

This order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., May 16, 1995.

Clifford P. Tomaszewski,

Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.

[FR Doc. 95-13325 Filed 5-31-95; 8:45 am]

BILLING CODE 6450-01-P

[FE DOCKET NO 95-28-NG]

Western Gas Resources, Inc.; Order Granting Blanket Authorization To Import and Export Natural Gas From and to Canada

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of order.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Western Gas Resources, Inc. authorization to import up to 73 Bcf of natural gas from Canada and export up to 73 Bcf of natural gas to Canada over a two-year term beginning on the date of the first import or export after June 16, 1995.

This order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., May 18, 1995.

Clifford P. Tomaszewski,

Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.

[FR Doc. 95-13326 Filed 5-31-95; 8:45 am]

BILLING CODE 6450-01-P

Office of Hearings and Appeals

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Notice of Implementation of Special Refund Procedures.

SUMMARY: The Office of Hearings and Appeals (OHA) of the Department of Energy (DOE) announces the procedures for disbursement of \$866,352.24, plus accrued interest, in refined petroleum

product violation amounts obtained by the DOE pursuant to Consent Orders issued to Bell Fuels, Inc., et al., Case Nos. LEF-0061, et al. In the absence of sufficient information to implement direct restitution to injured customers of the consenting firms, the OHA has determined that if no such customers come forward, the funds obtained from these firms, plus accrued interest, will be made available to state governments for use in four energy conservation programs.

DATE AND ADDRESS: Applications for Refund from customers of the consenting firms must be filed in duplicate and sent to:

Office of Hearings and Appeals,
Department of Energy, 1000
Independence Ave., SW., Washington,
DC 20585.

Applications should display a prominent reference to the name of the consenting firm in question and the appropriate case number. Applications should be postmarked by September 29, 1995.

FOR FURTHER INFORMATION CONTACT:
Thomas O. Mann, Deputy Director,
Roger Klurfeld, Assistant Director,
Office of Hearings and Appeals, 1000
Independence Avenue, SW.,
Washington, DC 20585, (202) 586-2094
(Mann); 586-2383 (Klurfeld).

SUPPLEMENTARY INFORMATION:

In accordance with 10 CFR 205.282(b), notice is hereby given of the issuance of the Decision and Order set out below. This Decision and Order sets forth the procedures that the DOE has formulated to distribute \$866,352.24, plus accrued interest, obtained by the DOE pursuant to Consent Orders issued to eighteen resellers and retailers of refined petroleum products. The Consent Orders settled DOE allegations that, during periods between 1973 and 1981, the firms had sold certain refined petroleum products at prices in excess of the maximum lawful selling price, in violation of Federal petroleum price regulations. The names of the firms, their case numbers, the dates of the settlement periods, the products covered by each Consent Order, and the amounts received from each firm are set forth in the Appendix to the Decision.

Since it lacks sufficient information to implement a standard first-stage refund process, the OHA has determined that it will accept refund claims from any injured customers of the consenting firms who come forward and will devise refund procedures based on the information these applicants provide. If no applicants come forward, all of the funds obtained from the firms will be made available for indirect restitution in

accordance with the provisions of the Petroleum Overcharge Distribution and Restitution Act of 1986 (PODRA), 15 U.S.C. 4501-07. The funds will be distributed to state governments for use in four energy conservation programs.

Applications for Refund must be postmarked by September 29, 1995. Instructions for the completion of refund applications are set forth in the Decision that immediately follows this notice. Applications should be sent to the address listed at the beginning of this notice.

Unless labeled as "confidential," all submissions must be made available for public inspection between the hours of 1 p.m. and 5 p.m., Monday through Friday, except federal holidays, in the Public Reference Room of the Office of Hearings and Appeals, located in Room 1E-234, 1000 Independence Avenue, SW., Washington, DC 20585.

Dated: May 19, 1995.

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

Decision and Order of the Department of Energy; Implementation of Special Refund Procedures

May 19, 1995.

Names of Firms: Bell Fuels, Inc., et al.

Dates of Filing: July 20, 1993, November 16, 1993.

Case Numbers: LEF-0061, et al.

On July 20 and November 16, 1993, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) filed Petitions for the Implementation of Special Refund Procedures with the Office of Hearings and Appeals (OHA), to distribute the funds received pursuant to Consent Orders entered into by the DOE and the eighteen petroleum resellers and retailers listed in the Appendix to this Decision and Order (hereinafter collectively referred to as the consenting firms). In accordance with the provisions of the procedural regulations at 10 C.F.R. Part 205, Subpart V (Subpart V), the ERA requests in its Petitions that the OHA establish special procedures to make refunds in order to remedy the effects of regulatory violations set forth in the Consent Orders.

