

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: RB272-10151

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 77 applicants, totaling \$28,352.00.

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 Daniel Bernard Smith Company, on behalf of the Applicants listed in the Appendix to this Order, in the amount of \$28,352.00, 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. RB272-10151**

| <b>Case No.</b> | <b>Firm</b>                    | <b>Volume</b> | <b>Refund</b> |
|-----------------|--------------------------------|---------------|---------------|
| RF272-05127     | GREENWICH GARDEN ASSOCIATES    | 225,161       | \$19.00       |
| RF272-05324     | URBAN RENEWALS                 | 1,724,125     | \$144.00      |
| RF272-07298     | 92 BROOKLYN AVENUE CO.         | 328,268       | \$27.00       |
| RF272-07299     | VIGLA CO.                      | 1,325,315     | \$111.00      |
| RF272-07300     | FREEPORT EQUITIES CORP.        | 356,152       | \$30.00       |
| RF272-10201     | MITCHELL GARDENS #1 CO-OP      | 1,486,766     | \$125.00      |
| RF272-11136     | Heritage Property Investment T | 1,135,750     | \$95.00       |
| RF272-14522     | ST. JOHN'S UNIVERSITY          | 7,113,718     | \$596.00      |
| RF272-15004     | ALBERT BRONSTEIN ENTITIES      | 1,146,211     | \$96.00       |
| RF272-17715     | MILLER & MILLER REAL ESTATE    | 8,667,362     | \$726.00      |
| RF272-18156     | MARTINIQUE HOTEL               | 1,675,837     | \$140.00      |
| RF272-22966     | KING KULLEN GROCERY CO.        | 1,845,477     | \$155.00      |
| RF272-23476     | CENTRAL MANAGEMENT CORP.       | 2,277,964     | \$191.00      |
| RF272-23918     | Metropolitan & Realty Group    | 2,342,690     | \$196.00      |
| RF272-38416     | BROADWELL MANAGEMENT           | 21,467,895    | \$1,798.00    |
| RF272-41267     | BIRCHWOOD ASSOCIATES           | 17,787,614    | \$1,490.00    |
| RF272-41308     | Dougert Management Corp.       | 1,443,115     | \$121.00      |
| RF272-41342     | NALEA REALTY CORP.             | 999,916       | \$84.00       |
| RF272-41558     | ADI MANAGEMENT, INC.           | 3,415,617     | \$286.00      |
| RF272-41564     | PICKMAN REALTY                 | 19,988,192    | \$1,674.00    |
| RF272-41895     | KOEPPPEL & KOEPPPEL            | 3,689,787     | \$309.00      |
| RF272-41907     | NEIDITCH REAL ESTATE           | 4,177,512     | \$350.00      |
| RF272-41934     | JACOB HABERMAN                 | 2,742,630     | \$230.00      |
| RF272-41973     | HALBOR REALTY CO.              | 2,187,448     | \$183.00      |
| RF272-42025     | MERIT OPERATING CORP.          | 1,120,133     | \$94.00       |
| RF272-42216     | EINSIDLER ORGANIZATION         | 3,322,286     | \$278.00      |
| RF272-42218     | The Height Management Co.      | 978,052       | \$82.00       |
| RF272-42404     | L & D MANAGEMENT CO.           | 4,847,026     | \$406.00      |
| RF272-42444     | MURRAY H. MILLER MGMT. CORP.   | 3,811,427     | \$319.00      |
| RF272-42479     | F.M. WEISS REALTY CORP.        | 3,905,047     | \$327.00      |
| RF272-42812     | REDCO MANAGEMENT CO.           | 376,502       | \$32.00       |
| RF272-43112     | RALPH LANGSAM ASSOC., INC.     | 12,862,605    | \$1,077.00    |
| RF272-43499     | JANOFF & OLSHAN, INC.          | 3,186,038     | \$267.00      |
| RF272-43913     | Daly II Assoc c/o CDC MgmtCorp | 465,736       | \$39.00       |
| RF272-45091     | Murray Siegel                  | 196,658       | \$16.00       |
| RF272-45125     | BRIGHAM PARK CO-OP SECTION 1   | 722,488       | \$61.00       |
| RF272-45581     | EAST RIVER CORP.               | 22,714,673    | \$1,902.00    |
| RF272-45952     | DITMAS MANAGEMENT CORP.        | 5,091,425     | \$426.00      |
| RF272-51267     | JANOFF & OLSHAN, INC.          | 1,739,213     | \$146.00      |
| RF272-52230     | M & R MANAGEMENT CO., INC.     | 8,136,249     | \$681.00      |
| RF272-52980     | Grubb & Ellis Mgmt. Services   | 3,473,754     | \$291.00      |
| RF272-52997     | Gilman Management Corp.        | 3,485,526     | \$292.00      |
| RF272-53185     | Gilman Management Corp.        | 2,109,464     | \$177.00      |
| RF272-53748     | COMPUTER PROPERTY MGMT. SERV.  | 3,797,359     | \$318.00      |
| RF272-53750     | BENENSON FUNDING CORP.         | 4,536,664     | \$380.00      |
| RF272-53970     | 430-450 SHORE CORP.            | 1,007,060     | \$84.00       |
| RF272-54645     | FRE Management                 | 1,922,281     | \$161.00      |
| RF272-62557     | PRATT INSTITUTE                | 6,065,700     | \$508.00      |
| RF272-62560     | J.C. PENNEY CO., INC.          | 1,657,439     | \$139.00      |
| RF272-63175     | BEACHHAVEN APARTMENTS          | 4,500,689     | \$377.00      |
| RF272-63298     | NEW AMSTERDAM REALTY CO.       | 433,826       | \$36.00       |
| RF272-65527     | IRVING R. RABER CO.            | 2,097,411     | \$176.00      |
| RF272-65529     | MILBROOK PROPERTIES, LTD.      | 3,189,190     | \$267.00      |
| RF272-65530     | PAGE MANAGEMENT                | 2,000,755     | \$168.00      |
| RF272-65532     | CONCOURSE RESIDENTIAL HOTEL    | 711,157       | \$60.00       |

