

December 3, 2007

DECISION AND ORDER
OF THE DEPARTMENT OF ENERGY

Supplemental Order

Name of Petitioner: Crude Oil Supplemental Refund Distribution

Date of Filing: November 30, 2007

Case Number: RB272-10149

This decision grants supplemental crude oil refunds. The names of the recipients and the amount of the refunds are listed in the Appendices 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 not yet 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 \$0.000779137502302897 per gallon to these applicants. Refunds are rounded to the nearest dollar.

For each applicant, Appendix A contains the name, case number, and the amount of the supplemental refund. In certain of the cases listed in Appendix A, the refund cannot be paid to the applicant listed, but instead is to be split between multiple successor recipients in each case. These cases are listed in Appendix B, along with the percentage of the refund to which each recipient is entitled. Any future refunds paid under these case numbers should be paid to the recipients listed in Appendix B, in the percentages shown therein.

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 P. L. McMickle CPA Refund Escrow, on behalf of the Applicants listed in the Appendix to this Order, in the amount of \$439,050.00, 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.

Poli A. Marmolejos
Acting Director
Office of Hearings and Appeals

Date: December 3, 2007

Appendix A - Supplemental Refund Case No. RB272-10149

Case No.	Firm	Volume	Refund
RA272-00060	Maudie Le McCormack	7,554,777	\$5,886.00
RF272-00488	Enron Creditors Recovery Corp.	148,624,156	\$115,799.00
RF272-03162	WOLLEN CREDIT CORP.	24,085,750	\$18,766.00
RF272-16007	LAFARGE NORTH AMERICA, INC.	71,059,895	\$55,365.00
RF272-23195	TRUCK TRANSPORT, INC.	37,205,109	\$28,988.00
RF272-45165	U.S. BANK AS TRUSTEE FOR ACME STEEL CO.	93,793,741	\$73,078.00
RF272-79090	Bishop Chemical Club	2,284,521	\$1,780.00
RF272-89120	Bankruptcy Estate of Fernstrom Storage & Van Co.	5,215,755	\$4,064.00
RF272-91283	UNITED FARMERS MERCANTILE COOPERATIVE CO	19,197,724	\$14,958.00
RF272-95065	MOROSA BROTHERS TRANSPORTATION	3,048,897	\$2,376.00
RF272-95143	Theodore A. Coulter	2,412,384	\$1,880.00
RF272-97071	ASSOCIATED FREIGHT LINES	7,152,374	\$5,573.00
RF272-97095	PARKER K. BAILEY & SONS, INC.	1,158,813	\$903.00
RF272-97339	PACELLI BROS. TRANSPORTATION	1,342,597	\$1,046.00
RF272-97359	KNAPP'S EXPRESS, INC.	1,473,891	\$1,148.00
RF272-97979	GARDERE, WYNNE & SEWELL	12,078,271	\$9,411.00
RF272-98281	DIANE L. ARUTE WELSH	2,187,302	\$1,704.00
RG272-00403	JAN C. ULTERWYK CO.	41,700,458	\$32,490.00
RG272-00623	PROGRESSIVE TRANSPORTATION CO.	2,149,686	\$1,675.00
RK272-00266	CITY-ELITE LAUNDRY CO.	154,907	\$121.00
RK272-00890	VICTORVILLE BARSTOW TRUCK LINE	1,755,794	\$1,368.00
RK272-00896	B & L TRUCK & TRANSFER	301,022	\$235.00
RK272-03236	ECONO-LINE EXPRESS, INC.	4,390,819	\$3,421.00
RK272-03762	FLORAL AVE. GREENHOUSE CO.	1,475,138	\$1,149.00
RK272-04051	BURIES MARKES LTD.	51,459,346	\$40,094.00
RK272-04763	SHAW INDUSTRIES, INC.	20,243,029	\$15,772.00
Totals	26 Applicants	563,506,156	\$439,050.00

Appendix B - Supplemental Refund Case No. RB272-10149

Case No.	Payees	% of Refund
RF272-95065	Angelina C. Morosa	50.000%
	Mrs. Margaret Morosa	25.000%
	Teresa Azevedo	25.000%
RF272-97071	Alfreda Chinski	15.789%
	Mario Mariani	15.789%
	Patricia S. Rook	15.789%
	Keith Jacobsen	15.789%
	Estate of Elmo Compton	15.789%
	Robert Lindstrom	21.053%
RF272-97095	Susan P. Bailey	25.000%
	Carla Bailey	25.000%
	Mark K. Bailey	16.667%
	Craig Bailey	16.667%
	Kent. P. Bailey	16.667%
RF272-97339	Lorraine Pacelli	25.700%
	Catherine Pacelli	25.500%
	Richard James Pacelli	48.800%
RF272-97359	Harry R. Franco	33.333%
	Georgia Massimi	33.333%
	Mrs. John W. Knapp, Sr.	33.333%
	Ardinger Family Partnership, Ltd.	11.205%
	Carter 1997 Charitable Remainder Unitrust	12.587%
	Donald J. Carter	21.004%
	Ronald L. Carter	3.028%
	Donald J. Carter, Jr.	2.992%
	Christina Carter Urschel	2.829%
	David Shanahan	2.296%
RG272-00623	Denise M. Pulvino	50.000%
	Dave A. Deller	50.000%
RK272-00266	Harry W. Peters	22.500%
	Edith A. Acsell	25.000%
	Emily P. Andrews	27.500%
	Gerald Peters, III	12.500%
	Melanie Peters Thorne	12.500%
RK272-00890	Paula Mockenhaupt	50.000%
	LOUIS L. MOCKENHAUPT, TRUSTEE OF THE ROBERT J. AND INGRID MOCKENHAUPT FAMILY TRUST "A"	25.000%
	LOUIS L. MOCKENHAUPT, TRUSTEE OF THE ROBERT J. AND INGRID MOCKENHAUPT FAMILY TRUST "B"	25.000%
RK272-00896	Paula Mockenhaupt	50.000%
	LOUIS L. MOCKENHAUPT, TRUSTEE OF THE ROBERT J. AND INGRID MOCKENHAUPT FAMILY TRUST "A"	25.000%
	LOUIS L. MOCKENHAUPT, TRUSTEE OF THE ROBERT J. AND INGRID MOCKENHAUPT FAMILY TRUST "B"	25.000%
RK272-03762	Donald Vermeulen	60.000%
	Jill Sloan	20.000%
	Holly Cross	20.000%