

BEFORE THE  
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION,

Complainant,

v.

DTG ENTERPRISES, INC.,

Respondent.

DOCKET TG-240761

DTG ENTERPRISES, INC.'S  
CONSOLIDATED OPPOSITION TO  
PETITIONS TO INTERVENE OF  
TORRE REFUSE RECYCLING LLC;  
BAINBRIDGE DISPOSAL, INC.;  
BASIN DISPOSAL, INC.; KENT-  
MERIDIAN DISPOSAL COMPANY;  
SANITARY SERVICE COMPANY,  
INC.; AND WASTE  
CONNECTIONS' WASHINGTON  
REGULATED COMPANIES

**INTRODUCTION**

1 DTG Enterprises, Inc. ("DTG") strenuously opposes intervention of the following entities (the "Putative Intervenor(s)");

- Torre Refuse Recycling LLC (d/b/a Sunshine Disposal & Recycling) ("Sunshine Disposal");
- Bainbridge Disposal, Inc. ("Bainbridge Disposal");
- Basin Disposal, Inc. ("Basin Disposal");
- Kent-Meridian Disposal Company (d/b/a Republic Services of Kent, Allied Waste Services of Kent, and Kent Meridian Disposal) ("Kent-Meridian Disposal");
- Sanitary Service Company, Inc. ("Sanitary Service"); and
- The Waste Connections' Washington Regulated Companies ("Waste Connections").

2 The Complaint in this proceeding alleges 3,389 violations of RCW 81.77.040 and seeks a penalty of \$3,389,000. These are serious allegations, and due process mandates that DTG be given a fair and nonprejudiced opportunity to defend itself.

3           The Putative Intervenor’s petitions to intervene, however, do not advance these interests but are aimed solely at broadening the scope of these proceedings to burden DTG and undermine its ability to operate in Washington generally. This is evident by the fact that the Putative Intervenor’s do not operate in Snohomish County—the only jurisdiction at issue in this proceeding—and have no firsthand knowledge of the actual allegations in the Complaint. Instead, their claimed interests are hypothetical, duplicative, and unnecessarily cumulative. Given that they all seek full-party status, their participation will not only overburden the proceeding with redundant filings, but also prejudice DTG by requiring it to numerous additional discovery requests, witnesses, and briefs.

4           Accordingly, the above petitions should be denied because the Putative Intervenor’s lack substantial interests in this proceeding and their involvement would undermine the public interest, without any corresponding benefit to an adjudication on the merits.

5           The Putative Intervenor’s do not have a substantial interest in this proceeding because the scope of this proceeding is limited both factually and legally: Commission Staff issued a Complaint challenging DTG’s alleged transportation of residual waste to *one* intermodal facility in *one* county during *one* six-month stretch more than eighteen months ago. The Putative Intervenor’s have failed to establish *any* but the most hypothetical and generalized interests in this limited proceeding, and their participation would not meaningfully help the Commission adjudicate the issues before it. Instead, the Putative Intervenor’s primarily predicate their interventions on DTG’s application for a statewide solid-waste certificate, which *is not at issue here*. The Putative Intervenor’s interest in opposing DTG’s ongoing operations can and should be litigated in DTG’s application proceeding—where each of the Putative Intervenor’s has already lodged a protest. And if, as DTG has requested, the application proceeding is suspended or the application is withdrawn, then any interest in opposing the application will become moot. Certainly, this limited proceeding is not the proper forum to litigate fundamentally unrelated

issues, and the Putative Intervenor has not shown how their intervention will help resolve the Complaint.

Moreover, whatever hypothetical policy interest the Putative Intervenor might claim in this proceeding is outweighed by the harm their intervention will cause, which is not in the public interest. The Putative Intervenor's conflation of separate proceedings and issues offers a precursor of how intervention would add confusion and complexity to this proceeding without any countervailing benefit. DTG's fitness and qualifications for a solid-waste certificate—which are the primary issues the Putative Intervenor concededly seek to address—involve entirely different factual and legal questions that are not before the Commission. If the Putative Intervenor's petitions are granted, the Commission and DTG will likely be forced to expend significant resources litigating issues that fall well beyond the Complaint's limited allegations.

