

October 9, 2007

DECISION AND ORDER  
OF THE DEPARTMENT OF ENERGY

Supplemental Order

Name of Petitioner: Crude Oil Supplemental Refund Distribution

Date of Filing: October 5, 2007

Case Numbers: RB272-10141

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 27 applicants, totaling \$12,574.00.

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.

Poli A. Marmolejos  
Acting Director  
Office of Hearings and Appeals

Date: October 9, 2007

**Appendix - Supplemental Refund Case No. RB272-10141**

<b>Case No.</b>	<b>Firm</b>	<b>Volume</b>	<b>Refund</b>
RF272-00726	JOHNSON'S BUS SERVICE, INC.	1,664,063	139.00
RF272-04887	MORRIS & GWENDOLYN Cafritz Foundation	786,991	66.00
RF272-10500	CHS INC	519,803	44.00
RF272-15083	CAPITAL HEALTH SYSTEM	6,503,007	545.00
RF272-25507	ALMARE DI NAVIGAZIONE S.P.A.	47,400,738	3970.00
RF272-29307	DAHINDEN FARMS	584,337	49.00
RF272-31882	JOHNSON CONCRETE CO., INC.	317,532	27.00
RF272-48457	UNIVERSITY SYSTEM OF NEW HAMPSHIRE	5,777,500	484.00
RF272-60573	CITY OF GREEN BAY, Wisconsin	3,200,931	268.00
RF272-63284	STATE OF NEW JERSEY	5,961,272	499.00
RF272-65726	WILSON FARM INC.	414,824	35.00
RF272-69313	STATE OF NEW JERSEY	11,216,472	939.00
RF272-69537	Weldon Asphalt Co.	1,089,417	91.00
RF272-69625	LANCASTER COLONY CORP.	548,358	46.00
RF272-70843	CADILLAC ASPHALT PAVING CO.	1,451,410	122.00
RF272-74400	ARLYN COX	219,569	18.00
RF272-77508	Troy Construction L.L.P	650,626	54.00
RF272-90246	CITY OF BRIDGPORT	12,665,498	1061.00
RF272-90777	LOWDERMILK ROCK PRODUCTS OF UTAH, INC.	2,821,693	236.00
RF272-94683	Grain Land Coop	5,557,489	465.00
RG272-00367	SOUTHERN FOODS GROUP, LLC	11,259,450	943.00
RK272-00128	COCA-COLA ENTERPRISES, INC.	1,468,611	123.00
RK272-00338	BIOZYME INCORPORATED	906,950	76.00
RK272-02747	Cairo Coop Equity Exchange	5,990,031	502.00
RK272-03210	Fugro (USA) Inc.	5,486,449	459.00
RK272-03402	COCA-COLA ENTERPRISES, INC.	7,667,000	642.00
RK272-03561	CITY OF MEDFORD	8,011,548	671.00
<b>Totals</b>	<b>27 Applicants</b>	<b>150,141,569</b>	<b>\$12,574.00</b>