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Federal Maritime Commission

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FEDERAL MARITIME COMMISSION
OFFICE OF THE SECRETARY

Armstrong World Industries, Inc.

Complainant,

v.

Docket No. 07- 03

Expeditors International of Washington, Inc.

Respondent.

ARMSTRONG WORLD INDUSTRIES, INC. ("AWI"), Complainant herein, as and for its verified complaint alleges on the basis of information and belief as follows:

Complaint

I. THE PARTIES

1. AWI is a corporation organized under the laws of the State of Pennsylvania with its principal place of business located at 2500 Columbia Ave. Lancaster Pennsylvania 17603. The principal business of AWI is as a designer and manufacturer of floors, ceilings and cabinets.

2. EXPEDITORS INTERNATIONAL OF WASHINGTON, INC. ("EXPEDITORS"), Respondent, is a corporation organized under the laws of the State of Washington with its principal place of business located at 1015 Third Avenue Suite 1200, Seattle, WA 98104. Expeditors is licensed by the Federal Maritime Commission as an Ocean Transportation Intermediary - Non-Vessel Operating Common Carrier "(NVOCC"), License #002268N offering ocean transportation. 46 U.S.C. App. §1702(17)(B).

II. JURISDICTION and STANDING

3. The Federal Maritime Commission ("FMC" or the "Commission") has jurisdiction over this Complaint pursuant to sections 3 and 11 of the Shipping Act on 1984, as amended, 46 U.S.C. App. §§ 1702 and 1710.
4. EXPEDITORS, in its capacity as a NVOCC, is subject to the personal jurisdiction of the Commission.
5. AWI, by this Complaint, avows and asserts that Respondent, EXPEDITORS, acting as a NVOCC, has violated Section 10 of the 1984 Act, 46 U.S.C. App. § 1709.
6. In pertinent part, Sections 10(b)(4)(A), 10(b)(8) and 10(d)(1) of the Shipping Act of 1984, as amended, (46 U.S.C. App. §1709 10(b)(4)(A), 10(b)(8) and (d)(1)) provide:

> (b) Common carriers
> No common carrier, either alone or in conjunction with any other person, directly or indirectly, may--
> ***
> (4) for service pursuant to a tariff, engage in any unfair or unjustly discriminatory practice in the matter of –
> (A) rates or charges;
> ***
> (8) for service pursuant to a tariff, give any undue or any unreasonable preference or advantage or impose any undo or unreasonable prejudice or disadvantage.
> ***
> (d) Common carriers, ocean transportation intermediary, or marine terminal operators
> (1) No common carrier... may fail to establish, observe, and enforce just and reasonable regulations and practices relating to or connected with receiving, handling, storing, or delivering property.

Accordingly, The Federal Maritime Commission has jurisdiction over this dispute.

7. At all times pertinent to this matter, AWI has been a "Shipper" within the meaning of Section 3(21) of the Shipping Act of 1984. *See* 46 U.S.C. App. § 1702(21), and is the party responsible for payment of all shipping charges. Accordingly, AWI has standing to bring this action.
8. The parties have not utilized informal dispute resolution procedures heretofore and AWI has not consulted with the Commission Dispute Resolution Specialist about utilizing

alternative dispute resolution (ADR) under the FMC's ADR program. *See* 46 CFR § 502.62(e).

III. FACTUAL BACKGROUND

At all times pertinent to this action,

9. EXPEDITORS was a NVOCC, a common carrier within the definition of Sec. 3 (17)(B), operating pursuant to a tariff on file with the Commission providing ocean transportation services during the time period from 2004-2006.
10. AWI utilized the services of EXPEDITORS for its ocean transportation requirements throughout the world and in particular for this complaint on its transportation services from the Far East to AWI's United States facilities through West Coast ports, through EXPEDITORS' West Coast mini-landbridge service to interior destinations and for all water shipments through the Panama Canal to the East Coast destinations.
11. During the 2005 peak shipping season EXPEDITORS triple charged AWI for the pass-through peak season shipping charges assessed under its ocean shipping contracts with its Vessel Operating Common Carriers ("VOCC").
12. EXPEDITORS' tariff had three separate rules for peak surcharges during 2005:
    i. Rule #90-87 - PEAK SURCHARGE – ASIA TO USA for the period June 15 – November 30, 2005. Applicable on all shipments...From Far East and Indian Subcontinent....to the United States, *excluding west coast routings.* (Emphasis added.)
    ii. Rule # 90-86 - PEAK VOLUME SURCHARGE – ASIA TO USA for the period June 15 – November 30, 2005. Applicable on all shipments ...From Far East and Indian Subcontinent...to the United States *excluding west coast routings.* (Emphasis added).
    iii. Rules # 90-85 – PEAK SEASON SURCHARGE – ASIA TO USA for the period June 15 – November 30, 2005. Applicable on all shipments ...From the Far East and Indian Subcontinent...to the United States *excluding west coast routings.* (Emphasis added).

