Decision

Matter of: Consolidated Freightways - Rules Tariff Applicability

File: B-230427

Date: April 27, 1989

DIGEST

The General Services Administration (GSA) disallowed a motor carrier's claim for additional freight charges relating to the transportation of a shipment weighing 24,888 pounds that was originally billed based on less-truckload (LTL) rates in its tender. The carrier contends that a rules tariff, governing the tender, restricted application of the tender's lower LTL rates to shipments weighing less than 20,000 pounds. GSA, however, has shown that the edition of the tender in effect at the time the carrier received this shipment was not governed by the rules tariff containing the weight limit on LTL rates. Therefore, the lower rates originally billed were applicable, and GSA's settlement action is sustained.

DECISION

This decision responds to a request by Consolidated Freightways (CF) for review of settlement action taken by the General Services Administration (GSA) in which GSA disallowed CF's claim for additional transportation charges. We sustain GSA's action.1/

BACKGROUND

For the transportation of a government shipment received by CF on March 28, 1985, weighing 24,888 pounds,2/ CF collected charges that were based on an offer in its Rate Tender 1186 to transport Freight All Kinds for the United

---

1/ GSA's Settlement Certificate, TK-T-2037209, dated April 30, 1986.

2/ CF received the shipment, which consisted of machinery parts, NOI, conduits, valves, etc. on Government Bill of Lading T-2037209, at Ogden, Utah, for transportation to Norfolk, Virginia.

States government at rates that were ". . . 79% of the LTL class 50 rates as published in RMB 583."3/ Specifically, CF originally billed using the rate of $8.37 per 100 pounds, which was 79 percent of a Tariff 583 LTL rate that was applicable to shipments weighing a minimum of 20,000 pounds, but less than 30,000 pounds.

CF later submitted a supplemental bill to GSA for additional charges, contending that by virtue of RMB Rules Tariff 100, which, according to CF, governed Tender 1186, the LTL rates were restricted in application to shipments subject to minimum weights of less than 20,000 pounds; therefore, since the shipment weighed more than 20,000 pounds it was not an LTL shipment and the government was not entitled to the lower LTL charges originally billed.

DISCUSSION

The only issue is whether the rules tariff referred to·by CF governed the edition of Tender 1186 in effect at the time the shipment moved.

CF relies on a definition of "LTL" in item 110 of Rules Tariff 100 as limiting application of RMB Tariff 583's LTL rates to shipments weighing less than 20,000 pounds. Rate Tender 1186-E expressly provides that it is governed by Rules Tariff 100, as well as Rate Tariff 583.4/
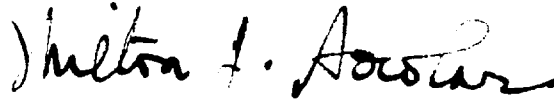
GSA states that a change in tender and governing rules makes CF's contention invalid. On the date this shipment moved Tender 1186-F was in effect, having cancelled Tender 1186-E on January 28, 1985, that is, before this shipment moved. Tender 1186-F, the applicable tender, was expressly governed by a different rules tariff, ICC CFWY 110-A, effective February 25, 1985. Rules Tariff 110-A contained no limiting definition of "LTL;" thus, there was no provision limiting application of the LTL rates in Tariff 583 to shipments weighing less than 20,000 pounds.

Since, as GSA states, Tender 1186-F was the applicable tender, and its LTL rates were not limited to shipments

---

3/ That is, 79 percent of the less than truckload class 50 rates published in Rocky Mountain Motor Tariff Bureau, Inc. Class Rate Tariff 583.

4/ There is some additional question as to the basis for CF's claim even if the carrier prevailed on this issue; however, in view of our holding there is no need to address this question.

weighing less than 20,000 pounds, GSA's settlement action
disallowing CF's claim appears correct and is sustained.

Acting Comptroller General
of the United States