

February 10, 2006

DECISION AND ORDER
OF THE DEPARTMENT OF ENERGY

Supplemental Order

Name of Petitioner: Crude Oil Supplemental Refund Distribution

Date of Filing: January 10, 2006

Case Number: RB272-10023

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 the Appendix to this decision. For each applicant, the Appendix contains the name, case number, and the amount of the supplemental refund. The decision approves supplemental refunds for 28 applicants, totaling \$204,344.00.

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 Troy and Banks, on behalf of the Applicants listed in the Appendix to this Order, in the amount of \$204,344.00, 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.

George B. Breznay
Director
Office of Hearings and Appeals

Date: February 10, 2006

Appendix - Supplemental Refund Case No. RB272-10023

Case No.	Firm	Volume	Refund
RF272-01502	HERNDON MARINE PRODUCTS, INC.	13,669,212	\$9,505.00
RF272-07031	LUITHLEN DYE CORP.	2,771,768	\$1,927.00
RF272-11220	VERHOFF ALFALFA MILLS, INC.	3,849,403	\$2,677.00
RF272-21228	ST. CHARLES HOSPITAL	6,755,735	\$4,698.00
RF272-21812	CITY OF ELGIN	3,072,424	\$2,137.00
RF272-23948	HARTT TRANSPORTATION SYSTEMS	7,284,046	\$5,065.00
RF272-25236	TRANSYSTEMS, INC.	10,222,000	\$7,108.00
RF272-26808	ROY L. HOUCK CONST. CO.	7,540,682	\$5,244.00
RF272-28466	VOLKMAN FARMS	150,511	\$105.00
RF272-29545	LOS ANGELES COUNTY	75,558,200	\$52,542.00
RF272-32455	R.J. STUDER & SONS	10,740,728	\$7,469.00
RF272-32575	RUSSELL INDUSTRIES, INC.	39,018,993	\$27,133.00
RF272-35674	MERCY HOSPITAL OF TOLEDO	5,261,891	\$3,659.00
RF272-36859	MALLINCKRODT, INC.	10,034,509	\$6,978.00
RF272-59079	LUNTZ CORP. & SUBSIDIARIES	2,832,463	\$1,970.00
RF272-62992	ANCHOR CONTINENTAL INC.	7,260,227	\$5,049.00
RF272-63149	ROANOKE COUNTY SCHOOLS	3,410,268	\$2,371.00
RF272-63471	MANITOWOC COUNTY HWY. DEPT.	13,102,642	\$9,111.00
RF272-69681	LEBLANC BROTHERS & CO.	12,220,813	\$8,498.00
RF272-71700	TRICO PRODUCTS CORP.	8,409,842	\$5,848.00
RF272-75287	LEVI STRAUSS & CO.	11,622,899	\$8,082.00
RF272-87670	LOUIS V. LEPAK TRUCKING CO.	2,326,010	\$1,617.00
RF272-93194	LOS ANGELES COUNTY	2,986,717	\$2,077.00
RG272-00385	WESTERN HICKORY COAL CO., INC.	618,151	\$430.00
RG272-00386	KERRY COAL CO.	2,982,792	\$2,074.00
RK272-02824	PFIZER ANIMAL HEALTH	1,874,093	\$1,303.00
RK272-02895	BARTEL CORP.	9,726,215	\$6,764.00
RR272-00085	ARUNDEL CORP.	18,555,616	\$12,903.00
Totals	28 Applicants	293,858,850	\$204,344.00