Kansas Administrative Regulations

Kansas Corporation Commission

Article 9.—Railroad Rates

82-9-9. Monetary adjustments for suspension actions.

(a) Rate increases with no suspensions. If the commission does not suspend, but investigates, a proposed rate increase under K.A.R. 82-9-3, the rail carrier shall account for all amounts received under the increase until the commission completes its proceedings under K.A.R. 82-9-4. The accounting shall specify by whom and for whom the amounts are paid. When the commission takes final action, the carrier shall refund to the persons for whom the amounts were paid that part of the increased rate found to be unreasonable, plus interest at a rate equal to the average yield, on the date that the "statement of monetary adjustment" is filed, of marketable securities of the United States government having a duration of 90 days.

(b) Rate increases with suspension. If a rate is suspended and any portion of that rate is later found to be reasonable, the carrier shall collect from each person using the transportation to which the rate applies the difference between the original rate and the portion of the suspended rate found to be reasonable for any services performed during the period of suspension. The carrier shall also collect, from such persons, interest at a rate equal to the average yield, on the date that the "statement of monetary adjustment" is filed, of marketable securities of the United States government having a duration of 90 days.

(c) Rate decreases with suspension. If the commission suspends a proposed rate decrease which is later found to be reasonable, the rail carrier may refund any part of the decrease found to be reasonable if the carrier makes the refund available to each shipper who participated in the rate, in accordance with the relative amount of that shipper's traffic which was transported at that rate.

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