

December 3, 2007

DECISION AND ORDER  
OF THE DEPARTMENT OF ENERGY

Supplemental Order

Name of Petitioner: Crude Oil Supplemental Refund Distribution

Date of Filing: December 3, 2007

Case Number: RB272-10152

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 90 applicants, totaling \$5,003.00.

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 Utility Check, Ltd., on behalf of the Applicants listed in the Appendix to this Order, in the amount of \$5,003.00, 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: December 3, 2007

**Appendix - Supplemental Refund Case No. RB272-10152**

<b>Case No.</b>	<b>Firm</b>	<b>Volume</b>	<b>Refund</b>
RF272-42221	BAYVIEW REST HOME FOR ADULTS	70,000	\$6.00
RF272-42222	BLACKSTONE ARMS	146,325	\$12.00
RF272-42223	390 W. BROADWAY, INC.	7,190	\$1.00
RF272-42224	KINGS OAKS TERRACE CO-OP APTS.	700,000	\$59.00
RF272-42388	FORTUNOFF'S HEWLETT	21,000	\$2.00
RF272-42434	LYNBROOK PUBLIC SCHOOLS	2,321,493	\$194.00
RF272-43074	WEST ISLIP PUBLIC SCHOOLS	5,223,521	\$437.00
RF272-44315	BALTIC CO.	660,000	\$55.00
RF272-44544	HUDSON VIEW GARDENS, INC.	2,055,000	\$172.00
RF272-45252	METROPOLITAN JEWISH GERIATRIC	294,000	\$25.00
RF272-45253	ISLIP UNION FREE SCHOOL DIST.	2,180,950	\$183.00
RF272-45454	NEW YORK COLLEGE OF PEDIATRIC	400,000	\$33.00
RF272-45539	BENABI REALTY	57,696	\$5.00
RF272-45540	ABINGTON TRUST	72,924	\$6.00
RF272-45541	ABINGTON HOLDING	98,897	\$8.00
RF272-45542	KALABI REALTY	4,281	\$0.00
RF272-47474	LOUIS VANN	463,148	\$39.00
RF272-47512	BETH JACOB HEBREW TEACH. COLL.	190,000	\$16.00
RF272-48673	LEMBERG HOME & GERIATRIC INST.	139,552	\$12.00
RF272-49172	234 OWNERS CORP.	43,274	\$4.00
RF272-49173	54 SATELLITE CO.	203,030	\$17.00
RF272-49174	230 OWNERS CORP.	53,448	\$4.00
RF272-49177	E.B.D. ASSOCIATES	87,792	\$7.00
RF272-49178	36170 REALTY CO.	223,043	\$19.00
RF272-49179	55TH ASSOCIATES	6,629	\$1.00
RF272-49181	UNIVERSITY ASSOCIATES	219,390	\$18.00
RF272-49184	31 EAST 12TH ST. OWNERS CORP.	65,817	\$6.00
RF272-49188	5TH AVE. LOFT CORP.	183,508	\$15.00
RF272-49189	WEST BROADWAY ARCHES, INC.	232,128	\$19.00
RF272-49191	323 E. 21ST ST. OWNERS	55,748	\$5.00
RF272-49192	UNION SQUARE ASSN.	30,787	\$3.00
RF272-49196	324 EAST 50TH ST. OWNERS CORP.	115,632	\$10.00
RF272-49197	RAYZEL REALTY CORP.	92,955	\$8.00
RF272-49198	MENFORD REALTY CORP.	328,766	\$28.00
RF272-49199	R.R.W. REALTY CORP.	348,772	\$29.00
RF272-49200	WILRITE REALTY CORP.	385,155	\$32.00
RF272-49201	DRYLAWSON REALTY CORP.	342,037	\$29.00
RF272-49202	1769 REALTY CORP.	133,972	\$11.00
RF272-49592	MARTIN CARLIN	4,478,265	\$375.00
RF272-50464	FLOATING HOSPITAL, INC.	120,000	\$10.00
RF272-50557	JOSEPH B. KOPPELMAN	1,371,237	\$115.00
RF272-51248	BABYLON UNION FREE SCHOOL DIST	1,331,953	\$112.00
RF272-51554	MANHASSET PUBLIC SCHOOLS	1,427,406	\$120.00
RF272-52456	HARVEY SCHOOL	512,241	\$43.00
RF272-52457	ST. CASIMIR'S PARISH	120,000	\$10.00
RF272-52461	HARLEM SCHOOL OF THE ARTS INC.	89,443	\$7.00
RF272-52747	LEAB HOLDING CORP.	293,360	\$25.00
RF272-52748	ELMONT PUBLIC SCHOOLS	1,159,109	\$97.00
RF272-52823	COOPERSTOWN CENTRAL SCHOOL	784,410	\$66.00
RF272-53188	LEVSHIRE REALTY CO.	435,000	\$36.00
RF272-53189	BIRCHBROOK REALTY CO.	285,000	\$24.00
RF272-53190	1122 REALTY CO.	420,000	\$35.00
RF272-53821	LOCHLAND SCHOOL, INC.	17,800	\$1.00
RF272-53989	DOWLING COLLEGE	433,676	\$36.00
RF272-53990	SOMERS CENTRAL SCHOOL DIST.	993,637	\$83.00

