

December 13, 2006

DECISION AND ORDER  
OF THE DEPARTMENT OF ENERGY

Supplemental Order

Name of Petitioner: Crude Oil Supplemental Refund Distribution

Date of Filing: December 13, 2006

Case Number: RB272-10095

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 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 46 applicants, totaling \$10,134.00.

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 Class Action Recovery Service, on behalf of the Applicants listed in the Appendix to this Order, in the amount of \$10,134.00, 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: December 13, 2006

**Appendix - Supplemental Refund Case No. RB272-10095**

Case No.	Firm	Volume	Refund
RF272-00675	GEORGE BROUGHTON	237,276	\$165.00
RF272-00909	ARCEMENT EQUIPMENT	283,315	\$197.00
RF272-02235	JIM STEPHENS	212,486	\$148.00
RF272-02260	BURON GRIFFIN FARM INC.	265,608	\$185.00
RF272-02482	ALFRED FREEMAN	205,404	\$143.00
RF272-02673	OLLIE CANTRELL	893,328	\$621.00
RF272-03132	KEENEY & SON	201,860	\$140.00
RF272-03619	COFFING BROS. ORCHARD CO. INC.	279,745	\$195.00
RF272-05319	D & H DISTRIBUTING CO.	1,028,032	\$715.00
RF272-05376	DANIEL TRUCK PARTS & SERVICE	856,381	\$596.00
RF272-05587	DAVID V. ROBINSON	247,900	\$172.00
RF272-06000	ROGER SEMLER	220,100	\$153.00
RF272-06223	WERLLA BROTHERS	239,852	\$167.00
RF272-06292	TOM CARPENTER	265,608	\$185.00
RF272-06491	LEW E. SORRELLS	274,462	\$191.00
RF272-06726	MARLYLE FARMS	619,752	\$431.00
RF272-07242	DAVID RIGGERS	205,403	\$143.00
RF272-07698	BESS FARMS, INC.	212,486	\$148.00
RF272-08412	ERNEST HELLWEGE	201,419	\$140.00
RF272-09529	HARLAN J. WALTON	208,059	\$145.00
RF272-09763	LEE H. GIBBS	232,242	\$161.00
RF272-11314	VERNE H. WONER	233,735	\$163.00
RF272-11329	DORSEY ELLIOTT	256,754	\$179.00
RF272-11350	WIEBE, INC.	223,996	\$156.00
RF272-12502	STEAM MILL FARMS	250,732	\$174.00
RF272-12923	LEO PLOTZ	207,055	\$144.00
RF272-13778	LESTER NICKLAUS	211,601	\$147.00
RF272-14094	LEWIS DRIEWER	204,678	\$142.00
RF272-14414	GILMEN GUNDERSON	205,403	\$143.00
RF272-15282	JOHN A. BOST & SON FARMS	283,315	\$197.00
RF272-15376	MARLIN W. BABUTZKE	224,110	\$156.00
RF272-17080	HEIDEMA BROTHERS, INC.	953,640	\$663.00
RF272-17376	CLAY COUNTY CATTLE CO.	204,587	\$142.00
RF272-18272	CARL E. FOSTER	215,674	\$150.00
RF272-18275	LINDY MCALEXANDER	239,047	\$166.00
RF272-19335	BOB J. BAKER	213,548	\$148.00
RF272-20363	N & C DRILLING CORP.	965,547	\$671.00
RF272-20397	BILLY G. SAULS	249,169	\$173.00
RF272-20606	JOE NEKOLICZAK	236,085	\$164.00
RF272-20781	DOUGLAS B. STEFFEN	212,486	\$148.00
RF272-21474	LYLE MUNDORF	260,218	\$181.00
RF272-21715	KEN HUSTON	226,556	\$158.00
RF272-22070	GEORGE TUTOR FARMS	212,486	\$148.00
RF272-22165	VAN BERT FARMS, INC.	267,778	\$186.00
RF272-35843	AARON PURSLEY	201,455	\$140.00
RK272-00909	GILBERT J. HESS	221,340	\$154.00
<b>Totals</b>	<b>46 Applicants</b>	<b>14,571,713</b>	<b>\$10,134.00</b>