

NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of)
Shipper's Transportation, Inc.,)
Grand Island, Nebraska, who seeks)
an interpretation of the following)
Application M-12964;)

APPLICATION NO. M-12964
AND
APPLICATION NO. M-12749

And)

INTERPRETATION OF AUTHORITIES

In the Matter of the Application of)
Ranch and Farm Lines, Inc., Grand)
Island, Nebraska, who seeks an)
interpretation of Application No.)
12749 requested by Shipper's)
Transportation, Inc.)

ENTERED: June 27, 1990

APPEARANCES: Robert L. Gartner pro se
P.O. Box 137
Grand Island, NE 68802

BY THE COMMISSION:

OPINIONS AND FINDINGS:

By petition filed, March 8, 1990, Robert L. Gartner of Shipper's Transportation, Inc., requests an interpretation of the authorities granted to Shipper's Transportation, Inc., in M-12964 and to Ranch and Farm Lines in M-12749. Hearing on the requested interpretation was held April 10, 1990 in the Commission Hearing Room with appearances as shown.

Robert Gartner stated that he had been informed that carriers may tack regular and irregular authorities. He wants to haul furniture under Shipper's Transportation authority which authorizes transportation of general commodities, between points within a 25-mile radius of Edgar on the one hand, and, on the other hand, a 215 mile radius of Edger. The authority in Ranch and Farm Lines, Inc., in M-12749, authorizes transportation of general commodities over regular routes. He owns both authorities. Each carrier has its own equipment, which he operates independently. He is president of both corporations.

Mr. Gartner in his statement addressed his request for interpretation of the authorities he holds as a question of tacking. Tacking is the combination of two or more authorities held by one carrier so as to perform service over a wider territory than that authorized by either one of the authorities combined. Mr. Gartner's request actually involves an interpretation of the Commission's policy regarding interlining, not tacking. In this case Mr. Gartner owns two separate authorities. Interlining is the practice whereby a carrier transfers a shipment to another carrier at a point of joint service for delivery or for further movement with another carrier. Mr. Gartner's question may also address interchange of equipment.

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Interchange is a particular kind of interlining which involves exchange of equipment between certificated carriers, whose combined authorities permit transportation of a shipment to a destination not within the authority of the carrier who first carries the shipment. Interchange is not lawfully permissible where there is no common point served or no point which properly might be used as a gateway for the performance of through transportation. Farmer, 45 MCC 267, 6 FED CAR CASES ¶ 31243; E.L. Powell, 77 MCC 501, 13 FED CAR CASES ¶ 34,416.

It appears that the only points served in common by the two carriers owned by Mr. Gartner are Clay Center, Ong, and Fairfield. It appears that the commodities picked up by Ranch and Farm on its regular route between Omaha and Hastings could be interchanged or interlined with Shippers Transportation, Inc., at Clay Center or Fairfield or possibly Ong if they are destined to a point within 215 miles of Edgar. Although the right of irregular route carriers to interchange traffic with other carriers is recognized, irregular route carriers must preserve the irregular route nature of their operation. Cole, 41 MCC 657, 3 FED CAR CASES ¶ 30,519. If petitioner proposes to interline with these two authorities primarily in the transportation of household goods, maintenance of the irregular nature of the Shipper's Transportation authority should not become a problem.

The foregoing analysis and construction of the authorities is based upon the question raised by Mr. Gartner by his petition for interpretation and his appearance before the Commission. A comprehensive analysis of the certificates and interpretation of the transportation that may be performed under them is not intended.

MADE AND ENTERED at Lincoln, Nebraska, this 27th day of June, 1990.

NEBRASKA PUBLIC SERVICE COMMISSION

Daniel G. Urwiller
Chairman

ATTEST

[Signature]
Executive Director

COMMISSIONERS CONCURRING:

Duane D. Gay
//s//Frank E. Landis, Jr.
//s//James Munnelly
//s//Eric Rasmussen
//s//Daniel G. Urwiller