

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of Determining the Proper
Carrier Classification of, and Complaint
for Penalties Against:

KIM JONES D/B/A DESERT WAVE

DOCKET TE-190052

DECLARATION OF
KATHRYN MCPHERSON

Kathryn McPherson, under penalty of perjury under the laws of the State of Washington, declares as follows:

1. I am employed by the Washington Utilities and Transportation Commission (Commission) as a Compliance Investigator in the Consumer Protection Section. As a Compliance Investigator, my responsibilities include conducting investigations regarding the business practices of regulated utility and transportation companies. As part of those duties, I investigate transportation companies that may be operating without the required Commission-issued certificate.
2. On November 9, 2018, the Commission received information that Kim Jones d/b/a Desert Wave (Desert Wave or Company) was engaging in unlicensed charter and excursion service.¹
3. On January 15, 2019, I reviewed Commission records to determine if Desert Wave had authority to operate as a charter party and excursion service carrier in the state of Washington. I learned that on October 16, 2015, William Kim Jones, d/b/a Desert Wave, submitted an application for charter and excursion service authority.² On the application, Mr. Jones listed a 2005 Hummer H2 with a seating capacity of 24 and a 2002 Monaco Socialite with a seating capacity of 28. Both vehicles are currently registered to Kim Jones d/b/a Desert Wave.³
4. On March 31, 2016, the Commission granted charter certificate CH-067101 to Desert Wave. On June 8, 2018, Desert Wave requested via email to cancel its charter and

¹ See Attachment A for copy of online complaint form submitted to UTC, dated November 9, 2018.

² See Attachment B for copy of charter application filed by William Kim Jones d/b/a Desert Wave.

³ See Attachment C for vehicle registrations for a 2005 Hummer H2 and a 2002 Monaco Socialite.

excursion certificate. On June 8, 2018, the Commission notified Desert Wave that its certificate CH-067101 was canceled. In its letter to the Company, the Commission directed Mr. Jones to cease all operations associated with the certificate.⁴

5. The Commission's records indicate that Desert Wave's business address is 2569 N. Columbia Center Blvd., Richland, WA 99352, and its telephone number is (509) 735-7359.
6. On January 15, 2019, I viewed online advertising by Desert Wave on its Squarespace site. The advertising depicted two stretch Hummers with stated seating capacities of up to 24 and 26 passengers, and a party bus with a seating capacity of up to 28 passengers.⁵
7. On January 16, 2019, using an assumed name, I called Desert Wave at (509) 735-7359. A person who identified himself as Kim with Desert Wave answered the phone. I requested a quote for transportation of 16 passengers from Columbia Point Golf Club in Richland, WA, to the Toyota Center in Kennewick, WA, for a 7 p.m. show on January 30, 2019. Kim provided a quote of \$115 for the trip and stated he could accommodate the group in one stretch Hummer.

DATED this 13th day of February, 2019, at Olympia, Washington.

Kathryn McPherson

⁴ See Attachment D for a copy of the Commission's letter to Desert Wave regarding cancellation of its certificate, dated June 8, 2018.

⁵ See Attachment E for screenshots of Squarespace advertisements.