

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: RB272-10147

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 70 applicants, totaling \$26,518.00.

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. RB272-10147

Case No.	Firm	Volume	Refund
RF272-02378	ZIP FEED MILLS, INC.	949,131	\$79.00
RF272-07581	680 FT. WASHINGTON AVE. REALTY	452,811	\$38.00
RF272-07592	570 FT. WASHINGTON AVE., INC.	555,546	\$47.00
RF272-07872	MONTY TEUSCHER	318,729	\$27.00
RF272-10543	CAROL WILKINSON	454,800	\$38.00
RF272-19659	FirstHealth of the Carolinas, Inc.	509,400	\$43.00
RF272-20296	MERCED COUNTY FIRE DEPT.	614,329	\$51.00
RF272-21517	LAC-USC MEDICAL CENTER	1,151,107	\$96.00
RF272-22032	DOUGLAS H. HOWE	330,593	\$28.00
RF272-24870	TRIPLE W TRANSPORT	919,077	\$77.00
RF272-26083	BILL VAN RAY	492,614	\$41.00
RF272-26149	SUNDSTRAND CORP.	3,080,185	\$258.00
RF272-27622	TELEDYNE PORTLAND FORGE	2,998,228	\$251.00
RF272-27713	Welsbach Electric	1,904,393	\$159.00
RF272-31584	HAWAII COUNTY POLICE DEPT.	2,071,320	\$173.00
RF272-33419	New Enterprise Stone & Lime Co.	6,403,800	\$536.00
RF272-35686	Kraft Foods Global, Inc.	1,418,339	\$119.00
RF272-37413	Palmetto Health	1,719,824	\$144.00
RF272-43056	ROCKROSE DEVELOPMENT CORP.	3,750,000	\$314.00
RF272-44641	ITT CORPORATION	5,060,024	\$424.00
RF272-48325	Margueriete Sauer Estate	301,022	\$25.00
RF272-55531	RENFRO CONSTRUCTION CO., INC.	1,435,652	\$120.00
RF272-55817	A.B. Raymond	293,939	\$25.00
RF272-58550	HOFER HAYING INC.	2,028,553	\$170.00
RF272-59957	PITT COUNTY	1,098,306	\$92.00
RF272-60526	GRACE SAND CO., INC.	350,121	\$29.00
RF272-62319	YAMADA & SONS INC	3,654,694	\$306.00
RF272-66977	Lifeway Christian Resources	2,504,656	\$210.00
RF272-69163	J.J. TAYLOR INC.	1,365,724	\$114.00
RF272-69534	Harlan Kelly	1,076,815	\$90.00
RF272-69536	WELDON CONCRETE CO.	890,360	\$75.00
RF272-73536	ARIZONA DEPT. OF PUBLIC SAFETY	11,638,053	\$975.00
RF272-74355	4 SEASONS COOPERATIVE	4,682,710	\$392.00
RF272-75186	CONSOLIDATED DISPOSAL SERVICE	1,902,813	\$159.00
RF272-75207	DON KEYS FERTILIZER SERVICE	312,712	\$26.00
RF272-75886	AMERICAN PROTEINS, INC.	8,052,900	\$674.00
RF272-76728	LIDLAW TRANSIT, INC.	1,142,259	\$96.00
RF272-78204	Frontier Ag., Inc.	8,608,452	\$721.00
RF272-84691	OBH, INC.	1,520,901	\$127.00
RF272-86700	Clarissa ISD # 789	292,500	\$24.00
RF272-88273	TOWN OF BAR HARBOR	513,800	\$43.00
RF272-89531	Harry M. Moorefield	10,739,621	\$899.00
RF272-90152	AMERICAN LINEN	387,891	\$32.00
RF272-92679	Kraft Foods Global, Inc.	9,554,669	\$800.00
RF272-92725	AMERICAN LINEN	328,254	\$27.00
RF272-93264	Canadian Pacific Railway Co.	1,599,282	\$134.00
RF272-93309	T&D FARMS LLC	1,510,630	\$127.00
RF272-96211	LAWRENCE TOWNSHIP SCHOOL DIST.	1,177,953	\$99.00
RF272-96605	PETE LIEN & SONS, INC.	609,141	\$51.00
RG272-00246	New York City Health & Hospital Corp.	515,000	\$43.00
RG272-00679	FARMERS COOPERATIVE	8,789,223	\$736.00
RG272-00796	STATE OF OKLAHOMA	1,509,083	\$126.00
RG272-00880	Glacial Plains Cooperative	1,063,105	\$89.00
RG272-01098	MARKAIR, INC.	109,527,935	\$9,173.00
RK272-00046	HARTSVILLE OIL MILL	14,046,895	\$1,176.00

RK272-00647	CONSOLIDATED SAND & GRAVEL CO.	1,039,520	\$87.00
RK272-01672	BRUSCHER TRUCKING, INC.	314,382	\$26.00
RK272-01780	MARLENE E. BAASCH MAACK	447,992	\$38.00
RK272-01856	NORTHERN CO-OP SERVICES	23,538,623	\$1,971.00
RK272-02343	Safeway Stores	6,181,957	\$518.00
RK272-02344	CALLANAN INDUSTRIES	1,327,398	\$111.00
RK272-02766	Pilgrims Pride Corp.	740,373	\$62.00
RK272-02975	ROBERT LAWSON & EDDIE LENNARD	938,844	\$79.00
RK272-03483	FRONTIER EQUITY EXCHANGE	8,167,530	\$684.00
RK272-03531	E. HUBERT GILMORE	1,152,904	\$97.00
RK272-03532	E. HUBERT GILMORE	1,317,078	\$110.00
RK272-04000	COCA-COLA BOTTLING OF NATCHEZ	521,622	\$44.00
RK272-04430	Lane Co.	1,892,756	\$159.00
RK272-04736	SMITH KLINE BEECHMAN CORP.	17,811,280	\$1,492.00
RK272-04997	SUCCESSION OF RUBY LANDRY PETE	1,095,435	\$92.00
Totals	70 Applicants	316,667,568	\$26,518.00