

procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such

comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20585.

Dated: May 15, 1995.

**George B. Breznay,**  
Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS  
[Week of March 27 through March 31, 1995]

Date	Name and Location of Applicant	Case No.	Type of Submission
3/27/95 .....	Idaho Operations Office Idaho Falls, Idaho	VSO-0026	Request for Hearing Under 10 C.F.R., Part 710. If granted: An individual whose security clearance was suspended by the Idaho Operations Office would receive a hearing under 10 C.F.R. Part 710.
3/27/95 .....	State of California, Sacramento, California .	RM23-288	Request for Modification/Rescission in the Charter Oil Company Second Stage Refund Proceeding. If granted: The March 12, 1990 Decision and Order, Case No. RQ23-546, issued to the State of California would be modified regarding the state's application for refund submitted in the Charter Oil Company second stage refund proceeding.
3/28/95 .....	Boyd Jolley Company, Shelley, Idaho .....	VEE-0006	Exception to the Reporting Requirements. If granted: Boyd Jolley Company would not be required to file Form EIA-782B, Resellers/Retailer's Monthly Petroleum Products Sales Report.
3/30/95 .....	Capital Transport Co., Inc., McComb, Mississippi.	RR272-198	Request for Modification/Rescission in in the Crude Oil Refund Proceeding. If granted: The March 6, 1995 Dismissal, Case No. RF272-97066, issued to Capital Transport Co., Inc. would be modified regarding the firm's application for refund submitted in the Crude Oil refund proceeding.
3/30/95 .....	Rocky Flats Field Office, Golden, Colorado	VSO-0027	Request for Hearing under 10 C.F.R Part 710. If granted: An individual whose security clearance was suspended by the Rocky Flats Field Office would receive a hearing under 10 C.F.R. Part 710.

Date received	Name of refund proceeding/name of refund application	Case No.
3/27/95-3/31/95	Crude Oil .....	RG272-44 through RG272-73
3/27/95-3/31/95	Texaco .....	RF321-21062 through RF321-21064.

**Refund Applications**

*Amoco Corporation, 4/21/95, RF272-92482*

The DOE issued a Decision and Order concerning one Application for Refund in the Subpart V crude oil overcharge refund proceeding. The refund application was filed by Amoco Corporation. The DOE determined that Amoco was not entitled to a refund since it had filed a Refiners Escrow Settlement Claim Form and Waiver. In that filing, Amoco requested a Stripper Well refund from the Refiners escrow, thereby waiving its right to a Subpart V crude oil refund. Accordingly, the Application for Refund was denied.

*Central Hudson Gas & Electric Corp., 4/21/95, RF272-92494*

The DOE issued a Decision and Order concerning one Application for Refund in the Subpart V crude oil overcharge refund proceeding. The refund application was filed by Central Hudson Gas & Electric Corporation. The DOE determined that Central Hudson was not entitled to a refund since it had filed a Utilities Escrow Settlement Claim Form and Waiver. In that filing, Central Hudson requested a Stripper Well refund from the Utilities escrow,

thereby waiving its right to a Subpart V crude oil refund. Accordingly, the Application for Refund was denied.

*Empire Gas Corporation/Gulf Coast Petroleum, Inc., 4/18/95, RR335-64*

Gulf Coast Petroleum, Inc. submitted an Application for Refund in the Empire Gas Corporation refund proceeding. The DOE found that Gulf Coast had proved that it was injured with respect to its Empire propane purchases during May 1979 through January 1981. Accordingly, the DOE granted Gulf Coast a principal refund of \$15,509 for this product and accrued interest of \$11,075. The total refund granted to Gulf Coast was \$26,584. This Decision also resolved the last pending application in the Empire refund proceeding. The DOE determined that no further claims would be accepted in this proceeding as of the date of this Decision and Order and any unclaimed funds remaining in the Empire escrow account would be made available for indirect restitution pursuant to the Petroleum Overcharge Distribution and Restitution Act of 1986, 15 U.S.C.A. § 4501.

