

WAC 480-30-116 Certificates, application docket, and objections, auto transportation company. (1) **Application docket.** The commission publishes a notice of pending certificate applications in the application docket. The commission mails the application docket to each existing auto transportation company certificate holder, to each person with a pending auto transportation company certificate application and to any other interested person who has asked to receive copies of the application docket. It includes notice of auto transportation company certificate applications for:

(a) New certificate authority.
(b) Extension of existing certificate authority.
(c) Transfer or lease of all or a portion of certificate authority.

(2) **Objections.** An existing auto transportation company may object to an application for new authority or an extension of authority published in the application docket only if the company holds a certificate that authorizes the same service and the company provides the same service published in the application docket. No company may file an objection to applications for transfers or lease of all or a portion of certificate authority.

(a) **Form of objections.** Objections must:

(i) Be filed within thirty days of the date the commission mailed the application docket.

(ii) Be filed according to the provisions of WAC 480-07-370.

(iii) Be served on the applicant and the applicant's attorney, if the attorney has filed with the commission a notice of appearance.

(iv) Specify why the company believes it is providing the same service to the satisfaction of the commission and why it is filing the objection.

(v) Specify the approximate number of witnesses the objecting company intends to present and an estimate of hearing time required for the objecting company's presentation.

(vi) Include the name and address of each person on whose behalf the objection is filed including that person's certificate number, a copy of the certificate authority, and identification of the portion or portions of the objector's certificate that is the basis for the objection, and specifically identify the portion or portions of the objector's certificate that authorizes the same service requested by the applicant.

(vii) Describe any restrictive amendment that could eliminate the objecting company's interest in the application.

(b) **Failure to file objection on time.** A person who fails to file an objection within the thirty-day notice period may not in any way participate further in the proceeding, unless that person can show that the commission did not provide proper notice of the pending application, or that good cause exists for the failure to make a timely objection.

(3) The adjudication of applications subject to an objection filed under RCW 81.68.040 will be accomplished in the simplest and most expeditious manner consistent with state law. The adjudication will be limited to the question of whether the objecting company holds a certificate to provide the same service in the same territory, whether the objecting company provides the same service, and whether an objecting company will provide the same service to the satisfaction of the commission.

(4) **Applications not subject to the docket and objection provisions of this rule.** This rule does not apply to:

- (a) Applications for charter and excursion carrier certificates;
- (b) Applications to reinstate a certificate canceled for cause under the provisions of WAC 480-30-181, when the application is filed within thirty days of the certificate cancellation date;
- (c) Applications for name change;
- (d) Applications to mortgage an auto transportation company certificate; and
- (e) Applications for an auto transportation company certificate under a federal grant of authority to provide intrastate service over an interstate route.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.04.250, 81.68.030, and 81.68.040. WSR 13-18-003 (Docket TC-121328, General Order R-572), § 480-30-116, filed 8/21/13, effective 9/21/13. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-116, filed 6/8/06, effective 7/9/06.]