

September 20, 2007

DECISION AND ORDER  
OF THE DEPARTMENT OF ENERGY

Supplemental Order

Name of Petitioner: Crude Oil Supplemental Refund Distribution

Date of Filing: September 19, 2007

Case Number: RB272-10134

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, Appendix A contains the name, case number, and the amount of the supplemental refund. In certain of the cases listed in Appendix A, the refund cannot be paid to the applicant listed, but instead is to be split between multiple successor recipients in each case. These cases are listed in Appendix B, along with the percentage of the refund to which each recipient is entitled. Any future refunds paid under these case numbers should be paid to the recipients listed in Appendix B, in the percentages shown therein.

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 P. L. McMickle CPA Refund Escrow, on behalf of the Applicants listed in the Appendix to this Order, in the amount of \$332,803.00, 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 20, 2007

**Appendix A - Supplemental Refund Case No. RB272-10134**

<b>Case No.</b>	<b>Firm</b>	<b>Volume</b>	<b>Refund</b>
RF272-14576	CHINA NATIONAL CHARTERING CORP	58,922,799	\$45,909.00
RF272-17354	APAC SOUTHEAST, INC.	30,675,949	\$23,901.00
RF272-17858	MORGAN CONCRETE, INC.	441,140	\$344.00
RF272-22569	CHENEY LAND LEVELING, INC.	1,142,365	\$890.00
RF272-76729	B.K.W. COACH LINE	637,083	\$496.00
RF272-77180	TAYLOR & ANDERSON TOWING	3,157,262	\$2,460.00
RF272-77577	TRANS-STATE DREDGING CO.	1,098,163	\$856.00
RF272-78490	MOTOR TRANSPORT CO.	6,963,493	\$5,426.00
RF272-80904	Jack E. Tucker	1,536,312	\$1,197.00
RF272-85640	CASELL TRUCK LINES, INC.	856,389	\$667.00
RF272-86350	STANDARD SAND & GRAVEL	1,212,542	\$945.00
RF272-88941	Marjorie Thomas	1,513,058	\$1,179.00
RF272-89174	BLUBONNET EXPRESS, INC.	3,200,392	\$2,494.00
RF272-89179	H. MAYNARD GOULD CO.	2,778,387	\$2,165.00
RF272-89309	Robert David Pschirrer	5,646,111	\$4,399.00
RF272-89507	BAXTER TRANSPORT INC.	1,321,031	\$1,029.00
RF272-90596	SEE BELOW	83,898	\$65.00
RF272-90888	TUFFLEY & SON	803,296	\$626.00
RF272-93966	WIDING TRANSPORTATION	23,794,706	\$18,539.00
RF272-94640	LAFACE EXPRESS, INC.	256,648	\$200.00
RF272-94854	ALLAN CONSTRUCTION CO., INC.	1,266,192	\$987.00
RF272-95028	KNUDSEN BROS. DAIRY	2,620,856	\$2,042.00
RF272-95058	G & J FREIGHT, INC.	2,700,351	\$2,104.00
RF272-97085	P & G MOTOR FREIGHT, INC.	3,138,326	\$2,445.00
RF272-97192	CLARKSON BROS. MACHINERY HAUL.	3,341,985	\$2,604.00
RF272-97350	HUSKIE FREIGHTWAYS, INC.	360,720	\$281.00
RF272-97369	MICHIGAN & NEBRASKA TRANSIT	16,913,304	\$13,178.00
RF272-97851	William R. House	4,114,718	\$3,206.00
RF272-97852	JAMES GIBBONS CO.	1,188,721	\$926.00
RF272-97859	WHEATLEY MOTORS, INC.	2,292,882	\$1,786.00
RF272-97966	JETWAY CARRIERS	6,744,108	\$5,255.00
RF272-98664	FISCHBACH TRUCKING CO.	6,853,734	\$5,340.00
RG272-00079	POST TRANSPORTATION CO.	9,067,622	\$7,065.00
RG272-00083	BREMAN'S EXPRESS CO.	3,994,350	\$3,112.00
RG272-00084	COCHISE AIRLINES, INC.	16,058,723	\$12,512.00
RG272-00089	BIG PINE TRUCKING CO., INC.	3,114,008	\$2,426.00
RG272-00091	AUTREY F. JAMES	5,829,507	\$4,542.00
RG272-00381	STX Pan Ocean Co., Ltd.	115,292,885	\$89,829.00
RG272-00424	GOLDEN WEST AIRLINES CO.	18,468,004	\$14,389.00
RG272-00437	KODIAK AIRWAYS, INC.	2,326,261	\$1,812.00
RG272-00470	ORLANDO TRANSIT CO.	3,806,009	\$2,965.00
RG272-00557	EIGHT WAY EXPRESS, INC.	5,077,610	\$3,956.00
RG272-00569	BERT T. LYLES	32,497,856	\$25,320.00
RG272-01023	BLACK & WHITE EXPRESS CO.	236,436	\$184.00
RK272-00889	O.H. & F., INC.	2,271,959	\$1,770.00
RK272-04782	AG WEST SUPPLY	11,525,084	\$8,980.00
<b>Totals</b>	<b>46 Applicants</b>	<b>427,143,235</b>	<b>\$332,803.00</b>

