

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of Penalty Assessment Against
CWA, INC., in the Amount of \$100

DOCKET TE-100267

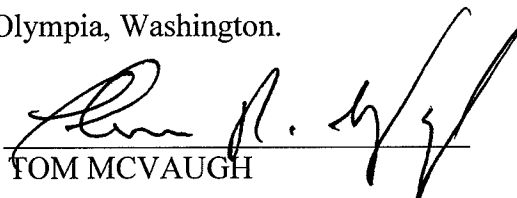
DECLARATION OF
TOM MCVAUGH

THOMAS R. MCVAUGH, under penalty of perjury under the laws of the state of Washington, declares as follows:

1. I am over 18 years of age, a citizen of the United States, a resident of the state of Washington, and competent to be a witness.
2. I am employed by the Washington Utilities and Transportation Commission (Commission) as a Transportation Specialist 4 assigned to the Motor Carrier Safety Division. I have been employed with the Commission for over 26 years, holding various positions. As a Transportation Specialist 4, my duties include conducting investigations and inspections of motor carriers regulated by the Commission. As part of these duties, I conduct safety compliance reviews on regulated and charter bus companies. In addition, I am listed as a contact person for any questions these companies have regarding the completion of the Charter and Excursion Carriers Annual Safety Report.
3. On February 23, 2010, Richard Johnson, on behalf of CWA, Inc. (CWA) filed with the Commission an Application for Mitigation (Mitigation Request), in Docket TE-100267. I have read the Mitigation Request. In the Mitigation Request, CWA admits the violation occurred and requests a decision by an administrative law judge.
4. This Mitigation Request arises from a Notice of Penalties Incurred and Due for Violations of Laws and Rules issued by the Commission on February 19, 2010, in Docket TE-100267. In that Notice, the Commission issued a penalty of \$100 for a violation of Washington Administrative Code (WAC) 480-30-071, which requires charter and excursion carriers to file annual safety reports with the Commission by December 31 each year.
5. On or about mid-December, 2009, Mr. Johnson telephoned me and stated that his company received the request to complete the 2009 Charter and Excursion Annual Safety Report and Regulatory Fee Schedule. Mr. Johnson stated that CWA has not conducted any charter or excursion bus operations during 2009, and therefore CWA has nothing to report. He further stated that this same issue occurred in 2008. I instructed Mr. Johnson to correspond with the commission and advise them of what he told me. I also advised Mr. Johnson that if his company does not conduct charter and/or excursion service, then he could cancel the authority and this issue would be resolved in the future.

6. At this point, our conversation was ended and I did not have any further contact with Mr. Johnson or any company official from CWA.

DATED this ^{11th} day of March 2010 at Olympia, Washington.


TOM MCVAUGH