

August 10, 2007

DECISION AND ORDER
OF THE DEPARTMENT OF ENERGY

Supplemental Order

Name of Petitioner: Crude Oil Supplemental Refund Distribution

Date of Filing: August 10, 2007

Case Number: RB272-10120

In this Decision and Order, we announce a revision to the volumetric refund amount used in the final distribution of Subpart V crude oil refunds, and order payments required under a May 1, 2007 settlement agreement between the Department of Energy and certain claimants in the present proceeding (the May 1, 2007 Settlement Agreement). The U.S. District Court for the District of Columbia, in the case remanded by the U.S. Court of Appeals, approved the May 1, 2007 Settlement Agreement by an order issued on July 9, 2007.

The May 1, 2007 Settlement Agreement provides for the payment of final refunds to all eligible claimants in this proceeding. Specifically, the DOE agreed to the payment of final refunds to 96 claimants specified in the Agreement by sixty days following the entry of the court order approving the Agreement. The DOE further agreed to the payment of refunds to all other eligible claimants “insofar as practicable and as soon as practicable” Paragraph 1(b) May 1, 2007 Settlement Agreement.

Pursuant to the Settlement Agreement, OHA announced on July 17, 2007, that we would use a volumetric refund amount of \$0.000081939 per gallon to pay the final refunds in this proceeding.¹ This calculation used a numerator of \$29,952,102.80, the total of available funds, and a denominator of 365,541,413,386 gallons, i.e., the number of gallons of petroleum products purchased during the controls period by eligible claimants.

We have since identified \$479,352.00 in refund claims that, for purposes of computing the current volumetric refund amount (\$0.000695389 per gallon) announced in January 2006, we had assumed would be eligible for refunds, 71 Fed. Reg. 2195, but which are no longer eligible for refunds. As a result, we can increase the numerator of the volumetric calculation by \$479,352.00, and decrease the denominator by the total volume of all but one of these claims, 79,456,833 gallons.² Finally, we can add to the numerator \$175,436.71 in interest that accrued on these funds between June 30, 2007 and July 31,

¹The volumetric refund amount as announced was rounded to 9 decimal places. However, the volumetric factor applied in calculating each refund ordered in our July 17 decision was more precise, \$0.000081939013482917, having been rounded to 18 decimal places.

²The gallonage claimed in one of these cases (RF272-75497) had already been excluded from the denominator of the volumetric calculation announced on July 17, 2007.

2007. This results in a revised numerator of \$30,606,891.51 and a revised denominator of 365,461,956,553 gallons, and produces a final volumetric refund amount of \$0.000083748502302897 per gallon.

This decision approves supplemental refunds for the applicants listed in the Appendices to this decision, as provided for in the May 1, 2007 Settlement Agreement. For each applicant, the Appendices contain the name, case number, and the amount of the supplemental refund. Pursuant to our July 17, 2007 decision, each of these applicants has already received a supplemental refund based upon a \$0.000081939013482917 per gallon volumetric refund amount. Therefore, the amount of the refunds in the appendix is based upon the difference between the \$0.000081939013482917 per gallon volumetric refund already received by these claimants, and the \$0.000083748502302897 per gallon refund announced in this decision, *i.e.*, \$0.00000180948881998 per gallon of approved petroleum product purchases.³ The decision approves supplemental refunds for 96 applicants, totaling \$152,502.00.

It Is Therefore Ordered That:

(1) The Accounting Operations Division, Energy Finance and Accounting Service Center, Office of the Chief Financial Officer of the Department of Energy shall take appropriate action to disburse supplemental refunds, no later than August 30, 2007, to Philip P. Kalodner, on behalf of the Applicants listed in Appendix A to this Order, in the amount of \$113,987.00 via ACH payment, as set forth in a memorandum accompanying this Decision and Order.

(2) The Accounting Operations Division, Energy Finance and Accounting Service Center, Office of the Chief Financial Officer of the Department of Energy shall take appropriate action to disburse, no later than August 30, 2007, supplemental refunds to Stanley O. Sher, on behalf of the Applicants listed in Appendix B to this Order, in the amount of \$7,764.00 via ACH payment, as set forth in a memorandum accompanying this Decision and Order.

(3) The Accounting Operations Division, Energy Finance and Accounting Service Center, Office of the Chief Financial Officer of the Department of Energy shall take appropriate action to disburse, no later than August 30, 2007, a total of \$30,751.00 in supplemental refunds to the Applicants listed in Appendix C to this Order, in the individual refund amounts specified therein.

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

(5) 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.

³ As provided for in the May 1, 2007 Settlement Agreement and referenced above, we will use the final volumetric refund amount of \$0.000083748502302897 per gallon in ordering refunds to all other eligible claimants "insofar as practicable and as soon as practicable" Paragraph 1(b) May 1, 2007 Settlement Agreement.