**Appendix B - Supplemental Refund Case No. RB272-10134**

<b>Case No.</b>	<b>Payees</b>	<b>% of Refund</b>	
RF272-17858	Ruth Morgan	87.000%	
	Randall Morgan	7.000%	
	Sharon Omer	6.000%	
RF272-22569	Wayne Cheney	50.000%	
	Gary Cheney Estate	50.000%	
RF272-76729	Harry Wilhour	33.000%	
	Donald Wilhour, Sr.	33.000%	
	George Wilhour	34.000%	
RF272-77180	Holly Moore	8.340%	
	Ron Anderson	8.330%	
	Scott Anderson	8.330%	
	Susan Anderson Dumas	8.340%	
	George H. Anderson III c/o Susan Anderson Dumas	8.330%	
	Bruce Anderson c/o Susan Anderson Dumas	8.330%	
	William H. Thorpe	12.500%	
	Robert Lee Taylor, Jr.	37.500%	
	RF272-77577	Ira McAlpin Trust	55.000%
		Sunbelt Advisors Inc.	45.000%
RF272-78490	Gloria T. Stanford Trust	11.970%	
	Carla T. McMahon Trust	6.570%	
	Elise T. Meyer Trust	11.970%	
	Gloria T. Stanford	13.490%	
	William A. Stanford	3.370%	
	Peter A. Stanford	1.350%	
	Cynthia A. Stanford	1.350%	
	Carla T. McMahon	18.900%	
	David J. McMahon	3.370%	
	Timothy T. McMahon	1.350%	
	Thomas F. McMahon	1.350%	
	Terrence C. McMahon	1.350%	
	Patrick J. McMahon	1.350%	
	Elise T. Meyer	13.490%	
	Paul W. Meyer	3.370%	
	Carl P. Meyer	1.350%	
	Christoper W. Meyer	1.350%	
Catherine M. Williams	1.350%		
Camela M. Meyer	1.350%		
RF272-85640	Julie H. Laird	2.955%	
	Thomas M. Laird	97.045%	
RF272-86350	Ronald L. Brinkman, Executor	50.308%	
	Susie K. Mahlke	49.120%	
	Ann Winters	0.286%	
RF272-89174	William C. Laupp	0.286%	
	Gilbert M. Turner	85.670%	
	Doyle L. Horne	14.330%	

