

[Service Date February 2, 2005]

February 2, 2005

Mr. Michael Lauver
Vice-President, General Manager
Whidbey Sea-Tac Shuttle
P.O. Box 2895
Oak Harbor, WA 98277

RE: Application No. D-079317 of SeaTac Shuttle, LLC, d/b/a Whidbey Sea-Tac Shuttle, for an Extension of Authority, Docket No. TC-041893

Dear Mr. Lauver:

Thank you for your letter of January 14, 2005, regarding the status of your application, TC-041893.

You ask why the application process appears to be lengthy. You acknowledge that your application overlaps in part, that of Wickkiser International Companies (Docket No. TC-042129).

Although your application was not protested, the filing of Wickkiser's application brought into play WAC 480-30-032(2) through (5), which require the Commission to hold both overlapping applications until the protest period expires for the last-filed application and to consider them contemporaneously.

The protest period expired and on January 19, 2005, the two applications were referred to the Administrative Law Division for possible hearing. The Commission has determined that because neither application is protested and neither application proposes service in territory served by an existing carrier, the Commission may consider both applications under RCW 81.68.040.

The Commission understands each carrier's lack of protest to the other's application to be a waiver of its right to comparative consideration under WAC

480-30-032 to determine whether one or both of the two applications should be granted. By separate letter today, the agency will advise both parties that it is beginning the process of independent administrative review of the applications unless one of the applicants objects to that process.

In the meantime, your application will be referred to the Transportation division for processing without hearing and you will be hearing from transportation staff.

Sincerely,

CAROLE J. WASHBURN
Executive Secretary