



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

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June 2, 2021

**NOTICE OF OPPORTUNITY TO RESPOND TO MOTION
TO IMPOSE SUSPENDED PENALTY
(By Tuesday, June 8, 2021)**

RE: *In the Matter of the Determining the Proper Carrier Classification of, and Complaint for, Penalties Against Kim Jones, d/b/a Desert Wave, Docket TE-190052*

TO ALL PARTIES:

On June 4, 2019, the Washington Utilities and Transportation Commission (Commission) entered Order 02, Stipulated Initial Order Classifying Respondent as Charter Party or Excursion Service Carrier; Ordering Respondent to Cease and Desist; Imposing and Suspending Penalties on Condition of Future Compliance (Order 02). Order 02 imposed a \$10,000 penalty against Kim Jones, d/b/a Desert Wave, (Desert Wave or Company) for violations of RCW 81.70.260(1) for advertising and operating as a charter party or excursion service carrier without the required Commission certificate. The Commission suspended a \$9,000 portion of the penalty on the conditions that: a) Desert Wave refrain from further operations as a charter party or excursion service carrier in the state of Washington without first obtaining the required certificate from the Commission, and b) the Company pay the unsuspended portion of the penalty according to an agreed payment schedule.

On July 2, 2019, the Company completed payment of the unsuspended portion of the penalty.

On June 1, 2021, Commission staff (Staff) filed with the Commission a Motion to Impose Suspended Penalty (Motion) requesting the Commission impose the \$9,000 suspended penalty. In its two-year follow-up investigation of Desert Wave, Staff found evidence that the Company had continued to operate as a charter party and excursion service carrier in the state of Washington without having obtained the required certificate from the Commission.

Any party that opposes a written motion may file a written response within five business days after the motion is served.¹ Accordingly, Desert Wave may file a written response to Staff's motion by Tuesday, June 8, 2021. The Company may include with its response a request for a hearing to contest Staff's allegations, provided it also includes a written statement of the reasons it believes a hearing is necessary. The Commission will conduct a hearing only if the Company identifies genuine issues of material fact that need to be resolved in an evidentiary hearing. If Desert Wave fails to file a response, the Commission will rely on Staff's motion to make its decision.

THE COMMISSION GIVES NOTICE That Kim Jones, d/b/a Desert Wave, must file any written response to Staff's motion or request for hearing and supporting explanation by 5 p.m., Tuesday, June 8, 2021.

/s/ Rayne Pearson

RAYNE PEARSON

Director, Administrative Law Division

¹ WAC 480-07-375(4).