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July 27, 2021

Mark L. Johnson
Executive Director and Secretary
Washington Utilities and Transportation Commission
621 Woodland Square Loop S.E.
P.O. Box 47250
Olympia, Washington 98504-7250

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

Dear Mr. Johnson:

On July 16, 2021, Commission staff (“Staff”) filed a letter in this docket regarding the recent efforts by Kim Jones d/b/a Desert Wave (“Company”) to obtain mitigation of the suspended penalty the Company faces as a result of violating Order 02 in this docket. In that letter, among other things, Staff stated that the Company had not yet shown that its 2005 Hummer H2 (License No. B15674L) (“Hummer H2”) was inspected by the Washington State Patrol (“WSP”), and that the Company did not possess a limousine vehicle certificate (“Certificate”) from the Washington Department of Licensing (“DOL”) for that vehicle. However, Staff has learned that the Company did in fact have its Hummer H2 inspected by WSP on July 12, 2021, and the Company filed a record of the inspection in this docket. Due to an inadvertent clerical error on the part of the records center, the WSP inspection record for the Hummer H2 was not initially posted.

Nevertheless, Staff’s recommendation regarding mitigation of the potential suspended penalty remains unchanged. First, while inspection of the Hummer H2 by WSP is one step toward a Certificate from DOL, it alone is not sufficient to confer a Certificate. Second, whether the Hummer H2 was inspected by WSP, and/or whether the Company later obtains DOL limousine licensure for the Hummer H2 are largely irrelevant. The facts, as documented by Staff, remain undisputed that the Company violated Order 02 in May of 2021 against the Commission’s orders.¹ These are the violations triggering the suspended penalty. Staff therefore recommends no mitigation at this juncture.

¹ See, e.g., Declaration of Jason Hoxit in Support of Staff’s Motion to Impose Suspended Penalties (June 1, 2021) at ¶¶ 9-20.

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Sincerely,

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cc: Parties