

January 22, 2008

DECISION AND ORDER
OF THE DEPARTMENT OF ENERGY

Supplemental Order

Name of Petitioner: Crude Oil Supplemental Refund Distribution

Date of Filing: January 18, 2008

Case Number: RB272-10165

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 55 applicants, totaling \$7,173.00.

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 Utility Bill Analysis, on behalf of the Applicants listed in the Appendix to this Order, in the amount of \$7,173.00, 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
Director
Office of Hearings and Appeals

Date: January 22, 2008

Appendix - Supplemental Refund Case No. RB272-10165

Case No.	Firm	Volume	Refund
RF272-43055	PERLBINDER REALTY CORP.	2,512,000	\$210.00
RF272-44542	SCHNURMACHER BROS.	5,225,755	\$438.00
RF272-45455	ALBERT H. SIMS CO., INC.	2,213,608	\$185.00
RF272-47476	G & D REALTY CO.	168,509	\$14.00
RF272-47672	JAMES LAVIN	1,999,619	\$167.00
RF272-47970	KOZY KORNER MOTEL	112,500	\$9.00
RF272-48603	285 CENTRAL PARK WEST CORP.	487,550	\$41.00
RF272-49037	SPRING & DAVIS MGMT.	2,000,150	\$168.00
RF272-49041	CHARLES SHAW CO.	905,250	\$76.00
RF272-50701	NEW NAUTILUS HOTEL, INC.	600,000	\$50.00
RF272-51249	JONIS REALTY MANAGEMENT CORP.	2,525,909	\$212.00
RF272-53193	RIVER POINT TOWERS COOP. INC.	1,603,946	\$134.00
RF272-54689	LAWRENCE PROPERTIES	3,894,066	\$326.00
RF272-56903	ANDREW JACKSON APARTMENTS	957,632	\$80.00
RF272-57102	SUNHARBOR MANOR	648,750	\$54.00
RF272-66824	KENILWORTH EQUITIES, LTD.	2,455,200	\$206.00
RF272-71293	CARTER COMMUNITY HOUSING	337,223	\$28.00
RF272-71472	KINSOR MANAGEMENT CO.	2,350,755	\$197.00
RF272-75491	GOLDSWAN REALTY CORP.	993,240	\$83.00
RF272-76008	GOODMAN MANAGEMENT CO., INC.	3,543,250	\$297.00
RF272-77655	WOLK PROPERTIES	825,000	\$69.00
RF272-78570	COSMO & LILLIAN LASERRA	300,000	\$25.00
RF272-78571	LIFFEY VAN LINES	3,412,500	\$286.00
RF272-78606	KARTSONIS REALTY	1,000,000	\$84.00
RF272-78627	MAVERICK MGMT.	1,020,000	\$85.00
RF272-78634	BERMIL INDUSTRIES	500,000	\$42.00
RF272-78647	VALLEY STREAM U.F. SCHL. DIST.	800,000	\$67.00
RF272-78662	PLASCAL CORP.	2,053,125	\$172.00
RF272-78664	SPRINGS UNION FREE SCHOOL DIST	250,000	\$21.00
RF272-78673	EAST MIDTOWN HOUSING INC.	2,025,000	\$170.00
RF272-80410	ALFRED FRIEDMAN MGMT. CORP.	5,242,968	\$439.00
RF272-81806	SUPERIOR PRINTING, INC.	296,000	\$25.00
RF272-81807	GATEWAY INN	111,000	\$9.00
RF272-82412	CAPRICE MANAGEMENT, INC.	888,000	\$74.00
RF272-82563	EAST 67TH TENANTS CORP.	592,000	\$50.00
RF272-84150	BLEYER INDUSTRIES, INC.	222,000	\$19.00
RF272-85153	M. FINE & SONS MFG. INC.	489,140	\$41.00
RF272-85547	SADORE LANE GARDENS	5,550,000	\$465.00
RF272-89285	JOHN KIM	610,000	\$51.00
RF272-89313	CEDAR MGMT. CORP.	745,395	\$62.00
RF272-89342	MAZEL REAL ESTATE	1,297,500	\$109.00
RF272-89344	UPWEST CO.	503,200	\$42.00
RF272-89544	RICHARD GOIDEL	2,771,300	\$232.00
RF272-89618	FAIRFAX ESTATES	413,152	\$35.00
RF272-90141	MCCHIP ASSOCIATES	1,104,375	\$92.00
RF272-95757	1ST MANAGEMENT CO.	3,632,652	\$304.00
RF272-98160	DILLIS MGMT.	5,638,037	\$472.00
RF272-99079	O & E REALTY CO.	614,200	\$51.00
RG272-00346	LONGWOOD CENTRAL SCHOOLS	3,029,893	\$254.00
RG272-00872	BENNETT TOWERS, INC.	1,515,890	\$127.00
RG272-01010	EMANUEL TSANAS	168,932	\$14.00
RG272-01013	41-42 OWNERS CORP.	360,899	\$30.00
RG272-01014	CORAL GARDENS OWNERS, INC.	404,412	\$34.00
RG272-01015	155-17 OWNERS CORP.	168,932	\$14.00
RR272-00226	ZUMO MANAGEMENT	1,575,000	\$132.00
Totals	55 Applicants	85,665,414	\$7,173.00