Moreover, the sheer number of Putative Intervenor will severely prejudice DTG and overburden the Commission throughout the proceeding. If the Putative Intervenor is permitted to intervene, then DTG—a single respondent facing millions of dollars in penalties—will likely be forced to address numerous duplicative briefs, examine and respond to witness testimony, and engage in extensive and overbroad discovery. None of this is necessary to adjudicate the limited issues in the Complaint; all it would accomplish is to overburden the Commission with redundant filings and argument while prejudicing DTG's ability to fairly defend itself.

For these reasons and those below, the Putative Intervenor's petitions to intervene should be denied.

### **BACKGROUND**

DTG is the foremost recycler of construction, demolition, industrial, and manufacturing waste in the Pacific Northwest, "collect[ing] construction and demolition wastes for recycling from various material streams throughout [its] service areas in" Washington.<sup>1</sup> DTG is not a solid-waste collection company and does not offer hauling services to its customers.

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<sup>1</sup> *In the Matter of the Appl. of DTG Enters., Inc.*, Docket TG-240584, Application at 5 (July 31, 2024).

10 Last year, DTG “proactively reached out [to Commission Staff] to confirm its compliance with applicable rules and regulations,” particularly with regards to DTG’s hauling of residuals from its material recovery facilities to county facilities.<sup>2</sup> Commission Staff instructed DTG to apply for a solid-waste certificate, and DTG accordingly filed an application on July 31, 2024. DTG filed the application *only* because Commission Staff instructed it to do so—“not because DTG believed its recycling operations required a solid-waste certificate or because it sought to expand its activities to include hauling solid waste for compensation.”<sup>3</sup> Indeed, “DTG does not desire or seek to be a solid-waste collection company.”<sup>4</sup>

11 Given that DTG’s application covers statewide operations on an ongoing basis, various incumbent solid-waste haulers filed protests—including each of the Putative Intervenors.<sup>5</sup>

12 Even though DTG filed the application as instructed, on December 18, 2024, Commission Staff initiated the Complaint proceeding. Commission Staff alleges that, “[b]etween January 1, 2023, and June 30, 2023, DTG committed 3,389 violations of RCW 81.77.040 when it, without the required certificate, knowingly transported 3,389 loads of residual solid waste from its material recovery facility to Snohomish County solid waste facilities.”<sup>6</sup> Commission Staff seeks the maximum penalty of \$1,000 for each violation, resulting in a total request penalty of \$3,389,000.<sup>7</sup>

13 Significantly, the Complaint is limited both geographically and chronologically: The allegations address *only* DTG’s activities in Snohomish County and *only* between January 1 and June 30, 2023.

14 The intervention petitions filed in this matter demonstrate the limited interests the Putative Intervenors have in this proceeding. Sunshine Disposal directly bases its intervention on DTG’s solid-waste application, *not* the Complaint at issue here: “DTG has filed an application seeking a statewide certificate of public convenience and necessity to operate as a solid waste company based

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<sup>2</sup> DTG Enterprises, Inc.’s Answer to Compl. & Affirmative Defenses ¶ 53 (Jan. 7, 2025).

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *In re the Appl. of DTG Enters., Inc.*, Docket TG-240584, Order 01 ¶ 1 (Dec. 5, 2024).

<sup>6</sup> Compl. & Notice of Prehearing Conference ¶ 20.

<sup>7</sup> *Id.* ¶ 21.

on its ‘ongoing’ operations. If such ongoing activities are taking place in Sunshine Disposal[’s] certificate area, it will harm Sunshine Disposal[’s] interest as a certificate holder.”<sup>8</sup> Sunshine Disposal claims no firsthand knowledge of DTG’s operations in Snohomish County and instead acknowledges that its interests are limited to “*other* geographical areas” not at issue in this proceeding.<sup>9</sup>

