    | 1,983,986     | \$166.00      |
| RF272-22235     | GRAINGER COUNTY TENNESSEE      | 2,302,763     | \$193.00      |
| RF272-22413     | PRAIRIE STATES CATTLE CO.      | 1,148,488     | \$96.00       |
| RF272-22585     | MID-CONTINENT AIRCRAFT CORP.   | 3,585,450     | \$300.00      |
| RF272-23192     | CITY OF TROY                   | 3,490,597     | \$292.00      |
| RF272-23214     | BASF CORP.                     | 197,500,618   | \$16,540.00   |
| RF272-23215     | BASF CORP.                     | 75,538,809    | \$6,326.00    |
| RF272-23216     | BASF CORP.                     | 16,617,504    | \$1,392.00    |
| RF272-24036     | CITY OF NEW HAVEN              | 15,675,000    | \$1,313.00    |
| RF272-25505     | CLARK UNIVERSITY               | 3,825,417     | \$320.00      |
| RF272-25622     | CANADA DRY BOTTLING            | 4,625,273     | \$387.00      |
| RF272-27434     | CITY OF ODESSA                 | 4,186,582     | \$351.00      |
| RF272-27512     | WABASH CITY SCHOOLS            | 1,506,598     | \$126.00      |
| RF272-27517     | ST. JOSEPH HOSPITAL            | 6,695,500     | \$561.00      |
| RF272-28145     | PUERTO RICAN CEMENT CO., INC.  | 364,613,939   | \$30,536.00   |
| RF272-28267     | BLAKEMORE CONSTRUCTION CORP.   | 19,594,047    | \$1,641.00    |
| RF272-28889     | CLARK HUTTERIAN BRETHERN INC.  | 938,481       | \$79.00       |
| RF272-28993     | HOLT COUNTY                    | 6,971,109     | \$584.00      |
| RF272-29575     | KNIGHT BROTHERS, INC.          | 7,199,345     | \$603.00      |

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|-------------|----------------------------------|------------|------------|
| RF272-29821 | JAMESTOWN MACADAM                | 8,833,867  | \$740.00   |
| RF272-29959 | SERVICE AIR CARGO                | 2,212,512  | \$185.00   |
| RF272-30893 | RICHARD GUMZ FARMS               | 2,262,567  | \$189.00   |
| RF272-31296 | LANIER CONSTRUCTION CO., INC.    | 2,281,886  | \$191.00   |
| RF272-31539 | R. LEON WILLIAMS LUMBER CO.      | 858,690    | \$72.00    |
| RF272-31636 | PRESS ENTERPRISE CO.             | 1,788,318  | \$150.00   |
| RF272-32450 | HURLBUT TRUCKING                 | 1,523,908  | \$128.00   |
| RF272-32638 | KOHLER FARMS PARTNERSHIP         | 1,239,504  | \$104.00   |
| RF272-32848 | ORTH INDUSTRIES                  | 1,180,495  | \$99.00    |
| RF272-33229 | WARREN COUNTY M.S.D.             | 2,277,122  | \$191.00   |
| RF272-34524 | YAKIMA COUNTY ER&R               | 2,774,852  | \$232.00   |
| RF272-35774 | GEORGE J. IGEL & CO., INC.       | 3,764,860  | \$315.00   |
| RF272-37174 | FARREN MEMORIAL HOSPITAL         | 2,095,958  | \$176.00   |
| RF272-38262 | STRISHOCK COAL CO.               | 3,346,688  | \$280.00   |
| RF272-41005 | THOMPSON ROSE CO., INC.          | 1,663,614  | \$139.00   |
| RF272-41600 | TOWN OF TOLLAND                  | 1,559,807  | \$131.00   |
| RF272-42298 | CLARK COUNTY HWY. DEPT.          | 2,169,225  | \$182.00   |
| RF272-44305 | ORANGE-ULSTER BOCES              | 1,117,641  | \$94.00    |
| RF272-44507 | UIHLEIN MERCY CENTER             | 954,424    | \$80.00    |
