

Kansas Administrative Regulations

Kansas Corporation Commission

Article 9.—Railroad Rates

82-9-10. Filing requirements.

(a) The protest, reply and any other pleadings relating to the proceeding shall not be considered unless made in writing and filed with the commission.

(b) The protest, reply or other pleadings relating to the proceeding shall be received for filing at the commission's office within the time limits, if any, for that filing. The date of receipt at the commission, and not the date of deposit in the mail, is determinative.

(c) If, after examination, the commission finds that the protest, reply, "statement of monetary adjustment" or other pleadings relating to the proceeding are not in substantial compliance with the provisions of these regulations, the commission may decline to accept the documents for filing, advise the party submitting the documents of the deficiencies, and require correction of the deficiencies.

(d) The protest, reply, tariff and other pleadings relating to the proceeding shall be signed in ink and the signer's address shall be stated.

(e) The facts alleged in a protest, reply, tariff or other pleading shall be verified by the person on whose behalf it is filed. If a protest or pleading is filed on behalf of a corporation or other organization, it shall be verified by an officer of that corporation or organization.

(f) Identification. The protested tariff shall be identified by making reference to the name of the railroad or its publishing agent, to the KCC docket number, to the specific items of particular provisions protested and to the effective date of the protested publication. Reference shall also be made to the tariff and specific provisions of the tariff that are proposed to be superseded.

(g) Ground for suspension. The protest shall incorporate:

(1) Sufficient facts to meet the criteria for suspension, as set forth in K.A.R. 82-9-3;

(2) Sufficient facts to sustain the applicable burdens of proof, as set forth in K.A.R. 82-9-7; and

(3) Any additional information that would support suspension of the proposed rate.

(h) Timing. When a proposed change is to become effective upon not less than 20 days notice, each protest and request for suspension of a tariff filed by a railroad shall be received by the commission at least 10 days prior to the effective date. When the proposed change is to become effective upon not less than 10 days notice, such protests and requests shall be received at least five days prior to the effective date.

(i) Reply to protest. The reply shall adequately identify the protested tariff. Further, it shall contain sufficient facts to rebut the allegations made in the protest and to sustain the applicable burdens of proof.

(j) When the proposed change is to become effective upon not less than 20 days notice, a reply to a protest shall be received by the commission not later than the fourth working day prior to the effective date. When the proposed change is to become effective upon not less than 10 days notice, the reply shall be received no later than the second working day prior to the effective date.

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

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