

May 16, 2007

DECISION AND ORDER  
OF THE DEPARTMENT OF ENERGY

Supplemental Order

Name of Petitioner: Crude Oil Supplemental Refund Distribution

Date of Filing: May 14, 2007

Case Number: RB272-10111

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 are now eligible for an additional \$0.000695389 per gallon supplemental refund. 71 Fed. Reg. 2195 (January 13, 2006). Refunds are rounded to the nearest dollar.

In order to receive a supplemental refund check, applicants are required to verify that their name and address in our records are correct, to correct any information that is not accurate, and to verify whether the refund cannot be paid to the original applicant for any reason, e.g., due to death, divorce, bankruptcy or dissolution of a business.

This decision approves supplemental refunds for the applicants listed in Appendix A to this decision. 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 A and B to this Order, in the amount of \$485,637.00, 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.

Fred L. Brown  
Acting Director  
Office of Hearings and Appeals

Date: May 16, 2007

**Appendix A - Supplemental Refund Case No. RB272-10111**

| <b>Case No.</b> | <b>Firm</b>  | <b>Volume</b> | <b>Refund</b> |
|-----------------|--|---------------|---------------|
| RC272-00278     | ARROW LAKES DAIRY                                  | 465,068       | \$323.00      |
| RC272-00347     | BAIR TRANSPORT, INC.                               | 1,190,126     | \$828.00      |
| RF272-00256     | CITIZENS UTILITIES CO.                             | 106,367,982   | \$73,967.00   |
| RF272-00331     | COCA-COLA BOTTLING OF WELDON                       | 160,092       | \$111.00      |
| RF272-05698     | MCANINCH CORP.                                     | 8,705,588     | \$6,054.00    |
| RF272-05699     | FT. WORTH TRANSPORTATION AUTH.                     | 6,703,533     | \$4,662.00    |
| RF272-08804     | RINGSBY TRUCK LINES, INC.                          | 42,532,975    | \$29,577.00   |
| RF272-17868     | GARY HECKART AND ROBERT HECKART, SR                | 73,045        | \$51.00       |
| RF272-17928     | LAMB BROTHERS CONST. CO., INC.                     | 1,143,454     | \$795.00      |
| RF272-20153     | SCOTT TECH, INC.                                   | 28,437,000    | \$19,775.00   |
| RF272-23935     | GARY D. JOHNSTON                                   | 312,975       | \$218.00      |
| RF272-39257     | CITY OF HARTFORD                                   | 14,952,733    | \$10,398.00   |
| RF272-41257     | BURRELL INDUSTRIES, INC.                           | 15,153,825    | \$10,538.00   |
| RF272-63427     | SUNEXPORT HOLDINGS CORP.                           | 81,358,607    | \$56,576.00   |
| RF272-67873     | ILLINI ASPHALT CORP.                               | 13,151,872    | \$9,146.00    |
| RF272-75835     | FARMERS COOP ELEVATOR CO.                          | 12,186,916    | \$8,475.00    |
| RF272-76470     | LAWRENCEBURG TRANSFER, INC.                        | 1,096,189     | \$762.00      |
| RF272-77160     | FRANK L. BLACK, INC.                               | 581,787       | \$405.00      |
| RF272-77338     | DAVID CRAIG ALBALAH, TRUSTEE                       | 5,556,452     | \$3,864.00    |
| RF272-77563     | ROBERT HAWTHORNE, INC.                             | 2,683,599     | \$1,866.00    |
| RF272-77916     | CARL SHIPPY TRUCKING                               | 817,366       | \$568.00      |