| RF272-48134 | HUTCHISON, INC.                  | 1,821,640  | \$153.00   |
| RF272-48177 | NATIONAL TRANSPORTATION, INC.    | 9,371,205  | \$785.00   |
| RF272-50478 | TOWN OF BUSTI                    | 895,554    | \$75.00    |
| RF272-50544 | FT. BRAGG UNIFIED SCHOOL DIST.   | 1,021,212  | \$86.00    |
| RF272-51268 | INTERKAL, INC.                   | 2,434,795  | \$204.00   |
| RF272-51346 | MORRISON BROS., INC.             | 1,849,338  | \$155.00   |
| RF272-52653 | NELSON, INC.                     | 1,481,000  | \$124.00   |
| RF272-53849 | MOSS PLANING MILL CO. INC.       | 2,526,400  | \$212.00   |
| RF272-53865 | WOBURN CAB CO. INC.              | 978,986    | \$82.00    |
| RF272-53909 | TERMINAL TRANSPORTATION, INC.    | 1,019,111  | \$85.00    |
| RF272-53920 | PHILLIPSE TOWERS ASSOCIATES      | 3,175,000  | \$266.00   |
| RF272-54368 | SCHLESINGER MGMT. CORP.          | 26,568,847 | \$2,225.00 |
| RF272-54705 | CITY OF KALAMAZOO                | 6,275,108  | \$526.00   |
| RF272-54740 | SOLOMON VALLEY FEEDLOT, INC.     | 1,055,824  | \$88.00    |
| RF272-55114 | BRAD MAR, INC.                   | 1,009,241  | \$85.00    |
| RF272-56041 | FRANKLIN COUNTY PUBLIC SCHOOLS   | 2,815,660  | \$236.00   |
| RF272-57057 | TRI-STATE HOMES, INC.            | 3,498,742  | \$293.00   |
| RF272-57183 | PPG Architectural Finishes, Inc. | 31,503,877 | \$2,638.00 |
| RF272-58026 | HOVEN CO-OP SERVICE CO.          | 5,827,544  | \$488.00   |
| RF272-58113 | IDYLVWOOD TOWERS CONDOMINIUM     | 1,208,779  | \$101.00   |
| RF272-58633 | METRO. WATER DIST. SOUTH. CA.    | 4,800,729  | \$402.00   |
| RF272-58718 | MORRIS MILLER TRUCKING INC.      | 856,081    | \$72.00    |
| RF272-59078 | TOWN OF EAST LYME, CT.           | 869,088    | \$73.00    |
| RF272-59256 | FARM FRESH, INC.                 | 1,121,888  | \$94.00    |
| RF272-59465 | ARKIN DISTRIBUTING CO.           | 1,070,375  | \$90.00    |
| RF272-60168 | STANCHEM, INC.                   | 2,066,681  | \$173.00   |
| RF272-60771 | ISD 2142                         | 2,169,990  | \$182.00   |
| RF272-60775 | WILLIAMS EXCAVATING, INC.        | 1,005,902  | \$84.00    |
| RF272-60834 | FOX FARMS, INC.                  | 1,001,501  | \$84.00    |
| RF272-60933 | NORCROSS COOP OIL ASSN.          | 5,743,724  | \$481.00   |
| RF272-61011 | FARMERS UNION OIL CO.            | 3,222,552  | \$270.00   |
| RF272-61864 | EAGLE DISTRIBUTING CO., INC.     | 1,017,292  | \$85.00    |
| RF272-62234 | YENKIN MAJESTIC PAINT CORP.      | 10,176,902 | \$852.00   |
| RF272-63091 | EAST POINT TRAWLERS, INC.        | 1,594,404  | \$134.00   |
| RF272-63430 | LABER RUSSO TRUCKING CO., INC.   | 1,112,742  | \$93.00    |
| RF272-63617 | RED MALCUIT, INC.                | 1,480,817  | \$124.00   |
| RF272-63915 | J.D. MILLER & SONS, INC.         | 4,677,034  | \$392.00   |
| RF272-65255 | CITY OF LINDEN                   | 2,765,236  | \$232.00   |
| RF272-65574 | HOT OIL SERVICE, INC.            | 1,638,440  | \$137.00   |
| RF272-65600 | ALAN MITCHEK FEED & GRAIN        | 8,266,666  | \$692.00   |

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| RF272-65827 | GUILLEY TRUCKING, INC.         | 7,482,512  | \$627.00   |
