

January 19, 2006

DECISION AND ORDER  
OF THE DEPARTMENT OF ENERGY

Supplemental Order

Name of Petitioner: Crude Oil Supplemental Refund Distribution

Date of Filing: January 10, 2006

Case Number: RB272-10020

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 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 121 applicants, totaling \$2,552,108.00.

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 William L. Walton & Associates, Inc., on behalf of the Applicants listed in the Appendix to this Order, in the amount of \$2,552,108.00, 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.

George B. Breznay  
Director  
Office of Hearings and Appeals

Date: January 19, 2006

**Appendix - Supplemental Refund Case No. RB272-10020**

<b>Case No.</b>	<b>Firm</b>	<b>Volume</b>	<b>Refund</b>
RA272-00032	POSILICO BROTHERS ASPHALT CO.	35,295,795	\$24,544.00
RA272-00037	J.H. RUDOLPH & CO., INC.	31,173,260	\$21,678.00
RC272-00126	DOSCH-KING CO., INC.	44,540,272	\$30,973.00
RF272-00375	DANA CORP.	21,844,811	\$15,191.00
RF272-00500	Kraft Foods Global, Inc.	22,726,000	\$15,803.00
RF272-01697	Abitibi Consolidated Inc.	27,885,117	\$19,391.00
RF272-04750	Honeywell International, Inc.	12,875,582	\$8,954.00
RF272-07119	Ahlstrom Windsor Locks L.L.C.	45,223,945	\$31,448.00
RF272-07225	RITCHIE CORP.	36,179,667	\$25,159.00
RF272-07349	Buffalo Crushed Stone	27,071,689	\$18,825.00
RF272-07401	BIG HORN COAL CO.	32,419,221	\$22,544.00
RF272-07402	UNION ROCK & MATERIALS CORP.	13,640,314	\$9,485.00
RF272-07403	ROSEBUD COAL SALES CO.	8,218,740	\$5,715.00
RF272-07404	BLACK BUTTE COAL CO.	20,527,361	\$14,275.00
RF272-10505	PETER KIEWIT SONS, INC.	48,366,150	\$33,633.00
RF272-11984	MACK TRUCKS, INC.	21,884,378	\$15,218.00
RF272-14034	SAMSON MANAGEMENT	32,272,273	\$22,442.00
RF272-15509	GENESEE LEROY STONE CORP.	33,776,794	\$23,488.00
RF272-16177	AMERICAN STANDARD, INC.	28,868,556	\$20,075.00
RF272-16338	STEPAN CO.	71,527,124	\$49,739.00
RF272-16370	GREAT SALT LAKE MINERAL CORP.	11,785,123	\$8,195.00
RF272-17079	LEWIS BROS. BAKERIES, INC.	12,237,296	\$8,510.00
RF272-18023	GEORGE M. MYERS CO., INC.	22,103,265	\$15,370.00
RF272-18485	MERCHANTS FAST MOTOR LINES	64,360,594	\$44,756.00
RF272-18819	V.R. DENNIS CONSTRUCTION CO.	42,038,812	\$29,233.00
RF272-18882	Alcan Packaging Pharmaceutical & Person Care	49,216,747	\$34,225.00
RF272-18911	WABASH VALLEY ASPHALT CO., INC	10,564,713	\$7,347.00
RF272-19030	Giant Cement	11,995,828	\$8,342.00
RF272-19147	MCLAUGHLIN & SCHULTZ, INC.	39,901,515	\$27,747.00
RF272-21081	Hudson Terminal Corporation	7,295,745	\$5,073.00
RF272-21083	MACLAIR ASPHALT CO., INC.	26,645,012	\$18,529.00
RF272-21221	PELTIER BROTHERS, INC.	21,594,657	\$15,017.00
RF272-21234	SCOTT CONSTRUCTION, INC.	43,239,658	\$30,068.00
RF272-21551	OREGON ASPHALTIC PAVING CO.	33,818,017	\$23,517.00
RF272-21791	PALUMBO BROS., INC.	3,799,235	\$2,642.00
RF272-21860	MONARCH ASPHALT CO.	25,981,697	\$18,067.00
RF272-22415	COLUMBUS BITUMINOUS CONCRETE	56,433,817	\$39,243.00
RF272-23297	TWO "R" DRILLING CO., INC.	22,570,621	\$15,695.00
RF272-23649	CHEMLAWN CORP.	12,551,910	\$8,728.00
RF272-23654	GAB BUSINESS SERVICES, INC.	32,660,622	\$22,712.00
RF272-23949	HEAVY CONSTRUCTORS, INC.	25,405,070	\$17,666.00
RF272-24799	HOWELL ASPHALT CO.	30,738,753	\$21,375.00
RF272-25002	MACK TRUCKS, INC.	22,756,520	\$15,825.00
RF272-25498	TEXAS INDUSTRIES, INC.	40,835,610	\$28,397.00
RF272-25632	E.W. MORAN DRILLING CO.	42,919,831	\$29,846.00
RF272-25903	EL PASO SAND PRODUCTS, INC.	36,437,234	\$25,338.00
RF272-25932	GERALD A. BARRETT, INC.	29,661,941	\$20,627.00
RF272-25979	EMPRESA LINEAS MARITIMAS ARG.	69,112,594	\$48,060.00
RF272-26458	REESE CONSTRUCTION CO.	12,342,900	\$8,583.00
RF272-26655	GIANT CEMENT CO.	30,548,062	\$21,243.00
RF272-26747	VECELLIO & GROGAN, INC.	27,453,651	\$19,091.00
RF272-27145	LEININGER-MID-STATES PAVING CO	5,879,787	\$4,089.00
RF272-27307	R.J. NOBLE CO.	33,637,939	\$23,391.00
RF272-27568	WERNER CONSTRUCTION, INC.	60,857,121	\$42,319.00