| RF272-78002     | JEFFREY KLEIN AS ATTORNEY FOR ELMSFORD TRANSPORTA  | 695,043       | \$483.00      |
| RF272-78013     | SCHEIDER LUMBER CO., INC.                          | 170,208       | \$118.00      |
| RF272-78467     | LIBERTY TRUCKING CO.                               | 6,996,837     | \$4,866.00    |
| RF272-78488     | DIRECT TRANSIT LINES, INC.                         | 17,191,537    | \$11,955.00   |
| RF272-78689     | JOSEPH J. CAMPOBASSO                               | 151,389       | \$105.00      |
| RF272-78699     | REINHARDT TRANSFER CO.                             | 9,677,444     | \$6,730.00    |
| RF272-80907     | DONALD J KING AND MARGRET KING                     | 3,551,766     | \$2,470.00    |
| RF272-81921     | MARTIN PUBLIC SCHOOLS                              | 711,530       | \$495.00      |
| RF272-82517     | SUSAN JANE LEONHARDT                               | 2,305,105     | \$1,603.00    |
| RF272-85479     | EXOLON-ESK CO.                                     | 2,958,958     | \$2,058.00    |
| RF272-86804     | EARL SCHMIDT AND BARBARA SCHMIDT                   | 1,068,515     | \$743.00      |
| RF272-89089     | HAYWARD TRUCKING, INC.                             | 4,027,017     | \$2,800.00    |
| RF272-89106     | BUCK'S CO. ARTESIAN WELL DRILL                     | 1,611,946     | \$1,121.00    |
| RF272-89110     | CAMEL TRUCKING                                     | 1,818,975     | \$1,265.00    |
| RF272-89123     | CRAIG FROEHLICH                                    | 2,569,276     | \$1,787.00    |
| RF272-89182     | KERR MOTOR LINES, INC.                             | 1,832,273     | \$1,274.00    |
| RF272-89511     | LIBERTY-MIDDLETON EXPRESS, INC                     | 1,266,028     | \$880.00      |
| RF272-89659     | COLUMBIA DISTRIBUTING OF SEATTLE                   | 3,071,106     | \$2,136.00    |
| RF272-90522     | SMITH FOOD AND DRUG CENTERS, INC., AN OHIO CORPORA | 482,817       | \$336.00      |
| RF272-90636     | J.H. RYAN & SON, INC.                              | 332,465       | \$231.00      |
| RF272-90885     | T & T TRUCKING & TRANSP.                           | 210,514       | \$146.00      |
| RF272-91608     | W.M.K. TRANSIT MIX                                 | 527,044       | \$367.00      |
| RF272-91756     | BLUE RIBBON TRANSPORTATION CO.                     | 736,008       | \$512.00      |
| RF272-92599     | SAUK CNTY FARMERS UNION COOP                       | 22,425,872    | \$15,595.00   |
| RF272-93541     | AL TECH SPECIALTY STEEL CORP.                      | 20,882,597    | \$14,522.00   |
| RF272-93854     | J & M CARRIERS                                     | 1,007,064     | \$700.00      |
| RF272-94623     | M.K. RANCHES                                       | 1,548,082     | \$1,077.00    |
| RF272-94845     | POPE PAVING CORP.                                  | 8,153,858     | \$5,670.00    |
| RF272-95003     | HENDERSON CLAY PRODUCTS, INC., LIQUIDATING TRUST C | 2,390,781     | \$1,663.00    |
| RF272-95026     | GRAYSTONE, INC.                                    | 1,410,243     | \$981.00      |
| RF272-95102     | METROMEDIA, INC.                                   | 1,189,364     | \$827.00      |
| RF272-96668     | ALPOWA ANGUS RANCH, INC.                           | 314,657       | \$219.00      |
| RF272-96768     | WINCHESTER SCHOOL DIST.                            | 3,709,733     | \$2,580.00    |
| RF272-97087     | S.G. DEBACK AND RUTH DEBACK                        | 776,565       | \$540.00      |

