

Therefore, the Department of Energy granted in part and denied in part Mr. Foote's Appeal.

Request for Exception

Visa Petroleum, Inc., 3/15/95, LEE-0096

Visa Petroleum, Inc., filed an Application for Exception from the requirement that it file Form EIA-782B, the "Reseller's/Retailer's Monthly Petroleum Product Sales Report." The applicant submitted evidence that for the last two years, it had lost \$10,000 per year. In addition, the wife of the owner, who had been completing the forms, had recently been diagnosed as having cancer. Under these circumstances, the DOE found that the requirement that the firm submit the reports constituted a serious hardship. Accordingly, the firm's Application for Exception was granted.

Refund Applications

Shell Oil Company/Briggs Transportation Company, Texaco Inc./Briggs Transportation Company, 3/16/95, RR315-13, RR321-175

The DOE issued a Decision and Order denying a Motion for Reconsideration filed by LK, Inc. (LK), a filing service. In an earlier Decision, the DOE had rescinded two refunds granted to a bankrupt company, Briggs

Transportation Company (Briggs) in the Shell Oil Company and Texaco Inc. special refund proceedings. In that Decision, the DOE also ordered the filing service which had filed the Applications, LK, to repay its commissions which it had subtracted from the refunds. In its Motion for Reconsideration, LK argued that DOE does not possess the necessary authority to order the filing service to repay these funds. LK also argued that even if DOE possesses this authority, LK was still entitled to retain its commissions. In its Decision, the DOE found that it possesses the necessary authority to govern the conduct of those filing claims in its Subpart V proceedings, including filing services. It further found that the restitutionary purposes of the Petroleum Overcharge Distribution and Restitution Act of 1986 would not be served by permitting a filing service to recover a fee for an application in which the refund had been rescinded. Finally, the Decision noted that even under general common law principles, the filing service would not be entitled under its contingency fee arrangement with Briggs to recover a commission unless Briggs received a refund, and that Briggs cannot be considered to have received a refund which has been rescinded. Therefore, LK's Motion for Reconsideration was denied.

Texaco Inc./Airport Texaco, 3/17/95, RR321-147, RF321-21060

The DOE issued a Decision and Order granting a Motion for Reconsideration filed by Ben A. Story on behalf of Airport Texaco and rescinding a portion of a refund previously granted to John M. Locklier on behalf of the same station. Documents and statements submitted by both applicants demonstrated that a portion of Mr. Locklier's previous refund was based on purchases made by Airport Texaco when Mr. Story was the sole proprietor of that business, and that another portion of Mr. Locklier's refund was based on purchases made by the station during a period in which Airport Texaco was operated as a limited partnership of the two men. The limited partnership arrangement at Airport Texaco entitled Mr. Locklier to a specific amount from the outlet's profits, with the balance of the profits, if any, distributed to Mr. Story. Accordingly, DOE determined that dividing the refund money in the same proportions as the profits were divided was the most equitable solution in this case. Accordingly, the DOE issued a Decision and Order granting Mr. Story a refund and rescinding a portion of the refund granted to Mr. Locklier in *Texaco*, Case Nos. RF321-3311 *et al.* (May 26, 1992).

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.

Atlantic Richfield Company/Green Run Arco et al	RF304-14741 ..	03/15/95
Atlantic Richfield Company/Shelton Butane Co., Inc. et al	RF304-13487 ..	03/15/95
Clark Oil & Refining Corp./Lansing Ice & Fuel Company	RF342-6	03/13/95
Rollins Oil Company	RF342-9	
Clark Oil & Refining Corp./Oakley & Oldfield, Inc	RF342-311	03/13/95
Cross Winds Transport, Inc	RF272-91991 ..	03/15/95
Gulf Oil Corporation/Crawford Garden Supplies, Inc	RF300-21572 ..	03/13/95
Crawford Garden Supplies, Inc	RF300-21824 ..	
Crawford Garden Supplies, Inc	RF300-21825 ..	
Minnesota Power	RF272-97260 ..	03/15/95
Shell Oil Company/Loiza Valley Shell Service Station	RR315-8	03/15/95
Sigmor Corporation	RF272-93888 ..	03/13/95
Texaco Inc./Evan's Valley Texaco et al	RF321-20402 ..	03/16/95
Texaco Inc./Phillips Texaco et al	RF321-20208 ..	03/15/95

Dismissals

The following submissions were dismissed:

Name	Case No.
A&L Texaco	RF321-18601
City of Canton	RF272-85687
City of Clarkston	RF272-85667
City of Warrington	RF272-85806
Dejong Service	RF272-94053
Frank Kovac's Texaco Service	RF321-05529
Hendersonville Police Dept	RF272-94111
Interstate Texaco	RF321-20737
Lewis County	RF272-85814