Kansas Administrative Regulations

Kansas Corporation Commission

Article 9.—Railroad Rates

82-9-15. Burden of proof.

(a) Jurisdiction. Each defendant railroad shall bear the burden of showing that the commission lacks jurisdiction to review a rate because the rate produces a revenue—variable cost percentage that is less than the percentages incorporated in K.A.R. 82-9-7. The railroad shall meet its burden of proof by showing the revenue-variable cost percentage for the transportation to which the rate applies is less than the threshold percentage incorporated in K.A.R. 82-9-7. Any complainant may rebut the railroad's evidence with a showing that the revenue-variable cost percentage is equal to or greater than the applicable threshold percentage.

(b) Reasonableness of existing rates. Any party complaining that an existing rate is unreasonably high shall bear the burden of proving that the rate is not reasonable. Any party complaining that an existing rate is unreasonably low shall bear the burden of demonstrating that the rate does not contribute to the going concern value of the carrier, and that the rate is, for that reason, unreasonably low.

(c) Nonapplicability. Complaints shall not be entertained by the commission to the extent that they challenge the reasonableness of the following rate adjustments:

(1) general rate increases;

(2) inflation-based rate increases; or

(3) fuel adjustment surcharges.

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