

will issue a decision based on the further submissions.

[47 FR 49570, Nov. 1, 1982, as amended at 50 FR 15901, Apr. 23, 1985; 51 FR 5713, Feb. 18, 1986; 52 FR 26479, July 15, 1987; 53 FR 19301, May 27, 1988; 60 FR 2544, Jan. 10, 1995; 62 FR 50884, Sept. 29, 1997; 84 FR 12944, Apr. 3, 2019]

## **PART 1132—PROTESTS REQUESTING SUSPENSION AND INVESTIGATION OF COLLECTIVE RATE- MAKING ACTIONS**

### **Sec.**

1132.1 Protest against collective ratemaking actions.

1132.2 Procedures in certain suspension matters.

**AUTHORITY:** 49 U.S.C. 1321, 13301(f), and 13703.

**SOURCE:** 62 FR 50885, Sept. 29, 1997, unless otherwise noted.

### **§ 1132.1 Protest against collective ratemaking actions.**

(a) *Content.* The protested collective ratemaking action sought to be suspended, whether or not contained in a tariff filed with the Board, should be identified by making reference to: The name of the publishing carrier or collective ratemaking organization; the identification of the tariff, if applicable, or the identification of the collective ratemaking action publication if it is not contained in a tariff filed with the Board; the specific items or particular provisions protested; and the effective date of the tariff or other collective ratemaking action publication. Reference should also be made to the tariff or collective ratemaking action, and the specific provisions proposed to be superseded. The protest should state the grounds in support thereof, and indicate in what respect the protested collective ratemaking action is considered to be unlawful. Such protests will be considered as addressed to the discretion of the Board. Should a protestant desire to proceed further against a collective ratemaking action which is not suspended, or which has been suspended and the suspension vacated, a separate later formal complaint or petition should be filed.

(b) *When filed.* Protests against, and requests for suspension of, collective ratemaking actions will not be consid-

ered unless made in writing and filed with the Board at Washington, DC. If the protestant desires action by the Board before the effective date of the collective action, protests and requests for suspension shall reach the Board at least 12 days (except as provided in paragraph (c) of this section) before such effective date. If the protested collective ratemaking action is already in effect, or if the protestant does not desire action before its effective date, protests and requests for suspension can be filed at any time.

(c) *Copies; service.* Every protest or reply filed under this section should be directed to the attention of the Chief, Section of Administration, Office of Proceedings, Surface Transportation Board. One copy of each protest or reply filed under this section simultaneously must be served upon the publishing carrier or collective ratemaking organization, and upon other persons known by protestant to be interested.

(d) *Reply to protest.* A reply to a protest filed at least 12 days before the effective date of proposed collective action provisions must reach the Board not later than the fourth working day prior to the scheduled effective date of the protested provisions unless otherwise provided.

[62 FR 50885, Sept. 29, 1997, as amended at 74 FR 52908, Oct. 15, 2009; 84 FR 12944, Apr. 3, 2019]

### **§ 1132.2 Procedures in certain suspension matters.**

(a) A petition for reconsideration may be filed by any interested person within 20 days after the date of service of a Board decision which results in an order for:

(1) Investigation and suspension of collective ratemaking actions, or

(2) Investigation (without suspension) of collective ratemaking actions.

(b) Any interested person may file and serve a reply to any petition for reconsideration permitted under paragraph (a) of this section within 20 days after the filing of such petition with the Board, but if the facts stated in any such petition disclose a need for accelerated action, such action may be taken before expiration of the time allowed for reply. In all other respects,

## Surface Transportation Board

## § 1133.2

such petitions and replies thereto will be governed by the rules of general applicability of the Rules of Practice.

### PART 1133—RECOVERY OF DAMAGES

Sec.

1133.1 Freight bill filing requirement under modified procedure.

1133.2 Statement of claimed damages based on Board findings.

AUTHORITY: 49 U.S.C. 1321.

SOURCE: 47 FR 49575, Nov. 1, 1982, unless otherwise noted.

#### § 1133.1 Freight bill filing requirement under modified procedure.

If, under modified procedure (for general rules governing modified procedure, see part 1112), an award of damages is sought, complainant should submit the paid freight bills or properly certified copies with its statement when there are not more than 10 shipments; if more than 10 shipments are involved, complainant should retain the documents.

#### § 1133.2 Statement of claimed damages based on Board findings.

(a) When the Board finds that damages are due, but that the amount cannot be ascertained upon the record before it, the complainant should immediately prepare a statement showing details of the shipments on which damages are claimed, in accordance with the following form:

Claim of \_\_ under decision of the Surface Transportation Board in Docket No. \_\_.

- Date of shipment.
- Date of delivery or tender of delivery.
- Date charges were paid.
- Car (or vessel) initials.
- Car (or voyage) number.
- Origin.
- Destination.
- Route.
- Commodity.
- Weight.
- Rate.
- Amount.
- Rate.
- Amount.
- Reparation on basis of Board's decision.
- Charges paid by.<sup>1</sup>

<sup>1</sup>Here insert name of person paying charges in the first instance, and state

Claimant hereby certifies that this statement includes claims only on shipments covered by the findings in the docket above described and contains no claim for reparation previously filed with the Board by or on behalf of claimant or, so far as claimant knows, by or on behalf of any person, in any other proceedings, except as follows: (Here indicate any exceptions, and explanation thereof).

By \_\_\_\_\_  
(Claimant)  
\_\_\_\_\_  
(Practitioner)  
\_\_\_\_\_  
(Address)  
\_\_\_\_\_  
(Date)

Total amount of reparation \$\_\_\_\_. The undersigned hereby certifies that this statement has been checked against the records of this company and found correct.

Date \_\_\_\_ Concurred<sup>2</sup> in: \_\_\_\_ Company \_\_\_\_  
Company, Defendant Collecting Carrier, Defendant<sup>3</sup>.

By \_\_\_\_, Auditor. By \_\_\_\_, Auditor.

(b) The statement should not include any shipment not covered by the Board's findings, or any shipment on which complaint was not filed with the Board within the statutory period. The filing of a statement will not stop the running of the statute of limitations as to shipments not covered by complaint or supplemental complaint. If the shipments moved over more than one route, a separate statement should be prepared for each route, and separately numbered, except that shipments as to which the collecting carrier is in each instance the same may be listed in a single statement if grouped according to routes. The statement, together with the paid freight bills on the shipments, or true copies thereof, should then be forwarded to the carrier which collected the charges, for verification and certification as to its accuracy. If the statement is not forwarded immediately to the collecting carrier for certification, a letter request from defendants that forwarding be expedited will be considered to the end that steps be taken to have the statement forwarded immediately. All discrepancies,

whether as consignor, consignee, or in what other capacity.

<sup>2</sup>For concurring certificate in case collecting carrier is not a defendant.

<sup>3</sup>If not a defendant, strike out the word "defendant."