13. EXPEDITORS' specific tariffs for AWI's products, Flooring Materials NOS, Floor Coverings NOS and Vinyl Flooring NOS, for shipments out of various ports in Asia to the United States included all three peak surcharges.
14. EXPEDITORS' tariffs include all three peak surcharges in the base rate assessed to AWI or it included two out of the three in the base rate and then added the third separately as an itemized surcharge.
15. On information and belief that EXPEDITORS triple charged AWI for peak surcharges during the course of 2004 and 2006 in the same or similar manner, in derogation of applicable tariffs then in effect.
16. EXPEDITORS' overcharge of the peak surcharges during 2005 amounted to $216,765, but AWI believes the total amount overcharged will increase for similar overcharges on shipments made during the 2004 and 2006 peak season and the additional funds overcharged will be proven during the course of this proceeding.

FIRST COUNT

17. AWI repeats and alleges each of the averments contained in the preceding paragraphs of this Complaint.
18. EXPEDITORS' inclusion of three separate "peak" surcharges was discriminatory to AWI.
19. EXPEDITORS, for service pursuant to a tariff, engaged in an unfair or unjustly discriminatory practice in the matter of rates and charges.
20. Such action constitutes a violation of Section 10(b)(4)(A) of the Shipping Act of 1984, as amended. *See*, 46 U.S.C. 1709(b)(4)(A).

SECOND COUNT

21. AWI repeats and alleges each of the averments contained in the preceding paragraphs of this Complaint.
22. EXPEDITORS' inclusion of any peak surcharges in the Expeditors' tariffs created for AWI's ASIA to USA shipments to west coast ports was contrary to EXPEDITORS' own

tariff rules which specifically excluded charging any peak surcharges to west coast ports and was therefore discriminatory to AWI.

23. EXPEDITORS', for service pursuant to a tariff, imposed undue and unreasonable prejudice and disadvantage to AWI.
24. Such action constitutes a violation of Section 10(b)(8) of the Shipping Act of 1984, as amended. *See* 46 U.S.C. App. § 1709 (b)(8).

THIRD COUNT

25. AWI repeats and alleges each of the averments contained in the preceding paragraphs of this Complaint.
26. EXPEDITORS failed to observe its own tariff rules and grossly overcharged AWI by providing a tariff that was confusing and unreasonable.
27. Such actions constitute per se failure by an ocean transportation intermediary to establish just and reasonable regulations and practices relating to or connected with receiving, handling, storing or delivering property.
28. Such action constitutes a violation of Section 10(b)(8) of the Shipping Act of 1984, as amended. *See* 46 U.S.C. App. § 1709 (b)(8).

PRAYER FOR RELIEF

WHEREFORE, Complainant AWI prays that an order be entered finding Respondent EXPEDITORS to have violated sections 10(b)(4)(B), 10(b)(8), and 10(d)(1) of the Shipping Act of 1984 and directing EXPEDITORS to pay all overcharges of peak season surcharges in accordance with its own tariff rules by way of reparations for the unlawful conduct above described and such other amounts proven by evidence in this proceeding with interest and attorney's fees, and that such other and further order or orders be made as the Commission determines to be proper in the premises.

DATED: March 30, 2007

Respectfully submitted,

Peggy Louie Chaplin, Esq.
Donna L. Bade, Esq.
Sandler, Travis & Rosenberg, P.A.
111 South Calvert Street, Suite 2700
Baltimore, MD 21202
410-385-5208

Counsel for Armstrong World
Industries, Inc.
Complainant

Verification

Jerry Green, Vice President of Armstrong World Industries, Inc., has read the complaint and that the facts stated therein upon information received from others, affiant believes to be true.

Signed:

Position: Vice President Supply Chain

Subscribed and sworn to before me, a notary public in and for the State of Pennsylvania, County of Lancaster, this 21st day of March, 2007.

NOTARY SEAL

Angela J. Allgyer

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Angela J. Allgyer, Notary Public
City of Lancaster, Lancaster County
My Commission Expires Aug. 11, 2009

Tariff Rules

Print this page

Cargo Receipt Date: 08/15/05

View Tariff Record

Search Clear

Rule Number: **90-86**

Rule Description: **PEAK VOLUME SURCHARGE - ASIA TO USA**

Filed Date: May 16, 2005

Effective Date: June 16, 2005

Expire Date: November 30, 2005

Amendment Code: Reduction

Full Text of Rule: Peak Volume Surcharge - Applicable on all shipments as follows:

From Far East and Indian Subcontinet (Japan, Korea, Taiwan, Hong Kong, Macau, Malaysia, Singapore, Indonesia, Philippines, Thailand, China, India, Pakistan, Sri Lanka, Bangladesh) to the United States excluding west coast routings.