| RF272-65945 | AMBOY TRUCKING CO.             | 1,400,445  | \$117.00   |
| RF272-65963 | HARLEY KEETER, JR.             | 1,423,336  | \$119.00   |
| RF272-66021 | SIDNEY D. LLOYD TRUCKING       | 1,582,978  | \$133.00   |
| RF272-66403 | PLYMOUTH ROCK TRANS. CORP.     | 3,631,203  | \$304.00   |
| RF272-66450 | MAJOR BUILDERS SERVICE, INC.   | 1,200,000  | \$100.00   |
| RF272-66920 | GENCORP, INC.                  | 70,589,214 | \$5,912.00 |
| RF272-67222 | LAKE CHAMPION TRANS. CO.       | 2,165,894  | \$181.00   |
| RF272-67803 | HALE COUNTY BD. OF EDUCATION   | 1,140,039  | \$95.00    |
| RF272-68398 | AROOSTOOK MEDICAL CENTER       | 1,748,648  | \$146.00   |
| RF272-68919 | BENEDICT, INC.                 | 5,976,511  | \$501.00   |
| RF272-68992 | SIMS CRANE SERVICE             | 5,341,466  | \$447.00   |
| RF272-69821 | ST. MARK'S OF SOUTHBOROUGH     | 1,632,720  | \$137.00   |
| RF272-70276 | SKOFF TRUCKING                 | 2,824,224  | \$237.00   |
| RF272-70357 | R & H TRUCKING INC.            | 1,566,066  | \$131.00   |
| RF272-70366 | D & L CORP.                    | 1,679,135  | \$141.00   |
| RF272-70404 | COAHOMA COUNTY SCHOOL DIST.    | 2,060,494  | \$173.00   |
| RF272-71411 | BONGI CARTAGE, INC.            | 6,159,249  | \$516.00   |
| RF272-71712 | INSTITUTION FOOD HOUSE, INC.   | 2,132,199  | \$179.00   |
| RF272-72085 | L.H. BOSSIER INC.              | 11,647,604 | \$975.00   |
| RF272-72285 | THREE SIDE FARMS & LAND CO.    | 1,854,043  | \$155.00   |
| RF272-72532 | MAXWELL CO.                    | 7,723,104  | \$647.00   |
| RF272-72538 | YATES COUNTY                   | 2,635,675  | \$221.00   |
| RF272-72574 | METROPOLITAN DADE COUNTY       | 57,593,402 | \$4,823.00 |
| RF272-73074 | CAINE TRANSFER, INC.           | 2,516,092  | \$211.00   |
| RF272-73166 | DESOTO PARISH POLICE JURY      | 1,056,799  | \$89.00    |
| RF272-73290 | CENTRAL CONN. CO-OP FARMERS    | 3,431,653  | \$287.00   |
| RF272-73772 | RADOS COMPANIES                | 2,343,498  | \$196.00   |
| RF272-73842 | RIVERSIDE ESTATES              | 2,853,611  | \$239.00   |
| RF272-73864 | STATE LINE HOTEL, INC.         | 1,531,098  | \$128.00   |
| RF272-73937 | TOWNSHIP OF MILLCREEK          | 8,070,535  | \$676.00   |
| RF272-74024 | FARMERS UNION OIL CO.          | 2,202,255  | \$184.00   |
| RF272-75082 | NEWMAN & CO.                   | 8,792,376  | \$736.00   |
| RF272-75257 | LONE PINE TRUCKING CO.         | 1,215,000  | \$102.00   |
| RF272-76521 | MOYE TRUCKING CO.              | 1,845,875  | \$155.00   |
| RF272-76696 | ASSOCIATED SERVICES, INC.      | 1,505,669  | \$126.00   |
| RF272-77628 | MILLER PIPELINE CORP.          | 1,583,151  | \$133.00   |
| RF272-83341 | ROSLYN U.F.S.D.                | 1,902,583  | \$159.00   |
| RF272-83734 | GREATER AMSTERDAM SCHOOL DIST. | 1,178,618  | \$99.00    |
| RF272-85024 | DANA TRANSPORT SYSTEM, INC.    | 3,792,000  | \$318.00   |
| RF272-86272 | TOWN OF WALPOLE                | 3,593,516  | \$301.00   |
| RF272-86409 | BENJAMIN LOGAN BD. EDUCATION   | 1,045,308  | \$88.00    |
| RF272-86639 | MILTON PUBLIC SCHOOLS          | 2,918,339  | \$244.00   |
| RF272-87713 | ALCORN COUNTY                  | 1,374,071  | \$115.00   |
