

TARIFF TCWR 8400C

Cancels TCWR 8400B

TWIN CITIES & WESTERN RAILROAD COMPANY LOCAL TARIFF

APPLICABLE ON

**FLEXIBLE ASSETS USE CHARGES
DEMURRAGE
STORAGE RULES AND CHARGES**

APPLYING AT

STATIONS ON TWIN CITIES & WESTERN RAILROAD COMPANY

AS PROVIDED IN TARIFF RAILINC OPSL 6000-SERIES

(SEE ITEM 150 HEREIN AND NOTICE BELOW)

**** 1/7/2009 – Item 300 wording clarification ****

Notice: Demurrage and storage provisions published specifically in other tariffs to which TCWR is a party, applying for account of TCWR, will supersede rules and charges herein to extent applicable.

This tariff is also applicable on intrastate traffic except where expressly provided to the contrary in connection with particular items.

ISSUED: September 1, 2008

EFFECTIVE: October 1, 2008

Issued by:
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**TARIFF TCWR 8400C
TWIN CITIES & WESTERN RAILROAD COMPANY**

ITEM 10	EFFECTIVE: October 1, 2008
STATION LISTS AND CONDITIONS	
<p>This tariff is governed by Tariff Railinc. OPSL 6000-Series as follows:</p> <ul style="list-style-type: none">A. For additions or changes in Name, Locations or Abandonment of Stations.B. Prepay requirementsC. Restrictions as to acceptance or delivery of freight.D. Changes in station facilities.E. When a station is abandoned, all provisions applicable thereto are cancelled, effective on the date of abandonment.	

ITEM 15	EFFECTIVE: October 1, 2008
EXPLOSIVES, DANGEROUS ARTICLES AND HAZARDOUS MATERIALS	
<p>For descriptions of hazardous materials, substances or wastes, including class A, B or C explosives, see Tariff BOE 6000-Series.</p>	

ITEM 20	EFFECTIVE: October 1, 2008
REFERENCE TO TARIFFS, ITEMS, NOTES, RULES, ETC.	
<p>Where reference is made in this tariff to tariffs, items, notes, rules, etc., such references are continuous and include supplements to and successive issues of such tariffs, items, notes, rules, etc.</p>	

**TARIFF TCWR 8400C
TWIN CITIES & WESTERN RAILROAD COMPANY**

ITEM 40

EFFECTIVE: October 1, 2008

CONSECUTIVE NUMBERS

Where consecutive numbers are represented in this tariff by the first and last numbers connected by the word "to" or a hyphen, they will be understood to include both of the numbers shown.

ITEM 60

EFFECTIVE: October 1, 2008

SERVICE ORDERS - REFERENCE NUMBERS

This tariff, as may be amended, is subject to Tariff NSO 6100-Series.

ITEM 75

EFFECTIVE: October 1, 2008

METHOD OF CANCELLING ITEMS

As this tariff is supplemented, numbered items with letter suffixes cancel correspondingly numbered items in the original tariff or in a prior supplement. Letter suffixes will be used in alphabetical sequence starting with A.

FOR EXPLANATION OF ABBREVIATIONS AND OTHER REFERENCE MARKS PLEASE SEE
CONCLUDING PAGES OF TARIFF.

**TARIFF TCWR 8400C
TWIN CITIES & WESTERN RAILROAD COMPANY**

ITEM 150	(N)	EFFECTIVE: October 1, 2008
APPLICATION		
<p>A. Applicable at all locations on TCWR.</p> <p>B. The disposition of a car at its point of detention determines the purpose for which the car is held and the rules that apply.</p> <p>C. All railroad and privately owned cars held for or by consignors or consignees are subject to demurrage rules and charges contained in this tariff, EXCEPT the following:</p> <ol style="list-style-type: none">1. Cars for loading or unloading of TCWR company material while held on TCWR tracks or private sidings.2. Cars of refused or unclaimed freight to be sold by TCWR for the time held beyond legal requirements.3. Cars assigned to shippers returned empty to point of assignment, to the extent storage rules apply.4. Cars moving on own wheels under transportation charges as freight.5. Cars of railroad ownership, leased for storage of commodities, while held on lessee's tracks.6. Loaded private cars held on private or railroad controlled leased tracks.7. Empty private cars held on private or railroad controlled leased tracks.		

