

GAO

United States General Accounting Office
Washington, DC 20548

Office of
General Counsel

In Reply
Refer to: B-201549

Illinois-California Express, Inc.
510 East 51st Avenue
Denver, Colorado 80216

15877
Jan. 13, 1981

Attention: Charles D. Loflin
Overcharge Claims Manager

[Request For Joinder in Dispute of GSA Deduction Action]
Gentlemen:

Subject: I.C.X. claim O/C 800056
GSA claim TACA/L-1265141
Yellow file 11 193914

Your letter of December 8, 1980, requests that we join Illinois-California Express, Inc. (ICX) with Yellow Freight System, Inc. (Yellow) in a proceeding initiated in this Office by Yellow. Apparently, you refer to our file, B-199805, in which Yellow requested review of deduction action that was taken by the General Services Administration (GSA) to recover overcharges collected by that carrier.

In B-199805 Yellow disputed GSA's audit basis, which was item 3860 of U.S. Government Quotation ICC RMB Q15-D. The question of item 3860's application requires interpretation of the abbreviation "LTL" as it appears in note 1 of the item.

As you point out, note 1 provides that the applicable rates under item 3860 are the "currently applicable class 55 LTL rates" published in various tariffs. You agree with Yellow that the higher class 55 tariff rates applicable to shipments weighing less than 500 pounds also apply to shipments of greater weights despite the publication of lower class 55 rates for shipments weighing 1,000; 2,000; 5,000; 10,000; and 20,000 pounds. The apparent basis for that position is that under the "scale" (weight) column in the tariff rate schedules, shipments of less than 500 pounds are referred to as "LTL".

The Comptroller General issued a decision in Matter of Yellow Freight System, Inc., B-199805, on December 29, 1980,



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B-201549

sustaining the GSA's audit position. Since that matter is terminated, your request for joinder cannot be considered. If, however, after considering the contents of the enclosed copy of the decision, you decide to exercise your rights under 49 U.S.C. 66(b) (1976) we suggest that you present a formal request for review of the GSA's deduction action against ICX. The request should contain pertinent facts and legal considerations that were not considered in B-199805.

Sincerely yours,

(5)

L. Mitchell Dick
Assistant General Counsel

Enclosure