

February 17, 2006

DECISION AND ORDER  
OF THE DEPARTMENT OF ENERGY

Supplemental Order

Name of Petitioner: Crude Oil Supplemental Refund Distribution

Date of Filing: February 16, 2006

Case Numbers: RB272-10031

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 20 applicants, totaling \$116,535.00.

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 the supplemental refunds set forth in the Appendix to this 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 17, 2006

**Appendix - Supplemental Refund Case No. RB272-10031**

<b>Case No.</b>	<b>Firm</b>	<b>Volume</b>	<b>Refund</b>
RF272-11667	YORKTOWNE PAPER MILLS, INC.	20,959,677	\$14,575.00
RF272-14977	NEWARK BOXBOARD CO.	136,098,610	\$94,641.00
RF272-20889	ZENITH DRILLING CORP.	10,370,403	\$7,211.00
RF272-36006	DENNIS MCCAIN	131,236	\$91.00
RF272-42497	DONALD BOEHR	24,995	\$17.00
RF272-61189	W.J. RUNYON & SON, INC.	36,676,413	\$25,504.00
RF272-65862	STAFFORD CONSTRUCTION	24,500,000	\$17,037.00
RF272-67071	FERGUSON BROTHERS CONSTRUCTION	33,509,376	\$23,302.00
RF272-75166	EXPLOSIVES, INC.	3,124,800	\$2,173.00
RF272-86255	COX CONSTRUCTION CO.	8,042,000	\$5,592.00
RF272-86256	GRAY'S FLYING SERVICE	408,900	\$284.00
RF272-86257	PENNEBAKER EQUIPMENT CO.	3,700,000	\$2,573.00
RF272-86575	GRAY FARMS	291,748	\$203.00
RF272-86621	VICKSBURG CONCRETE	758,880	\$528.00
RF272-86925	RUFUS YERGER FARMS	460,387	\$320.00
RF272-86926	NICHOLS TRUCKING CO.	531,276	\$369.00
RF272-89348	SOUTHWEST PAVING CO.	9,618,244	\$6,688.00
RF272-89360	REALITY PLANTATION	1,241,593	\$863.00
RF272-89389	M.C. CROWE & SONS FARMS	6,192,208	\$4,306.00
RG272-00114	AG VANTAGE FS, INC.	27,987,307	\$19,462.00
<b>Totals</b>	<b>20 Applicants</b>	<b>324,628,053</b>	<b>\$116,535.00</b>