FOR EXPLANATION OF ABBREVIATIONS AND OTHER REFERENCE MARKS PLEASE SEE
CONCLUDING PAGES OF TARIFF.

**TARIFF TCWR 8400C
TWIN CITIES & WESTERN RAILROAD COMPANY**

ITEM 175

EFFECTIVE: October 1, 2008

NOTIFICATION TO CONSIGNOR OR CONSIGNEE

- A. The following notifications will be furnished as indicated:
1. Cars for other than Public Delivery Tracks:
 - a. Notice of constructive placement if cars are held on TCWR tracks due to reasons attributable to the consignor or consignee.
 - b. Delivery of car upon tracks of consignee will constitute notice.
 - c. When two or more parties, each performing their own switching, take delivery of cars from the same private track, notice will be given when cars are placed on the private track.
 2. Cars for Public Delivery Tracks:

Notice will be given to the party entitled to receive notification when car is actually placed.
 3. Cars Held in Transit:

Notice will be given to the consignor, consignee or owner responsible for the car being held upon its arrival at the holding point.
 4. Refused Loaded Car:

When a loaded car is refused at destination, TCWR will give notice of such refusal to the consignor or owner.
- B. Notification may be given in writing or electronically, and will contain the following:
1. Car initial and number.
 2. If lading transferred en route, the initials and number of the original car.
 3. Commodity.

NOTIFICATION TO TCWR

- A. When railroad personnel are not on duty to receive forwarding instructions, empty release information or other disposition, consignor/consignee will have until 0900 hours of the next day personnel are on duty to furnish such instructions, and they will be considered as having been furnished at the date and time the instructions could have been furnished.
- B. When electronic or mechanical devices are used to furnish notification to railroad, the recorded date and time that instructions are received will govern.

FOR EXPLANATION OF ABBREVIATIONS AND OTHER REFERENCE MARKS PLEASE SEE
CONCLUDING PAGES OF TARIFF.

**TARIFF TCWR 8400C
TWIN CITIES & WESTERN RAILROAD COMPANY**

ITEM 200 (N)

EFFECTIVE: October 1, 2008

CARS HELD FOR LOADING

TENDER:

The notification of actual or constructive placement of an empty car placed on orders of the consignor.

RELEASE:

- A. Date and time forwarding instructions are received.
- B. Cars placed on interchange tracks of a consignor doing its own switching, also must be returned to the interchange track for release.
- C. Cars found to be improperly loaded or overloaded at origin will not be considered released until the load has been adjusted properly.

COMPUTATION:

- A. Demurrage days will be computed by subtracting date of tender, from date of release.
- B. If the car is placed prior to date for which it is ordered, demurrage days will be computed by subtracting the date for which it was ordered from the date of release.
- C. On reloaded cars, demurrage days will be computed by subtracting the day advice is received that the car is empty from release date.
- D. When the same car is unloaded and reloaded empty release information must be furnished. If not furnished, demurrage will continue until forwarding instructions are received.
- E. In accordance with standard industry practice, the party ordering a car for loading will be responsible for any demurrage days computed, (unless otherwise agreed to in writing).

CREDITS:

- A. Two (2) credit days will be allowed for each car released from loading, regardless of the number of demurrage days computed.
- B. One additional free day will be allowed on each car that has a demurrage day occurring on:
 - 1. Thanksgiving Day
 - 2. Christmas Day
 - 3. New Year's Day

CHARGES: (See Item 300, Para. G.)

FOR EXPLANATION OF ABBREVIATIONS AND OTHER REFERENCE MARKS PLEASE SEE
CONCLUDING PAGES OF TARIFF.

**TARIFF TCWR 8400C
TWIN CITIES & WESTERN RAILROAD COMPANY**

ITEM 210 (N)

EFFECTIVE: October 1, 2008

**COVERED HOPPER CARS HELD FOR LOADING OF GRAIN AND OTHER
AGRICULTURAL COMMODITIES OF STCC 01 SERIES. (EXCEPT WILL NOT APPLY
ON SHIPMENTS OF CORN (STCC 01 144), FOR PROVISIONS TO APPLY, SEE ITEM 215
HEREIN).**

TENDER:

The notification of actual or constructive placement of an empty car placed on orders of the consignor.