| RF272-88260 | HOSPITAL DAMAS, INC.           | 2,142,720  | \$179.00   |
| RF272-88877 | BLUE HILLS REG. TECH SCHOOL    | 2,348,458  | \$197.00   |
| RF272-89405 | APA TRANSPORT CORP.            | 19,871,819 | \$1,664.00 |
| RF272-90202 | Verdigre Farm Service          | 6,765,422  | \$567.00   |
| RF272-90284 | FARMERS COOP CO.               | 1,840,596  | \$154.00   |
| RF272-90691 | ETNA PRODUCTS, INC.            | 2,182,661  | \$183.00   |
| RF272-90695 | VERNOR MATERIAL & EQUIPMENT CO | 1,233,115  | \$103.00   |
| RF272-92037 | FOREMAN INDUSTRIES, INC.       | 3,731,424  | \$313.00   |
| RF272-92522 | ROGERS CORP.                   | 11,315,849 | \$948.00   |
| RF272-93802 | TORRINGTON BD. EDUCATION       | 1,395,864  | \$117.00   |
| RF272-93892 | CRITZAS INDUSTRIES, INC.       | 1,732,764  | \$145.00   |
| RF272-94592 | CO-OP SERVICES, INC.           | 5,230,392  | \$438.00   |
| RF272-94675 | RED CAB, INC.                  | 2,935,801  | \$246.00   |
| RF272-96120 | WASSERMAN REALTIES             | 937,500    | \$79.00    |
| RF272-96137 | CYCLONE DRILLING, INC.         | 2,481,802  | \$208.00   |

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|---------------|--------------------------------|----------------------|---------------------|
| RF272-96381   | CENTRAL UNIFIED SCHOOL DIST.   | 1,087,624            | \$91.00             |
| RF272-97143   | AIKEN COUNTY                   | 2,202,975            | \$184.00            |
| RF272-97420   | SUMPTER & BARKER DRILLING CO.  | 1,038,717            | \$87.00             |
| RF272-97427   | BEST ASPHALT, INC.             | 1,590,866            | \$133.00            |
| RF272-97911   | JAMES ELWOOD QUINN, INC.       | 1,841,667            | \$154.00            |
| RF272-98611   | GODWIN CONSTRUCTION CO.        | 7,552,275            | \$632.00            |
| RG272-00934   | WALPOLE, INC.                  | 1,045,888            | \$88.00             |
| RK272-02292   | VVP AMERICA, INC.              | 17,486,191           | \$1,464.00          |
| RK272-02782   | JETWALL                        | 1,964,160            | \$164.00            |
| RK272-03062   | PROCTER & GAMBLE PHARMACEUT.   | 10,387,253           | \$870.00            |
| RK272-03150   | FLOODWOOD CO-OP ASSN.          | 4,450,000            | \$373.00            |
| RK272-03379   | FREIGHT CONSOLIDATION SERVICES | 1,605,247            | \$134.00            |
| RK272-03550   | SBC Holdings, Inc              | 21,848,000           | \$1,830.00          |
| RK272-03689   | CLARK TRUCK LINE               | 3,206,862            | \$269.00            |
| RK272-03712   | COLUMBIA RIVER PAVING CO.      | 16,547,915           | \$1,386.00          |
| RK272-03903   | FRANCISCAN HOSPITAL            | 1,100,698            | \$92.00             |
| RK272-04192   | STEPHENS LAND LEVELING, LTD.   | 891,990              | \$75.00             |
| RK272-04570   | MARSELLIS-WARNER CORP.         | 1,625,958            | \$136.00            |
| RK272-04679   | NICHOLAS CERRETANI             | 4,047,768            | \$339.00            |
| <b>Totals</b> | <b>192 Applicants</b>          | <b>2,622,742,390</b> | <b>\$219,654.00</b> |