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Bob: should this be
with Stockman's
Jan 1971

UK —
So we do
withing. Stockman
& French Smith made
right decision on
their own. Bob

we should
do a Consumer
News piece on
the decision
made by Stockman

↓
OK
too bad we
didn't get this very
fine piece of work over
to Ciaconi before the
decision!!

(VK)

UNITED STATES
OFFICE OF CONSUMER AFFAIRS
Washington, D.C. 20201

September 13, 1983

VIC
MEMORANDUM FOR JOSEPH DAWSON

FROM:

John Stiner JS

SUBJECT:

EXXON Overcharges

Over the weekend, Stockman and Attorney General Smith decided to support the lower court's decision which will distribute Exxon related funds back to the states. ✓

This information was received by me at 3:00 p.m. today from DOE.



UNITED STATES
OFFICE OF CONSUMER AFFAIRS
Washington, D.C. 20201

September 12, 1983

MEMO TO: James W. Cicconi
FROM: VIRGINIA H. KNAUER *Virginia Knauer*
SUBJECT: Exxon Overcharge Case

An important issue is now before a U.S. District Court on a matter of \$900 million in gasoline overcharges and \$700 million in interest by Exxon. Briefly, the Court has ruled that Exxon was guilty of overcharging and that the money be returned to the states to be used for public energy assistance programs.

The Court's decision is in line with the views of Congress. In late 1982, Senator John Warner (R-Va.), sponsored an amendment that forced DOE to return other overcharges back to the states on a proportionate basis. The Senator's action came after continued delays by DOE over what to do. There were those within the Administration who wanted the refunds to go directly to the Treasury, while others wanted the overcharges to be sent to the states on the basis that it was the best means to return the money to the victims.

Over an embarrassingly long period, the Administration couldn't make a decision, so Congress did the deciding. The Governors were pleased with the results.

There are those in the Administration who are not considering making an appeal to reverse the District Court's decision to return the Exxon overcharges to the states. I would like to advise you that such a move would have adverse political consequences on the President. Republicans in the Senate can now boast that they were able to assist their constituents. An appeal would dampen that claim, and result in significant criticisms against the President from Governors, various citizen groups and individuals. Soaring utility bills are main issues in many areas.



Be A.

IN THE
TEMPORARY EMERGENCY COURT OF APPEALS
OF THE UNITED STATES

_____)		
UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. DC-
)	
EXXON CORPORATION,)	
)	
Defendant.)	
_____)		

NOTICE OF APPEAL

Notice is hereby given that the United States of America, plaintiff in the proceeding below, appeals to the Temporary Emergency Court of Appeals from a final judgment of the United States District Court for the District of Columbia, dated June 7, 1983 ("the Judgment").

The Judgment from which this appeal is taken disposed of the parties' cross-motions for summary judgment. The Judgment granted in part and denied in part the motion of the United States for summary judgment. The Judgment denied the motion for summary judgment filed by Exxon Corporation ("Exxon"), defendant below. Specifically, the Judgment granted summary judgment for the Government on the issue of Exxon's liability for violations of the Department of Energy's crude oil pricing regulations, 10 C.F.R. § 212.73 and § 212.74 (1975), and on the dollar amount of Exxon's liability

for its overcharges (more than \$895 million plus interest).
The Judgment denied or denied in part the Government's
motion for summary judgment on the issues of civil penalties
and on the remedy to be applied in this case. The appeal of
the United States is solely from those portions of the
Judgment denying or denying in part its motion for summary
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Plaintiff,)	
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v.)	No. DC-
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EXXON CORPORATION,)	
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Defendant.)	
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STATEMENT ACCOMPANYING NOTICE OF APPEAL
REQUIRED BY TECA RULE 15(c)

Pursuant to Rule 15(c) of this Court, the United States of America, plaintiff in the proceeding below, hereby provides the following statement, which accompanies its Notice of Appeal.