(6) 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.

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

Fred L. Brown
Acting Director
Office of Hearings and Appeals

Date: August 10, 2007

Appendix A - Supplemental Refund Case No. RB272-10120

Case No.	Firm	Volume	Refund
RA272-00016	DAIICHI CHUO KISEN KAISHA	261,744,000	\$474.00
RA272-00040	GULF STATES PAPER CORP.	78,604,284	\$142.00
RF272-00266	KAWASAKI KISEN KAISHA LTD.	780,454,183	\$1,412.00
RF272-00267	NIPPON YUSEN KAISHA	614,617,321	\$1,112.00
RF272-00268	MITSUI O.S.K. LINES LTD.	309,427,947	\$560.00
RF272-00269	SHINWA KAIUN KAISHA, LTD.	160,951,923	\$291.00
RF272-00271	MITSUI O.S.K. LINES LTD.	518,527,342	\$938.00
RF272-00272	STAR SHIPPING A/S	154,623,118	\$280.00
RF272-00274	NIPPON YUSEN KAISHA	297,600,147	\$539.00
RF272-00275	MITSUI O.S.K. LINES, LTD.	427,537,312	\$774.00
RF272-00276	N.V. BOCIMAR S.A.	49,785,885	\$90.00
RF272-00277	ISLAND NAVIGATION CORP.	462,317,856	\$837.00
RF272-00278	SANKO STEAMSHIP CO., LTD.	949,753,420	\$1,719.00
RF272-00279	WEYERHAUSER CO.	1,662,918,000	\$3,009.00
RF272-00280	INTERNATIONAL PAPER	1,289,160,945	\$2,333.00
RF272-00281	INTERNATIONAL PAPER	718,676,490	\$1,300.00
RF272-00282	SOUTHERN CALIFORNIA EDISON CO.	13,733,696,700	\$24,851.00
RF272-00283	CONSOLIDATED EDISON CO. OF NY	12,374,556,408	\$22,392.00
RF272-00284	LONG ISLAND LIGHTING CO.	6,098,886,978	\$11,036.00
RF272-00285	SAN DIEGO GAS & ELECTRIC CO.	3,383,405,162	\$6,122.00
RF272-00286	ORANGE & ROCKLAND UTILITIES	2,813,624,646	\$5,091.00
RF272-00287	PACIFIC GAS & ELECTRIC CO.	7,228,540,714	\$13,080.00
RF272-00322	OSCAR A. HERNANDEZ GOMEZ	73,771,214	\$133.00
RF272-00387	INTERNATIONAL PAPER	792,064,348	\$1,433.00
RF272-00436	Mittal Steel USA ISG Inc.	2,759,078,224	\$4,993.00
RF272-05189	TECHNOGRAPHICS LIQUID. TRUST	40,950,252	\$74.00
RF272-06112	Weyerhaeuser Company	78,498,747	\$142.00
RF272-06446	INTERNATIONAL PAPER CO.	3,550,932,590	\$6,425.00
RF272-06447	LITTLE RAPIDS CORP.	1,070,820	\$2.00
RF272-07644	TRADE & TRANSPORT INC.	71,342,376	\$129.00
RF272-14611	WEYERHAUSER COMPANY	1,856,193	\$3.00
RF272-14612	WEYERHAUSER COMPANY	203,826	\$0.00
RF272-15878	MEADWESTVACO CORPORATION	14,218,128	\$26.00
RF272-21137	WEYERHAUSER COMPANY	1,594,003	\$3.00
RF272-43432	INTERNATIONAL PAPER CO.	686,966	\$1.00
RF272-52846	P. & O. BULK CARRIERS, LTD.	56,050,000	\$101.00
RF272-52847	J. LAURITZEN A/S	73,098,981	\$132.00
RF272-55119	HOLLINGSWORTH & VOSE CO.	40,913,379	\$74.00
RF272-55836	AVONDALE MILLS, INC.	21,817,600	\$39.00
RF272-61368	BROSTROMS REDERI AB	141,632,254	\$256.00
RF272-61370	VERMAR SHIPPING CO. LTD.	75,411,391	\$136.00
RF272-65717	WEYERHAUSER COMPANY	2,214,588	\$4.00
RF272-67316	MEADWESTVACO CORP.	587,998,347	\$1,064.00
RF272-67822	INTERNATIONAL PAPER COMPANY	5,598,153	\$10.00
RF272-77174	INTERNATIONAL PAPER CO.	1,111,878	\$2.00
RF272-93248	ESCANABA PAPER CO.	6,559,579	\$12.00
RK272-00239	LK INC.	42,977,396	\$78.00
RK272-00240	LK INC.	23,687,000	\$43.00
RK272-01067	INTERNATIONAL PAPER	12,689,223	\$23.00
RK272-02311	INTERNATIONAL PAPER COMPANY	1,469,478	\$3.00
RK272-03286	Weyerhaeuser Company	15,166,325	\$27.00
RK272-04226	ANDERSON, KILL & OLICK P.C.	130,773,000	\$237.00
Totals	52 Applicants	62,994,847,040	\$113,987.00

