

UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION



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In the Matter of )  
 )  
 )  
 KENTUCKY HOUSEHOLD )  
 GOODS CARRIERS )  
 ASSOCIATION, INC., )  
 )  
 )  
 a corporation. )  
\_\_\_\_\_

Docket No. 9309

**RESPONDENT'S ANSWERS AND OBJECTIONS TO  
COMPLAINT COUNSEL'S INTERROGATORIES**

Pursuant to the Federal Trade Commission ("FTC") Rules of Practice for Adjudicative Proceedings § 3.35, and the Scheduling Order issued in this matter. Complaint Respondent

[REDACTED]

3. Respondent objects to providing any information or documents in response to these interrogatories that are not discoverable or the scope of which exceeds the

or other applicable law.



(ii) William Debord. KTC engaged in numerous steps constituting Active Supervision

[REDACTED]

proceeds (1) that it is vague, overly broad, and overly burdensome; (2) that the information

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

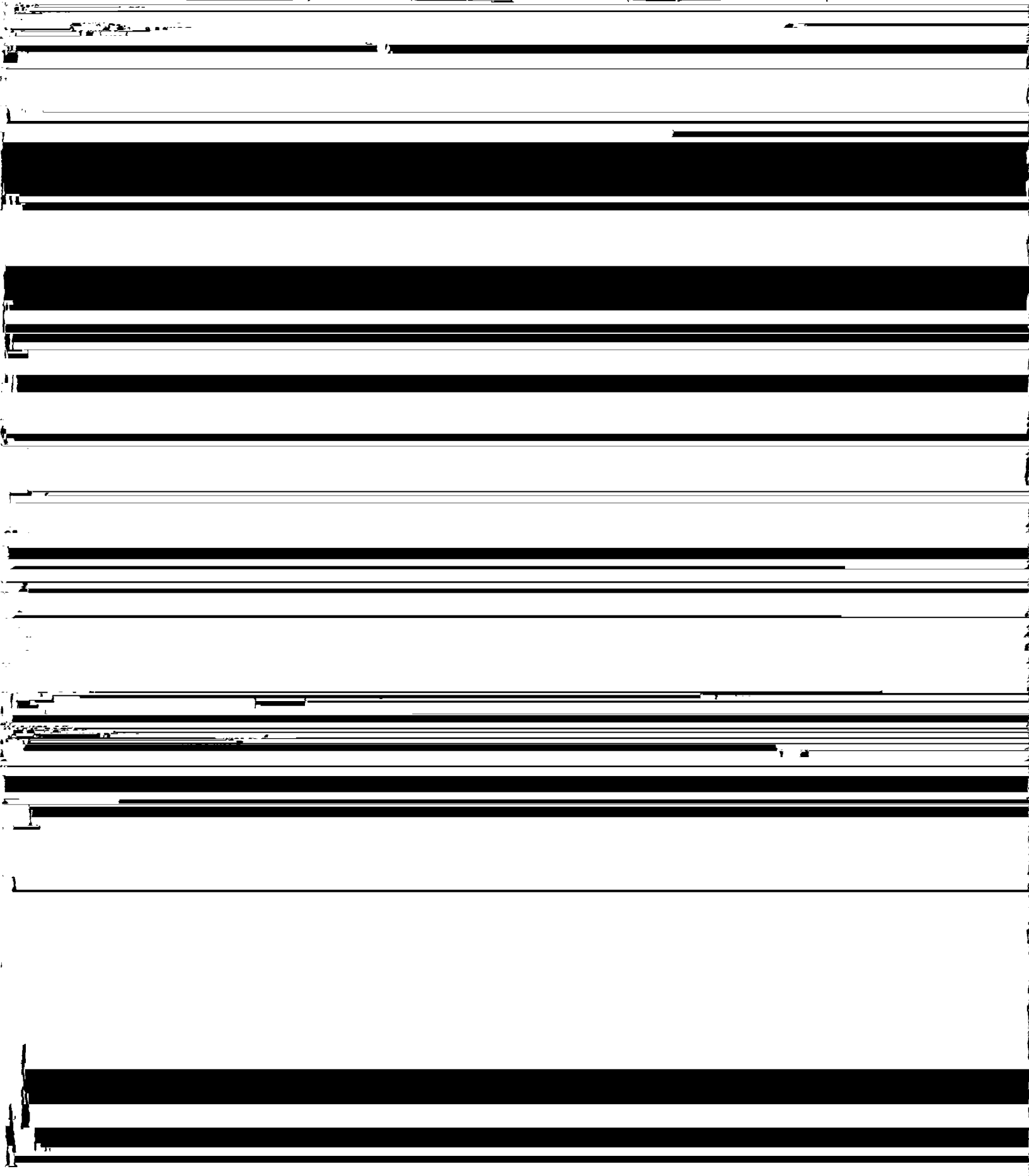
(ii) William Debord.