$3.00 w/m
$115.00/20'
$150.00/40'
$170.00/40'HC
$190.00/45'

Tariff Rules

Print this page

Cargo Receipt Date: 08/15/05

View Tariff Record

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Rule Number:	**90-85**
Rule Description:	**PEAK SEASON SURCHARGE - ASIA TO USA**
Filed Date:	May 16, 2005
Effective Date:	June 15, 2005
Expire Date:	November 30, 2005
Amendment Code:	New or Initial Matter
Full Text of Rule:	Peak Season Surcharge - Applicable on all shipments as follows:

From Far East and Indian Subcontinet (Japan, Korea, Taiwan, Hong Kong, Macau, Malaysia, Singapore, Indonesia, Philippines, Thailand, China, India, Pakistan, Sri Lanka, Bangladesh) to the United States excluding west coast routings.

$7.00 w/m
$225.00/20'
$300.00/40'
$340.00/40'HC
$380.00/45'

Tariff Rules

Print this page

Cargo Receipt Date: 08/15/05

View Tariff Record

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Rule Number: **90-87**

Rule Description: **PEAK SURCHARGE - ASIA TO USA**

Filed Date: May 16, 2005

Effective Date: June 15, 2005

Expire Date: November 30, 2005

Amendment Code: New or Initial Matter

Full Text of Rule: Peak Surcharge - Applicable on all shipments as follows:

From Far East and Indian Subcontinet (Japan, Korea, Taiwan, Hong Kong, Macau, Malaysia, Singapore, Indonesia, Philippines, Thailand, China, India, Pakistan, Sri Lanka, Bangladesh) to the United States excluding west coast routings.

$5.00 w/m
$150.00/20'
$200.00/40'
$225.00/40'HC
$255.00/45'

EXPEDITORS' PEAK SURCHARGES - 2005- CHARGED TO AWI

Invoice #	Date	Qty	Size	Movmt	Peak	Total	Volume	Total	PSS rate	PSS Total	Total of 3 Chgs.
E300106992	7/14/2005	11	20	MLB	$150	$1,650	$115	$1,265	$225	$2,475	$5,390
E300107158	7/15/2005	1	20	MLB	$150	$150	$115	$115	$225	$225	$490
E300107830	7/21/2005	6	20	MLB	$150	$900	$115	$690	$225	$1,350	$2,940
E300108357	7/26/2005	1	20	MLB	$150	$150	$115	$115	$225	$225	$490
E300108359	7/26/2005	1	20	MLB	$150	$150	$115	$115	$225	$225	$490
E300108372	7/26/2005	1	20	MLB	$150	$150	$115	$115	$225	$225	$490
E300108375	7/26/2005	1	20	MLB	$150	$150	$115	$115	$225	$225	$490
E300108377	7/26/2005	1	20	MLB	$150	$150	$115	$115	$225	$225	$490
E300110923	8/15/2005	1	20	MLB	$150	$150	$115	$115	$225	$225	$490
E300111862	8/23/2005	1	20	MLB	$150	$150	$115	$115	$225	$225	$490
E300112151	8/24/2005	1	20	MLB	$150	$150	$115	$115	$225	$225	$490
E300112279	8/25/2005	1	20	MLB	$150	$150	$115	$115	$225	$225	$490
E300112283	8/25/2005	1	20	MLB	$150	$150	$115	$115	$225	$225	$490
E300113146	8/31/2005	1	20	MLB	$150	$150	$115	$115	$225	$225	$490
E300118876	10/17/2005	10	20	MLB	$150	$1,500	$115	$1,150	$150	$1,500	$4,150
E300120186	10/26/2005	9	20	MLB	$150	$1,350	$115	$1,035	$150	$1,350	$3,735
E300120257	10/27/2005	1	20	MLB	$150	$150	$115	$115	$150	$150	$415
E300120865	11/1/2005	9	20	MLB	$150	$1,350	$115	$1,035	$150	$1,350	$3,735
E300121149	11/2/2005	1	20	MLB	$150	$150	$115	$115	$150	$150	$415
E300121150	11/2/2005	1	20	MLB	$150	$150	$115	$115	$150	$150	$415
E300121151	11/2/2005	1	20	MLB	$150	$150	$115	$115	$150	$150	$415
E300121164	11/2/2005	9	20	MLB	$150	$1,350	$115	$1,035	$150	$1,350	$3,735
E300121387	11/3/2005	8	20	MLB	$150	$1,200	$115	$920	$150	$1,200	$3,320
E300121391	11/3/2005	2	20	MLB	$150	$300	$115	$230	$150	$300	$830
E300121912	11/8/2005	1	20	MLB	$150	$150	$115	$115	$150	$150	$415
E300122206	11/10/2005	1	20	MLB	$150	$150	$115	$115	$150	$150	$415
E300122459	11/11/2005	1	20	MLB	$150	$150	$115	$115	$150	$150	$415
E300122480	11/11/2005	1	20	MLB	$150	$150	$115	$115	$150	$150	$415
E300122574	11/14/2005	2	20	MLB	$150	$300	$115	$230	$150	$300	$830
E300122853	11/15/2005	8	20	MLB	$150	$1,200	$115	$920	$150	$1,200	$3,320
E300123012	11/16/2005	1	20	MLB	$150	$150	$115	$115	$150	$150	$415
E300123013	11/16/2005	1	20	MLB	$150	$150	$115	$115	$150	$150	$415
E300123014	11/16/2005	1	20	MLB	$150	$150	$115	$115	$150	$150	$415
E300123018	11/16/2005	1	20	MLB	$150	$150	$115	$115	$150	$150	$415
E300123196	11/17/2005	1	20	MLB	$150	$150	$115	$115	$150	$150	$415
E300123728	11/22/2005	1	20	MLB	$150	$150	$115	$115	$150	$150	$415
E300125872	12/8/2005	11	20	MLB	$150	$1,650	$115	$1,265	$150	$1,650	$4,565
Total 20' MLB						$16,650		$12,765		$18,825	$0