RF272-27779	SUMMIT, INC.	25,947,401	\$18,044.00
RF272-28254	GRIFFITH CO.	53,045,542	\$36,887.00
RF272-28269	Global SantaFe	72,910,703	\$50,701.00
RF272-29745	MID-STATE CONST. & MATERIALS	30,242,437	\$21,030.00
RF272-31596	MGF DRILLING CO.	27,088,812	\$18,837.00
RF272-33295	ZACK BURKETT CO.	45,584,205	\$31,699.00
RF272-34072	TRUMBULL CORP.	21,409,603	\$14,888.00
RF272-37163	GRACE PACIFIC CORP.	22,072,116	\$15,349.00
RF272-38002	G & H TOWING CO., INC.	25,711,835	\$17,880.00
RF272-38138	TRANSCO INTERNATIONAL, INC.	37,770,718	\$26,265.00
RF272-41325	RONDO SAND & GRAVEL CO., INC.	18,702,140	\$13,005.00
RF272-42426	AMERON, INC.	32,125,869	\$22,340.00
RF272-43062	BERGEN ASPHALT CORP.	1,909,315	\$1,328.00
RF272-44574	LAWTON TRANSIT MIX, INC.	1,283,531	\$893.00
RF272-45521	EMPIRE CONSTRUCTION CO.	20,906,835	\$14,538.00
RF272-48116	PIONEER ASPHALT CORP.	72,180,040	\$50,193.00
RF272-48117	ZIEGLER CHEMICAL & MINERAL	4,634,532	\$3,223.00
RF272-48267	ARMREL-BYRNES CO.	12,350,127	\$8,588.00
RF272-49401	Empire Asphalt	6,428,075	\$4,470.00
RF272-49885	DAYCO PRODUCTS INC.	40,356,503	\$28,063.00
RF272-52822	Acordis Cellulosic Fibers, Inc.	29,633,464	\$20,607.00
RF272-53853	VELSICOL CHEMICAL CORP.	56,190,000	\$39,074.00
RF272-56389	REED & GRAHAM, INC.	61,210,453	\$42,565.00
RF272-58500	Joyce Coats	24,968,954	\$17,363.00
RF272-58630	FAIRCHILD INDUSTRIES, INC.	31,708,191	\$22,050.00
RF272-58634	FRITZEN-HALCYON LIJN.	43,796,723	\$30,456.00
RF272-59832	FORD CONSTRUCTION CO.	26,906,011	\$18,710.00
RF272-61733	H.P.I. INDUSTRIES, INC.	8,998,430	\$6,257.00
RF272-62260	CAROLINA PACKERS, INC.	2,166,000	\$1,506.00
RF272-62413	VELSICOL CHEMICAL CORP.	20,651,936	\$14,361.00
RF272-62495	B.J. Services Company	30,528,442	\$21,229.00
RF272-63297	GREEN CONSTRUCTION OF INDIANA	26,282,284	\$18,276.00
RF272-63401	INLAND ASPHALT CO.	55,100,518	\$38,316.00
RF272-64890	ASPHALT SERVICE CO.	23,288,255	\$16,194.00
RF272-64974	United Selling Corp.	22,450,954	\$15,612.00