I. Background

Each of the consenting firms was a reseller or retailer of refined petroleum products during the periods relevant to this proceeding. ERA audits of the consenting firms revealed possible violations of the Mandatory Petroleum Price Regulations. Subsequently, each of these firms entered into a separate Consent Order with the DOE in order to settle its disputes with the DOE concerning certain sales of refined petroleum products. Pursuant to these Consent Orders, the firms agreed to pay to the DOE specified amounts in settlement of their potential liability with respect to sales to their customers during the settlement periods. The firms' payments are currently being held in separate interest-bearing accounts pending

distribution by the DOE. The names of the firms, their addresses, the dates of the settlement periods and of the Consent Orders, the amount received from each firm, and the products covered by each Consent Order are set forth in the Appendix to this Decision.

II. Jurisdiction and Authority

The Subpart V regulations set forth general guidelines which may be used by the OHA in formulating and implementing a plan of distribution of funds received as a result of an enforcement proceeding. The DOE policy is to use the Subpart V process to distribute such funds. For a more detailed discussion of Subpart V and the authority of the OHA to fashion procedures to distribute refunds, see *Petroleum Overcharge Distribution and Restitution Act of 1986*, 15 U.S.C. §§ 4501 et seq. (PODRA), *Office of Enforcement*, 9 DOE ¶ 82,508 (1981), and *Office of Enforcement*, 8 DOE ¶ 82,597 (1981) (*Vickers*).

III. Refund Procedures

On April 3, 1995, the OHA issued a Proposed Decision and Order (PD&O) establishing tentative procedures to distribute the Consent Order funds. That PD&O was published in the **Federal Register**, and a 30-day period was provided for the submission of comments regarding our proposed refund plan. See 60 Fed. Reg. 18809 (April 13, 1995). More than 30 days have elapsed and the OHA has received no comments concerning these proposed refund procedures. Consequently, the procedures will be adopted as proposed.

In cases where the ERA is unable to identify parties injured by the alleged overcharges or the specific amounts to which they may be entitled, we normally implement a two-stage refund procedure. In the first stage of such a proceeding, those who bought refined petroleum products from the consenting firms may apply for refunds, which are calculated on a pro-rata or volumetric basis. In order to calculate the volumetric refund amount, the OHA divides the amount of money available for direct restitution by the number of gallons sold by the firm during the period covered by the consent order. In the second stage, any funds remaining after all first-stage claims are decided are distributed in accordance with PODRA.

In the cases covered by this Decision, however, we lack much of the information that we normally use to provide direct restitution to injured customers of the consenting firms. In particular, we have been unable to obtain any information on the volumes of the relevant petroleum products sold by the consenting firms during the settlement period. Nor do we have any information concerning the customers of these firms. Based on the present state of the record in these cases, it would be difficult to implement a volumetric refund process. Nevertheless, we will accept any refund claims submitted by persons who purchased the products specified in the Appendix from the consenting firms during the periods shown in the Appendix. We will work with those claimants to develop additional information that would enable us to

determine who should receive refunds and in what amounts.

To apply for a refund from any of the Consent Order funds, a claimant should submit an Application for Refund containing the following information:

(1) Identifying information including the claimant's name, current business address, business address during the refund period, taxpayer identification number, a statement indicating whether the claimant is an individual, corporation, partnership, sole proprietorship, or other business entity, the name, title, and telephone number of a person to contact for additional information, and the name and address of the person who should receive any refund check.¹

(2) A monthly purchase schedule covering the relevant settlement period. The applicant should specify the source of this gallonage information. In calculating its purchase volumes, an applicant should use actual records from the refund period, if available. If these records are not available, the applicant may submit estimates of its gasoline purchases, but the estimation method must be reasonable and must be explained;

(3) A statement whether the applicant or a related firm has filed, or has authorized any individual to file on its behalf, any other application in that refund proceeding. If so, an explanation of the circumstances of the other filing or authorization should be submitted;

(4) If the applicant is or was in any way affiliated with the consenting firm, it should explain this affiliation, including the time period in which it was affiliated;²

(5) The statement listed below signed by the individual applicant or a responsible official of the firm filing the refund application:

¹ Under the Privacy Act of 1974, the submission of a social security number by an individual applicant is voluntary. An applicant that does not submit a social security number must submit an employer identification number if one exists. This information will be used in processing refund applications, and is requested pursuant to our authority under the Petroleum Overcharge Distribution and Restitution Act of 1986 and the regulations codified at 10 C.F.R. Part 205, Subpart V. The information may be shared with other Federal agencies for statistical, auditing or archiving purposes, and with law enforcement agencies when they are investigating a potential violation of civil or criminal law. Unless an applicant claims confidentiality, this information will be available to the public in the Public Reference Room of the Office of Hearings and Appeals.