EXPEDITORS' PEAK SURCHARGES - 2005- CHARGED TO AWI

Invoice #	Date	Qty	Size	Movmt	Peak	Total	Volume	Total	PSS rate	PSS Total	Total of 3 Chgs.
E300105602	7/1/2005	2	20	USWC	$150	$300	$115	$230	$150	$300	$830
E300105936	7/6/2005	5	20	USWC	$150	$750	$115	$575	$150	$750	$2,075
E300107166	7/15/2005	2	20	USWC	$150	$300	$115	$230	$150	$300	$830
E300107169	7/15/2005	3	20	USWC	$150	$450	$115	$345	$150	$450	$1,245
E300107253	7/18/2005	2	20	USWC	$150	$300	$115	$230	$150	$300	$830
E300107668	7/20/2005	3	20	USWC	$150	$450	$115	$345	$150	$450	$1,245
E300119240	10/19/2005	2	20	USWC	$150	$300	$115	$230	$115	$230	$760
E300120210	10/26/2005	2	20	USWC	$150	$300	$115	$230	$115	$230	$760
E300120212	10/26/2005	4	20	USWC	$150	$600	$115	$460	$115	$460	$1,520
E300120876	11/1/2005	3	20	USWC	$150	$450	$115	$345	$115	$345	$1,140
E300121144	11/2/2005	3	20	USWC	$150	$450	$115	$345	$115	$345	$1,140
E300121515	11/4/2005	3	20	USWC	$150	$450	$115	$345	$115	$345	$1,140
E300121744	11/7/2005	2	20	USWC	$150	$300	$115	$230	$115	$230	$760
E300121921	11/8/2005	3	20	USWC	$150	$450	$115	$345	$115	$345	$1,140
E300122648	11/14/2005	2	20	USWC	$150	$300	$115	$230	$115	$230	$760
E300123740	11/22/2005	2	20	USWC	$150	$300	$115	$230	$115	$230	$760
E300123972	11/23/2005	1	20	USWC	$150	$150	$115	$115	$115	$115	$380
E300123974	11/23/2005	1	20	USWC	$150	$150	$115	$115	$115	$115	$380
E300124119	11/25/2005	4	20	USWC	$150	$600	$115	$460	$115	$460	$1,520
E300125648	12/7/2005	2	20	USWC	$150	$300	$115	$230	$150	$300	$830
Total 20' USWC						$7,650		$5,865		$6,530	$20,045
Grand Total 20'		**162**				**$24,300**		**$18,630**		**$25,355**	**$68,285**
E300124102	11/25/2002	1	40	MLB	$200	$200	$150	$150	$200	$200	$550
E300106836	7/13/2005	5	40	MLB	$200	$1,000	$150	$750	$300	$1,500	$3,250
E300106982	7/14/2005	1	40	MLB	$200	$200	$150	$150	$300	$300	$650
E300107316	7/18/2005	1	40	MLB	$200	$200	$150	$150	$300	$300	$650
E300107654	7/20/2005	3	40	MLB	$200	$600	$150	$450	$300	$900	$1,950
E300107657	7/20/2005	5	40	MLB	$200	$1,000	$150	$750	$300	$1,500	$3,250
E300107829	7/21/2005	1	40	MLB	$200	$200	$150	$150	$300	$300	$650
E300107834	7/21/2005	1	40	MLB	$200	$200	$150	$150	$300	$300	$650
E300108219	7/25/2005	4	40	MLB	$200	$800	$150	$600	$300	$1,200	$2,600
E300108222	7/25/2005	2	40	MLB	$200	$400	$150	$300	$300	$600	$1,300
E300108228	7/25/2005	1	40	MLB	$200	$200	$150	$150	$300	$300	$650
E300108361	7/26/2005	1	40	MLB	$200	$200	$150	$150	$300	$300	$650
E300108366	7/26/2005	1	40	MLB	$200	$200	$150	$150	$300	$300	$650
E300108367	7/26/2005	1	40	MLB	$200	$200	$150	$150	$300	$300	$650
E300108369	7/26/2005	1	40	MLB	$200	$200	$150	$150	$300	$300	$650
E300108380	7/26/2005	1	40	MLB	$200	$200	$150	$150	$300	$300	$650
E300109074	8/1/2005	1	40	MLB	$200	$200	$150	$150	$300	$300	$650