RELEASE:

- A. Date and time forwarding instructions are received.
- B. Cars placed on interchange tracks of a consignor doing its own switching, also must be returned to the interchange track for release.
- C. Cars found to be improperly loaded or overloaded at origin will not be considered released until the load has been adjusted properly.

COMPUTATION:

- A. Demurrage will be calculated on an individual car basis.
- B. Two days free time will be allowed on each car beginning the day after actual placement or ordered for date, whichever occurs later, excluding Saturdays, Sundays, and the Holidays of Thanksgiving, Christmas, and New Year's Day.
- C. If the second day is a Friday or a day immediately preceding a holiday, weekend days and holidays become chargeable days.
- D. In accordance with standard industry practice, the firm ordering a car for loading will be responsible for any demurrage charges accrued.

FOR EXPLANATION OF ABBREVIATIONS AND OTHER REFERENCE MARKS PLEASE SEE
CONCLUDING PAGES OF TARIFF.

**TARIFF TCWR 8400C
TWIN CITIES & WESTERN RAILROAD COMPANY**

ITEM 215

EFFECTIVE: October 1, 2008

**COVERED HOPPER CARS HELD FOR LOADING OF CORN (STCC 01 132) AND
SOYBEANS (STCC 01 144).**

TENDER:

The notification of actual or constructive placement of an empty car placed on orders of the consignor.

RELEASE:

- A. Date and time forwarding instructions are received.
- B. Cars placed on interchange tracks of a consignor doing its own switching, also must be returned to the interchange track for release.
- C. Cars found to be improperly loaded or overloaded at origin will not be considered released until the load has been adjusted properly.

COMPUTATION:

- A. Demurrage days will be calculated on an individual car basis.
- B. One (1) day free time will be allowed on each car beginning the day after actual placement or ordered for date, whichever occurs later, excluding Saturdays, Sundays, and the Holidays of Thanksgiving, Christmas, and New Year's Day.
- C. If the free time expires on any day preceding the weekend or holiday, weekend days and holidays become chargeable days.
- D. In accordance with standard industry practice, the firm ordering a car for loading will be responsible for and demurrage charges accrued.

FOR EXPLANATION OF ABBREVIATIONS AND OTHER REFERENCE MARKS PLEASE SEE
CONCLUDING PAGES OF TARIFF.

**TARIFF TCWR 8400C
TWIN CITIES & WESTERN RAILROAD COMPANY**

ITEM 225

EFFECTIVE: October 1, 2008

CARS HELD FOR UNLOADING

TENDER:

The notification of actual or constructive placement of a loaded car.

RELEASE:

- A. Date that the railroad receives advice that the car was made empty.
- B. Cars placed on interchange tracks of a consignee doing its own switching, release will be the date the car is returned to the interchange track.
- C. When the same car is unloaded and reloaded, empty release information must be furnished. If not furnished, demurrage will continue until forwarding instructions are received.

COMPUTATION:

Demurrage days will be computed by subtracting the date of tender from the date of release.

CREDITS:

- A. Two (2) free days will be allowed for each car released from unloading, regardless of the number of demurrage days computed.
- B. One additional free day will be allowed on a car when it has a demurrage day occurring on:
 - 1. Thanksgiving Day
 - 2. Christmas Day
 - 3. New Year's Day

FOR EXPLANATION OF ABBREVIATIONS AND OTHER REFERENCE MARKS PLEASE SEE
CONCLUDING PAGES OF TARIFF.

**TARIFF TCWR 8400C
TWIN CITIES & WESTERN RAILROAD COMPANY**

ITEM 235

EFFECTIVE: October 1, 2008

**COVERED HOPPER CARS HELD FOR UNLOADING OF GRAIN AND OTHER
AGRICULTURAL COMMODITIES OF STCC 01-SERIES, EXCEPT ON SHIPMENTS
FOR EXPORT.**

TENDER:

The notification of actual or constructive placement of a loaded car.

RELEASE:

- A. Date that the railroad received advice that the car was made empty.
- B. Cars placed on interchange of tracks of a consignee doing its own switching, release will be the date the car is returned to the interchange track.
- C. When the same car is unloaded and reloaded, empty release information must be furnished. If not furnished, demurrage will continue until forwarding instructions are received.

COMPUTATION:

Demurrage days will be computed by subtracting the date of tender from the date of release.

