

Kansas Administrative Regulations

Kansas Corporation Commission

Article 9.—Railroad Rates

82-9-17. Grounds for complaints.

Any contract may be reviewed by the commission on its motion, or upon complaint. Contracts shall be reviewed only on the following grounds:

(a) In the case of a contract other than a contract for the transportation of agricultural commodities, including forest products and paper, a shipper may file a complaint only on the grounds that the shipper individually will be harmed because the contract unduly impairs the ability of the contracting carrier or carriers to meet their common obligations under 49 U.S.C. Sec. 11101 (a), as in effect on September 23, 1983.

(b) In the case of a contract for the transportation of agricultural commodities, including forest produce and paper, a shipper may file a complaint only on the grounds that:

(1) The shipper individually will be harmed because the contract unduly impairs the ability of the contracting carrier or carriers to meet common carrier obligations;

(2) The rail carrier or carriers unreasonable discriminated against the shipper; or

(3) The contract constitutes a destructive, competitive practice.

(c) "Unreasonable discrimination," as used in these rules and when applied to agricultural shippers, means that the railroad has refused to enter into a contract with the shipper for rates and services for transportation of the same type of commodity under similar conditions to the contract at issue, and that the shipper was ready, willing, and able to enter into a contract at a time essentially contemporaneous with the period during which the contract at issue was offered.

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

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