

December 3, 2007

DECISION AND ORDER  
OF THE DEPARTMENT OF ENERGY

Supplemental Order

Name of Petitioner: Crude Oil Supplemental Refund Distribution

Date of Filing: December 3, 2007

Case Number: RB272-10155

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 117 applicants, totaling \$5,880.00.

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 Recovery Resources, on behalf of the Applicants listed in the Appendix to this Order, in the amount of \$5,880.00, 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 - Supplemental Refund Case No. RB272-10155**

<b>Case No.</b>	<b>Firm</b>	<b>Volume</b>	<b>Refund</b>
RF272-54853	FOREST REALTY	1,265,600	\$106.00
RF272-55036	MICHAEL GLITA	618,553	\$52.00
RF272-55074	RUSTIC RIDGE ASSOC.	443,000	\$37.00
RF272-55597	TIME EQUITIES, INC.	572,702	\$48.00
RF272-55598	VERSAILLES REALTY CO.	744,000	\$62.00
RF272-56933	BRRR PRODUCTS CO.	721,829	\$60.00
RF272-57756	LISMARC ASSN.	522,100	\$44.00
RF272-57757	SCHUYLER ASSOC.	145,000	\$12.00
RF272-57758	EAST PARK CAPITAL CO.	668,250	\$56.00
RF272-57759	55 GLENWOOD ASSOC.	847,500	\$71.00
RF272-57760	195 PROSPECT ST. ASSOC.	208,200	\$17.00
RF272-57761	1ST NORMANDY ASSN.	383,100	\$32.00
RF272-57762	FALCON ASSN.	322,500	\$27.00
RF272-57811	NEW FIRST HARRISON ST. ASSOC.	237,500	\$20.00
RF272-57812	AMBASSADOR TOWERS	733,000	\$61.00
RF272-57813	1ST PROSPECT ASSN.	194,500	\$16.00
RF272-57814	266 4TH AVE. ASSN.	100,000	\$8.00
RF272-57815	57 CHESTNUT ST. ASSOC.	101,000	\$8.00
RF272-57816	1ST GLENWOOD ASSN.	230,500	\$19.00
RF272-57818	HARDAVAL REALTY CO.	979,500	\$82.00
RF272-57819	DRYDEN REALTY CO.	1,245,500	\$104.00
RF272-57820	VALANJOY REALTY CO.	896,250	\$75.00
RF272-57821	ROYAL HARRISON ASSOC.	366,500	\$31.00
RF272-57822	PROHELM ASSOC.	515,500	\$43.00
RF272-57823	1ST 62 S. MUNN AVE.	123,800	\$10.00
RF272-57824	56 S. MUNN AVE. ASSOC.	289,300	\$24.00
RF272-57825	D & A ASSOC.	113,000	\$9.00
RF272-57826	1ST ELMWOOD ASSN.	138,500	\$12.00
RF272-57827	125 SOUTH HARRISON ST. ASSOC.	140,000	\$12.00
RF272-57828	255 PROSPECT ST. ASSOC.	328,000	\$27.00
RF272-57829	115 HALSTEAD ST. ASSOC.	109,500	\$9.00
RF272-57830	1ST LINCOLN ST. ASSN.	123,000	\$10.00
RF272-57831	279 4TH AVE. ASSN.	287,000	\$24.00
RF272-57832	NORTH ESSEX ASSOC.	254,500	\$21.00
RF272-57833	LENOX MANOR ASSOC.	113,000	\$9.00
RF272-57834	ROGALE ASSOC.	494,500	\$41.00
RF272-57835	KINGSLEY ASSOC.	232,500	\$19.00
RF272-57836	1ST CENTRAL AVE. ASSN.	225,500	\$19.00
RF272-57837	400 HIGHLAND ASSN.	192,000	\$16.00
RF272-57838	DIPLOMAT ASSOC.	613,000	\$51.00
RF272-57839	PARK ROYAL ASSOC.	291,500	\$24.00
RF272-57840	ROBERT TOWERS ASSOC.	626,000	\$52.00
RF272-57842	1ST WESTMINSTER ASSN.	850,000	\$71.00
RF272-57843	94 SOUTH HARRISON ST. ASSOC.	156,000	\$13.00
RF272-58569	3 C CO.	374,015	\$31.00
RF272-58570	AARON LAST	462,000	\$39.00
RF272-58571	KENSICO GARDENS	513,335	\$43.00
RF272-58572	ATC PARTNERSHIP	784,667	\$66.00
RF272-59244	S.G.P. CO.	1,447,750	\$121.00
RF272-59247	DAVIS ENTERPRISES	1,648,957	\$138.00
RF272-61395	T.R. MURNICK REAL ESTATE	1,404,876	\$118.00
RF272-63361	J.C. ASSOCIATES	239,084	\$20.00
RF272-63362	THOMAS PETRILLO	1,294,300	\$108.00
RF272-75591	ST. HELENA'S R.C. CHURCH	341,950	\$29.00
RF272-77612	FORWORD CORP.	512,000	\$43.00