² As in other refund proceedings involving alleged refined product violations, the DOE will presume that affiliates of a consenting firm were not injured by the firm's overcharges. See, e.g., Marathon Petroleum Co./EMRO Propane Co., 15 DOE ¶ 85,288 (1987). This is because the consenting firm presumably would not have sold petroleum products to an affiliate if such a sale would have placed the purchaser at a competitive disadvantage. See Marathon Petroleum Co./Pilot Oil Corp., 16 DOE ¶ 85,611 (1987), amended claim denied, 17 DOE ¶ 85,291 (1988), reconsideration denied, 20 DOE ¶ 85,236 (1990). Furthermore, if an affiliate of the consenting firm were granted a refund, the consenting firm would be indirectly compensated from a Consent Order fund remitted to settle its own alleged violations.

I swear (or affirm) that the information contained in this application and its attachments is true to the best of my knowledge and belief. I understand that anyone who is convicted of providing false information to the federal government may be subject to a fine, a jail sentence, or both, pursuant to 18 U.S.C. § 1001. I understand that the information contained in this application is subject to public disclosure. I have enclosed a duplicate of this entire application which will be placed in the OHA Public Reference Room.

All applications should be either typed or printed and clearly labeled with the name and case number of the relevant consenting firm. Each applicant must submit an original and one copy of the application. If the applicant believes that any of the information in its application is confidential and does not wish for that information to be publicly disclosed, it must submit an original application, clearly designated "confidential," containing the confidential information, and two copies of the application with the confidential information deleted. All refund applications should be postmarked on or before September 29, 1995, and sent to: Office of Hearings and Appeals, Department of Energy, 1000 Independence Ave., S.W., Washington, D.C. 20585.

We will adopt the standard OHA procedures relating to refund applications filed on behalf of applicants by "representatives," including refund filing services, consulting firms, accountants, and attorneys. See, e.g., Starks Shell Service, 23 DOE ¶ 85,017 (1993); Texaco Inc., 20 DOE ¶ 85,147 (1990); Shell Oil Co., 18 DOE ¶ 85,492 (1989). We will also require strict compliance with the filing requirements as specified in 10 C.F.R. § 205.283, particularly the requirement that applications and the accompanying certification statement be signed by the applicant.

The OHA reiterates its policy to scrutinize applications filed by filing services closely. Applications submitted by a filing service should contain all of the information indicated above.

Finally, the OHA reserves the authority to require additional information before granting any refund in these proceedings.

If no claims are received, we will distribute all of the funds received from the consenting firms in accordance with the provisions of PODRA. See Green Oil Company, 20 DOE ¶ 85,450 (1990). PODRA requires that the Secretary of Energy determine annually the amount of oil overcharge funds that will not be required to refund monies to injured parties in Subpart V proceedings and make those funds available to state governments for use in four energy conservation programs. The Secretary has delegated those responsibilities to the OHA, and any funds that the OHA determines will not be needed to effect direct restitution to injured customers will be distributed in accordance with the provisions of PODRA.

It Is Therefore Ordered That:

(1) Applications for Refund from the funds remitted to the Department of Energy by the firms listed in the Appendix to this Decision and Order pursuant to the Consent Orders whose dates are set forth in the Appendix may now be filed.

(2) Applications for Refund must be postmarked no later than September 29, 1995.

George B. Breznay,

Director, Office of Hearings and Appeals.

Date: May 19, 1995.

