

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 |