EXPEDITORS' PEAK SURCHARGES - 2005- CHARGED TO AWI

Invoice #	Date	Qty	Size	Movmt	Peak	Total	Volume	Total	PSS rate	PSS Total	Total of 3 Chgs.
E300109654	8/4/2005	1	40	MLB	$200	$200	$150	$150	$300	$300	$650
E300109656	8/4/2005	1	40	MLB	$200	$200	$150	$150	$300	$300	$650
E300109658	8/4/2005	3	40	MLB	$200	$600	$150	$450	$300	$900	$1,950
E300109662	8/4/2005	4	40	MLB	$200	$800	$150	$600	$300	$1,200	$2,600
E300110384	8/10/2005	1	40	MLB	$200	$200	$150	$150	$300	$300	$650
E300110392	8/10/2005	2	40	MLB	$200	$400	$150	$300	$300	$600	$1,300
E300110412	8/10/2005	1	40	MLB	$200	$200	$150	$150	$300	$300	$650
E300110565	8/11/2005	1	40	MLB	$200	$200	$150	$150	$300	$300	$650
E300111260	8/17/2005	1	40	MLB	$200	$200	$150	$150	$300	$300	$650
E300111408	8/18/2005	1	40	MLB	$200	$200	$150	$150	$300	$300	$650
E300111528	8/19/2005	1	40	MLB	$200	$200	$150	$150	$300	$300	$650
E300111653	8/22/2005	5	40	MLB	$200	$1,000	$150	$750	$300	$1,500	$3,250
E300111839	8/23/2005	1	40	MLB	$200	$200	$150	$150	$300	$300	$650
E300112044	8/24/2005	2	40	MLB	$200	$400	$150	$300	$300	$600	$1,300
E300112047	8/24/2005	3	40	MLB	$200	$600	$150	$450	$300	$900	$1,950
E300112048	8/24/2005	2	40	MLB	$200	$400	$150	$300	$300	$600	$1,300
E300112148	8/24/2005	1	40	MLB	$200	$200	$150	$150	$300	$300	$650
E300112260	8/25/2005	1	40	MLB	$200	$200	$150	$150	$300	$300	$650
E300112282	8/25/2005	1	40	MLB	$200	$200	$150	$150	$300	$300	$650
E300112284	8/25/2005	1	40	MLB	$200	$200	$150	$150	$300	$300	$650
E300112347	8/25/2005	1	40	MLB	$200	$200	$150	$150	$300	$300	$650
E300112461	8/26/2005	1	40	MLB	$200	$200	$150	$150	$300	$300	$650
E300112463	8/26/2005	1	40	MLB	$200	$200	$150	$150	$300	$300	$650
E300112860	8/30/2005	1	40	MLB	$200	$200	$150	$150	$300	$300	$650
E300112896	8/30/2005	3	40	MLB	$200	$600	$150	$450	$300	$900	$1,950
E300112901	8/30/2005	1	40	MLB	$200	$200	$150	$150	$300	$300	$650
E300112908	8/30/2005	1	40	MLB	$200	$200	$150	$150	$300	$300	$650
E300112959	8/30/2005	1	40	MLB	$200	$200	$150	$150	$300	$300	$650
E300113126	8/31/2005	1	40	MLB	$200	$200	$150	$150	$300	$300	$650
E300113129	8/31/2005	1	40	MLB	$200	$200	$150	$150	$300	$300	$650
E300113132	8/31/2005	1	40	MLB	$200	$200	$150	$150	$300	$300	$650
E300113148	8/31/2005	1	40	MLB	$200	$200	$150	$150	$300	$300	$650
E300113155	8/31/2005	1	40	MLB	$200	$200	$150	$150	$300	$300	$650
E300113156	8/31/2005	1	40	MLB	$200	$200	$150	$150	$300	$300	$650
E300113157	8/31/2005	1	40	MLB	$200	$200	$150	$150	$300	$300	$650
E300113608	9/6/2005	1	40	MLB	$200	$200	$150	$150	$300	$300	$650
E300113834	9/7/2005	1	40	MLB	$200	$200	$150	$150	$300	$300	$650
E300113838	9/7/2005	1	40	MLB	$200	$200	$150	$150	$300	$300	$650
E300113839	9/7/2005	1	40	MLB	$200	$200	$150	$150	$300	$300	$650
E300113984	9/8/2005	3	40	MLB	$200	$600	$150	$450	$300	$900	$1,950
E300113986	9/8/2005	2	40	MLB	$200	$400	$150	$300	$300	$600	$1,300

