

**SUPREME COURT OF THE UNITED  
STATES**

—  
No. 93-284  
—

SECURITY SERVICES, INC., PETITIONER v.  
K MART CORPORATION

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF  
APPEALS FOR THE THIRD CIRCUIT  
[May 16, 1994]

JUSTICE STEVENS, concurring.

Although I remain convinced that the Court stumbled badly in *Maislin Industries, U. S., Inc. v. Primary Steel, Inc.*, 497 U. S. 116 (1990), when it rejected the sensible construction of the Interstate Commerce Act that had been adopted by six courts of appeals and the agency responsible for the Act's enforcement, see *id.*, at 139 (dissenting opinion), I agree with the Court's disposition of this case. I write only to note that both this case and *Maislin* involve a carrier in bankruptcy seeking to enforce a "filed" rate that was higher than the one it negotiated with the shipper; in neither case was there any allegation or evidence that a carrier had violated the "core purposes of the Act" by charging discriminatory rates. See *ante*, at 7; 497 U. S., at 130.