

Kansas Administrative Regulations

Kansas Corporation Commission

Article 9.—Railroad Rates

82-9-2. Commencement of proceedings.

(a) To determine whether a new individual or joint rate, or an individual or joint classification, rule, or practice related to a rate filed with the commission by a rail carrier, is discriminatory, unreasonable or in any way violates the law, the commission may:

- (1) on its own initiative, commence an investigation proceeding; or
- (2) upon protest of an interested party, commence an investigation proceeding; or
- (3) upon protest of an interested party, commence an investigation and suspension proceeding.

The provisions of this subsection shall not apply to general rate increases, inflation-based increases, or fuel adjustment surcharges filed under the provisions of 49 U.S.C. § 11051(b)(6), over which the commission has no jurisdiction.

(b) Rates based on limited carrier liability may be published and filed with the commission, without prior approval. However, those rates shall be subject to protest on grounds including unreasonableness or nonconformance with the tariff publication requirements found in 49 CFR 1300.4 (i) (11), as in effect on September 23, 1983, which are hereby adopted by reference.

(c) The commission shall give reasonable notice to each interested party before beginning a proceeding. However, the commission may begin the proceeding without allowing an interested party to file an answer.

(d) The commission recognizes that the interstate commerce commission has exclusive authority to prescribe an intrastate rate for transportation provided by a rail carrier, pursuant to 49 U.S.C. § 11051 (d) when:

- (1) a rail files with the appropriate state authority a change in an intrastate rate, or a change in a classification, rule, or practice that has the effect of changing an intrastate rate, that adjusts the rate to the rate charged on similar traffic moving in interstate or foreign commerce; and

(2) the state authority does not act finally on the change by the 120th day after it was filed.

(Authorized by K.S.A. 66-106; implementing K.S.A. 66-146; effective May 1, 1984; amended May 1, 1985.)

***** Authenticated Kansas Administrative Regulation *****