

January 20, 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: RB272-10017

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 36 applicants, totaling \$5,895,558.00.

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 Troutman Sanders LLP, on behalf of the Applicants listed in the Appendix to this Order, in the amount of \$5,895,558.00, 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: January 20, 2006

**Appendix - Supplemental Refund Case No. RB272-10017**

Case No.	Firm	Volume	Refund
RC272-00401	FORT JAMES CORP.	1,288,281,048	\$895,856.00
RF272-00032	BICKERSTAFF CLAY PRODUCTS CO.	14,904,493	\$10,364.00
RF272-00038	FULTON COUNTY GEORGIA	5,804,336	\$4,036.00
RF272-00039	CITY OF CHARLOTTE, N.C.	15,531,019	\$10,800.00
RF272-00045	RICHMOND COUNTY, GEORGIA	7,917,971	\$5,506.00
RF272-00065	POTLATCH CORP.	149,184,987	\$103,742.00
RF272-00113	CITY OF GREENVILLE, S.C.	3,462,021	\$2,407.00
RF272-00153	GEORGIA PACIFIC CORP.	1,136,960,729	\$790,630.00
RF272-00154	TOM'S FOODS, INC.	2,869,508	\$1,995.00
RF272-00193	KIMBERLY-CLARK CORP.	259,515,267	\$180,464.00
RF272-00263	CITY OF MOBILE, ALABAMA	7,966,619	\$5,540.00
RF272-00264	CITY OF GREENSBORO	11,176,621	\$7,772.00
RF272-00305	SOUTHWIRE CO.	7,261,610	\$5,050.00
RF272-00382	BRYAN MUNICIPAL LIGHT & WATER	3,662,139	\$2,547.00
RF272-00383	OBERLIN MUN. LIGHT & WATER	2,538,432	\$1,765.00
RF272-00391	CITY OF COLUMBUS	12,028,074	\$8,364.00
RF272-00406	RAYONIER, INC.	645,662,272	\$448,986.00
RF272-00420	JACKSONVILLE ELECTRIC AUTHRTY	2,962,945,595	\$2,060,400.00
RF272-02198	BRUNSWICK PULP & PAPER CO.	192,911,166	\$134,148.00
RF272-04244	CLEVELAND PUBLIC POWER	21,915,655	\$15,240.00
RF272-06703	MUSCOGEE COUNTY SCHOOL DIST.	2,585,058	\$1,798.00
RF272-09294	STONE CONTAINER CORP.	653,469,478	\$454,415.00
RF272-10884	CITY OF PIQUA, OHIO	5,732,359	\$3,986.00
RF272-15956	CITY OF ATLANTA, GEORGIA	21,198,434	\$14,741.00
RF272-20926	GREENVILLE COUNTY, S.C.	7,993,156	\$5,558.00
RF272-20928	GREENVILLE CNTY SCHOOL DIST.	4,771,067	\$3,318.00
RF272-20930	CHATHAM COUNTY, GEORGIA	3,824,067	\$2,659.00
RF272-23844	ORRVILLE MUNICIPAL UTILITIES	655,869	\$456.00
RF272-23846	CLAYTON COUNTY, GEORGIA	3,715,683	\$2,584.00
RF272-36166	FT. HOWARD CORP.	7,127,078	\$4,956.00
RF272-54218	CHESAPEAKE CORP.	302,026,682	\$210,026.00
RF272-63251	NEKOOSA PACKAGING CORP.	88,111,664	\$61,272.00
RF272-75410	TOM'S FOODS, INC.	10,372,245	\$7,213.00
RK272-00313	GEORGIA KRAFT CO.	139,584,641	\$97,066.00
RK272-03278	U. GOVT. ATHENS-CLARKE CNTY.	868,286	\$604.00
RR272-00247	ALLIED SIGNAL, INC.	473,539,680	\$329,294.00
<b>Totals</b>	<b>36 Applicants</b>	<b>8,478,075,009</b>	<b>\$5,895,558.00</b>