

KYLE RAILROAD COMPANY

Freight Tariff 4004 - B

(cancels Freight Tariff 4004 - A)

Containing

Rules and Regulations Governing

Certificates of Transportation

At Points on the

Kyle Railroad Company

KYLE
Certificate of Transportation Tariff
(K-COTS)

ISSUED: August 25, 2007

EFFECTIVE: December 1, 2007

Issued by: Steve Coomes, General Manager
38 Railroad Avenue
P. O. Box 566
Phillipsburg, KS 67661

METHOD OF ADDING, CHANGING OR DELETING ITEMS IN THIS TARIFF

Changes to this tariff will be made by issuing supplements or reissuing the tariff. These supplements or reissues will show the action taken on each item, namely:

- (A) Increase.
- (C) Change resulting in neither an increase nor a decrease.
- (R) Decrease.

There will be only one supplement to this tariff in effect at any time. Any item contained in a prior supplement will be brought forward to subsequent supplements.

PLAN OF TARIFF

SECTION	CONTENTS
General Rules and Regulations... ..	Contains rules and regulations governing application of tariff.
Specific Rules & Bid Procedure.. ..	Contains the specific rules covering the bid procedure.
Certificates of Transportation, Bid/Acceptance/Rejection, Car Ordering Sheet.....	Contains the form to be used between Customer and KYLE for K-COTS.

For explanation of abbreviations and reference marks, see last page of tariff.

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**RULES AND OTHER GOVERNING PROVISIONS
GENERAL RULES AND REGULATIONS**

APPLICATION	SUBJECT	ITEM
The term "Uniform Freight Classification" when used herein means: Uniform Freight Classification Tariff ICC UFC 6000-Series	Classification Governing	5
This tariff is governed by Official Railroad Station List Tariff OPSTL 6000-Series.	Station List and Conditions	10
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 and reissues of such items, notes, rules, etc.	Reference to Tariffs, Items, Notes, Rules, Etc.	20
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. If the first number only bears a reference mark such reference mark also applies to the last number shown and to all numbers between the first and last numbers.	Consecutive Numbers	40
As this tariff is supplemented, numbered items with letter suffixes cancel correspondingly numbered items in the original tariff or in a prior supplement or revised page. Letter suffixes will be used in alphabetical sequence starting with A. Example: Item 445A cancels Item 445, and Item 365B cancels Item 365A in a prior supplement, which in turn, canceled Item 365.	Method of Canceling Items	75
The term "carrier" means carrier(s) party to this tariff, i.e., KYLE.	Term Carrier	110

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RULES AND OTHER GOVERNING PROVISIONS GENERAL RULES AND REGULATIONS			
APPLICATION	SUBJECT	ITEM	
This tariff applies on a bid process car ordering/guarantee system serving as an option to the general car ordering system of the KYLE.	Tariff Application	200	
KYLE each month shall make available for K-Cots , under the terms and conditions of this tariff, up to 65% of its historical, preceding five year average of covered hopper car loadings.	Allocated Cars	(A) 210	
KYLE each month shall make available a minimum of thirty-five percent (35%) of its historical, preceding five year average of covered hopper car loadings for requests for placement in the normal course of business, not subject to allocation pursuant to this tariff.	Non-Allocated Cars	(A) 220	
Cars obtained through the provisions of this tariff, can be used on any KYLE originations.	Allowed Moves	230	
An anticipated loading in an allocated covered hopper car, as requested in Customer's bid and accepted by KYLE, shall be manifested by a Kyle Certificate of Transportation, or K-COT.	K-COT, Defined	240	
First Half (FH): 1st through 15th day of a month. Last Half (LH): 16th through last day of a month.	Shipping Periods	250	
Zone 1: KYLE Colorado-Kansas Division stations Belleville, KS (50) thru Limon, CO (275) Zone 2: KYLE Solomon Division stations Ames, KS (1935) thru Asherville, KS (3250)	Shipping Origins (Zones)	260	
Farm Products, STCC 01 (x). Food or Kindred Products, STCC 20 (x).	Commodities	270	
Shippers having elevators or other facilities served by KYLE and tendering shipments of the Commodities to the KYLE, or to third parties for billing. Not third parties.	Customer	280	
KYLE Railroad Company	KYLE	290	
An amount over the present tariff rate.	Premium bid	300	
An amount under the present tariff rate.	Discounted Bid	310	
The rate governing the shipment on the date of shipment.	Tariff Rate	320	
Neither the Customer, nor the KYLE.	Third Party (ies)	325	
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RULES AND OTHER GOVERNING PROVISIONS
GENERAL RULES AND REGULATIONS