EXPEDITORS' PEAK SURCHARGES - 2005- CHARGED TO AWI

Invoice #	Date	Qty	Size	Movmt	Peak	Total	Volume	Total	PSS rate	PSS Total	Total of 3 Chgs.
E300113991	9/8/2005	1	40	MLB	$200	$200	$150	$150	$300	$300	$650
E300113994	9/8/2005	1	40	MLB	$200	$200	$150	$150	$300	$300	$650
E300113996	9/8/2005	1	40	MLB	$200	$200	$150	$150	$300	$300	$650
E300114000	9/8/2005	1	40	MLB	$200	$200	$150	$150	$200	$200	$550
E300110388	9/10/2005	2	40	MLB	$200	$400	$150	$300	$300	$600	$1,300
E300114939	9/15/2005	1	40	MLB	$200	$200	$150	$150	$300	$300	$650
E300114948	9/15/2005	2	40	MLB	$200	$400	$150	$300	$300	$600	$1,300
E300114950	9/15/2005	2	40	MLB	$200	$400	$150	$300	$300	$600	$1,300
E300115517	9/20/2005	1	40	MLB	$200	$200	$150	$150	$300	$300	$650
E300115519	9/20/2005	1	40	MLB	$200	$200	$150	$150	$300	$300	$650
E300116033	9/23/2005	1	40	MLB	$200	$200	$150	$150	$300	$300	$650
E300116036	9/23/2005	1	40	MLB	$200	$200	$150	$150	$300	$300	$650
E300116039	9/23/2005	1	40	MLB	$200	$200	$150	$150	$300	$300	$650
E300116041	9/23/2005	1	40	MLB	$200	$200	$150	$150	$300	$300	$650
E300116284	9/26/2005	2	40	MLB	$200	$400	$150	$300	$300	$600	$1,300
E300116608	9/28/2005	3	40	MLB	$200	$600	$150	$450	$300	$900	$1,950
E300117308	10/4/2005	1	40	MLB	$200	$200	$150	$150	$300	$300	$650
E300118894	10/17/2005	1	40	MLB	$200	$200	$150	$150	$200	$200	$550
E300118909	10/17/2005	3	40	MLB	$200	$600	$150	$450	$200	$600	$1,650
E300119077	10/18/2005	3	40	MLB	$200	$600	$150	$450	$200	$600	$1,650
E300119244	10/19/2005	1	40	MLB	$200	$200	$150	$150	$200	$200	$550
E300119246	10/19/2005	1	40	MLB	$200	$200	$150	$150	$200	$200	$550
E300119248	10/19/2005	1	40	MLB	$200	$200	$150	$150	$200	$200	$550
E300119261	10/19/2005	1	40	MLB	$200	$200	$150	$150	$200	$200	$550
E300119303	10/19/2005	1	40	MLB	$200	$200	$150	$150	$200	$200	$550
E300119304	10/19/2005	1	40	MLB	$200	$200	$150	$150	$200	$200	$550
E300119307	10/19/2005	1	40	MLB	$200	$200	$150	$150	$200	$200	$550
E300119309	10/19/2005	1	40	MLB	$200	$200	$150	$150	$200	$200	$550
E300119311	10/19/2005	1	40	MLB	$200	$200	$150	$150	$200	$200	$550
E300119314	10/19/2005	1	40	MLB	$200	$200	$150	$150	$200	$200	$550
E300119321	10/19/2005	1	40	MLB	$200	$200	$150	$150	$200	$200	$550
E300119405	10/19/2005	2	40	MLB	$200	$400	$150	$300	$200	$400	$1,100
E300119408	10/20/2005	5	40	MLB	$200	$1,000	$150	$750	$200	$1,000	$2,750
E300119410	10/20/2005	1	40	MLB	$200	$200	$150	$150	$200	$200	$550
E300119412	10/20/2005	1	40	MLB	$200	$200	$150	$150	$200	$200	$550
E300119587	10/21/2005	1	40	MLB	$200	$200	$150	$150	$200	$200	$550
E300119589	10/21/2005	1	40	MLB	$200	$200	$150	$150	$200	$200	$550
E300119590	10/21/2005	1	40	MLB	$200	$200	$150	$150	$200	$200	$550
E300120168	10/26/2005	1	40	MLB	$200	$200	$150	$150	$200	$200	$550
E300120169	10/26/2005	1	40	MLB	$200	$200	$150	$150	$200	$200	$550
E300120200	10/26/2005	1	40	MLB	$200	$200	$150	$150	$200	$200	$550