15 Bainbridge Disposal, Basin Disposal, Kent-Meridian Disposal, Sanitary Service, and Waste Connections all filed near-identical petitions that similarly demonstrate the absence of a substantial interest. None claims to operate in Snohomish County<sup>10</sup> and, though each asserts that it “will not broaden the issues in the matter,” their petitions suggest otherwise, urging “the Commission [to] broadly consider DTG’s potential violations of RCW Title 81 throughout the state in the context of its overall operations.”<sup>11</sup>

### ARGUMENT

16 The Putative Intervenor’s intervention would create a mess of this proceeding. It would distract from a resolution of the Complaint while forcing the Commission to unnecessarily expend significant resources and prejudicing DTG’s ability to defend itself. Under the applicable regulations, petitions to intervene should be denied if intervention would undermine the public interest and the intervenors lack substantial interests in the proceeding.<sup>12</sup> The intervention must “*not* impair the orderly and prompt conduct of the proceedings.”<sup>13</sup> The need to scrupulously adhere

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<sup>8</sup> Pet. to Intervene of Torre Refuse Recycling LLC ¶ 2; *see also id.* ¶ 5 (“Sunshine Disposal . . . maintains a substantial interest in this matter as DTG’s application seeks the right to operate as a solid waste certificate holder throughout the entire state of Washington[.]”).

<sup>9</sup> *Id.* ¶ 6 (emphasis added).

<sup>10</sup> *See* Pet. to Intervene of Bainbridge Disposal, Inc. ¶ 3; Pet. to Intervene of Basin Disposal, Inc. ¶ 3; Pet. to Intervene of Sanitary Service Company, Inc. ¶ 3; Pet. to Intervene of Rabanco Ltd. & Kent-Meridian Disposal Co. Ex. A; Pet. to Intervene of Waste Connections’ Companies ¶ 3.

<sup>11</sup> Pet. to Intervene of Bainbridge Disposal, Inc. ¶ 6; Pet. to Intervene of Basin Disposal, Inc. ¶ 6; Pet. to Intervene of Sanitary Service Company, Inc. ¶ 6; Pet. to Intervene of Rabanco Ltd. & Kent-Meridian Disposal Co. ¶ 6; Pet. to Intervene of Waste Connections’ Companies ¶ 6.

<sup>12</sup> *See* WAC 480-07-355(3).

<sup>13</sup> RCW 34.05.443(1) (emphasis added).

to these parameters becomes especially important where a single respondent faces significant penalties based on a discrete set of alleged violations.<sup>14</sup>

**A. The Putative Intervenor's lack substantial interests in this proceeding.**

The Commission applies a “zone of interest test” to determine whether a party seeking intervention has a substantial interest.<sup>15</sup> Such an interest exists only when there is a nexus between the party’s stated purpose in seeking to intervene and an interest protected by a Washington statute within the Commission’s jurisdiction.<sup>16</sup> Here, the Putative Intervenor's do not have a substantial interest in the resolution of this proceeding sufficient to warrant intervention.

The legal and factual scope of this proceeding is decidedly limited. Commission Staff alleges that, “[b]etween January 1, 2023, and June 30, 2023, DTG committed 3,389 violations of RCW 81.77.040 when it, without the required certificate, knowingly transported 3,389 loads of residual solid waste from its material recovery facility to Snohomish County solid waste facilities.”<sup>17</sup> In other words, the Complaint addresses *only* DTG’s activities in Snohomish County and *only* between January 1 and June 30, 2023. Given the limited allegations at issue here, the Putative Intervenor's’ sole interest—a general concern with solid-waste regulation in Washington—“exceeds the scope of this proceeding,”<sup>18</sup> and intervention is thus inappropriate.

Indeed, the Putative Intervenor's seem fundamentally confused about *which* proceeding they are seeking to join. Sunshine Disposal repeatedly suggests that DTG is seeking a certificate for statewide hauling through this proceeding<sup>19</sup>—to be clear, *it is not*—while the others urge that this proceeding should consider DTG’s statewide operations and make “overall fitness”

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<sup>14</sup> See *id.* (intervention must be “in the interests of justice”).

<sup>15</sup> *In re Joint Appl. of Verizon Commc’ns, Inc. & Frontier Commc’ns Corp.*, Docket UT-090842, Order 05 ¶ 14 (Sept. 10, 2009).

