

September 18, 2007

DECISION AND ORDER
OF THE DEPARTMENT OF ENERGY

Supplemental Order

Name of Petitioner: Crude Oil Supplemental Refund Distribution

Date of Filing: September 6, 2007

Case Number: RB272-10131

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 53 applicants, totaling \$602,722.00.

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 Baker & McKenzie, on behalf of the Applicants listed in the Appendix to this Order, in the amount of \$602,722.00, 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: September 18, 2007

Appendix - Supplemental Refund Case No. RB272-10131

Case No.	Firm	Volume	Refund
RF272-00141	CORNING GLASS WORKS	60,877,790	\$5,098.00
RF272-00197	WINN-DIXIE STORES, INC.	80,568,366	\$6,747.00
RF272-00200	TRI-COUNTY METRO. TRANS.	30,473,447	\$2,552.00
RF272-00202	BI-STATE DEVELOPMENT AGENCY	49,000,994	\$4,104.00
RF272-00206	CENTRAL OHIO TRANSIT AUTHORITY	13,809,233	\$1,157.00
RF272-00207	WISCONSIN ELECTRIC POWER CO.	204,722,437	\$17,145.00
RF272-00208	CHAROLAIS CORP.	2,787,973	\$233.00
RF272-00209	NORTH COUNTY TRANSIT DIST.	4,448,661	\$373.00
RF272-00210	CHICAGO TRANSIT AUTHORITY	201,801,975	\$16,901.00
RF272-00215	IDAHO POWER CO.	2,490,390	\$209.00
RF272-00224	MADISON GAS & ELECTRIC CO.	22,974,894	\$1,924.00
RF272-00233	The Narragansett Electric Co.	10,347,171	\$867.00
RF272-00234	HAWAIIAN ELECTRIC CO., INC.	2,639,183,400	\$221,028.00
RF272-00236	NIAGARA FRONTIER TRANSPORT.	23,622,449	\$1,978.00
RF272-00257	HAWAII ELECTRIC LIGHT CO., INC	99,729,000	\$8,352.00
RF272-00258	MILWAUKEE COUNTY TRANSIT SYS.	30,896,558	\$2,588.00
RF272-00265	MAUI ELECTRIC CO., LTD.	213,924,648	\$17,916.00
RF272-00289	Freightliner LLC	4,477,661	\$375.00
RF272-00297	THE OLD OAHU TUG SERVICE, INC.	36,125,405	\$3,025.00
RF272-00298	COMMONWEALTH ELECTRIC CO.	93,067,266	\$7,794.00
RF272-00299	CAMBRIDGE ELECTRIC LIGHT CO.	218,716,081	\$18,317.00
RF272-00306	COMMONWEALTH GAS CO.	3,738,862	\$313.00
RF272-00309	CANAL ELECTRIC CO.	959,467,236	\$80,354.00
RF272-00360	LEGGETT & PLATT, INC.	26,210,195	\$2,195.00
RF272-00376	SAN DIEGO TRANSIT CORP.	22,141,525	\$1,854.00
RF272-00408	BRIGGS & STRATTON CORP.	3,698,271	\$310.00
RF272-00432	PubliCARD, Inc.	188,247,522	\$15,765.00
RF272-00433	ALBERTSON'S, INC.	15,363,188	\$1,287.00
RF272-00437	FOSTER WHEELER ENERGY CORP.	13,853,214	\$1,160.00
RF272-00449	CATERPILLAR, INC.	126,337,621	\$10,581.00
RF272-00484	ALGOMA CENTRAL RAILWAY MARINE	894,342	\$75.00
RF272-00485	ALLEGHENY CNTY PORT AUTHORITY	68,880,796	\$5,769.00
RF272-00489	WEIS MARKETS, INC.	6,310,211	\$528.00
RF272-01039	KUHLMAN ELECTRIC CORP.	13,965,500	\$1,170.00
RF272-05988	Inland Paperboard & Packaging	17,166,341	\$1,438.00
RF272-05989	EMERSON ELECTRIC CO.	63,274,990	\$5,299.00
RF272-08742	W.W. GRAINGER, INC.	1,725,030	\$144.00
RF272-09183	UNITED TECHNOLOGIES CORP.	450,093,227	\$37,695.00
RF272-10163	CONOPCO., INC.	186,809,705	\$15,645.00
RF272-42449	ALAMEDA-CONTRA COSTA TRANSIT	46,512,483	\$3,895.00
RF272-42452	EAGLE CORNICE CO., INC.	2,087,495	\$175.00
RF272-43997	FOOT LOCKER SPECIALTY, INC.	38,055,913	\$3,187.00
RF272-78508	PUBLIC SERVICE ELECTRIC & GAS	276,357,648	\$23,145.00
RF272-98114	EMERSON ELECTRIC CO.	93,965,067	\$7,869.00
RK272-00169	Los Angeles County Metropolita	166,007,626	\$13,903.00
RK272-00251	BEAZER EAST, INC.	49,582,650	\$4,152.00
RK272-00260	Gerdau Ameristeel USA Inc.	35,230,689	\$2,951.00
RK272-00262	MidAmerican Energy Company	53,156,029	\$4,452.00
RK272-00309	COLTEC INDUSTRIES, INC.	21,521,187	\$1,802.00
RK272-02957	SUBURBAN MOBILITY AUTHORITY	16,517,618	\$1,383.00
RK272-03526	SAMUEL & TOMME FULLERTON	2,930,004	\$245.00
RK272-04803	Rexam Inc.	181,444,023	\$15,196.00
RR272-00211	INTERNATIONAL FLOWERS & FRGRNC	1,215,509	\$102.00
Totals	53 Applicants	7,196,807,516	\$602,722.00