

Kansas Administrative Regulations

Kansas Corporation Commission

Article 9.—Railroad Rates

82-9-11. Refund or collection of freight charges based upon commission findings.

(a) Except as otherwise provided, when the commission finds that a railroad must make refunds on freight charges collected, or that the railroad is entitled to collect additional freight charges, but the amount cannot be ascertained upon the record before it, the party entitled to the refund or the railroad entitled to collect additional monies shall immediately prepare a statement showing details of the shipments involved in the proceeding.

(b) The statement shall not include any shipment not covered by the commission's findings. If the shipments moved over more than one route, a separate statement shall be prepared for each route and each statement shall be separately numbered. However, shipments which, in each instance, have the same collecting carrier may be listed in a single statement if grouped according to routes.

(c) Each prepared, certified statement shall be filed with the commission and it shall then consider entry of an order awarding refunds or authorizing collection of additional freight charges.

(d) If a rail carrier wishes to waive the collection of amounts due when such amounts are more than \$2,000, a petition for appropriate authority shall be filed by the carrier on the special docket by submitting a letter of intent to waive insignificant amounts. These petitions shall contain the following information:

(1) The name and address of the customer for whom the carrier wishes to waive collection;

(2) The name and addresses of the carriers involved in the intended waiver and a statement certifying that all carriers concur in the action;

(3) The amount intended to be waived;

(4) The points of origin and destination of the shipments and the routes of movement; and

(5) A brief statement of justification for the intended waiver, including the anticipated costs of billing, collection and/or litigation if the waiver is not permitted.

(e) If the amount to be waived is \$2,000 or less, no petition need be filed prior to the waiver. A letter of disposition informing the commission of the action taken, the date of the action, and the amount waived shall be submitted to the commission within 30 days of the waiver.

(f) Petitions to waive the collection of undercharges or waive the collection of insignificant amounts shall be made available by the commission for public inspection five days after receipt, and shall remain available for 25 days. Any interested person may protest the granting of a petition by filing a letter of objection with the commission within 30 days of commission receipt of the petition. Letters of objection shall clearly state the reasons for the objection, and shall certify that a copy of the letter of objection has been served on all parties named in the petition. A period of 15 days shall be allowed for reply from the respondent.

(g) Any petition which is not contested within 30 days shall be considered an order of the commission authorizing the action contemplated in the petition. In such a case the order shall take effect 45 days after commission receipt of the petition. Within 30 days after the expiration of the 45-day period, the carrier filing the petition shall file a letter of disposition informing the commission of the date of the action and the amount paid or waived.

(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 *****