Appendix B - Supplemental Refund Case No. RB272-10120

Case No.	Firm	Volume	Refund
RA272-00033	Philippines, Micronesia and Orient Navigation Co.	2,163,681	\$4.00
RF272-00239	A.P. Moller-Maersk A/S	627,172,508	\$1,135.00
RF272-00240	EXEL PLC	88,606,650	\$160.00
RF272-00241	Hamburg Sud North America, Inc	230,317,323	\$417.00
RF272-00242	HAPAG-LLOYD, A.G.	240,996,571	\$436.00
RF272-00243	COMPANIA TRASATLANTICA ESPAÑOLA, S.A..	11,743,982	\$21.00
RF272-00244	CHRISTIAN HAALAND A/S	71,803,764	\$130.00
RF272-00245	P&O Nedlloyd B.V.	104,625,524	\$189.00
RF272-00246	Volkswagen Transport	10,419,351	\$19.00
RF272-00496	Wilh. Wilhelmsen ASA	174,052,844	\$315.00
RF272-03383	ITALIA DI NAVIGAZIONE	174,114,165	\$315.00
RF272-04528	ALMI MARITIME AGENCY	18,874,098	\$34.00
RF272-06226	BANK LINE, LTD.	52,769,822	\$95.00
RF272-09646	LEIF HOEGH & CO.	337,411,999	\$611.00
RF272-09908	KUWAIT MARITIME CORP.	7,631,442	\$14.00
RF272-10192	BANGLADESH SHIPPING CORP.	13,503,612	\$24.00
RF272-11300	BROSTROMS SHIPPING CO., LTD.	8,984,439	\$16.00
RF272-15357	OVERSEAS ENTERPRISES, INC.	8,804,645	\$16.00
RF272-15363	CONSTELLATION LINE, S.A.	22,651,346	\$41.00
RF272-25262	Vrontados, S.A.	26,603,938	\$48.00
RF272-41538	Sitinas Shipping Company SA	5,663,304	\$10.00
RF272-41700	Philippines, Micronesia and Orient Navigation Co.	12,954,216	\$23.00
RF272-42764	Zim Integrated Shipping Services, Ltd.	595,158,304	\$1,077.00
RF272-43252	OSCO SHIPPING A/S	15,724,612	\$28.00
RF272-44156	SEAGROUP, INC.	147,493,230	\$267.00
RF272-45853	Compania Commercial San Martin	1,513,984	\$3.00
RF272-45925	SHIPPING CORP. OF INDIA, LTD.	130,620,509	\$236.00
RF272-53782	HARALD JACOBSEN SHIPPING A/S	2,222,993	\$4.00
RF272-53783	CROATIA LINE	52,657,556	\$95.00
RF272-60953	CHINA OCEAN SHIPPING CO.	18,358,992	\$33.00
RF272-63404	ORION SCHIFFFAHRTS-GESELLSCHAFT	572,560	\$1.00
RF272-63458	KOCTUG LINE	8,107,386	\$15.00
RF272-77857	HELLENIC LINES, LTD.	140,492,503	\$254.00
RF272-89779	EINAR RASMUSSEN	6,988,260	\$13.00
RF272-89780	JAN-ERIK DYVI	5,500,038	\$10.00
RF272-93324	TITAN NAVIGATION, INC.	14,438,915	\$26.00
RF272-98801	GENERAL COUNCIL ON FINANCE AND ADMINISTRATION	742,659,010	\$1,344.00
RK272-00188	STANDARD MARINE, LTD.	4,039,312	\$7.00
RK272-00259	HOME LINES, INC.	153,439,398	\$278.00
Totals	39 Applicants	4,291,856,786	\$7,764.00

Appendix C - Supplemental Refund Case No. RB272-10120

Case No.	Firm	Volume	Refund
RF272-00204	FLORIDA POWER CORP.	5,553,142,888	\$10,048.00
RF272-00290	PUBLIC SERVICE ELECTRIC & GAS	6,088,325,949	\$11,017.00
RF272-19929	GENERAL MOTORS CORP.	1,493,107,029	\$2,702.00
RK272-02215	EASTMAN CHEMICAL CO.	2,898,562,697	\$5,245.00
RK272-03414	NEW YORK CITY LAW DEPT.	961,092,074	\$1,739.00
Totals	5 Applicants	16,994,230,637	\$30,751.00