

**DECISION****THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D. C. 20548**

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**FILE:** B-195482**DATE:** May 21, 1984**MATTER OF:** Baggett Transportation Company**DIGEST:**

The fact that government bills of lading did not use the exact point of origin designation set forth in a published point-to-point specific rate for shipment of surplus powder fails to establish that the government intended to apply a substantially higher mileage rate, since it is illogical to assume the lower rate does not apply.

Baggett Transportation Company requests our review, pursuant to 31 U.S.C. § 3726(d)(1) (1982), of an audit action taken by the General Services Administration (GSA) regarding 18 government bills of lading (GBLs)<sup>1</sup> for the shipments of explosives from Badger Army Ammunition Plant, Wisconsin, to the Olin Corporation, St. Marks, Florida, during the period from March 23 through July 8, 1981.

We believe GSA's audit action was proper.

In billing the government for its services, Baggett applied the mileage rate of \$6.33 per hundred pounds as provided in Rocky Mountain Shipment Tariff Bureau Quotation 16-E (effective March 2, 1981) for shipments of explosives not more than 1,150 miles, with a minimum weight of 38,000 pounds. Upon audit of Baggett's charges, however, GSA determined that this mileage rate was inapplicable because Quotation 16-E specifically made available to the government a point-to-point rate of \$3.97 per hundred pounds of shipment of these same types of explosives from "Badger AAP [Army Ammunition Plant], Baraboo, WI" to "Saint Marks, FL" (effective

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<sup>1</sup>The GBLs in question are: Nos. M-3,744,377; M-3,744,378; M-3,744,379; M-3,744,398; M-3,744,399; M-3,744,469; M-3,744,475; M-3,744,476; M-3,744,477; M-3,744,511; M-3,744,515; M-3,744,517; M-3,744,545; M-3,744,553; M-3,744,554; M-3,744,555; M-3,744,556; and M-3,744,618.

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March 16, 1981). GSA's audit action resulted in a deduction of approximately \$21,000 from charges due the carrier.

Baggett complains that the audit action was improper because the GBLs designated the point of origin for each shipment as "Badger Army Ammunition Plant, WI," not "Badger AAP, Baraboo, WI," the origin designation used for the point-to-point rate in Quotation 16-E. Baggett takes the position that these designations do not constitute the same point of origin, but rather that they represent separate and distinct localities, given the facts that the ammunition plant is located some 8 miles from the town of Baraboo, and that the town itself lacks any facilities for the loading of such material for shipment by motor transport. Baggett thus essentially argues that since the GBLs did not designate the point of origin as "Badger AAP, Baraboo, WI," the lower point-to-point rate cannot apply. Consequently, Baggett seeks to recover the deducted charges on the ground that the mileage rate of \$6.33, not the point-to-point rate of \$3.97, was the proper rate to be applied to the shipments.

A carrier has the burden to establish the lawfulness of its charges for transportation services rendered for the United States. United States v. New York, New Haven and Hartford Railroad Co., 355 U.S. 253 (1957); 37 Comp. Gen. 535 (1958). Baggett clearly has not met that burden here.

In our view, the fact that the government designated "Badger Army Ammunition Plant, WI," rather than "Badger AAP, Baraboo, WI" as the point of origin on all 18 GBLs does not establish that these shipments were not covered by the lower point-to-point rate. There is only one Badger Army Ammunition Plant in Wisconsin, and the shipments did indeed originate at the Plant. Quotation 16-E sets a rate of \$3.97 for shipment of precisely the type explosive involved here from "Badger AAP, Baraboo WI" to "St. Marks, FL"; there is no other point-to-point rate in Quotation 16-E with "St. Marks, FL" as the destination. We therefore think it is illogical to conclude that the point-to-point charge does not apply. In this respect, we have held that points of origin shown on GBLs are not conclusive of the parties' intent, but rather may be rebutted by appropriate evidence. Navajo Freight Lines, Inc., B-186603, Dec. 22, 1976.

Moreover, we do not accept the carrier's argument that the ammunition plant and the town of Baraboo cannot be considered the same point of origin for this particular rate application purpose. In 51 Comp. Gen 724 (1972), a case involving issues similar to those raised here, we noted that "it is common knowledge that ammunition plants usually are

not located within municipalities." Therefore, we held that the Twin Cities Army Ammunition Plant, Minneapolis, Minnesota, was not a different location from New Brighton, Minnesota, although 2-1/2 miles distant from the town, and that a lower, special rate which designated New Brighton as the point of origin could be applied, even though the shipments in fact originated from the plant. We similarly conclude that the fact that the Badger ammunition plant, where all shipments originated, is located outside the town of Baraboo has no significance to the proper application of the Quotation 16-E rate.

Accordingly, GSA properly applied the point-to-point rate of \$3.97 in its audit action, so that Baggett is not entitled to recover the deducted charges.

*for* Milton J. Rowland  
Comptroller General  
of the United States