

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Lumber Co.*, 200 U. S. 321, 337.

# SUPREME COURT OF THE UNITED STATES

Syllabus

INTERSTATE COMMERCE COMMISSION v. TRANSCON  
LINES ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE  
NINTH CIRCUIT

No. 93-1318. Argued November 1, 1994—Decided January 10,  
1995

The Interstate Commerce Act grants petitioner Interstate Commerce Commission (ICC) authority to set the exclusive means by which common carriers extend credit to shippers. Under the ICC's regulations, credit may be extended for periods of up to 30 days, and, if shippers fail to pay, carriers may assess interest charges and liquidated damages to cover collection costs. In this suit to enjoin the trustee in bankruptcy appointed for respondent motor carrier, Transcon Lines, from collecting liquidated damages from Transcon's former customers, the ICC asserted that Transcon had violated three of the credit regulations' procedural requirements: its bills did not advise shippers of the consequences of late payment; revised bills were not issued within 90 days after the expiration of the authorized credit period; and damages were applied by a bankruptcy trustee on an aggregate basis. The District Court granted summary judgment for respondents, and the Court of Appeals affirmed in relevant part, holding that the filed rate doctrine and this Court's decision in *Maislin Industries, U. S., Inc. v. Primary Steel, Inc.*, 497 U. S. 116, barred the ICC from enforcing its credit regulations in a manner that would prevent collection of a filed rate. On remand from this Court, the Court of Appeals adhered to that determination.

*Held:* The filed rate doctrine does not bar the injunction the ICC seeks. The Act grants the ICC broad authority to bring civil actions to enforce the statute and regulations or orders issued under it. This Court has specified that seeking a federal-court injunction to require a carrier to comply with the regulations is

such an enforcement power. *Southern Pacific Transp. Co. v. Commercial Metals Co.*, 456 U. S. 336, 352, 349. Although not without limits, the ICC's judgment that a particular remedy is an appropriate exercise of its enforcement authority is entitled to some deference. Two substantial reasons support the conclusion that the remedy chosen in this case is appropriate. First, it is necessary to the effective enforcement of the ICC's regulations. Should the injunction be disallowed, trustees of bankrupt carriers would be immune, in effect, from enforcement of the credit regulations. Second, the remedy serves the intended beneficiaries of the violated regulations: shippers, whom the regulations protect from the imposition of penalties without warning. *Id.*, at 345-346, distinguished. Neither *Maislin* nor this Court's other filed rate cases suggest that the doctrine prohibits the ICC from requiring departure from a filed rate when necessary to enforce other specific and valid regulations adopted under the Act. Contrary to respondents' contention, the ICC is not seeking to enforce a secret, unfiled rate in place of a filed rate, but is seeking to enforce the rate for shipping over the rate for shipping plus collection efforts. Pp. 6-11.

ICC v. TRANSCON LINES

Syllabus

9 F. 3d 64, reversed and remanded.

KENNEDY, J., delivered the opinion for a unanimous Court.