APPLICATION	SUBJECT	ITEM
<p>(a) In the event Customer or KYLE is unable to meet its obligations under this tariff as a result of Acts of God, war, insurrection, strikes, derailments, or any like causes beyond its control, the obligations of those parties affected by the force majeure condition shall be suspended for the duration of same. PROVIDED HOWEVER, that the parties shall make all reasonable efforts to continue to meet their obligations for the duration of the force majeure condition, and PROVIDED, FURTHER, that the party declaring force majeure shall notify the other party promptly by facsimile or phone of when the force majeure begins, the nature of the force majeure condition and when the condition is terminated.</p> <p>(b) The suspension of any obligations owing to force majeure shall neither cause this tariff to be extended nor affect any rights accrued under this tariff prior to the force majeure condition.</p>	<p>Force Majeure</p>	<p>330</p>
<p>This tariff governs only K-COTS. All other provisions governing the shipments, including but not limited to rates, switching, demurrage, surcharges, and other accessorial provisions, shall be those published in applicable tariffs, rate vehicles or similar documents on date of shipment and/or services.</p>	<p>Other Governing Provisions</p>	<p>340</p>

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**RULES AND OTHER GOVERNING PROVISIONS
SPECIFIC RULES AND BID PROCEDURE**

APPLICATION	SUBJECT	ITEM
<p>Subject to the general rules, regulations and provisions provided for in Items 5-340:</p> <p>Requests for K-COTs shall be submitted on the form provided for in Item 360 and facsimile transmitted to KYLE. Make copies of this form as needed. Part A only of this bid form should be filled out when submitting requests.</p> <p>Bids are to be faxed to: The Kyle Railroad Company (KYLE) Attn: Marketing & Sales Department Fax Number 785-543-6539 (phone number 785-543-9616)</p> <p>Bids shall be in amounts of whole dollars per car over/under present tariff rate.</p> <p>Bids are on a single car basis only.</p> <p>KYLE reserves the right to accept or reject any bids. Bids will only be accepted from KYLE on-line Customers (no third parties)</p> <p>KYLE reserves the right to accept requests for K-COTS fewer in number than had been requested by Customer in its bid. At his option, Customer may elect to specify in his bid that his bid is "all or nothing", i.e., Customer wants all of his bid accepted or none at all.</p> <p>Customer may transfer K-COTS between his own KYLE served facilities in Zone 1, or between his own KYLE served facilities in Zone 2, or from his own KYLE served facilities in Zone 2 to his own KYLE served facilities in Zone 1.</p> <p style="text-align: right;">(continued)</p>	<p>Specific Rules and Bid Procedure</p>	<p>350</p>

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SPECIFIC RULES AND BID PROCEDURE

