



**STATE OF WASHINGTON**  
**UTILITIES AND TRANSPORTATION COMMISSION**

**621 Woodland Square Loop S.E. • Lacey, Washington 98503**

**P.O. Box 47250 • Olympia, Washington 98504-7250**

**(360) 664-1160 • TTY 1-800-833-6384 or 711**

July 2, 2021

**NOTICE OF OPPORTUNITY TO REPLY**  
**(By Friday, July 9, 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.

On June 25, 2021, the Company filed a response (Response) to the Motion, stating that Desert Wave does not believe it is operating as a charter party or excursion carrier service. The Company provided several supporting documents.

No party may file a reply to a response without permission from the Commission, but the Commission may invite or require a party to reply.<sup>1</sup> The Commission hereby invites Staff to file a written reply to Desert Wave's Response by **5 p.m., July 9, 2021**. If Staff fails to file a reply, the Commission will rely on the Motion and Response to make its decision.

**THE COMMISSION GIVES NOTICE That Staff may file a written reply to the Company's Response by 5 p.m., Friday, July 9, 2021.**

*/s/ Rayne Pearson*

RAYNE PEARSON

Director, Administrative Law Division

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<sup>1</sup> WAC 480-07-370(5).