Kansas Administrative Regulations

Kansas Corporation Commission

Article 9.—Railroad Rates

82-9-13. Market dominance.

(a) The commission shall determine, within 90 days of the start of a complaint proceeding, whether the carrier has market dominance over the transportation to which the rate applies. If the commission finds that the carrier has market dominance, it may then determine that rate to be unreasonable if it exceeds a reasonable maximum for that transportation.

(b) If the rail carrier establishing the challenged rate proves that the rate charged results in a revenue-variable cost percentage which is less than that allowed in K.A.R. 82-9-5, the rail carrier shall not be considered to have market dominance over the transportation to which the rate applied.

(c) If the commission determines that a rail carrier does not have market dominance over the transportation to which a particular rate applies, the rate established by that carrier for the transportation shall be reasonable.

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