|               |  |                    |                     |
|---------------|--|--------------------|---------------------|
| RF272-97119   | PERKINS SPECIALIZED TRANSPORTATION, INC.         | 1,278,711          | \$889.00            |
| RF272-97294   | FALL RIVER & NEW BEDFORD EXPRS                   | 875,284            | \$609.00            |
| RF272-97321   | JOAN ROGERS AND RICHARD ROGERS                   | 1,411,058          | \$981.00            |
| RF272-97345   | WILLEY'S EXPRESS, INC.                           | 1,934,383          | \$1,345.00          |
| RF272-97348   | SANDERS TRUCK LINE, INC.                         | 626,872            | \$436.00            |
| RF272-97349   | THOMAS & SON TRANSFER LINE INC                   | 1,179,353          | \$820.00            |
| RF272-97372   | J.W. HUMBERT, INC.                               | 3,807,707          | \$2,648.00          |
| RF272-97375   | FEDERAL TRANSFER CO., INC.                       | 1,449,141          | \$1,008.00          |
| RF272-97380   | S & S TRUCKING CO.                               | 3,338,862          | \$2,322.00          |
| RF272-97827   | RICHARDSON TRANSFER & STORAGE                    | 282,193            | \$196.00            |
| RF272-97872   | RICHEY & STEWART, INC.                           | 1,326,387          | \$922.00            |
| RF272-97982   | T & R MANAGEMENT, INC.                           | 2,287,966          | \$1,591.00          |
| RF272-98655   | OFFICE OF FINANCIAL ECONOMIC DEBT                | 8,525,261          | \$5,928.00          |
| RF272-98672   | AMERICA CENTRAL CORP.                            | 12,972,750         | \$9,021.00          |
| RF272-98676   | GRAND UNION CO.                                  | 8,143,981          | \$5,663.00          |
| RF272-98696   | ESTATE OF ELAINE S. BOSSERT                      | 15,868,902         | \$11,035.00         |
| RF272-98752   | BIO-MED-HU, INC.                                 | 2,856,484          | \$1,986.00          |
| RF272-98967   | WYOMING CENTRAL SCHOOL                           | 142,215            | \$99.00             |
| RG272-00099   | SERVICE TRANSPORTATION CO.                       | 3,747,031          | \$2,606.00          |
| RG272-00444   | HICKORY COAL CORPORATION FOR SIERRA COAL COMPANY | 2,054,863          | \$1,429.00          |
| RG272-00609   | AIR SIAM   | 19,655,622         | \$13,668.00         |
| RG272-00624   | GUYANA AIRWAYS CORP.                             | 2,777,818          | \$1,932.00          |
| RG272-00625   | DEWEY FREIGHT SYSTEM, INC.                       | 1,837,078          | \$1,277.00          |
| RG272-01024   | RICHARDSON TRANSFER & STORAGE                    | 282,193            | \$196.00            |
| RG272-01037   | RICHEY & STEWART, INC.                           | 1,326,387          | \$922.00            |
| RG272-01121   | JEANINE GAY REAMS                                | 2,305,105          | \$1,603.00          |
| RG272-01122   | HOWARD EUGENE HOLDCROFT                          | 2,305,105          | \$1,603.00          |
| RG272-01123   | ALAN FROEHLICH                                   | 2,569,276          | \$1,787.00          |
| RG272-01133   | GERARD CAMERLIN                                  | 465,068            | \$323.00            |
| RG272-01134   | SHERIL JOHNSTON                                  | 312,975            | \$218.00            |
| RG272-01135   | TWILA BARNETT                                    | 312,975            | \$218.00            |
| RK272-00267   | THRIFT TRANSFER, INC.                            | 2,494,426          | \$1,735.00          |
| RK272-00283   | SEAVER'S EXPRESS, INC.                           | 1,197,160          | \$832.00            |
| RK272-00374   | HOLCIM, INC.                                     | 41,525,534         | \$28,876.00         |
| RK272-00883   | CARLETON G. WHITAKER, INC.                       | 8,421,409          | \$5,856.00          |
| RK272-00887   | KEY LINE FREIGHT, INC.                           | 19,750,178         | \$13,734.00         |
| RK272-03273   | C.E. MILLS CONSTRUCTION CO.                      | 3,473,673          | \$2,416.00          |
| RK272-03646   | CENTRAL COAT & APRON, INC.                       | 6,741,633          | \$4,688.00          |
| RK272-03782   | D`ADDARIO INDUSTRIES                             | 7,290,000          | \$5,069.00          |
| RK272-03831   | W.E. HOWELL                                      | 9,416,920          | \$6,548.00          |
| RK272-04221   | ROBERT & EDITH CARPENTER                         | 18,390,205         | \$12,788.00         |
| <b>Totals</b> | <b>96 Applicants</b>                             | <b>698,363,945</b> | <b>\$485,637.00</b> |