RF272-89179	Transit Realty Liquidating Trust C/O Charles F. McCarthy, Jr., Trustee	25.002%
	Charles F. McCarthy, Jr.	41.666%
	Phillip E. McCarthy, Jr.	16.666%
	Kathlenn McCarthy	16.666%
RF272-89507	Estate of Francis Lahteine Shareholder	33.341%
	Jamie Drew	16.667%
	Donnie Drew	16.660%
	Janet D. Dragunas	16.666%
	Joanne Drew	16.666%
RF272-90596	Bernie Burgess	67.000%
	Stanley W. Burges c/o South Coast Dental Lab	33.000%
RF272-90888	Mark J. Stepien	24.660%
	Georgia D. Stepien	24.660%
	Frank Stepien	50.680%
RF272-93966	Robert D. Abendroth	42.090%
	Karin A. Widing	57.910%
RF272-94640	Raymond A. LaFace	50.000%
	David LaFace	50.000%
RF272-94854	William N Allan, IV	9.840%
	Janelle Allan	9.840%
	Thelma Allan	33.760%
	Jessie Allan Killian	19.680%
	Henry S. Cherry (Jake)	13.440%
	Lucilie Allan Lowe	13.440%
RF272-95028	Peter Knudsen, Jr.	66.668%
	Morgan J. Knudsen	16.666%
	Joan Perkins	16.666%
RF272-95058	Joseph Pistacchio	33.334%
	George Pistacchio	33.333%
	Patricia Montevacchi	33.333%
RF272-97085	Ruth Ginsberg	35.000%
	Andrew Reese	32.500%
	Samuel H. Reese	32.500%
RF272-97192	Shelia Clarkson	20.000%
	Sheryl Clarkson Bland	20.000%
	Sharon Clarkson Amann	20.000%
	Harold Clarkson	20.000%
	Clifford Clarkson	20.000%
RF272-97350	Thomas M. Tapscott C/O Michael Tapscott	60.000%
	Ellen L. Kruger	20.000%
	Daniel G. Stubbs, Conservator	20.000%
RF272-97369	Daniel O. Hands	22.100%
	Kathleen Sommers	22.100%
	William C. Harris	14.000%
	Louis W. Hands	26.599%
	Lazaro Vega	5.067%
	Mary Sarah Goodheart	5.067%
	Alice Johnson	5.067%
RF272-97852	John F. Amer	50.000%
	Mary Osbourne	50.000%

RF272-97859	Joan Wheatley Cooley	55.000%
	Alfred W. Wheatley, Jr.	45.000%
RF272-97966	Carolyn R. Waits	95.000%
	Arthur Elam	5.000%
RF272-98664	Estate of Grayce S. Fishbach	84.400%
	Estate of Joseph D. Morris	2.700%
	Charles Carst	2.200%
	Donald M. Fischbaugh deceased	10.700%
RG272-00079	Mary D. Allen c/o Pillsbury Winthrop, Shaw, Pittman LLP attn: Anthon S. Cann	6.700%
	Walter B. Allen, Jr.	7.080%
	Robert S. Kirksey Trust	16.650%
	Robert S. Kirksey Trustee, Katherine T. Jennings Trust	16.650%
	Annette Nibley	8.610%
	Dwelle Family Revocable Living Trust Gary A. Artis CPA, Trustee	11.000%
	Catherine R. Allen c/o Patricia Minier Allen	33.310%
RG272-00083	Leslie Breman	42.500%
	Joseph Breman	57.500%
RG272-00084	Kenneth Cardella	21.000%
	Frank Crosby	12.400%
	Alleyne Mitchell	6.600%
	Estate of Leonard Schroeder c/o Ted Bailey, Executor	25.400%
	The Miles Foundations, Inc. Michael Russ, President	34.600%
RG272-00089	Betty Walton	33.000%
	Roger L. Minerman	33.000%
	Rudy Hindelang	34.000%
RG272-00091	Alicia Denise Elliott	50.000%
	James Ray Elliott	50.000%
RG272-00424	Martin C. Stone	40.000%
	Harvey L. Karp	30.000%
	Estate of Ellis Ring	30.000%
RG272-00437	John D. Gifford	77.777%
	David Pickworth	22.223%
RG272-00470	S. Diane Swope C/O Robert C. Matthias	6.151%
	Sidney M. Swope, Jr. C/O Robert C. Matthias	6.151%
	Sidney M. Swope Testamentary Trust, Trust A C/O Robert C. Matthias	20.982%
	Sidney M. Swope Testamentary Trust, Trust B C/O Robert C. Matthias	66.716%
RG272-00557	Lonn Nelsen	16.667%
	Floyd Foreman	16.667%
	John T. Marcell	16.667%
	Kirk W. Anderson	16.667%
	Danny Madron	8.333%
	Kathie Madron	8.333%
	Michael J. Shonsey	8.333%
	Mary S. Focht	8.333%
RG272-01023	Wendel A. Birckbichler	50.000%
	Ethel Dunlap	50.000%
RK272-00889	Velma B. Elliott	30.100%
	Marla K. Elliott	33.700%
	Richard L. Elliott	35.200%
	Paul D. Graham	1.000%