



TARIFF 9900 :: OHD PERCENTAGE BASED FUEL COST ADJUSTMENT FUEL SURCHARGE

Item 1

In the event that the average price of "No. 2 Diesel Retail Sales by All Sellers" index for on-highway diesel fuel (OHD) equals or exceeds US \$1.25 per gallon for the applicable 15 day period, as determined and published by the US Department of Energy, Energy Information Administration ("DOE-EIA"), Canadian Pacific will assess and the shipper shall, in addition to all other charges, pay a fuel surcharge on all freight charges.

The applicable fuel surcharge shall be applied to each shipment having a shipment date on or after the 1st day of the Application Period of a given OHD Average Price calculation.

The Application Periods are: the 1st through the 15th day of each month; and the 16th through the last day of each month.

For the Application Period of the 1st through the 15th of each month, the average of the weekly OHD prices published during the 15 calendar days prior to 20 days preceding the 1st day of the month, shall determine the fuel surcharge.

For the Application Period of the 16th through the last day of each month, the average of the weekly OHD prices published during the 15 calendar days prior to 20 days preceding the 16th day of the month, shall determine the fuel surcharge.

When the OHD average price per gallon (USD) equals or exceeds US \$1.25, the applied fuel surcharge will be 2% of the freight charge. For each additional 3.5 cents OHD above US \$1.25, the fuel surcharge will increase an incremental 0.25%, and will be applied to the freight charges.

The OHD average price per gallon (USD) is calculated by adding the Weekly Retail On-Highway Diesel Prices based on No 2 Diesel Retail Sales by All Sellers, and dividing by the number of weeks reported, then rounding to the nearest thousandth of a dollar. The prices are available at <http://eia.doe.gov>.

Notice of changes in the fuel surcharge will be published on CP's Website www.cpr.ca. This tariff is applicable only in connection with tariff publications and/or contracts making reference to this tariff and to the extent indicated in such tariff publications and/or contracts.