CREDITS:

- A. Three (3) credit days will be allowed for each car released from unloading, regardless of the number of demurrage days computed.
- B. One additional credit day will be allowed on a car when it has a demurrage day occurring on:
 - 1. Thanksgiving Day
 - 2. Christmas Day
 - 3. New Year's Day

FOR EXPLANATION OF ABBREVIATIONS AND OTHER REFERENCE MARKS PLEASE SEE
CONCLUDING PAGES OF TARIFF.

**TARIFF TCWR 8400C
TWIN CITIES & WESTERN RAILROAD COMPANY**

ITEM 250

EFFECTIVE: October 1, 2008

CARS HELD FOR OTHER PURPOSES

- A. On orders of consignor or consignee, including private cars on constructive placement.
- B. While awaiting proper disposition from the consignor or consignee.
- C. As a result of condition attributable to consignor or consignee.
- D. Empty car ordered for loading rejected account bad order.

DISPOSITION:

Disposition information, including forwarding instructions or empty release, which allows the railroad to either tender or release the car from the consignor's or consignee's account.

TENDER:

The notification, actual or constructive placement of a loaded car.

RELEASE:

Date and time that the railroad receives advice that the car is empty, or that forwarding instructions are received.

COMPUTATION:

Time will be computed from the first 0001 hours:

- A. After tender until release, on cars:
 - 1. Diverted.
 - 2. Empty for loading - ordered and not used (other than a rejected car).
 - 3. Partially unloaded.
 - 4. Reconsigned.
 - 5. Reshipped.
 - 6. Stopped in transit.
- B. After cars are received by TCWR until date of disposition on:
 - 1. Cars received from connecting carriers.
 - 2. Loaded private cars returned to railroad tracks.
- C. After tender until date of refusal on:
 - 1. Refused loaded cars (Consignee).
- D. After tender until date of disposition on:
 - 1. Refused loaded cars (Consignor).
- E. After tender until release or placement on private tracks on:
 - 1. Loaded private cars - while held on railroad tracks.

(CONTINUED)

FOR EXPLANATION OF ABBREVIATIONS AND OTHER REFERENCE MARKS PLEASE SEE
CONCLUDING PAGES OF TARIFF.

**TARIFF TCWR 8400C
TWIN CITIES & WESTERN RAILROAD COMPANY**

ITEM 250 (Continued)

EFFECTIVE: October 1, 2008

CARS HELD FOR OTHER PURPOSES

FREE DAYS:

- A. Two (2) free days will be allowed for each car released or on which disposition is given.
- B. One (1) additional free day will be allowed on a car when it has a demurrage day occurring on:
 - 1. Thanksgiving Day
 - 2. Christmas Day
 - 3. New Year's Day
- C. Free days will not be allowed for:
 - 1. Empty cars ordered and not used.
 - 2. Loaded private cars returned to railroad tracks to be held for disposition.
 - 3. Loaded or empty cars received for connecting carriers to be held for disposition.

CALCULATION OF CHARGES:

- 1. Free days subtracted from demurrage days equal chargeable days.
- 2. Chargeable days will be assessed at \$50.00 per day.

FOR EXPLANATION OF ABBREVIATIONS AND OTHER REFERENCE MARKS PLEASE SEE
CONCLUDING PAGES OF TARIFF.

**TARIFF TCWR 8400C
TWIN CITIES & WESTERN RAILROAD COMPANY**

ITEM 300

(I)

EFFECTIVE: October 1, 2008

CHARGES

(EXCLUDING HAZARDOUS, Item 400 and REFRIGERATOR CAR TYPE, Item 320)

- A. Settlement of charges will be made on a monthly basis on all cars released during each calendar month.
- B. Credits earned and demurrage days accrued by customers having separate facilities at different stations can not be combined.
- C. Credits earned and demurrage days accrued will be calculated separately for the following transactions.
 - 1. Cars held for loading. (Item 200)
 - 2. Cars held for unloading. (Item 225)
 - 3. Cars held for other purposes. (Item 250)
 - 4. Hazardous Charges (Item 400)
- D. Excess credits earned for one transaction cannot be used to offset demurrage days on another transaction.
- E. Excess credits earned in one calendar month may not be used to offset demurrage days in another calendar month.
- F. Unless otherwise advised, in writing, demurrage charges will be assessed against the consignor at origin or consignee at destination who will be responsible for payment.
- G. **CALCULATION OF DEMURRAGE CHARGES - Unloading and Loading**
 - 1. Loaded or empty private cars held on private or railroad controlled leased tracks will not be shown on the monthly billing.
 - 2. Total demurrage days for all cars released will be added.
 - 3. Total credits for all cars released will be added.
 - 4. If total demurrage days exceed the total credits, calculation of charges will be made as follows:
 - a. Subtract number of total credits from total demurrage days to determine chargeable days.
 - b. The number of chargeable days assessed \$50.00 per day.

