



ADMINISTRATIVE RULES OF MONTANA

38.3.2711 ALTERNATIVE USE OF RATES IN SECTIONAL TARIFFS

- (1) The alternative use of rates may be provided by publishing such rates in different sections of one and the same tariff. The first page of each section which shall be known as the title page of the section, shall contain the number of the section and, if desired, the application of the rates published in that section. The title page of each section containing alternating rates shall also contain the following rule:
 - (a) If the charge accruing under section _____ or _____ of this tariff is lower than the charge accruing under this section or by the same shipment via the same route the charge accruing under section _____ or _____, whichever is lower, will apply.
 - (b) Each succeeding page of the section shall also bear the section number. As far as possible the rates in one section should be checked against those in other sections and proper cancellations made, thereby avoiding unnecessary alternation of rates. Alternating reference should not be given to another section unless that section in fact contains rates which do alternate.
 - (c) Each commodity tariff arranged in section for alternative use hereafter issued shall contain a nonalternating section, and each class and commodity tariff similarly arranged for alternative use shall contain a commodity section which alternates only with class rates in the manner prescribed below.
 - (d) When a strictly commodity tariff is issued under authority of this rule, section 1 of the tariff shall not have alternative application with other sections, but there shall be published in said section commodity rates which in all instances result in charges lower than would result from the commodity rates published in other sections of the tariff. Under the heading "Application of rates," the following shall appear:
 - (i) The rates in section 1 are specific commodity rates and do not alternate with rates in other sections of the tariff. See application of that section.
 - (e) The title page of section 1 shall contain the following notation:
 - (i) When rates are published in this section on the commodity transported from point of origin to destination, rates named in this section will apply regardless of rates between the same points published in other sections.
 - (f) The title page of each other section containing commodity rates shall contain the following notation preceding that prescribed in the first paragraph of this section:
 - (i) When rates are published in section 1, the rates named in this section on the same commodity from and to the same points, via the same route, will not apply.

- (g) When publishing both class and commodity rates in sections of a tariff, under authority of this rule, the class rates shall be published in a section or sections preceding the commodity sections. Commodity rates which are lower than and do not alternate with the rates in other commodity sections shall be published in the first commodity section and may alternate only with rates in the class section or sections. Under the heading of "Application of rates," the following notation shall appear:
 - (i) The rates in section are specific commodity rates and do not alternate with commodity rates in other sections of the tariff. See application of that section.
- (h) The title page of the nonalternating commodity section shall contain the following notation preceding that prescribed in the first paragraph of this section:
 - (i) When rates are published in this section on the commodity transported from point of origin to destination rates named in this section will apply regardless of rates between the same points published in other commodity sections.
 - (i) The title page of each other section containing commodity rates shall also contain the following notation preceding that prescribed in the first paragraph of this section:
 - (i) Where rates are published in section ____ (here show the number of the nonalternating section) the rates named in this section on the same commodity from and to the same points, via the same route will not apply.
- (2) The publication of alternative rates in sections of a tariff is subject to the following restrictions:
 - (a) That only one alternation of class rates against class rates, and not more than two alternations of commodity rates against commodity rates, will be permitted;
 - (b) That rates published in another tariff may not be reproduced for alternative purposes;
 - (c) That the one section of a tariff may not alternate with more than three other sections; and
 - (d) That alternating sections may not be subdivided and except as otherwise authorized in ARM 38.3.2710, a rate in one section may not be alternated against a rate in the same section.

Authorizing statute(s): Sec. 69-12-201, MCA

Implementing statute(s): Title 69, Chapter 12, Part 5, MCA

History: Eff. 12/31/72.