Regulation of the Kentucky Transportation Cabinet verified (e.g. by on-site inspection or

**Specific Objections to Interrogatory 11:** Respondent objects to this interrogatory on the

[REDACTED]

and notes of conversations; and (b) KTC's document production, in the form of, without





contained in Respondent's KYDVR TARIFF NO.5.

**Specific Objections to Interrogatory 16:** Respondent objects to this interrogatory on the grounds (1) that it is vague, overly broad, and overly burdensome; (2) that the information sought is equally available to Respondent and Complaint Counsel.

**Response:** Subject to and without waiving any objections, the information requested in

[REDACTED]

... has already been provided in (a) Defendant's document production in

1. ... with 1. litigation minutes of YHCA meetings, tariffs, correspondence

Continuation with decisions whether to ...

household goods carriers.

**Specific Objections to Interagency 22: Bureau of ...**

**Specific Objections to Interrogatory 25:** Respondent objects to this interrogatory on the grounds (1) that it is vague, overly broad, and overly burdensome; (2) that the information

sought is equally available to Respondent and Complaint Counsel.

**Response:** Subject to and without waiving any objections, the information requested in

this interrogatory has already been provided in (a) Respondent's document production in

(j) William Debord

28. Do you contend that the rates contained in Respondent's KYDVR TARIFF NO.5 have been approved by the United States Government?

**Specific Objections to Interrogatory 28:** Respondent objects to this interrogatory on the

grounds (1) that it is vague, overly broad, and overly burdensome; (2) that the information sought is equally available to Respondent and Complaint Counsel.

**Response:** Without waiving any objections, and recognizing that this interrogatory calls for a legal conclusion, it is Respondent's position that the rates contained in the subject Tariff and the process by which those rates have been formulated and approved are in no way offensive to or in violation of the laws of the United States.

29. If Respondent's response to Interrogatory Number 28 is in the affirmative, identify each United States Government decision that constitutes such approval.

**Specific Objections to Interrogatory 29:** Respondent objects to this interrogatory on the

281.590 Declaration of policy.

It is hereby declared to be the public policy of this State that the Department of Transportation shall administer the provisions of this chapter so as to recognize and preserve the inherent advantages of each type of motor

impartial regulation of all transportation subject to the provisions of this chapter, so administered as to recognize and preserve the inherent advantages of each type of motor

281.675 Standards of certificate holder's rates and services

(1) Every rate, fare and charge demanded or received by any certificate holder shall be just and reasonable, and every holder of a certificate shall furnish adequate, efficient

safe and reasonable service.

(2) ~~Every contract made by a contract carrier for the use of the carrier's motor vehicles~~

reasonable, and shall be comparable to the rate charged by any common carrier for

**281.680 Filing and public inspection of rate and service schedules and contracts --  
Collective ratemaking procedures.**

(1) Under administration of the Public Utility Commission, the Public Utility Board of the State of New York shall have the honor to advise the Public Utility Commission of the filing of rate and service schedules and contracts for collective ratemaking procedures.

[The remainder of the page is heavily redacted with thick black horizontal bars.]



281.685 Adherence to rates, fares, charges, and schedules -- Prohibition against

discrimination

- (1) A common carrier or irregular route common carrier of passengers or household goods shall not charge, demand, collect, or receive a greater, less, or different

**281.690 Changes in rates.**

(1) A common carrier or irregular route common carrier of passengers or household

goods shall not make any change in any rate that has been duly established under this chapter except after thirty (30) days' notice to the department, which notice shall



601 KAR 1:050. Rates and fares.

RELATES TO: KRS Chapter 281

STATUTORY AUTHORITY: KRS 281.600

NECESSITY, FUNCTION, AND CONFORMITY: KRS 281.695 authorizes the Transportation Cabinet to fix or approve the rates, fares, charges, classifications,

601 KAR 1:060. Tariffs.

RELATES TO: KRS Chapter 281

STATUTORY AUTHORITY: KRS 281.600

NECESSITY, FUNCTION, AND CONFORMITY: KRS 281.600 authorizes the Transportation Cabinet to establish reasonable requirements with respect to continuous and adequate service by carriers; systems of accounts, records and reports; and preservation of records. This administrative regulation establishes rules concerning tariff and tariff change.