FOR EXPLANATION OF ABBREVIATIONS AND OTHER REFERENCE MARKS PLEASE SEE
CONCLUDING PAGES OF TARIFF.

**TARIFF TCWR 8400C
TWIN CITIES & WESTERN RAILROAD COMPANY**

ITEM 320 (A)

EFFECTIVE: October 1, 2008

**CHARGES
(REFRIGERATOR CAR TYPE)**

- A. Settlement of charges will be made on a monthly basis on all cars released during each calendar month.
- B. Credits earned and demurrage days accrued by customers having separate facilities at different stations can not be combined.
- C. Excess credits earned for one transaction cannot be used to offset demurrage days on another transaction.
- D. Excess credits earned in one calendar month may not be used to offset demurrage days in another calendar month.
- E. Unless otherwise advised, in writing, demurrage charges will be assessed against the consignor at origin or consignee at destination who will be responsible for payment.
- G. **CALCULATION OF DEMURRAGE CHARGES - Unloading and Loading**
 - 1. Loaded or empty private cars held on private or railroad controlled leased tracks will not be shown on the monthly billing.
 - 2. Total demurrage days for all cars released will be added.
 - 3. Total credits for all cars released will be added.
 - 4. If total demurrage days exceed the total credits, calculation of charges will be made as follows:
 - a. Subtract number of total credits from total demurrage days to determine chargeable days.
 - b. The number of chargeable days assessed \$75.00 per day.

NOTE: Refrigerator Car Type is designated by AAR car types, RC, RP, RPB, RPC and RPL

FOR EXPLANATION OF ABBREVIATIONS AND OTHER REFERENCE MARKS PLEASE SEE
CONCLUDING PAGES OF TARIFF.

**TARIFF TCWR 8400C
TWIN CITIES & WESTERN RAILROAD COMPANY**

ITEM 400

EFFECTIVE: October 1, 2008

CHARGES - HAZARDOUS MATERIALS

UNLOADING:

Private or railroad controlled cars held on railroad property will be billed at a charge of \$150.00 per car per day from date of notification to date of actual placement.

LOADING:

Private or railroad controlled cars released without proper instructions for forwarding and held on railroad property awaiting such instructions from consignor, will be billed at a charge of \$150.00 per day from date cars were pulled from consignor to date proper forwarding instructions were received.

NOTE:

1. Hazardous materials, substances or wastes and including Class A, B and C explosives.
2. Customers may request storage service, however because of high demand for rail transportation and limited space to store cars, the service may not be available in your area. For more information, please speak with the TCW Sales and Marketing Department about track availability to store cars.

FOR EXPLANATION OF ABBREVIATIONS AND OTHER REFERENCE MARKS PLEASE SEE
CONCLUDING PAGES OF TARIFF.

**TARIFF TCWR 8400C
TWIN CITIES & WESTERN RAILROAD COMPANY**

ITEM 500 (N)

EFFECTIVE: October 1, 2008

CLAIMS FOR RELIEF FROM CHARGES

In order to be allowed relief as indicated, a claim, in writing, must be presented to TCWR accompanied by payment of the undisputed portion of the bill by the last day of the calendar month following the month in which the bill was issued, stating fully the conditions for which relief is claimed.

A. Railroad Error:

1. If, through railroad error, demurrage charges are assessed, demurrage will be adjusted to the amount that would have accrued by for such error.
2. Run-around and bunching of cars will not be considered as a railroad error.

B. Weather Interference:

When, because of earthquakes, tornadoes, hurricanes, floods or heavy snow, the operations of the consignor or consignee are disrupted, the demurrage directly chargeable thereto will be eliminated for the time service is disrupted

FOR EXPLANATION OF ABBREVIATIONS AND OTHER REFERENCE MARKS PLEASE SEE
CONCLUDING PAGES OF TARIFF.

