

March 27, 2007

DECISION AND ORDER  
OF THE DEPARTMENT OF ENERGY

Supplemental Order

Name of Petitioner: Crude Oil Supplemental Refund Distribution

Date of Filing: March 26, 2007

Case Numbers: RB272-10107

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 the Appendix to this decision. For each applicant, the Appendix contains the name, case number, and the amount of the supplemental refund. The decision approves supplemental refunds for 95 applicants, totaling \$658,216.00.

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 the supplemental refunds set forth in the Appendix to this 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: March 27, 2007

**Appendix - Supplemental Refund Case No. RB272-10107**

<b>Case No.</b>	<b>Firm</b>	<b>Volume</b>	<b>Refund</b>
RF272-00137	FRANK'S BEVERAGES	1,629,113	\$1,133.00
RF272-00228	GRANDVILLE PUBLIC SCHOOLS	691,113	\$481.00
RF272-03210	LACLEDE LAND & LIVESTOCK CO.	1,009,310	\$702.00
RF272-04069	PASCHALL & PASCHALL FARMS	540,069	\$376.00
RF272-05025	MECKLENBURG CNTY PUBLIC SCHLS	1,886,274	\$1,312.00
RF272-06414	HARLAN KAHLE	339,801	\$236.00
RF272-06842	HOWLAND LOCAL SCHOOLS	610,507	\$425.00
RF272-08414	CLEO BRENTS	239,049	\$166.00
RF272-08962	VERLE BIXLER	301,022	\$209.00
RF272-09228	ADDISON TATMAN	619,752	\$431.00
RF272-12577	DEAN FOODS CO.	15,100,230	\$10,501.00
RF272-14135	HALLMARK CARDS	14,507,820	\$10,089.00
RF272-14360	MASSACHUSETTS INST. TECHNOLOGY	27,746,413	\$19,295.00
RF272-15603	BAGGIE FARMS	417,890	\$291.00
RF272-15647	ORTONVILLE AREA HEALTH SERVICE	412,630	\$287.00
RF272-20560	STATE OF MARYLAND	60,076,304	\$41,776.00
RF272-20939	BOERNE I.S.D.	292,711	\$204.00
RF272-21604	BENES SERVICE CO.	483,808	\$336.00
RF272-23683	F.J. SCHILLING, INC.	285,723	\$199.00
RF272-26760	AMERICAN BILTRITE, INC.	21,883,000	\$15,217.00
RF272-29265	R.T. HARDEMAN	263,129	\$183.00
RF272-30833	CLAIROL, INC.	2,167,251	\$1,507.00
RF272-32379	158TH ST. & RIVERSIDE HOUSING	2,822,865	\$1,963.00
RF272-33500	GUTHRIE COUNTY SECONDARY ROAD	831,738	\$578.00
RF272-34287	FANKHAUSER, INC.	561,693	\$391.00
RF272-36116	MARSHALL COUNTY HWY. DEPT.	1,985,512	\$1,381.00
RF272-37933	WHITEMAN, INC.	3,001,901	\$2,087.00
RF272-39191	JOHN H. WOODARD	265,608	\$185.00
RF272-40085	RATZLAFF FARMS	473,845	\$330.00
RF272-41172	CITY OF QUINCY	1,861,500	\$1,294.00
RF272-42336	NATHE RANCH	476,235	\$331.00
RF272-42608	GOOSE CREEK CONSOLIDATED I.S.D	1,731,417	\$1,204.00
RF272-43056	ROCKROSE DEVELOPMENT CORP.	3,750,000	\$2,608.00
RF272-45680	HORNING BROTHERS FARMS	667,207	\$464.00
RF272-49308	LEE LANGFORD	376,278	\$262.00
RF272-51180	MURRAY FARMS, INC.	310,938	\$216.00
RF272-51540	HAMPDEN-WILBRAHAM REG. SCHOOL	1,279,717	\$890.00
RF272-52079	BOCKES BROS. FARMS, INC.	632,937	\$440.00
RF272-52491	EVERETT MULLINIX	255,155	\$177.00
RF272-54116	POHL BROTHERS	354,144	\$246.00
RF272-55011	NAUMES, INC.	483,735	\$336.00
RF272-55111	LAKEWOOD LOCAL SCHOOLS	591,424	\$411.00
RF272-55569	BEECHAM PRODUCTS USA	5,308,507	\$3,691.00
RF272-55570	LARRY STROBEL	350,022	\$243.00
RF272-57627	ST. XAVIER COLLEGE	1,761,764	\$1,225.00
RF272-57971	MICHAEL & NICHOLAS FANO	258,200	\$180.00
RF272-58032	EVERGREEN INTERNATIONAL CORP.	89,194,983	\$62,025.00
RF272-59573	BUSSEY TRUCKING, INC.	940,515	\$654.00
RF272-61177	ZAPATA HAYNIE CORP.	58,091,561	\$40,396.00
RF272-62338	MADONNA CONSTRUCTION CO.	18,933,835	\$13,166.00
RF272-62496	CITY UNIVERSITY OF NEW YORK	46,610,666	\$32,413.00
RF272-62991	HUGHES AIRCRAFT CO.	8,711,000	\$6,058.00
RF272-64065	WAYNE COOK	399,474	\$278.00
RF272-64788	UNITED SALT CORP.	2,607,199	\$1,813.00
RF272-64854	TRIBUNE	1,343,803	\$934.00

