

June 21, 2007

DECISION AND ORDER
OF THE DEPARTMENT OF ENERGY

Supplemental Order

Name of Petitioner: Crude Oil Supplemental Refund Distribution

Date of Filing: June 20, 2007

Case Number: RB272-10116

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 Appendix A to this decision. 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 A and B to this Order, in the amount of \$125,436.00, 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.

Fred L. Brown
Acting Director
Office of Hearings and Appeals

Date: June 21, 2007

Appendix A - Supplemental Refund Case No. RB272-10116

Case No.	Firm	Volume	Refund
RC272-00266	Glendenning Investment Group	17,376,891	\$12,084.00
RF272-61710	Sapp Brothers Petroleum, Inc.	5,921,387	\$4,118.00
RF272-62344	FARMERS SUPPLY COOP	21,989,859	\$15,292.00
RF272-69407	YELLOW CAB OF SAN DIEGO, INC.	9,417,451	\$6,549.00
RF272-77354	TENNESSEE CAROLINA TRANSP. INC	23,488,485	\$16,334.00
RF272-78465	NANCE & COLLUMS, INC.	6,099,473	\$4,242.00
RF272-78466	S & W MOTOR LINE	10,770,230	\$7,489.00
RF272-78543	NIGHTWAY TRANSPORTATION CO.	4,347,428	\$3,023.00
RF272-78551	COAST TRANSPORT, INC.	13,606,596	\$9,462.00
RF272-78733	CHEROKEE FREIGHT LINES	3,733,892	\$2,597.00
RF272-78906	RAU CARTAGE, INC.	516,127	\$359.00
RF272-85641	FIVE TRANSPORTATION	2,308,592	\$1,605.00
RF272-86813	Charles O. Zebley, Trustee	15,063,806	\$10,475.00
RF272-89129	LARRY GORDON	15,218,112	\$10,583.00
RF272-89146	MODERN TRUCKING SERVICE, INC.	1,936,625	\$1,347.00
RF272-89157	ROBINSON TRUCK LINE INC.	2,689,497	\$1,870.00
RF272-89160	ROOKS TRANSFER LINES INC.	4,198,135	\$2,919.00
RF272-89516	OATES BROTHERS, INC.	569,290	\$396.00
RF272-90512	C.A. EBY	83,140	\$58.00
RF272-90593	JACK BOXER SONS	300,511	\$209.00
RF272-93962	NUSSBERGER BROS. TRUCKING CO.	3,618,604	\$2,516.00
RF272-93992	WARWOOD TRANSFER CO.	1,081,708	\$752.00
RF272-94056	H.S. ANDERSON TRUCKING	1,512,508	\$1,052.00
RG272-00620	TRISTRAM C. COLKET JR.	13,218,691	\$9,192.00
RK272-03772	BOYLE COAL CO.	1,312,537	\$913.00
Totals	25 Applicants	180,379,575	\$125,436.00

Appendix B - Supplemental Refund Case No. RB272-10116

Case No.	Payees	% of Refund
RF272-77354	Ann Yourre	95.83%
	Arthur Adams	4.17%
RF272-78465	John H. Nance c/o Copeland, Cook Taylor & Bush, P.A.	63.64%
	Steve E. Nance c/o Copeland, Cook, Taylor & Bush, P.A.	30.91%
	William T. Boyd, Jr. c/o Copeland, Cook, Taylor & Bush, P.A.	5.45%
RF272-78466	Lois Sharp Bolding	33.34%
	Iris Sharp O'Daniel	33.33%
	G.H. Sharp, Jr.	33.33%
RF272-78543	Carol Benjamin	25.00%
	Brian Nelson	25.00%
	Juanita Nelson	16.67%
	Bette Firth	16.67%
	Lori Swenson c/o James L Meurer	5.55%
	James E. Meurer	5.55%
	Sue Ellen Lee	5.55%
RF272-78551	Gene Cinnera	50.00%
	Jerry Cinnera	50.00%
RF272-78906	James Rau	50.00%
	Janette Rau	50.00%
RF272-85641	James M. Fiveash	33.33%
	Charles O. Fiveash	33.33%
	Mary F. Severance	22.52%
	Kay S. Eisenhower	5.41%
	Fred E. Severance III	5.41%
RF272-89146	Diane Stephanie Talsky	25.00%
	Jack Michael Talsky	75.00%
RF272-89157	Robert M. Robinson	50.00%
	Hugh W. Cooper, Jr.	25.00%
	Estate of Frank Taylor Robinson C/o Ed Oeth	25.00%
RF272-89160	Delwin J. Van Dyke	48.50%
	Eleanor R. Van Dyke	1.50%
	Charles H. Armstrong	50.00%
RF272-89516	Edward Jackle	50.00%
	Patrick Oates	12.50%
	Michael Oates	12.50%
	John F. Oates	12.50%
	Carroll Oates	12.50%
RF272-90593	Janet M. Boxer	50.00%
	Larry Bodaness	25.00%
	Shirley Bodaness	25.00%
RF272-93962	Willis Nussberger	50.00%
	Kathryn Nussberger	50.00%
RF272-93992	Nada K. Clarke	45.61%
	Harriet Kenamond	41.22%
	Charles F. Kenamond	4.39%
	Mark C. Kenamond	4.39%
	Thomas G. Kenawood	4.39%
RF272-94056	Sam Cole	50.00%
	Margaret M. Jones	12.50%
	Margaret J. Finn	12.50%
	Vannoy M. Jones	12.50%
	Alex W. Jones	12.50%