

R4-05 FILING SUPPLEMENTS ON SUSPENSION MATTERS

(a) Upon receipt of an order of suspension of any publication in part or in its entirety, the carrier who filed such publication shall immediately file with the Commission a consecutively numbered supplement which must not bear an effective date, quoting in full the Commission's order of suspension. Such supplement shall give specific reference by N.C.U.C. number or tariff serial number or numbers to the tariff or tariffs, schedule or schedules or supplements thereto or revised pages where rates, fares, charges, classifications, rules, regulations or practices so continued in effect will be found.

(b) If prior to the filing of the supplement announcing suspension a carrier files a later supplement which contains as reissues, the matter suspended in the previous supplement, the suspension supplement shall also specifically suspend such reissued matter.

(c) When a schedule, tariff (or supplement) which is suspended in part is reissued, such reissue shall cancel the schedule, tariff (or supplement) containing the suspended matter "except portions under suspension in docket No. . . ." When a schedule or tariff which is suspended in part is reissued, such reissue shall also cancel the schedule or tariff containing the matter which is continued in effect by reason of the suspension. When a schedule or tariff, as to which a supplement is suspended in whole or in part, is reissued, the reissue shall cancel the schedule or tariff "except portions under suspension in supplement No. . . . (or in item No. . . . of supplement No. . . .) in Docket No. . . ." and shall reissue the matter which is continued in effect by the suspension.

(d) A suspended rate, fare, charge, classification, rule, regulation, or practice may not be changed or withdrawn or the effective date thereof further deferred except by order or special permission of the Commission, nor may any change be made in a rate, fare, charge, classification, rule, regulation, or practice which is continued in effect as a result of such suspension except under order or special permission of the Commission.

(e) When the Commission vacates an order of suspension as of a date earlier than the date to which suspended, the carrier who filed such suspended schedule, tariff, supplement or revised page may file with the Commission, on not less than one day's notice, unless otherwise provided by the order, a supplement stating the date upon which, under authority of the vacating order, the schedule, tariff, supplement, revised page, item, rate, fare, charge, classification, rule, regulation, or practice will become effective. Unless such supplement is filed naming an earlier date than the date to which suspended, the suspended matter will become effective on the date to which suspended.

(f) When an order which suspended a schedule or tariff in its entirety is vacated, the vacating supplement, if made effective on or before the date to which the schedule or tariff is suspended, may also include as reissues, changes or additions which have been lawfully established in supplements to the former schedule or tariff. If a new schedule or tariff has been filed during the period of suspension, canceling the schedule or tariff proposed to be canceled by the suspended schedule or tariff any changes or additions published in the new schedule or tariff which are not included in the suspended schedule or tariff may be included in the vacating supplement as reissued items, provided the vacating supplement also cancels such new schedule or tariff. No other matter may be included in vacating supplements.

(g) When a schedule or tariff containing suspended matter has been canceled by a new schedule or tariff, except as to portions under suspension, and the Commission vacates its suspension order in its entirety effective on a date subsequent to the effective date of the new schedule or tariff, a supplement must be filed to the new schedule or tariff effective on not less than one day's notice, republishing and establishing the suspended matter and canceling the matter which was effective during the period of suspension, also canceling the matter under suspension in the former issue. Unless this is done, the matter which was suspended will not become applicable as the effective matter in the new schedule or tariff remains in effect until canceled. When the Commission vacates its suspension order effective on a date prior to the effective date of the new schedule or tariff, a vacating supplement, as prescribed in this order, should be filed to the old schedule or tariff and a supplement should also be filed to the new schedule or tariff on not less than one day's notice, establishing therein on the effective date thereof, matter which was under suspension in the old schedule or tariff.

(h) When the Commission orders the cancellation of a schedule or tariff, supplement, revised page, item, rate, fare, charge, classification, rule, regulation, or practice theretofore suspended by it the cancellation shall be effected by filing with the Commission upon not less than one day's notice, unless otherwise provided by the order, a supplement stating the date upon which in accordance with the Commission's order said rate, fare, charge, classification, rule, regulation, or practice is canceled; except that, when desired, such cancellation may be accomplished in a new schedule or tariff canceling the schedule or tariff containing the suspended matter. When an order of the Commission requires the cancellation of suspended matter on or before a date which is subsequent to the date to which suspended, carriers should endeavor to make the cancellation effective prior to the date to which the matter was suspended, in order to prevent the rates which have been found not justified from becoming effective. If the suspended matter is not canceled on or before the date to which suspended, it will be necessary, when canceling the suspended matter, to republish and reestablish the matter continued in force during the period of suspension.

(i) These provisions relating to suspension, vacating, and cancellation supplements will also govern in connection with schedules or tariffs issued in loose-leaf form, except that such supplements must not contain rates, fares, charges, classifications, rules, regulations, or practices. All changes made in loose-leaf schedules or tariffs must be published on revised pages.

(NCUC Docket No. T-100, Sub 49, 01/09/04.)