Texpar Energy, Inc., filed an Application for Exception from the Energy Information Administration (EIA) requirement that it file Form EIA–782B, the "Resellers'/Retailers' Monthly Petroleum Product Sales Report," and Form EIA–782C, the "Monthly Report of Prime Supplier Sales of Petroleum Products Sold for Local Consumption." In considering this request, the DOE found that the firm was not suffering a gross inequity or serious hardship, and denied Texpar's Application for Exception.

## **Refund Applications**

Draper Energy Co., Inc., 10/18/94, RF272-92349

The DOE issued a Decision and Order concerning the Application for Refund of a claimant in the Subpart V crude oil overcharge refund proceeding. The Application for Refund was based on purchases of gasoline and middle distillates the applicant purchased and resold during the crude oil price control refund period. The DOE determined that the applicant's sales of gasoline and middle distillates allowed it to pass on the costs of any crude oil overcharges to its customers. Therefore, the DOE concluded that the claimant was not injured by any of the crude oil overcharges associated with the gallons

that it purchased. Accordingly, the Application for Refund was denied. Gulf Oil Corporation/Huber's 4 Corners Store, 10/19/94, RF300-10925

Huber's 4 Corners Store filed an Application for Refund in the Gulf Oil Corporation refund proceeding. Huber's requested a refund based on its indirect purchases of Gulf motor gasoline. The DOE noted that an indirect purchaser is not entitled to a refund where the direct purchaser demonstrates that it absorbed the alleged overcharges rather than passing them through to its customers. Because the direct purchaser had established that it absorbed the alleged Gulf overcharges, the DOE determined that Huber's was not entitled to a refund. Accordingly, the Application for Refund was denied.

Texaco Inc./Loop's Airport Texaco, 10/ 17/94, RR321-167

The DOE issued a Decision and Order partially granting a Motion for Reconsideration filed by Bert N. Loop on behalf of Loop's Airport Texaco. In his Motion, Mr. Loop asked that the DOE modify a Supplemental Order issued on July 20, 1994, *Texaco Inc./Loop's Airport Texaco*, 24 DOE ¶ 85,061 (1994), which ordered him to repay a portion of a refund that he had previously been granted in the Texaco

special refund proceeding. Mr. Loop requested that he not be required to pay interest on the excess amount of the refund between the date the refund was issued and the date of repayment. Mr. Loop also requested that he not be held responsible for that portion of the excessive refund that he paid to Federal Refunds, Inc. (FRI), the private company with whom he contracted to help him obtain his refund. In considering these requests, the DOE determined that it was partially responsible for the error that resulted in Mr. Loop's receiving an excessive refund, and it therefore decided that Mr. Loop would not be required to pay interest on the repayment. However, the DOE determined that since any agreement between FRI and Mr. Loop was a private matter between the two parties, it would not reduce his repayment obligation to the DOE.

## **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.

Cox Construction Co. et al	RF272-86255	10/20/94
Dahlen Farmers Elevator & Oil Company et al	RF272-94775	10/20/94
Farmers Union Oil Co. of Minot	RF272-86878	10/21/94
Gulf Oil Corporation/O.S.T. & Kirby	RF300-20580	10/18/94
Westheimer & Kirby	RF300-20581	
Fannin Gulf	RF300-20582	
Spencer & Allen Genoa	RF300-20583	
Gulf Oil Corporation/Sylvester's Crill & Palm Ave.	RF300-21801	10/17/94
Sylvester's Crill & Palm Ave. Sylvester's Crill & Palm Ave. Sylvester's Crill & Palm Ave.	RF300-21802	
Sylvester's Crill & Palm Ave.	RF300-21803	
Sylvester's Crill & Palm Ave.	RF300-21804	
Lanford Flying Service et al	RF272-94809	10/20/94
Texaco Inc./Curtis Beard et al	RF321-14018	10/19/94
Texaco Inc./ Stewart's Texaco et al	RF321-20605	10/20/94
Village of Lyons et al	RF272-97204	10/17/94