EXPEDITORS' PEAK SURCHARGES - 2005- CHARGED TO AWI

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E300120201	10/26/2005	1	40	MLB	$200	$200	$150	$150	$200	$200	$550
E300120254	10/26/2005	1	40	MLB	$200	$200	$150	$150	$200	$200	$550
E300120256	10/26/2005	1	40	MLB	$200	$200	$150	$150	$200	$200	$550
E300120357	10/27/2005	1	40	MLB	$200	$200	$150	$150	$200	$200	$550
E300120359	10/27/2005	1	40	MLB	$200	$200	$150	$150	$200	$200	$550
E300120855	11/1/2005	2	40	MLB	$200	$400	$150	$300	$200	$400	$1,100
E300120860	11/1/2005	3	40	MLB	$200	$600	$150	$450	$200	$600	$1,650
E300120943	11/1/2005	2	40	MLB	$200	$400	$150	$300	$200	$400	$1,100
E300120947	11/1/2005	2	40	MLB	$200	$400	$150	$300	$200	$400	$1,100
E300121117	11/2/2005	1	40	MLB	$200	$200	$150	$150	$200	$200	$550
E300121120	11/2/2005	1	40	MLB	$200	$200	$150	$150	$200	$200	$550
E300121123	11/2/2005	1	40	MLB	$200	$200	$150	$150	$200	$200	$550
E300121349	11/3/2005	1	40	MLB	$200	$200	$150	$150	$200	$200	$550
E300121479	11/4/2005	1	40	MLB	$200	$200	$150	$150	$200	$200	$550
E300121505	11/4/2005	5	40	MLB	$200	$1,000	$150	$750	$200	$1,000	$2,750
E300122120	11/9/2005	1	40	MLB	$200	$200	$150	$150	$200	$200	$550
E300122129	11/9/2005	1	40	MLB	$200	$200	$150	$150	$200	$200	$550
E300122193	11/10/2005	1	40	MLB	$200	$200	$150	$150	$200	$200	$550
E300122203	11/10/2005	1	40	MLB	$200	$200	$150	$150	$200	$200	$550
E300122231	11/10/2005	2	40	MLB	$200	$400	$150	$300	$200	$400	$1,100
E300122469	11/11/2005	2	40	MLB	$200	$400	$150	$300	$200	$400	$1,100
E300122476/3?	11/11/2005	1	40'	MLB	$200	$200	$150	$150	$200	$200	$550
E300122477	11/11/2005	1	40	MLB	$200	$200	$150	$150	$200	$200	$550
E300122479	11/11/2005	1	40	MLB	$200	$200	$150	$150	$200	$200	$550
E300122483	11/11/2005	1	40	MLB	$200	$200	$150	$150	$200	$200	$550
E300122128	11/13/2005	1	40	MLB	$200	$200	$150	$150	$200	$200	$550
E300122644	11/14/2005	3	40	MLB	$200	$600	$150	$450	$200	$600	$1,650
E300122847	11/15/2005	1	40	MLB	$200	$200	$150	$150	$200	$200	$550
E300123015	11/16/2005	1	40	MLB	$200	$200	$150	$150	$200	$200	$550
E300123016	11/16/2005	1	40	MLB	$200	$200	$150	$150	$200	$200	$550
E300123017	11/16/2005	1	40	MLB	$200	$200	$150	$150	$200	$200	$550
E300123762	11/22/2005	1	40	MLB	$200	$200	$150	$150	$200	$200	$550
E300123955	11/23/2005	1	40	MLB	$200	$200	$150	$150	$200	$200	$550
E300123958	11/23/2005	1	40	MLB	$200	$200	$150	$150	$200	$200	$550
E300123959	11/23/2005	1	40	MLB	$200	$200	$150	$150	$200	$200	$550
E300123968	11/23/2005	1	40	MLB	$200	$200	$150	$150	$200	$200	$550
E300124653	11/30/2005	3	40	MLB	$200	$600	$150	$450	$200	$600	$1,650
E300125014	12/2/2005	1	40	MLB	$200	$200	$150	$150	$200	$200	$550
E300125289	12/5/2005	2	40	MLB	$200	$400	$150	$300	$200	$400	$1,100
E300125290	12/5/2005	2	40	MLB	$200	$400	$150	$300	$200	$400	$1,100
E300125294	12/5/2005	1	40	MLB	$200	$200	$150	$150	$200	$200	$550

