

November 30, 2007

DECISION AND ORDER  
OF THE DEPARTMENT OF ENERGY

Supplemental Order

Name of Petitioner: Crude Oil Supplemental Refund Distribution

Date of Filing: November 29, 2007

Case Numbers: RB272-10145

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 not yet 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 \$0.000779137502302897 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 48 applicants, totaling \$677,270.00.

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 the supplemental refunds set forth in the Appendix to this 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: November 30, 2007

**Appendix - Supplemental Refund Case No. RB272-10145**

<b>Case No.</b>	<b>Firm</b>	<b>Volume</b>	<b>Refund</b>
RF272-02494	JAMES S. BRUTON	584,337	\$455.00
RF272-07042	JACK ELLIOTT	587,879	\$458.00
RF272-08212	Austin Industries, Inc.	119,872,795	\$93,397.00
RF272-15794	Russell M. Clawges	544,958	\$425.00
RF272-17480	WOONSOCKET SPINNING CO.	741,108	\$577.00
RF272-22967	RIVER ARTS APTS.	1,249,121	\$973.00
RF272-23269	YORK HILL HOUSING	1,167,188	\$909.00
RF272-23270	WINTHROP GARDENS	2,434,483	\$1,897.00
RF272-23369	THOMAS NICOL ASPHALT CO.	19,425,047	\$15,135.00
RF272-23389	RIVERSIDE PARK COMMUNITY	4,156,943	\$3,239.00
RF272-23680	WESTBETH CORP.	2,746,656	\$2,140.00
RF272-23681	LELAND HOUSE	2,225,618	\$1,734.00
RF272-25983	STOP & SHOP COS., INC.	24,043,766	\$18,733.00
RF272-28450	Edw. C. Levy Co.	13,507,033	\$10,524.00
RF272-35765	GIBBONS & REED CO.	47,877,951	\$37,304.00
RF272-41142	James Ewers, Sr.	893,200	\$696.00
RF272-42445	JEWEL FOOD STORES	19,570,725	\$15,248.00
RF272-43605	DONALD L. BLAZEK	247,901	\$193.00
RF272-45278	LONE STAR INDUSTRIES, INC.	5,649,852	\$4,402.00
RF272-67223	ROCHESTER TELEPHONE CORP.	5,256,536	\$4,096.00
RF272-67884	TENAX FINISHING PRODUCT CO.	1,120,975	\$873.00
RF272-69293	Edward C. Levy Co.	51,821,576	\$40,376.00
RF272-69902	DOMTAR INC.	22,472,800	\$17,509.00
RF272-71287	BOHLMAN TRUCKING	1,438,587	\$1,121.00
RF272-71764	A.O. SMITH CORP.	19,719,938	\$15,365.00
RF272-73262	W.D. Fletcher, Jr.	339,978	\$265.00
RF272-73856	L & I KRANTZ CO., INC.	8,736,701	\$6,807.00
RF272-74026	SAFEWAY STORES HOLDING CORPORATION	14,512,057	\$11,307.00
RF272-75870	CLARENCE COOPERATIVE CO.	16,093,144	\$12,539.00
RF272-76423	United Distillers Manufacturing, Inc.	28,643,941	\$22,318.00
RF272-81160	ROCHESTER PUBLIC SCHLS ISD 535	851,078	\$663.00
RF272-82314	JERICO UNION FREE SCHOOL DIST	2,232,299	\$1,739.00
RF272-85967	SORRELLS BROS. PACKING CO	586,180	\$457.00
RF272-89335	McGeorge Contracting, Inc.	14,196,608	\$11,061.00
RF272-89457	NUWAY COOPERATIVE	28,060,846	\$21,863.00
RF272-91968	FAIRFIELD NURSING HOME	880,000	\$686.00
RF272-93241	AVIANCA AIRLINES	141,089,889	\$109,928.00
RF272-97722	NORTHRIDGE LCL SCHOOL DIST.	349,583	\$272.00
RK272-00382	Sara Lee Bakery Group	15,620,484	\$12,171.00
RK272-01957	ESTATE OF C.E. POWELL	17,975,693	\$14,006.00
RK272-02224	RINKER MATERIALS CORP.	67,687,679	\$52,738.00
RK272-03148	HALLTOWN PAPERBOARD CO.	33,160,129	\$25,836.00
RK272-03777	NORTHWOOD GROUP	18,653,561	\$14,534.00
RK272-03836	Arkema, Inc.	18,437,650	\$14,365.00
RK272-03889	PRAXAIR	31,261,731	\$24,357.00
RK272-03932	GLAXO WELLCOME, INC.	13,230,777	\$10,309.00
RK272-04422	KPMG, INC.	4,518,000	\$3,520.00
RR272-00084	GOHMANN ASPHALT & CONSTRUCTION	22,781,230	\$17,750.00
<b>Totals</b>	<b>48 Applicants</b>	<b>869,256,211</b>	<b>\$677,270.00</b>