*Texaco Inc./International Paper Company, 4/21/95, RR321-176*

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**Notice of Issuance of Decisions and Orders During the Week of April 17 Through April 21, 1995**

During the week of April 17 through April 21, 1995 the decisions and orders summarized below were issued with respect to applications for relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

The DOE issued a Decision and Order granting the Motion for Reconsideration filed by International Paper Company (IP), an end-user of Texaco Inc. products. In an earlier Decision, the DOE had granted the Application for Refund filed in the Texaco Inc. refund proceeding by IP for purchases of 6,846,812 gallons of motor gasoline. In its Motion for Reconsideration, IP requested that it be granted an additional refund for purchases of 99,278,000 gallons of residual fuel oil by one of its paper mills. Based on the compelling reasons that the DOE had not originally investigated IP's statement on its application that it was applying for purchases of # 6 (residual) fuel oil and because IP quickly filed a sufficiently documented Motion for Reconsideration, the DOE exercised its discretion to consider IP's Motion. IP's gallonage claim was found to be well documented, and where necessary, conservatively estimated. Accordingly, IP's Motion for Reconsideration was granted for an additional \$159,703 refund.

*Texaco Inc., La Villa Service Station, Eladio Rivera, Gasolinera Melendez, Inc., Jesus Ramirez Ramirez, Villas de Navarra Service Station, 4/18/95, RF321-21016, RF321-21028, RF321-21029, RF321-21034, 4/18/95, RF321-21035*

The DOE issued a Decision and Order regarding five Applications for Refund filed in the Texaco Inc. refund proceeding by retailers located in Puerto Rico. Each of the applications was postmarked and received more than four months after the February 28, 1994 final deadline for filing applications in the Texaco proceeding. Four of the applicants requested that their applications be accepted because they did not have notice of the Texaco proceeding until after the February 28 deadline. Additionally, one of these applicants further asserted that retailers in Puerto Rico had not been effectively informed about the proceeding and that neither Texaco nor the DOE made an effort to notify Puerto Rican retailers about the proceeding. Consequently, this applicant argued that equity required the DOE to process its late

application. The DOE found that some notice had been given in Puerto Rico and noted that, in consideration of the lack of Texaco's notification to potential Puerto Rican applicants, the DOE previously had agreed to accept for possible consideration all Texaco applications submitted from Puerto Rico in the month of March 1994. The DOE found that the extreme length of time which the Texaco proceeding has lasted and the need for finality outweighed the claimed inequity. Consequently, the DOE found that none of the applicants had presented an equitable consideration or compelling reason to excuse its lateness in filing its application. Accordingly, the applications were dismissed.

**Refund Applications**

The Office of Hearings and Appeals issued the following Decisions and Orders concerning refund applications, which are not summarized. Copies of the full texts of the Decisions and Orders are available in the Public Reference Room of the Office of Hearings and Appeals.

Gulf Oil Corporation/American Hoechst Corp .....	RF300-19970	04/21/95
Hoechst Celanese Chemical Grp .....	RF300-21699	.....
Gulf Oil Corporation/Dick's Sacramento Gulf Rentals et al .....	RF300-21300	04/21/95
Gulf Oil Corporation/Livingston Gulf .....	RF300-21826	04/21/95
Gulf Oil Corporation/Simmons Pole & Piling .....	RR300-262	04/21/95
Texaco Inc./Vanguard Petroleum Corp .....	RF321-13015	04/18/95

**Dismissals**

The following submissions were dismissed:

Name	Case No.
Agway Petroleum Corp .....	RF345-30
American Freight System, Inc .....	RF321-20215
Apac-Tennessee, Inc .....	RF272-98242
Boston Gas Company .....	RF321-20357
Camellia Food Stores, Inc .....	RF272-98866
Carl's Texaco .....	RF321-20353
Coyier's Texaco .....	RF321-20356
East Store Material .....	RF321-20279
Ernie's Texaco .....	RF321-20354
Marvin V. Templeton & Sons, Inc .....	RF321-20262
Morgan Adhesives Company .....	RF321-20358
Par-Co Drilling, Inc .....	RF272-98983
Paraco Gas Corp .....	RF321-20588
Schwan's Sales Enterprises, Inc .....	RF321-20366
Tap Air Portugal .....	RF272-92485
Tungsten Products Corp .....	RF272-92490
Van Dusen Airport Service Company .....	RF272-92151

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E-234, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Monday through Friday, between the

hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Dated: May 15, 1995.  
**George B. Breznay,**  
 Director, Office of Hearings and Appeals.  
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