APPLICATION	SUBJECT	ITEM
<p>If KYLE does not place, constructively or actually, the cars at the facility(ies) designated by the Customer during the shipping period designated by the Customer, KYLE shall pay Customer 125% of his premium bid; or 75% of his discounted bid for each car not placed.</p> <p>K-COTS may not be traded or assigned.</p> <p>If Customer cancels a car order, or fails to advise KYLE where and when to place cars, on a premium bid, Customer forfeits the entire premium bid amount.</p> <p>Bid will be accepted no sooner than 180 days prior to the 1st day of month cars are wanted, but no later than 10 days prior to 1st day of month cars are wanted. (See Exception 1). EXCEPTION 1: Bid will be accepted less than 10 days prior to 1st day of month cars are wanted and during the month cars are wanted, provided when initially submitting his bid using Part A of the K-Cot Form in Item 360, Customer also fills out Part C of the K-Cot Form advising when and where cars are to be placed.</p> <p>KYLE shall have 72 hours from time bid is received to respond as to KYLE's acceptance or rejection of bid. Date and time on fax to KYLE on KYLE's fax machine shall govern.</p> <p>If KYLE accepts bid, and bid was at a premium to tariff, Customer shall have 48 hours to mail the KYLE the funds at: The Kyle Railroad Company P. O. Box 566 Phillipsburg, KS 67661 Attn: Accounts Receivable</p> <p>Postmark of envelope shall govern whether or not the 48 hour time limit is met.</p> <p style="text-align: right;">(continued)</p>	<p style="text-align: center;">Specific Rules and Bid Procedure</p>	<p style="text-align: center;">350</p>

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SPECIFIC RULES AND BID PROCEDURE

APPLICATION	SUBJECT	ITEM
<p>If KYLE accepts bid, and bid was at a discount to tariff, KYLE shall mail to Customer the funds no later than 20 days after car(s) are shipped. Bill of Lading date shall govern.</p> <p>Not later than ten days prior to the 1st day of the month when a K-COT applies, Customer shall notify KYLE at which elevator the car is to be placed for loading and whether that should be in the first or second half of the month. Such notification shall be accomplished by again using the form in Item 360, i.e., after it has been returned to Customer by KYLE, Customer should return the same form to KYLE after having first completed Part C thereof. (See Exception 2).</p> <p>EXCEPTION 2: At carrier's convenience, KYLE shall accept notification for placement of cars from Customer less than 10 days prior to the 1st day of the month when a K-COT applies.</p> <p>KYLE reserves the right to spot cars for loading 48 hours prior to want date(s).</p>	<p>Specific Rules and Bid Procedure</p>	<p>350 (Con- cluded)</p>

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K-COTS
 CERTIFICATE OF TRANSPORTATION BID/ACCEPTANCE/REJECTION/CAR ORDERING SHEET

APPLICATION	SUBJECT	ITEM
PART A:	K-COT Form	360

From:
 Customer's Name: _____

Customers' Address: _____

Customer's Phone #: _____ Customer's Fax #: _____

Number of K-COTS Customer Bidding On (one per car): _____

Amount customer bidding per car on K-COTS: \$ _____ .00 (Premium/Discount to tariff rate).
(whole dollars per car) (choose one)

Authorized Customer Signature: _____ Date: _____

To: The Kyle Railroad Company, Marketing & Sales Department, Fax # (C) 785-628-7766.
 KYLE will return this via fax to Customer shown above with the following information:

PART B:
 Number of K-COTS awarded (one per car): _____

Per car premium/discount amount K-COTS awarded at: \$ _____ .00.
(whole dollars per car)

K-COT Certificate Number(s) (one per car): _____
(must be shown on Bill of Lading)

Authorized KYLE signature: _____ Date: _____

PART C: Upon completion of Parts A and B, and per Item 350, Customer should fill out Part C,
 and fax to Customer Service Department, KYLE, Fax # (C) 785-628-7766.

Elevator(s) car(s) are to be placed at for loading: _____
(specify number of cars each period)

Shipping Period(s) cars are to be placed: _____
(if cars are wanted both shipping periods, specify number of cars each period)

Authorized Customer signature: _____ Date: _____

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EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS

ABBREVIATIONS	EXPLANATION
c/o FT STCC UFC	in care of Freight Tariff Standard Transportation Commodity Code Uniform Freight Classification

REFERENCE MARK	EXPLANATION
(.) + (A) (C) (N) (R) (x)	Applicable only on interstate traffic. Applicable only on intrastate traffic. Increase. Change in wording which results in neither increases nor reductions in charges. New, added, matter to this tariff that does not actually change the application of published rates. Reduction. When in connection with STCC, numbers referred to shall embrace all articles assigned additional digits listed in STCC.

THE END

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