**Appendix B - Supplemental Refund Case No. RB272-10111**

| <b>Case No.</b> | <b>Payees</b>                                       | <b>% of Refund</b> |
|-----------------|---|--------------------|
| RC272-00347     | Ann and Harry H. Peterson                           | 44.12%             |
|                 | Oscar A. Hunsicker Jr.                              | 55.88%             |
| RF272-17928     | Emory Lamb  | 50.00%             |
|                 | Mitchell Lamb                                       | 50.00%             |
| RF272-76470     | Hazel O. Ripy                                       | 50.00%             |
|                 | Bernita F. Ripy                                     | 50.00%             |
| RF272-77160     | Leanna Fatovic                                      | 50.00%             |
|                 | Diane Black   | 50.00%             |
| RF272-77563     | Edgar S. Hawthorne                                  | 39.83%             |
|                 | Thomas Hawthorne                                    | 13.27%             |
|                 | David D. Hawthorne                                  | 10.18%             |
|                 | Walter H. Hawthorne                                 | 10.18%             |
|                 | Sandra H. Reardon                                   | 13.27%             |
|                 | Margaret H. Horn                                    | 13.27%             |
| RF272-77916     | Kathy Nalisnik                                      | 50.00%             |
|                 | Linda Lopez   | 50.00%             |
| RF272-78013     | Robert Schneider                                    | 50.00%             |
|                 | Joan Schneider                                      | 50.00%             |
| RF272-78467     | John Barranco                                       | 95.00%             |
|                 | William Barranco                                    | 5.00%              |
| RF272-78488     | Dennis C. Irwin                                     | 50.00%             |
|                 | Jack Kosten   | 25.00%             |
|                 | Craig Vaughan                                       | 25.00%             |
| RF272-78689     | Carina J. Campobasso                                | 33.33%             |
|                 | Cathia C. Falvey                                    | 33.33%             |
|                 | Coralie Campobasso                                  | 33.33%             |
| RF272-78699     | Betty Reinhardt                                     | 50.56%             |
|                 | John V. Reinhardt                                   | 46.82%             |
|                 | Gertrude McGovern                                   | 2.62%              |
| RF272-89089     | Gary P. hayward, jr.                                | 22.50%             |
|                 | Suzette M. Pratt                                    | 22.50%             |
|                 | Jane B. Hayward                                     | 53.00%             |
|                 | John Morale   | 2.00%              |
| RF272-89106     | Buck's Co. Artesian Well Drill c/o Leonard W. Stone | 38.00%             |
|                 | Anthony Dominiani                                   | 62.00%             |
| RF272-89110     | Norman Cohen  | 50.00%             |
|                 | Paul Cohen  | 50.00%             |
| RF272-89182     | Robert H. Kerr                                      | 95.00%             |
|                 | Jeffrey J. Kerr                                     | 5.00%              |
| RF272-89511     | Robert H. Sherwood                                  | 50.00%             |
|                 | Carl Scherf   | 50.00%             |
| RF272-90636     | Catherine S. Ryan                                   | 50.00%             |
|                 | Patti Ryan Birge                                    | 16.67%             |
|                 | Kelly Ryan Watts                                    | 16.67%             |
|                 | James M. Ryan                                       | 16.67%             |
| RF272-90885     | James D. Tuccinardi                                 | 50.00%             |
|                 | Michael F. Tuccinardi                               | 50.00%             |
| RF272-91608     | Marc Taggart  | 20.00%             |

