

SERVICE DATE

MAR 28 2001

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In re Application No. D-78904 of	)	
	)	
HECKMAN MOTORS, INC., d/b/a	)	DOCKET NO. TC-000835
OLYMPIC BUS LINES	)	
	)	
for extension of authority under	)	
Certificate of Public Convenience and	)	
Necessity No. C-992	)	
.....	)	
	)	
In re Application No. D-78916 of	)	DOCKET NO. TC-000676
	)	
JEFFREY LYNN PORTER d/b/a	)	
PENNCO TRANSPORTATION	)	
	)	ORDER DENYING REQUEST FOR
for extension of authority under	)	EXTENSION
Certificate of Public Convenience and	)	(CORRECTED)
Necessity No. C-1054	)	
.....	)	

- 1 On February 23, 2001, counsel for Heckman Motors, Inc., entered an appearance pursuant to WAC 480-09-710(2), asking for an extension of the February 26, 2001 deadline for filing a petition for reconsideration of the Commission's final order in these dockets because the Commission did not serve him and he did not receive notice of the order until February 21, and he was on vacation until February 26.
- 2 The request cites counsel's presentation of a pleading on behalf of Pennco in November, 2000, as sufficient to satisfy the notice requirement of the rule.
- 3 Commission Staff responds to the request, opposing it. Commission Staff argues that the mere submission of a pleading does not advise the Commission or other parties to a proceeding that counsel is appearing for and is to receive service for all purposes. Counsel also points out that the Commission has no power to alter a statutory deadline.
- 4 We deny the request for an extension.
- 5 The statute, RCW 34.05.080, provides that an administrative agency has no power to modify a deadline set in the APA, Chapter 34.05 RCW, except through the adoption of a rule meeting specified standards. The time for filing petitions for reconsideration

is established as ten days in RCW 34.05.470(1). Therefore, unless the service of the final order was flawed, the Commission may not grant the request.

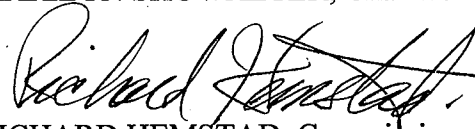
6 WAC 480-09-710(2) states, "Notices of appearance and withdrawal. Attorneys . . . appearing on behalf of a party must immediately notify the Commission and all parties to the proceeding." Not only is the subsection headed "Notices of appearance . . .," but it requires that the attorney "notify" the Commission and the parties of the appearance.

7 A pleading in the proceeding, of itself, does not notify others that counsel is representing the party for all purposes or that service must be directed to the representative. Merely submitting a pleading on behalf of a party, therefore, does not satisfy the Commission rule. Consequently, service of the final order was not insufficient and the Commission has no authority under the statute to grant an extension of time for submitting a petition for reconsideration.

Dated at Olympia, Washington and effective this <sup>27<sup>th</sup></sup> day of March, 2001.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

  
MARILYN SHOWALTER, Chairwoman

  
RICHARD HEMSTAD, Commissioner