

**WAC 480-51-040 Notice of application—Protests—Contemporaneous applications.**

(1) The commission shall send a notice of each application for certificated commercial ferry service and each application to operate vessels providing excursion service, with a description of the terms of that application, to all persons presently certificated to provide service; all present applicants for certificates to provide service; the department of transportation; affected cities and counties; and any other person who has requested, in writing, to receive such notices. Interested persons may file a protest with the commission within thirty days after service of the notice. The protest shall state the specific grounds for opposing the application and contain a concise statement of the interest of the protestant in the proceeding. A person who is eligible to file a protest and fails to do so may not participate further in the proceeding in any way, unless it can be demonstrated that failure to file a protest was due to an omission by the commission in providing proper notification of the pending application.

(2) If any person wishes to seek authority which overlaps, in whole or in part, with that sought in any pending application, it must apply for that authority within thirty days following mailing of the notice of filing of the initial application in order for the applications to be considered jointly. During the thirty-day period, pending applications will be on file and available for inspection in the commission's headquarters office in Olympia.

(3) The commission may consolidate overlapping pending applications, pursuant to WAC 480-07-320, for joint consideration.

(4) Overlapping applications which are not filed within thirty days of the initial application will not be jointly considered with the initial application and will not be decided until after the conclusion of proceedings resolving the initial application and any other application qualifying for joint consideration.

(5) The commission may consider and decide, on any schedule, portions of an overlapping application when:

(a) The portions to be heard do not overlap a prior pending application; and

(b) The overlapping portions may appropriately be severed from the portions to be heard.

[Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 03-24-028 (General Order R-510, Docket No. A-010648), § 480-51-040, filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4). WSR 95-22-001 (Order R-435, Docket No. TS-941485), § 480-51-040, filed 10/18/95, effective 11/18/95.]