

September 18, 2007

DECISION AND ORDER  
OF THE DEPARTMENT OF ENERGY

Supplemental Order

Name of Petitioner: Crude Oil Supplemental Refund Distribution

Date of Filing: September 6, 2007

Case Number: RB272-10133

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 91 applicants, totaling \$37,264.00.

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 Bassman, Mitchell & Alfano, Chartered, on behalf of the Applicants listed in the Appendix to this Order, in the amount of \$37,264.00, 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: September 18, 2007

**Appendix - Supplemental Refund Case No. RB272-10133**

<b>Case No.</b>	<b>Firm</b>	<b>Volume</b>	<b>Refund</b>
RF272-07235	TRANS VALLEY TRANSPORT, INC.	3,593,248	\$301.00
RF272-07738	BUN AIR CORP.	406,000	\$34.00
RF272-08201	BOGAARD HAY CO.	718,900	\$60.00
RF272-08204	MISSAUKEE COUNTY ROAD COMM.	837,355	\$70.00
RF272-08576	SAM VAN GALDER, INC.	1,168,784	\$98.00
RF272-10654	WILLIAMS & PETERS CONSTRUC. CO	557,516	\$47.00
RF272-10655	FT. CALHOUN STONE CO.	1,814,240	\$152.00
RF272-10656	LUCILLE M BECHEL IRRV FAM TRUS	195,858	\$16.00
RF272-12667	E. VOSTI & SONS	225,389	\$19.00
RF272-14616	MCCAMMON TRUCKING, INC.	1,475,570	\$124.00
RF272-14617	H & S DRILLING CO.	1,912,382	\$160.00
RF272-17753	MASON SHOE MFG. CO.	576,197	\$48.00
RF272-17754	CONOPCO, INC.	30,938,539	\$2,591.00
RF272-19362	CITY OF OTTUMWA, IOWA	2,034,816	\$170.00
RF272-23514	Ideal Basic Industries c/o Holcim (US) Inc.	144,721,922	\$12,120.00
RF272-28017	CenterPoint Energy Resources Corp.	16,511,349	\$1,383.00
RF272-28018	KEY TRUCKING LLC	682,807	\$57.00
RF272-28019	JOHN CURUCHET	209,006	\$18.00
RF272-28021	LAND RECLAIMANTION CO INC	374,296	\$31.00
RF272-28022	A.W. OAKES & SON, INC.	16,237,805	\$1,360.00
RF272-28023	AMPHENOL CORP.	13,103,863	\$1,097.00
RF272-42455	G.B. GREEN & SON, INC.	481,924	\$40.00
RF272-42458	ROCK INDUSTRIES, INC.	1,473,640	\$123.00
RF272-42459	NEW POINT STONE CO., INC.	1,930,081	\$162.00
RF272-42460	ROEHL TRANSPORT, INC	3,403,633	\$285.00
RF272-42461	MINOCQUA, HAZELHURST, ET AL	239,000	\$20.00
RF272-42462	KIR-ASH-TON, INC.	610,386	\$51.00
RF272-42463	KREIGER & KIRWAN	354,315	\$30.00
RF272-42464	K & K FARMING, INC.	1,936,932	\$162.00
RF272-42465	GERALD R. KIRWAN, JR.	1,125,864	\$94.00
RF272-42466	KIRKPATRICK SAND & GRAVEL INC.	863,446	\$72.00
RF272-42467	HIGH PLAINS CONSTRUCTION INC.	91,107	\$8.00
RF272-42468	MODESTO IRRIGATION DIST.	1,257,114	\$105.00
RF272-42469	MURREY'S DISPOSAL CO., INC.	1,003,744	\$84.00
RF272-42470	AMERICAN DISPOSAL CO., INC.	64,286	\$5.00
RF272-42471	NICHOLS TRUCKING CO., INC.	351,901	\$29.00
RF272-42808	MCDOWELL HOSPITAL	343,839	\$29.00
RF272-42810	ALASKA POWER COMPANY	5,021,333	\$421.00
RF272-43349	TIDEWATER TRAWLERS	181,350	\$15.00
RF272-43350	DECO XXX, INC.	345,374	\$29.00
RF272-43351	ADELINE L TAFTE	246,166	\$21.00
RF272-43352	JAMES MURPHY	299,800	\$25.00
RF272-43353	RICHARD W. LANE	378,316	\$32.00
RF272-43354	KENYON NOBLE LUMBER CO., INC.	971,870	\$81.00
RF272-43355	TACOMA BAPTIST SCHOOLS	178,250	\$15.00
RF272-43783	SOILSERV, INC.	3,193,244	\$267.00
RF272-43784	GENE STUEVE	252,820	\$21.00
RF272-43785	SAPUTO CHEESE USA INC.	6,459,791	\$541.00
RF272-43786	M&M POULTRY FARMS FOUR, INC	2,359,485	\$198.00
RF272-44346	TRELAWNY FARMS CO.	403,837	\$34.00
RF272-45370	LEONARD B. DOUCETTE	326,089	\$27.00
RF272-49265	CHEROKEE LUMBER, INC.	278,232	\$23.00
RF272-49281	EITEL TRUCKING	1,029,648	\$86.00
RF272-49282	HOKSBERGEN HAY CO.	1,753,369	\$147.00
RF272-49901	ROBERT P. ASFELD	184,288	\$15.00