RF272-54687	SPRINGVILLE-GRIFFITH INS. CSD	1,403,780	\$118.00
RF272-54864	CATHEDRAL COLLEGE	1,159,602	\$97.00
RF272-54950	PERRY CENTRAL SCHOOL	443,250	\$37.00
RF272-54951	PLAZA 400 OWNERS CORP.	4,448,337	\$373.00
RF272-55165	CATSKILL CENTRAL SCHOOL DIST.	750,263	\$63.00
RF272-55654	CREATIVE DEVELOPMENTS	243,787	\$20.00
RF272-56212	MATER DEI COLLEGE	522,000	\$44.00
RF272-56251	ZURICH HOLDING CO.	68,121	\$6.00
RF272-56869	HAPPY MONTESSORI SCHOOL	17,933	\$2.00
RF272-57098	CLARENCE CENTRAL SCHOOL DIST.	907,746	\$76.00
RF272-57880	KENWOOD GARDENS, INC.	431,250	\$36.00
RF272-57881	YESHIVAH OHEL SHMUEL	218,663	\$18.00
RF272-57882	200 HAVEN CO.	517,897	\$43.00
RF272-57883	200 W. 54TH ST. PARTNERSHIP	671,332	\$56.00
RF272-57884	545 WEST CO.	756,217	\$63.00
RF272-57885	PLEASANT HOMES INC.	294,692	\$25.00
RF272-58684	RED HOOK CENTRAL SCHOOL	624,000	\$52.00
RF272-59166	CHILDRENS BIBLE FELLOWSHIP NY	278,547	\$23.00
RF272-60592	VERSAILLES REALTY CO.	450,000	\$38.00
RF272-60606	OLD OAKS COUNTRY CLUB, INC.	295,255	\$25.00
RF272-61571	GUILDERLAND CENTRAL SCHOOL DST	3,999,375	\$335.00
RF272-62294	GILBERT KATZ & RICHARD MAIDMAN	87,302	\$7.00
RF272-62295	CHELSEA LONDON CO.	195,612	\$16.00
RF272-62296	UNION SQUARE ASSN.	18,625	\$2.00
RF272-63694	RIVERDALE COUNTRY SCHOOL	1,501,857	\$126.00
RF272-64293	COOPER REAL ESTATE	1,366,752	\$114.00
RF272-71296	RIVER VIEW TOWERS, INC.	2,101,342	\$176.00
RF272-73257	1016 PROPERTIES, INC.	647,146	\$54.00
RF272-73513	CENTRAL N.Y. REDEVELOPMENT CO.	512,244	\$43.00
RF272-75119	E.B.D./MAY ROSE PORT	24,000	\$2.00
RF272-75120	CONGREGATION RODEPH SHOLOM	445,030	\$37.00
RF272-75121	RAMAPO MANOR NURSING CENTER	242,394	\$20.00
RK272-00228	305 CONDOMINIUM	267,096	\$22.00
RK272-00235	CENTRAL GENERAL HOSPITAL	1,061,688	\$89.00
RK272-00236	143-45 SANFORD AVE. ASSN.	236,977	\$20.00
<b>Totals</b>	<b>90 Applicants</b>	<b>59,740,509</b>	<b>\$5,003.00</b>