|             |                             |        |
|-------------|-----------------------------|--------|
|             | Jennifer Mergins            | 20.00% |
|             | Bryan Taggart               | 20.00% |
|             | Todd Taggart                | 20.00% |
|             | Becky Flippin               | 20.00% |
| RF272-91756 | Robert J. Voyer             | 65.00% |
|             | Lawrence L. Voyer           | 35.00% |
| RF272-93854 | James D. Tuccinardi         | 50.00% |
|             | Michael F. Tuccinardi       | 50.00% |
| RF272-94623 | Murff & Co.                 | 33.00% |
|             | J.T. Murff, JR              | 43.50% |
|             | Carol Murff Oates           | 23.50% |
| RF272-94845 | C.E. Pope                   | 50.00% |
|             | Ronald Pope                 | 50.00% |
| RF272-95026 | Rita Scott                  | 30.00% |
|             | Francis Claussen            | 10.00% |
|             | Robert Bracken              | 30.00% |
|             | George Myers                | 30.00% |
| RF272-96668 | Steven Ledgerwood           | 50.00% |
|             | Ken Ledgerwood              | 50.00% |
| RF272-97294 | Theodore Razook             | 50.00% |
|             | Maria Cordeiro              | 50.00% |
| RF272-97345 | Frank Briggs                | 50.00% |
|             | Robert Gibbons              | 50.00% |
| RF272-97348 | Larry Kropp                 | 24.42% |
|             | Priscilla Kropp             | 24.42% |
|             | C.R. Benton                 | 2.32%  |
|             | Frances R. Benton           | 24.42% |
|             | Leroy Benton                | 24.42% |
| RF272-97349 | Bonnie Foulk                | 29.35% |
|             | B. Fould Family Enterprises | 53.26% |
|             | Robert N. Foulk             | 8.69%  |
|             | Linda Krueger               | 4.35%  |
|             | Don Krueger                 | 4.35%  |
| RF272-97372 | Bernard Humbert             | 46.90% |
|             | Nancy Overmyer              | 46.80% |
|             | Darlene A. Bair             | 6.30%  |
| RF272-97375 | Tom Dever                   | 42.86% |
|             | Vanna House                 | 57.14% |
| RF272-97380 | Estate of James M. Sample   | 50.00% |
|             | Estate of Sue H. Sample     | 50.00% |
| RF272-97827 | Janet Weis                  | 50.00% |
|             | Jackie House                | 50.00% |
| RF272-97872 | Gwen Richey                 | 50.00% |
|             | Velva Stewart c/o Wallace   | 50.00% |
| RF272-98752 | Arthur Shulthise            | 80.00% |
|             | Arthur Shulthise III        | 10.00% |
|             | Rebecca S. Schweiger        | 10.00% |
| RG272-00099 | Harold Raphaelson           | 11.74% |
|             | Euince Buchmuller           | 44.13% |
|             | Cheryl Buchmuller           | 44.13% |
| RG272-00625 | William R. Dewey            | 50.00% |
|             | R. Dwain Dewey              | 50.00% |

|             |                         |        |
|-------------|-------------------------|--------|
| RG272-01024 | Richard McKinney        | 50.00% |
|             | Patricia Corum          | 50.00% |
| RG272-01037 | Velva Stewart           | 50.00% |
|             | Gwen Richey             | 50.00% |
| RK272-00267 | Selena D. Swanson       | 64.00% |
|             | John L. Swanson, Sr.    | 12.00% |
|             | John L. Swanson, Jr.    | 12.00% |
|             | Mary S. Dillon          | 12.00% |
| RK272-00283 | Mary Louise Seaver      | 50.00% |
|             | Elizabeth M Seaver      | 50.00% |
| RK272-00883 | Fredrick J. Murray, Jr. | 33.33% |
|             | Carleton E. Murray      | 33.33% |
|             | Robert E. Murray        | 33.33% |
| RK272-00887 | Joseph Bromley          | 10.00% |
|             | Shirley Bromley         | 10.00% |
|             | John D. Darling         | 21.10% |
|             | Daniel A. Darling       | 58.90% |
| RK272-03273 | Mary Lou Luttrell       | 50.00% |
|             | Larry Mills             | 50.00% |
| RK272-03646 | Dorris Sirow            | 50.00% |
|             | Pajoken LLC             | 50.00% |