APPENDIX

Case No.	Firm	Address	Settlement period	Date of consent order	Amount received	Product
LEF-0061	Bell Fuels, Inc.	4116 W. Peterson Ave., Chicago, IL 60646.	1/1/79-11/30/79	8/31/82	\$33,973.12	Gasoline.
LEF-0062	Este Oil Co.	5556 Vine St., Cincinnati, OH 45217.	11/1/73-1/28/81	5/13/83	63,033.90	Refined petroleum products.
LEF-0063	G&G Oil Co. of Indiana, Inc..	220 E. Centennial Ave., Muncie, IN 47305.	4/1/79-12/31/79	2/1/83	49,097.11	Do.
LEF-0064	General Petroleum Products, Inc..	P.O. Box 209, Gary, IN 46402.	11/1/73-4/30/74	7/13/83	23,060.52	Do.
LEF-0065	Reco Petroleum, Inc.	100 N. 4th St., Reading, PA 19601.	3/1/79-1/30/81	2/8/83	26,472.40	Gasoline.
LEF-0066	SOS Monarch Oil Corp.	East Village Rd., Tuxedo, NY 10987.	4/1/79-9/30/79	10/25/82	5,901.03	Do.
LEF-0067	Capitol 66 Oil Co.	P.O. Box 2839, Jackson, MS 39207.	11/1/73-3/31/74	9/15/82	15,766.43	Refined petroleum products.
LEF-0068	Cumberland Farms Dairy, Inc..	777 Dedham St., Canton, MA 02021.	1/1/73-1/28/81	4/17/83	183,193.74	Gasoline.
LEF-0069	Kickapoo Oil Co.	215 E. Madison, Hillsboro, WI 54634.	3/1/79-8/31/79	9/24/82	40,812.58	Propane.
LEF-0070	Lampton-Love, Inc.	P.O. Drawer 1607, Jackson, MS 39205.	11/73-4/74	9/30/82	12,983.93	Gasoline.
LEF-0071	Skinny's Inc.	5189 Texas Ave., Abilene, TX 79608.	3/1/79-3/31/80	9/2/82	16,000.00	Do.
LEF-0072	Vermont Morgan Corp ...	114 Broadway, Saratoga, NY 12866.	4/1/79-6/30/79	4/5/83	20,275.00	Do.
LEF-0075	Bob's Broadway Shell ...	220 W. 17th St., Santa Ana, CA 92708.	8/1/79-5/7/80	10/8/81	2,100.00	Do.
LEF-0076	Clearview Gulf	3120 Clearview Parkway, Metairie, LA 70002.	4/1/79-7/15/79	8/14/81	594.84	Do.
LEF-0077	E-Z Serve, Inc.	P.O. Box 3579, Abilene, TX 79604.	8/19/73-1/27/81	12/27/82	368,550.56	Do.
LEF-0079	Millbrae Shell	825 Spruance Ln., Foster City, CA 94404.	8/1/79-11/30/79	3/5/82	2,500.00	Do.
LEF-0080	Bob Hutchinson, Inc.	1334 Breckenridge St., San Leandro, CA 94579.	8/1/79-11/30/79	3/5/82	1,762.07	Do.
LEF-0116	Maxwell Oil Co., Inc.	P.O. Box 1936, Olympia, WA 98507.	5/1/79-12/1/79	9/1/81	275.01	Do.

[FR Doc. 95-13305 Filed 5-26-95; 8:45 am]

BILLING CODE 6450-01-P

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Notice of Implementation of Special Refund Procedures.

SUMMARY: The Office of Hearings and Appeals (OHA) of the Department of Energy (DOE) announces the procedures for disbursement of a total of \$7,280,202, plus accrued interest, in crude oil overcharges obtained by the DOE from MAPCO, Inc. and MAPCO International, Inc., Case No. VEF-0004

(MAPCO). The OHA has determined that the funds obtained from MAPCO, plus accrued interest, will be distributed in accordance with the DOE's Modified Statement of Restitutionary Policy in Crude Oil Cases, 51 Fed. Reg. 27899 (August 4, 1986).

DATE AND ADDRESSES: Applications for Refund should be filed in duplicate and sent to: Subpart V Crude Oil Overcharge Refunds, Office of Hearings and Appeals, Department of Energy, 1000 Independence Ave., SW., Washington, DC 20585

Applications must be postmarked no later than June 30, 1995.

FOR FURTHER INFORMATION CONTACT: Thomas O. Mann, Deputy Director, Roger Klurfeld, Assistant Director,

Office of Hearings and Appeals, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-2094 (Mann); 586-2383 (Klurfeld).

SUPPLEMENTARY INFORMATION: In accordance with 10 CFR 205.282(c), notice is hereby given of the issuance of the Decision and Order set out below. The Decision and Order sets forth the procedures that the DOE has formulated to distribute a total of \$7,280,202, plus accrued interest, remitted to the DOE by MAPCO, Inc. and MAPCO International, Inc. to the DOE. The DOE is currently holding these funds in an interest bearing account pending distribution.

The OHA will distribute these funds in accordance with the DOE's Modified Statement of Restitutionary Policy in