

Wheeling and Lake Erie Railway Co.

WE 40561

GENERAL RULES FUEL COST RECOVERY SURCHARGE

Issued: August 1, 2006

Issued by:
Charlene Flack
Director Marketing Services
Wheeling and Lake Erie Railway Co.
100 East First Street
Brewster, OH 44613

Effective: August 1, 2006
(except as otherwise provided herein)

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Fuel Surcharge

In the event the average monthly price of West Texas Intermediate Crude Oil exceeds \$64.00 per barrel, calculated using the daily prices published in the Wall Street Journal, Wheeling & Lake Erie will assess a fuel surcharge on all line-haul freight charges (as set forth below, the “WTI Average Price”).

The applicable fuel surcharge percentage shall be applied to each shipment having a bill of lading dated on or after the 1st day of the second calendar month following the calendar month of a given WTI Average Price Calculation. The fuel surcharge will change the monthly per the table below:

Calendar Month of WTI Average Price	Fuel Surcharge Applied	Calendar Month of WTI Average Price	Fuel Surcharge Applied	Calendar Month of WTI Average Price	Fuel Surcharge Applied
January	March 1	May	July 1	September	November 1
February	April 1	June	August 1	October	December 1
March	May 1	July	September 1	November	January 1
April	June 1	August	October 1	December	February 1

The fuel surcharge will be 0.3% of the line-haul freight charge for every \$1.00 per barrel, or portion thereof, by which the WTI Average Price exceeds \$64.00. The WTI Average Price for a given calendar month will be determined by adding the daily West Texas Intermediate Crude Oil prices published in the Wall Street Journal during a calendar month, and dividing the result by the number of days so published in that given month. The result will be rounded to the nearest cent. If the Wall Street Journal ceases publication of the price of West Texas Intermediate Crude Oil, WE will employ a suitable substitute source of price or measure. The following schedule reflects the applicable fuel surcharge (FSC) within the WTI Average Price ranges noted below.

WTI Average Price Per Barrel	FSC (%)	WTI Average Price Per Barrel	FSC (%)	WTI Average Price Per Barrel	FSC (1%)
\$64.00 and below	None	\$71.01-\$72.00	2.4%	\$81.01-\$82.00	5.4%
		\$72.01-\$73.00	2.7%	\$82.01-\$83.00	5.7%
		\$73.01-\$74.00	3.0%	\$83.01-\$84.00	6.0%
\$64.01-\$65.00	0.3%	\$74.01-\$75.00	3.3%	\$84.01-\$85.00	6.3%
\$65.01-\$66.00	0.6%	\$75.01-\$76.00	3.6%	\$85.01-\$86.00	6.6%
\$66.01-\$67.00	0.9%	\$76.01-\$77.00	3.9%	\$86.01-\$87.00	6.9%
\$67.01-\$68.00	1.2%	\$77.01-\$78.00	4.2%	\$87.01-\$88.00	7.2%
\$68.01-\$69.00	1.5%	\$78.01-\$79.00	4.5%	\$88.01-\$89.00	7.5%
\$69.01-\$70.00	1.8%	\$79.01-\$80.00	4.8%	\$89.01 and above	*
\$70.01-\$71.00	2.1%	\$80.01-\$81.00	5.1%		

* The fuel surcharge will be 7.5%, plus an additional 0.3% of the line-haul freight charge for every \$1.00 per barrel, or portion thereof, by which the WTI Average Price Per Barrel exceeds \$89.00.