RF272-67512	VERMONT VETERANS HOME	1,246,245	\$867.00
RF272-67756	MAINE SCHOOL ADMIN. DIST. #49	1,874,209	\$1,303.00
RF272-69093	Pigeon Cove Land Corporation Liquidating Trust	2,712,084	\$1,886.00
RF272-69319	U.S. BORAX & CHEMICAL CORP.	33,188,098	\$23,079.00
RF272-69366	LEBEOUF BROS. TOWING CO., INC.	64,267,625	\$44,691.00
RF272-69373	Oregon Cherry Growers	82,060	\$57.00
RF272-69470	VILLAGE OF NILES	1,320,500	\$918.00
RF272-70116	Mallinckrodt Baker, Inc.	26,769,522	\$18,615.00
RF272-71418	MEDFORD CO-OPERATIVE, INC.	23,060,204	\$16,036.00
RF272-72657	HILLSIDE DEHY INC.	435,920	\$303.00
RF272-73002	ALLEN RICHARDSON	229,646	\$160.00
RF272-73188	CITY OF MEMPHIS	23,700,000	\$16,481.00
RF272-73578	J.F. Humber, III	291,283	\$203.00
RF272-74400	ARLYN COX	219,569	\$153.00
RF272-75813	LA JOYA I.S.D.	311,572	\$217.00
RF272-76416	ST. PHILIP COASTAL TOWING	1,858,788	\$1,293.00
RF272-78663	WHITE' S MINES, INC.	44,036,573	\$30,623.00
RF272-78975	Belmond-Klemme CSD	326,556	\$227.00
RF272-80453	MAYVILLE SCHOOL DIST.	568,940	\$396.00
RF272-83610	WAREHAM PUBLIC SCHOOLS	2,138,688	\$1,487.00
RF272-84320	ELMBROOK SCHOOL DIST.	1,553,475	\$1,080.00
RF272-86554	CITY OF FOUNTAIN VALLEY	430,610	\$299.00
RF272-86620	MID-EAST OHIO VOCATIONAL SCH	64,130	\$45.00
RF272-87702	PERRY COUNTY	1,495,589	\$1,040.00
RF272-88109	EL PASO COUNTY, COLORADO	11,394,895	\$7,924.00
RF272-93869	POSEY COUNTY FARM BUREAU	30,344,881	\$21,101.00
RF272-93894	FEDWAY ASSOCIATES, INC.	1,384,270	\$963.00
RF272-94520	Pigeon Cove Land Corporation Liquidating Trust	4,387,193	\$3,051.00
RF272-99050	LLOYD JONES WELL SERVICE, LTD.	1,097,079	\$763.00
RG272-00052	PRODUCERS GRAIN CO.	7,144,121	\$4,968.00
RG272-00788	Vulcan Construction Materials, LP	13,055,712	\$9,079.00
RG272-01098	MARKAIR, INC.	109,527,935	\$76,165.00
RK272-03211	P.J. KEATING CO.	48,495,495	\$33,723.00
RK272-03582	DAVE MARTIN SUPPLIES, INC.	2,542,187	\$1,768.00
RK272-03693	Penn Maritime Inc.	16,865,340	\$11,728.00
RK272-03710	Paul T. Ingleright Trust	9,626,402	\$6,694.00
RK272-04774	AMERICAN MEDICAL RESPONSE / MA	852,104	\$593.00
RK272-04801	ENSCO OFFSHORE CO.	47,411,034	\$32,969.00
RK272-05300	ARCHBOLD INDUSTRIES, INC.	598,829	\$416.00
RK272-05463	CLEARWATER FOREST IND., INC.	900,000	\$626.00
<b>Totals</b>	<b>95 Applicants</b>	<b>946,537,660</b>	<b>\$658,216.00</b>