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2. The United States of America brought this action to remedy violations by Exxon Corporation ("Exxon"), defendant below, of the Department of Energy's ("DOE") crude oil pricing regulations. See 10 C.F.R. §§ 212.72 - 212.74. The main issue before the District Court was whether Exxon violated DOE's crude oil price-control regulations by certifying as higher-priced "new" or upper tier oil that oil which should properly have been certified as lower-priced "old" or lower tier oil. This issue involved consideration of the meaning of the definitions of "property" and "base production control level" as applied to a unit of crude oil leases, and the validity of the property definition. The case also involved a determination of when a "significant alteration in producing patterns" occurred at the Hawkins Field Unit.

The District Court (Flannery, J.) decided the case on the parties' cross-motions for summary judgment in a Memorandum Opinion dated March 25, 1983. The Judgment of the District Court was entered on June 7, 1983 ("the Judgment"). The Judgment granted in part and denied in part the Government's summary judgment motion. The Judgment denied Exxon's motion for summary judgment.

The Judgment held Exxon liable for the overcharges on crude oil produced at the Hawkins Field Unit. The Judgment assessed the amount of Exxon's overcharges at over \$895 million, which with accumulated interest amounts to in excess of \$1.6 billion. The Judgment declined to assess civil penalties. As the remedy for Exxon's violations, the Judgment ordered Exxon to remit the total amount of the overcharges plus interest to the United States Department of the Treasury for distribution to the States and other eligible jurisdictions, to be used for energy conservation programs, in accordance with the provisions of Section 155, Public Law No. 97-377, 96 Stat. 1830 (1982).

In an Order dated June 17, 1983, the District Court stayed the requirement that Exxon remit the total amount of overcharges, plus interest, pending resolution of any appeals.

3. Counsel for the Government is not aware of any party proceeding In Forma Pauperis or Pro Se.

4. The Government has not appealed this case to any other Court. Counsel for the Government is not aware of any appeal by another party to any other court.

5. Exxon has indicated in its Statement submitted pursuant to Rule 15(c) of this Court that the 125-page transcript of the October 18, 1982 oral argument in the District Court on the parties' cross-motions for summary judgment will be included in the appendix to its brief on appeal. The court reporter was Mrs. Shirley Popejoy, United States Courthouse, Room 6812, Washington, D.C. 20001.

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United States of America

UNITED STATES
OFFICE OF CONSUMER AFFAIRS
Washington, D.C. 20201

September 12, 1983

MEMO TO: James W. Cicconi
FROM: VIRGINIA H. KNAUER
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DR for JCD

Do not send
JDawson:BSteeves:cvc:9/13/83

Stueves



Joe A.

IN THE
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OF THE UNITED STATES

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OF THE UNITED STATES

UNITED STATES OF AMERICA,

Plaintiff,

v.

EXXON CORPORATION,

Defendant.

No. DC-

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In an Order dated June 17, 1983, the District Court stayed the requirement that Exxon remit the total amount of overcharges, plus interest, pending resolution of any appeals.

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4. The Government has not appealed this case to any other Court. Counsel for the Government is not aware of any appeal by another party to any other court.

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UNITED STATES
OFFICE OF CONSUMER AFFAIRS
Washington, D.C. 20201

September 12, 1983

MEMO TO: James W. Cicconi
FROM: VIRGINIA H. KNAUER
SUBJECT: Exxon Overcharge Case

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The Court's decision is in line with the views of Congress. In late 1982, Senator John Warner (R-Va.), sponsored an amendment that forced DOE to return other overcharges back to the states on a proportionate basis. The Senator's action came after continued delays by DOE over what to do. There were those within the Administration who wanted the refunds to go directly to the Treasury, while others wanted the overcharges to be sent to the states on the basis that it was the best means to return the money to the victims.

Over an embarrassingly long period, the Administration couldn't make a decision, so Congress did the deciding. The Governors were pleased with the results.

There are those in the Administration who are not considering making an appeal to reverse the District Court's decision to return the Exxon overcharges to the states. I would like to advise you that such a move would have adverse political consequences on the President. Republicans in the Senate can now boast that they were able to assist their constituents. An appeal would dampen that claim, and result in significant criticisms against the President from Governors, various citizen groups and individuals. Soaring utility bills are main issues in many areas.

