

**§ 365.121 Filing a reply statement.**

(a) If the application is opposed, applicant may file a reply statement. This statement is due within 20 days after *FMCSA Register* publication.

(b) The reply statement may not contain new evidence. It shall only rebut or further explain matters previously raised.

(c) The reply statement need not be notarized or verified. Applicant understands that the oath in the application form applies to all evidence submitted in the application. Separate legal arguments by counsel need not be notarized or verified.

**§ 365.123 Applicant withdrawal.**

If the applicant wishes to withdraw an application, it shall request dismissal in writing.

### Subpart B—How To Oppose Requests for Authority

**§ 365.201 Definitions.**

A person wishing to oppose a request for operating authority files a *protest*. A person filing a valid protest is known as a *protestant*.

[81 FR 63705, Oct. 21, 2015]

EFFECTIVE DATE NOTE: At 82 FR 5300, Jan. 17, 2017, § 365.201 was suspended, effective Jan. 14, 2017.

**§ 365.201T Definitions.**

A person wishing to oppose a request for permanent authority files a protest. A person filing a valid protest becomes a *protestant*.

[82 FR 5300, Jan. 17, 2017]

**§ 365.203 Time for filing.**

A protest shall be filed (received at the FMCSA, Office of the Associate Administrator for Research and Information Technology, 1200 New Jersey Ave. SE., Washington, DC 20590) within 10 days after notice of the application appears in the FMCSA Register. A copy of the protest shall be sent to applicant's representative at the same time.

Failure timely to file a protest waives further participation in the proceeding

[80 FR 63705, Oct. 21, 2015]

EFFECTIVE DATE NOTE: At 82 FR 5300, Jan. 17, 2017, § 365.203 was suspended, effective Jan. 14, 2017.

**§ 365.203T Time for filing.**

A protest shall be filed (received at the FMCSA) within 10 days after notice of the application appears in the *FMCSA Register*. A copy of the protest shall be sent to applicant's representative at the same time. Failure timely to file a protest waives further participation in the proceeding.

[82 FR 5300, Jan. 17, 2017]

**§ 365.205 Contents of the protest.**

(a) All information upon which the protestant plans to rely is put into the protest.

(b) A protest must be verified, as follows:

I, \_\_\_\_\_, verify under penalty of perjury under laws of the United States of America, that the information above is true and correct. Further, I certify that I am qualified and authorized to file this protest. (See 18 U.S.C. 1001 and 18 U.S.C. 1621 for penalties.)

(Signature and Date)

(c) A protest not in substantial compliance with applicable statutory standards or these rules may be rejected.

(d) Protests must respond directly to the statutory standards for FMCSA review of the application. As these standards vary for particular types of applications, potential protestants should refer to the general criteria addressed at § 365.107 and may consult the FMCSA at 800-832-5660 or via the web form at <https://www.fmcsa.dot.gov/ask> for further assistance in developing their evidence.

[59 FR 63728, Dec. 9, 1994. Redesignated at 61 FR 54707, Oct. 21, 1996, as amended at 62 FR 49940, Sept. 24, 1997; 81 FR 68344, Oct. 4, 2016]

**§ 365.207 Withdrawal.**

A protestant wishing to withdraw from a proceeding shall inform the FMCSA and applicant in writing.