**Section 1225.255 Take-over Publications − Motor Carriers**

a) When a new agent is appointed for a reason set forth in Section 1225.250 or when an alternate agent assumes the duties of the principal agent, the new agent, immediately upon receipt of necessary authority, or the alternate agent, upon death or disability of the principal, shall issue a supplement to each of the effective tariffs (bound or loose-leaf) issued by or which had been taken over by the agent superseded. The supplement shall bear on its title page no effective date, but shall contain a statement reading substantially as follows:

On and after (show here, in the case of a new agent, the date on which authorities are filed with this Commission; or in the case of an alternate agent, the date on which the principal ceased to act) this publication shall be considered as the issue of (show here name of new agent or the alternate acting as such).

b) In the case of a new agent and a bound tariff, such supplement shall also contain a list of participating carriers, giving reference to the new authorities.

c) In the case of a new agent and a loose-leaf tariff, the supplement shall not name the participating carriers, but instead, one or more loose-leaf pages canceling the previous page or pages shall be issued containing the new list of participating carriers. Such a page shall identify the new authorities and refer to the take-over supplement, shall show the date of the take-over as the effective date, and may be filed without notice.

d) If the agent whose tariffs are being taken over maintains a participating carrier tariff, the take-over publications to the agent's other tariffs shall not list participants if the tariff that is being amended does not specifically list them. The take-over publication to the participating carrier tariff shall, however, provide a complete list of all participants therein and in tariffs governed thereby on the date of take-over.

e) An agent only has authority to act for a carrier that has issued a power of attorney in its favor or issued an appropriate concurrence to such a carrier. Therefore, only the names of participating carrier that have issued such instruments may be shown in the take-over publication. Any updating, corrections, or deletions of the names of participating carriers must be made by the former agent (or alternate agent if authorized to act) and must become effective on lawful notice before the date of take-over.

f) The take-over supplement must remain in effect for the life of the tariff and shall be considered exempt from the provisions of Section 1225.920 limiting the number and the volume of supplements, but the participating carrier list therein, if any, may be amended.

g) An agent may not take over less than all of another agent's tariffs.

h) Where joint-agent publications are involved in a take-over there are four major situations. In each situation the supplement must be one containing no other matter than that necessary to effect and explain the action. In every case the agent who issues the take-over supplement shall also amend the list of participating carriers, where ever it is shown, in an appropriate fashion.

1) The principal agent is taken over by other than one of the joint agents. The new agent issues the take-over supplement.

2) A joint agent is taken over by other than the principal agent. The principal agent issues a supplement which indicates that the take-over took place and substitutes the name of the new agent for the one taken over.

3) A joint agent is taken over by the principal agent shown on the publication. The principal agent issues the take-over supplement and drops the name of the former agent and its ILLCC designation.

4) The principal agent is taken over by a joint agent shown on the publication. The joint agent automatically becomes the principal or sole agent, as the case may be, and issues the take-over supplement and drops the name of the former agent and its ILLCC designation.

5) In situations not identified in this subsection, the parties should consult with this Commission to arrive at an acceptable form for the publications effecting the take-over action.