EXPEDITORS' PEAK SURCHARGES - 2005- CHARGED TO AWI

Invoice #	Date	Qty	Size	Movmt	Peak	Total	Volume	Total	PSS rate	PSS Total	Total of 3 Chgs.
E300125297	12/5/2005	5	40	MLB	$200	$1,000	$150	$750	$200	$1,000	$2,750
E300125701	12/7/2005	1	40	MLB	$200	$200	$150	$150	$200	$200	$550
E300125702	12/7/2005	2	40	MLB	$200	$400	$150	$300	$200	$400	$1,100
E300125709	12/7/2005	1	40	MLB	$200	$200	$150	$150	$200	$200	$550
E300125718	12/7/2005	2	40	MLB	$200	$400	$150	$300	$200	$400	$1,100
E300125722	12/7/2005	1	40	MLB	$200	$200	$150	$150	$200	$200	$550
E300126307	12/13/2005	1	40	MLB	$200	$200	$150	$150	$200	$200	$550
E300126600	12/14/2005	1	40	MLB	$200	$200	$150	$150	$200	$200	$550
E300126615	12/14/2005	1	40	MLB	$200	$200	$150	$150	$200	$200	$550
E300126873	12/15/2005	1	40	MLB	$200	$200	$150	$150	$200	$200	$550
E300126880.	12/15/2005	1	40	MLB	$200	$200	$150	$150	$200	$200	$550
E300126882	12/15/2005	1	40	MLB	$200	$200	$150	$150	$200	$200	$550
Total 40' MLB						$44,600		$33,450		$55,800	$133,850
E300107480	7/19/2005	1	40	USWC	$200	$200	$150	$150	$200	$200	$550
E300120167	10/26/2005	1	40	USWC	$200	$200	$150	$150	$200	$200	$550
Total 40' USWC						$400		$300		$400	$1,100
Grand Total 40'		**225**				**$45,000**		**$33,750**		**$56,200**	**$134,950**

Grand Totals 20' & 40'		**387**				**$69,300**		**$52,380**		**$81,555**	**$203,235**

AWE (All Water Shipments) - Rules Applicable - 3 Peak Surcharges											
E300123179	11/17/2005	4	20	AWE	$150	$600	$115	$460	$150	$600	$1,660
E300124140	11/25/2005	4	20	AWE	$150	$600	$115	$460	$150	$600	$1,660
E300125267	12/5/2005	2	20	AWE	$150	$300	$115	$230	$150	$300	$830
Total 20'						**$1,500**		**$1,150**		**$1,500**	**$4,150**
E300106787	7/13/2005	2	40	AWE	$200	$400	$150	$300	$300	$600	$1,300
E300119108	10/19/2005	7	40	AWE	$200	$1,400	$150	$1,050	$200	$1,400	$3,850
E300122746	11/15/2005	2	40	AWE	$200	$400	$150	$300	$200	$400	$1,100
E300123795	11/22/2005	11	40	AWE	$200	$2,200	$150	$1,650	$200	$2,200	$6,050
E300126503	12/14/2005	9	40	AWE	$200	$1,800	$150	$1,350	$200	$1,800	$4,950
Total 40'						**$6,200**		**$4,650**		**$6,400**	**$17,250**

EXPEDITORS' PEAK SURCHARGES - 2005- CHARGED TO AWI

oice #	Date	Qty	Size	Movmt	Peak	Total	Volume	Total	PSS rate	PSS Total	Total of 3 Chgs.
						$7,700		$5,800		$7,900	$21,400
						In excess		In excess			$13,500
rand Totals											
									Total Charged Not in Accordance with Rules		$216,765

2005 Rules (excl. west coast routings)

Peak Surcharge	20'	$150
	40'	200
Peak Season	20'	225
	40'	300
Peak Volume	20'	115
	40'	150