TARIFF TCWR 8400C
TWIN CITIES & WESTERN RAILROAD COMPANY

ITEM 600

EFFECTIVE: October 1, 2008

DEFINITION OF TERMS

ACTUAL PLACEMENT - When a car is placed in an accessible position for loading or unloading, or at a point designated by the consignor or consignee.

ASSIGNED CAR - A specific car, assigned to a specific customer, at a specific location, for their exclusive loading.

CARS HELD - When cars are held en route because of any condition attributable to consignor or consignee.

CONSIGNEE - The party to whom a shipment is consigned or the party entitled to receive the shipment.

CONSIGNOR - The party in whose name cars are ordered or the party who furnishes forwarding directions.

CONSTRUCTIVE PLACEMENT - When a car cannot be actually placed because of any condition attributable to the consignor or consignee, including order notifies and in-bond shipment, such car will be held on TCWR tracks and notice will be given to the consignor or consignee that the car is held awaiting disposition instructions. Such cars which have been placed by TCWR on private or other than public delivery tracks, including lead tracks serving the consignor or consignee will be considered constructively placed without notice.

CREDIT - Free demurrage day. Credits can only be earned on all railroad controlled cars released.

DEMURRAGE DAY - A twenty-four (24) hour period, or part thereof, commencing the day after tender.

DISPOSITION - Information, including forwarding instructions or release which allows the railroad to either tender or release the car from the consignor's or consignee's account.

DIVERSION - An order from the consignor to deliver car to other than the original destination.

EMPTY RELEASE INFORMATION - Advice by consignee given to authorized personnel of TCWR, that car is unloaded and available to TCWR. Information given must include identity of consignee, party furnishing data, car initial and number.

FORWARDING INSTRUCTIONS - Shipping instructions given to TCWR at the point of loading, containing all of the necessary information to transport the shipment to its final destination.

LEASE TRACK - Any trackage assigned to a user through written agreement. Lease track will be treated the same as private track under this Section.

LOADING - The complete or partial loading of a car in conformity with TCWR loading and clearance rules, and furnishing of forwarding instructions.

LOADED CAR - A car that is completely or partially loaded.

NOTIFICATION - Advice to customer or railroad of the cars availability.

PRIVATE CAR - A car bearing other than railroad reporting marks and which is not a railroad-controlled.

PRIVATE TRACK - Any trackage which is not owned or leased by the railroad.

PUBLIC DELIVERY TRACK - Any track open to the general public of loading and unloading.

RAILROAD-CONTROLLED CAR - A car bearing railroad reporting marks or a car bearing other than railroad reporting marks provided to the railroad directly by car companies or others for use by the railroad in serving any of its customers.

RECONSIGNMENT - An order from the consignor to bill a car to other than the original consignee. (An order to turn over the car to another party, that does not require an additional movement of the car, is not a re-consignment).

REBILL - A new document by which the entire original shipment is forwarded in the same car to another destination.

STCC - Standard Transportation Commodity Code.

TIME - Local time is applicable.

UNLOADING - The complete unloading of a car and advice received from consignee that the car is empty and available to the railroad.

FOR EXPLANATION OF ABBREVIATIONS AND OTHER REFERENCE MARKS PLEASE SEE
CONCLUDING PAGES OF TARIFF.

**TARIFF TCWR 8400C
TWIN CITIES & WESTERN RAILROAD COMPANY**

EXPLANATION OF ABBREVIATIONS

BOE	Bureau of Explosives
etc.	And so forth
STB	Surface Transportation Board
MTRB	Minnesota Transportation Regulation Board
NSO	National Service Order (Western Truck Line Committee, Agent)
OPSL	Official Railroad Station List
STCC	Standard Transportation Commodity Code
TCWR	Twin Cities & Western Railroad Company

EXPLANATION OF REFERENCE MARKS

(A)	Addition
(I)	Increase
®	Reduction
(N)	Changes in wording which result in neither increases nor reductions in charges

FOR EXPLANATION OF ABBREVIATIONS AND OTHER REFERENCE MARKS PLEASE SEE
CONCLUDING PAGES OF TARIFF.