RF272-49902	MESCHKE POULTRY	365,458	\$31.00
RF272-49903	LOUIS CASTAGNOLA, INC.	2,736,094	\$229.00
RF272-51550	WINGRA STONE CO.	2,714,222	\$227.00
RF272-51551	LORINDA & DAVID MYERS	1,010,003	\$85.00
RF272-51552	MIKE TISDELL	207,358	\$17.00
RF272-54636	MYRON K. HALVORSON	201,358	\$17.00
RF272-54638	HELEN R WITTIG	150,147	\$13.00
RF272-55462	IRVING HOLDINGS, INC	1,215,119	\$102.00
RF272-57529	TRAPP BROS., INC.	149,127	\$12.00
RF272-57530	MISSOULA COUNTY PUBLIC WORKS	2,179,245	\$183.00
RF272-61127	E & H EARTH MOVERS, INC.	1,144,269	\$96.00
RF272-61128	TERRY ANDERSON	228,956	\$19.00
RF272-61129	SAWYER SAND & GRAVEL INC.	499,752	\$42.00
RF272-62410	BAY CITIES CONSTRUCTION, INC.	138,898	\$12.00
RF272-65426	RICHMOR AVIATION, INC.	2,489,999	\$209.00
RF272-65428	MALLARD SEED CO., INC.	684,617	\$57.00
RF272-67319	GAYLEN LAND & CATTLE CO., INC.	2,635,435	\$221.00
RF272-67321	M.V. SEA QUEST, INC.	6,676,205	\$559.00
RF272-67322	TRADITION MARINER, INC.	176,101	\$15.00
RF272-67323	DAVID BUSTER CONSTRUCTION CO.	271,787	\$23.00
RF272-67324	WIDHALM FARMS INC.	174,930	\$15.00
RF272-67325	PITLIK & WICK , INC.	7,702,409	\$645.00
RF272-67326	COLUMBIA ROCK PRODUCTS CORP.	1,627,416	\$136.00
RF272-67332	DOROTHY & FREDERICK RICHARDS	1,143,904	\$96.00
RK272-00071	ESTATE OF GILES E. CROWELL JR.	1,743,975	\$146.00
RK272-00073	JODA PARTNERSHIP	10,174,634	\$852.00
RK272-00187	BIRMINGHAM REALTY CO.	1,922,586	\$161.00
RK272-00189	LARRY SCHEFUS TRUCKING, INC.	1,535,193	\$129.00
RK272-00190	CARO PRODUCT & INSTITUT. FOODS	853,264	\$71.00
RK272-00276	BIG STONE COLONY	1,062,432	\$89.00
RK272-00277	PACKERLAND PACKING CO., INC.	8,187,284	\$686.00
RK272-00314	BRESCOME BARTON, INC.	393,687	\$33.00
RK272-00537	MOHAWK PAPER MILLS, INC.	14,019,490	\$1,174.00
RK272-00538	ETHEL WISETH	145,775	\$12.00
RK272-00539	DANGERFIELD MFG. CO.	36,875,254	\$3,088.00
RK272-00540	BIG CHIEF ROOFING CO.	53,842,436	\$4,509.00
<b>Totals</b>	<b>91 Applicants</b>	<b>444,969,135</b>	<b>\$37,264.00</b>