JDawson:BSteeves:cvc:9/13/83



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IN THE
TEMPORARY EMERGENCY COURT OF APPEALS
OF THE UNITED STATES

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Plaintiff,)	
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v.)	No. DC-
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EXXON CORPORATION,)	
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Defendant.)	
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NOTICE OF APPEAL

Notice is hereby given that the United States of America, plaintiff in the proceeding below, appeals to the Temporary Emergency Court of Appeals from a final judgment of the United States District Court for the District of Columbia, dated June 7, 1983 ("the Judgment").

The Judgment from which this appeal is taken disposed of the parties' cross-motions for summary judgment. The Judgment granted in part and denied in part the motion of the United States for summary judgment. The Judgment denied the motion for summary judgment filed by Exxon Corporation ("Exxon"), defendant below. Specifically, the Judgment granted summary judgment for the Government on the issue of Exxon's liability for violations of the Department of Energy's crude oil pricing regulations, 10 C.F.R. § 212.73 and § 212.74 (1975), and on the dollar amount of Exxon's liability

for its overcharges (more than \$895 million plus interest). The Judgment denied or denied in part the Government's motion for summary judgment on the issues of civil penalties and on the remedy to be applied in this case. The appeal of the United States is solely from those portions of the Judgment denying or denying in part its motion for summary judgment.

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IN THE
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OF THE UNITED STATES

UNITED STATES OF AMERICA,

Plaintiff,

v.

EXXON CORPORATION,

Defendant.

No. DC-

STATEMENT ACCOMPANYING NOTICE OF APPEAL
REQUIRED BY TECA RULE 15(c)

Pursuant to Rule 15(c) of this Court, the United States of America, plaintiff in the proceeding below, hereby provides the following statement, which accompanies its Notice of Appeal.

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2. The United States of America brought this action to remedy violations by Exxon Corporation ("Exxon"), defendant below, of the Department of Energy's ("DOE") crude oil pricing regulations. See 10 C.F.R. §§ 212.72 - 212.74. The main issue before the District Court was whether Exxon violated DOE's crude oil price-control regulations by certifying as higher-priced "new" or upper tier oil that oil which should properly have been certified as lower-priced "old" or lower tier oil. This issue involved consideration of the meaning of the definitions of "property" and "base production control level" as applied to a unit of crude oil leases, and the validity of the property definition. The case also involved a determination of when a "significant alteration in producing patterns" occurred at the Hawkins Field Unit.

The District Court (Flannery, J.) decided the case on the parties' cross-motions for summary judgment in a Memorandum Opinion dated March 25, 1983. The Judgment of the District Court was entered on June 7, 1983 ("the Judgment"). The Judgment granted in part and denied in part the Government's summary judgment motion. The Judgment denied Exxon's motion for summary judgment.

The Judgment held Exxon liable for the overcharges on crude oil produced at the Hawkins Field Unit. The Judgment assessed the amount of Exxon's overcharges at over \$895 million, which with accumulated interest amounts to in excess of \$1.6 billion. The Judgment declined to assess civil penalties. As the remedy for Exxon's violations, the Judgment ordered Exxon to remit the total amount of the overcharges plus interest to the United States Department of the Treasury for distribution to the States and other eligible jurisdictions, to be used for energy conservation programs, in accordance with the provisions of Section 155, Public Law No. 97-377, 96 Stat. 1830 (1982).

In an Order dated June 17, 1983, the District Court stayed the requirement that Exxon remit the total amount of overcharges, plus interest, pending resolution of any appeals.

3. Counsel for the Government is not aware of any party proceeding In Forma Pauperis or Pro Se.

4. The Government has not appealed this case to any other Court. Counsel for the Government is not aware of any appeal by another party to any other court.

5. Exxon has indicated in its Statement submitted pursuant to Rule 15(c) of this Court that the 125-page transcript of the October 18, 1982 oral argument in the District Court on the parties' cross-motions for summary judgment will be included in the appendix to its brief on appeal. The court reporter was Mrs. Shirley Popejoy, United States Courthouse, Room 6812, Washington, D.C. 20001.

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