|               |                                |                    |                    |
|---------------|--------------------------------|--------------------|--------------------|
| RF272-67278   | D.S.J. Management Corp.        | 6,397,540          | \$536.00           |
| RF272-74019   | OSMAN REALTY CO.               | 153,496            | \$13.00            |
| RF272-78431   | NEW YORK UNIVERSITY            | 30,200,262         | \$2,529.00         |
| RK272-02719   | PLAZA REALTY INVESTORS, INC.   | 11,473,881         | \$961.00           |
| RK272-03976   | LINDEN HILL #1 CO-OP CORP.     | 1,259,180          | \$105.00           |
| RK272-03977   | LINDEN HILL #2 CO-OP CORP.     | 2,166,728          | \$181.00           |
| RK272-03978   | COSMOPOLITAN ASSOCIATES        | 12,961,533         | \$1,086.00         |
| RK272-03979   | LEMIE & WOLFF, INC.            | 16,659,526         | \$1,395.00         |
| RK272-03980   | BAUMRIND & BAUMRIND REALTY CRP | 819,198            | \$69.00            |
| RK272-03988   | BENJAMIN SPENO JOINT VENTURE   | 599,234            | \$50.00            |
| RK272-03989   | BENJAMIN SPENO JOINT VENTURE   | 24,000             | \$2.00             |
| RK272-04001   | BROWN, HARRIS, STEVENS         | 3,579,115          | \$300.00           |
| RK272-04028   | QUEENS FARMS DAIRY, INC.       | 8,599,733          | \$720.00           |
| RK272-04049   | N. Shore LIJ Forest Hills Hosp | 2,529,842          | \$212.00           |
| RK272-04050   | HSBC                           | 1,788,553          | \$150.00           |
| RK272-04108   | REGO PARK GARDENS              | 3,383,563          | \$283.00           |
| RK272-04109   | ATLAS REALTY                   | 4,092,510          | \$343.00           |
| RK272-04314   | Douglas Elliman Property Mgmt  | 3,041,314          | \$255.00           |
| RK272-04316   | AKAM ASSOCIATES                | 1,280,536          | \$107.00           |
| RK272-04317   | J & C Lamb Mgmt. Corp.         | 455,119            | \$38.00            |
| RK272-04575   | I. NEUMAN & SONS, INC.         | 2,598,728          | \$218.00           |
| RK272-04576   | ROBERT E. HILL, INC.           | 429,695            | \$36.00            |
| <b>Totals</b> | <b>77 Applicants</b>           | <b>338,507,641</b> | <b>\$28,352.00</b> |