RF272-65525	P.W. GILLIBRAND CO.	31,703,330	\$22,046.00
RF272-66378	FREHNER CONSTRUCTION CO.,INC.	31,641,353	\$22,003.00
RF272-66433	ALLIED CORP., INC.	26,630,503	\$18,519.00
RF272-67239	DUNN CONSTRUCTION CO., INC.	48,379,929	\$33,643.00
RF272-67566	C.J. LANGENFELDER & SON, INC.	30,256,882	\$21,040.00
RF272-67759	DBJ EQUIPMENT CORP.	24,064,732	\$16,734.00
RF272-69546	Ashland Paving and Construction, Inc.	21,557,040	\$14,991.00
RF272-69695	EAST KENTUCKY PAVING CORP.	31,732,945	\$22,067.00
RF272-69699	CARIBBEAN MARINE SERVICE CO.	51,600,000	\$35,882.00
RF272-69946	SCHLOSS PAVING CO.	36,835,392	\$25,615.00
RF272-70853	LIONMARK, INC.	32,943,760	\$22,909.00
RF272-71311	REIN, SCHULTZ & DAHL OF IL	44,468,346	\$30,923.00
RF272-71680	ROLLINS, INC.	70,568,483	\$49,073.00
RF272-72077	C.A. RASMUSSEN, INC.	2,610,089	\$1,815.00
RF272-72078	WesternGeco	38,175,921	\$26,547.00
RF272-73331	DURHAM TRANSPORT. OF CA., INC.	4,883,938	\$3,396.00
RF272-73332	TACOMA SCHOOL DIST. #10	7,798,064	\$5,423.00
RF272-73333	MT. DIABLO UNIFIED SCHOOL DIS.	2,962,238	\$2,060.00
RF272-73883	CUMMINS CONSTRUCTION CO.	25,655,474	\$17,841.00
RF272-76246	WILLIAMS BROTHERS CONSTRUCTION	5,522,800	\$3,840.00
RK272-00291	MORTON SALT	42,474,253	\$29,536.00
RK272-00529	FLATIRON COMPANIES	30,493,623	\$21,205.00
RK272-03488	CINCINNATI VULCAN CO.	50,632,880	\$35,210.00

RK272-03884	OKONITE CO.	18,590,762	\$12,928.00
RK272-04287	WILLIAM L. BONNELL CO., INC.	22,875,275	\$15,907.00
RR272-00129	NEPERA, INC.	33,507,001	\$23,300.00
RR272-00133	EL PASO NATURAL GAS CO.	32,938,419	\$22,905.00
RR272-00134	TERMINIX INTERNATIONAL CO.	4,905,511	\$3,411.00
RR272-00135	TERRA INDUSTRIES, INC.	58,304,988	\$40,545.00
RR272-00145	HEINZ U.S.A.	36,417,993	\$25,325.00
RR272-00146	GENERAL ASPHALT CO., INC.	25,660,364	\$17,844.00
RR272-00150	S.C. JOHNSON & SON, INC.	71,013,841	\$49,382.00
<b>Totals</b>	<b>121 Applicants</b>	<b>3,670,046,029</b>	<b>\$2,552,108.00</b>