

Wheeling and Lake Erie Railway Co.

WE 40435

GENERAL RULES FUEL COST RECOVERY SURCHARGE

Issued: February 25, 2004

Issued by:
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100 East First Street
Brewster, OH 44613

Effective: February 25, 2004
(except as otherwise provided herein)

Fuel Surcharge

WE 40435

In the event the price of West Texas Intermediate Crude Oil, as published in the Wall Street Journal, exceeds \$28.00 per barrel for thirty (30) consecutive days, the carriers in the routing retain the right to apply a fuel surcharge to the freight charge (s) contained in this authority in effect on the date the fuel surcharge is applied, hereafter referred to as the “Base Freight Charge (s)”. If this option is exercised, the fuel surcharge shall be applied according to the following schedule:

TEXAS INTERMEDIATE CRUDE OIL (PRICE PER BARREL)	CUMULATIVE FUEL SURCHARGE (PERCENTAGE)
\$28	2%
\$33	4%
\$38	6%
\$43	8%
EACH \$5.00 PER BARREL INCREASE	AN ADDITIONAL 2%

The price of West Texas Intermediate Crude Oil must exceed a given bracket for thirty (30) consecutive days for the surcharge under that bracket to be applicable. If the price of West Texas Intermediate Crude Oil ceases to be available from the Wall Street Journal or some other readily accessible source, a substitute to measure will be utilized.

Customers will receive notice of any fuel surcharge not less than ten (10) days prior to its application. Any fuel surcharge applied to the freight charge (s) in this authority will be removed or reduced when the price of West Texas Intermediate Crude Oil remains below the price which triggers a specific surcharge bracket for thirty (30) consecutive days. Reductions will be made promptly after they become applicable. In no case will the freight charge (s) be reduced below the “Base Freight Charge (s)” nor will the application or removal of the fuel surcharge be retroactive.

ISSUED: October 7, 2002
AMENDED: November 1, 2003

Issued by
Richard J. Elston
Vice President Market and Sales
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100 East First Street
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EFFECTIVE: October 7, 2002
(Unless otherwise indicated herein.)