RF272-77613	BILLMAR REALTY	890,000	\$75.00
RF272-77614	DUNBAR HOMES MANAGEMENT	1,631,000	\$137.00
RF272-77615	GREENFIELD GARDENS	1,906,000	\$160.00
RF272-77640	OUR LADY OF GOOD COUNSEL	274,000	\$23.00
RF272-77643	ST. JOHN'S CATHEDRAL	288,000	\$24.00
RF272-77645	ST. MARY'S R.C. CHURCH	678,500	\$57.00
RF272-77646	OUR LADY OF ANGELS CHURCH	660,000	\$55.00
RF272-77662	CONVERY ASSN.	800,000	\$67.00
RF272-77663	CARTERET GARDENS ASSN.	830,000	\$70.00
RF272-77664	COLONIAL GARDENS ASSN.	712,000	\$60.00
RF272-77665	HILLTOP ASSOCIATES	1,846,000	\$155.00
RF272-77666	HILLTOP MANOR ASSN.	948,000	\$79.00
RF272-77667	ISLIN INVESTMENT ASSN.	422,000	\$35.00
RF272-77668	KENNEDY REALTY CO.	778,000	\$65.00
RF272-77669	STATE FAYETT ASSN.	1,126,000	\$94.00
RF272-77672	WARINANCO GARDEN ASSN.	415,000	\$35.00
RF272-77676	RUTHERFORD HEIGHTS	1,513,000	\$127.00
RF272-77677	WESTBOUND HOMES, INC.	897,000	\$75.00
RF272-77680	RUTGERS VILLAGE	1,424,000	\$119.00
RF272-77681	MIDDLEBROOK AT MONMOUTH	994,000	\$83.00
RF272-77685	MOUNTVIEW GARDENS	617,400	\$52.00
RF272-77687	EDLYN ESTATES	96,000	\$8.00
RF272-77688	FLORAL HOMES, INC.	170,000	\$14.00
RF272-77689	CLIFTON PLACE APARTMENTS	192,000	\$16.00
RF272-77690	SCOTCH PLAINS GARDENS	571,000	\$48.00
RF272-77691	MAKOR, INC.	333,000	\$28.00
RF272-77693	FRANKLIN ESTATES	1,524,000	\$128.00
RF272-77694	NOEL HOMES INC.	712,000	\$60.00
RF272-77695	COUNTRY CLUB PARK INC.	400,000	\$33.00
RF272-77697	HARWOOD HOMES, INC.	222,000	\$19.00
RF272-77698	WEST END GARDENS	502,000	\$42.00
RF272-77699	WEDGEWOOD GARDENS	817,000	\$68.00
RF272-77700	H & W GARDENS	638,500	\$53.00
RF272-77701	PARKSIDE GARDENS	638,000	\$53.00
RF272-77702	CYPRESS GARDENS	1,268,000	\$106.00
RF272-77703	CRESTMONT GARDENS	578,000	\$48.00
RF272-77704	J.H.W. ASSOCIATES	1,255,000	\$105.00
RF272-77707	RUDOLPH VILLAGE	1,481,000	\$124.00
RF272-77708	WOODMERE AT EATONTON	1,231,000	\$103.00
RF272-77709	CEDAR GARDENS	1,424,000	\$119.00
RF272-77750	OUR LADY OF MT. CARMEL CHURCH	373,000	\$31.00
RF272-77751	HOLY SPIRIT ROMAN CATHOLIC CH	394,000	\$33.00
RF272-77760	IONA PREP SCHOOL	460,000	\$39.00
RF272-77799	MARIST HIGH SCHOOL	345,500	\$29.00
RF272-77800	MORRIS CATHOLIC HIGH SCHOOL	296,600	\$25.00
RF272-77802	HOLY CROSS HIGH SCHOOL	296,000	\$25.00
RF272-77803	HOLY TRINITY CHURCH	284,200	\$24.00
RF272-77862	UNION CATHOLIC REGIONAL H.S.	572,600	\$48.00
RF272-77863	OUR LADY OF PERPETUAL HELP	551,700	\$46.00
RF272-77864	MT. ST. JOSEPH ACADEMY	542,100	\$45.00
RF272-77865	ST. ALOYSIUS CHURCH	537,100	\$45.00
RF272-77866	ST. MARY'S SCHOOLS & CONVENT	404,000	\$34.00
RF272-77868	ST. HEDWIG CHURCH	473,600	\$40.00
RF272-77869	OUR LADY OF THE VALLEY CHURCH	439,600	\$37.00
RF272-77870	OUR LADY OF MT. CARMEL CHURCH	352,900	\$30.00
RF272-77873	ST. PHILIP THE APOSTLE CHURCH	371,000	\$31.00
RF272-77875	SACRED HEART PARISH	296,700	\$25.00
RF272-77877	ST. ANN'S PARISH	287,500	\$24.00
RF272-77882	ACADEMY OF ST. ALOYSIUS	261,500	\$22.00

RF272-77890	VILLA MARIA ACADEMY	257,700	\$22.00
RF272-78311	SACRED HEART CHURCH & SCHOOL	624,000	\$52.00
RF272-78380	ST. PETER OF ALEAN	370,000	\$31.00
<b>Totals</b>	<b>117 Applicants</b>	<b>70,279,318</b>	<b>\$5,880.00</b>