Section 1. General Rules. All tariffs or supplements thereto, or statements of rates or fares, required to be filed with the cabinet shall be filed in duplicate and must be received by the cabinet at least thirty (30) days prior to the effective date thereof, except that the thirty (30) days' notice requirement shall not apply to a tariff

(2) Table of contents arranged alphabetically showing the number of the page on which each subject may be found. If a tariff consists of several parts, the table of contents should show the page number of each part.

- (d) Date shipment delivered;
- (e) Amount of COD;
- (f) Date collected by delivering carrier;
- (g) Date remitted to payee; and
- (h) Check number or other identification of remittance to payee.

(i) Failure to account for and remit COD collections as herein directed will be sufficient cause for revocation or suspension of a certificate of public convenience and necessity.

Section 4. Rates for Contract Carriers of Property. Every contract carrier authorized to engage in intrastate commerce in Kentucky shall have on file with the cabinet at all times two (2) copies of its bilateral contract or contracts naming its rates and charges which rates and charges shall be comparable to the rates charged by common carriers for the same or similar service. No contract carrier shall make any change in its contract filed with the cabinet, except upon approval

601 KAR 1:080. Household goods carriers.

RELATES TO: KRS Chapter 281

STATUTORY AUTHORITY: KRS 281.600

NECESSITY, FUNCTION, AND CONFORMITY: KRS 281.600 requires the Transportation Cabinet to establish reasonable requirements with regard to continuous and adequate service of transportation. This administrative regulation provides for the rules and administrative regulations concerning household goods carriers

Section 1. Determination of Weights. (1) Tare weight. The tare weight of each vehicle in the transportation of household goods shall be determined by having it weighed prior to the transportation of each shipment, without the crew thereon, by a certified weigh master or on a certified scale; and, when so weighed the fuel tank on each vehicle shall be full and the vehicle shall contain all blankets, pads, chains, dollies, hand trucks, and other equipment needed in the transportation of such shipment.

(2) Gross weight. After the vehicle has been loaded, it shall be weighed without the crew thereon prior to delivery of the shipment.

(3) Net weight. The net weight shall be determined by deducting the tare weight from the gross weight.

(4) Constructive weight. If no adequate scale is located at origin or any point within a radius of ten (10) miles thereof, a constructive weight, based upon seven (7) pounds per cubic foot of properly loaded van space, may be used. Such a constructive weight may also be used for a part load where the circumstances are such





(5) Report of underestimates: Every irregular route common carrier of household goods shall file quarterly with the Transportation Cabinet a report of all instances

[REDACTED]

**Transportation**  
**Vehicle Regulation**

**SOURCE OF FUNDS**

**Restricted Funds**

Balance Forward	4,427,600	4,019,400	5,243,200	4,835,000
Current Receipts	6,618,800	6,750,000	6,593,500	6,723,000

**Total Restricted Funds**

11,046,400	10,769,400	11,836,700	11,558,000
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**Federal Funds**

Current Receipts	2,786,600	2,826,200	2,786,600	2,826,200
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**Total Federal Funds**

2,786,600	2,826,200	2,786,600	2,826,200
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**Road Fund**

Regular Appropriation	30,911,800	32,478,000	30,031,700	31,333,800
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**Total Road Fund**

30,911,800	32,478,000	30,031,700	31,333,800
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**TOTAL SOURCE OF FUNDS**

44,744,800	46,073,600	44,655,000	45,718,000
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**EXPENDITURES BY CLASS**

Personnel Cost	29,545,900	30,838,600	28,632,600	29,659,500
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Under KRS Chapters 186, 187, 189A, 218, and 281A, the Division of Driver Licensing maintains driver history records for:

[REDACTED]

## Vehicle Regulation – Motor Carriers

### Program Mission

The mission of the Motor Carriers program of the Department of Vehicle Regulation is to provide an expedient, efficient, and

**CERTIFICATE OF SERVICE**

This is to certify that on November 25, 2003, I caused a copy of the  
attached **Respondent's Answers & Objections to Complaint Counsel's**

the following documents by First Class U.S. Express Mail:

Hon. D. Michael Chappell  
Administrative Law Judge  
Federal Trade Commission