<sup>16</sup> *Id.* ¶ 14.

<sup>17</sup> Compl. & Notice of Prehearing Conference ¶ 20.

<sup>18</sup> *In the Matter of the Appl. of Puget Sound Energy*, Docket UE-200115, Order 05 ¶ 13 (Oct. 12, 2020) (denying intervention).

<sup>19</sup> See Pet. to Intervene of Torre Refuse Recycling LLC ¶¶ 2–3, 5–8.

determinations.<sup>20</sup> Although DTG applied for solid-waste certificates in two other proceedings (Dockets TG-240583 and TG-240584), the Complaint at issue here addresses a very different set of facts and very different legal issues.<sup>21</sup> If the Putative Intervenor has an interest in DTG’s statewide activities on an ongoing basis, then they would be better served participating in the pending application proceedings—in which *they have already filed protests*.<sup>22</sup> There is no need for them to participate here as well, and their intervention would only serve to complicate this proceeding without any clear benefit for the Commission or the public. Far from “serv[ing] the interest of judicial economy,”<sup>23</sup> allowing intervention would only complicate this proceeding unnecessarily given that the Putative Intervenor can already participate in other proceedings where their interests are actually affected. Indeed, the fact that a putative intervenor’s interests would be better served by participation in other Commission proceedings has previously been viewed as weighing *against* intervention.<sup>24</sup>

20           Moreover, none of the Putative Intervenor suggests that they have any interest in events that happened in Snohomish County more than eighteen months ago and, absent any claim to have been directly impacted by DTG’s alleged misconduct, they do not have a substantial interest in this proceeding. In fact, none of the Putative Intervenor even operates in Snohomish County—the *only* geographic area at issue in the Complaint.<sup>25</sup> Bainbridge Disposal, as its name suggests, operates “on and around Bainbridge Island,”<sup>26</sup> while Basin Disposal “currently holds authority in

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<sup>20</sup> Pet. to Intervene of Bainbridge Disposal, Inc. ¶ 6; Pet. to Intervene of Basin Disposal, Inc. ¶ 6; Pet. to Intervene of Sanitary Service Company, Inc. ¶ 6; Pet. to Intervene of Rabanco Ltd. & Kent-Meridian Disposal Co. ¶ 6; Pet. to Intervene of Waste Connections’ Companies ¶ 6.

<sup>21</sup> See DTG Enterprises, Inc.’s Resp. to Commission Staff’s Mot. to Consolidate Proceedings ¶¶ 10–11.

<sup>22</sup> See *In re the Appl. of DTG Enters., Inc.*, Docket TG-240584, Order 01 ¶ 1 (Dec. 5, 2024).

<sup>23</sup> See Pet. to Intervene of Torre Refuse Recycling LLC ¶ 7.

<sup>24</sup> See *Wash. Utils. & Transp. Comm’n v. Puget Sound Energy, Inc.*, Dockets UE-111048, UG-111049 (consolidated), Order 04 ¶ 9 (Sept. 27, 2011).

<sup>25</sup> The geographic scope of Waste Connections’ operations is unclear, see Pet. to Intervene of Waste Connections’ Companies ¶ 3, but it does not expressly mention activity in Snohomish County.

<sup>26</sup> Pet. to Intervene of Bainbridge Disposal, Inc. ¶ 3.

Yakima and Walla Walla”<sup>27</sup> and Sanitary Service “holds authority in and around Bellingham.”<sup>28</sup> Kent-Meridian Disposal’s G-Certificate indicates that it operates only in King County.<sup>29</sup> Given that the Putative Intervenor’s do not operate in Snohomish County, they neither have relevant factual knowledge of DTG’s operations in that county (or even solid-waste disposal in Snohomish County more generally) nor can claim a direct interest in events that transpired in that county. The Commission has regularly concluded that putative intervenors lack substantial interests in proceedings where their businesses were not directly impacted by the underlying issues.<sup>30</sup>

21            Though Sunshine Disposal suggests that “it is clear that Snohomish County is not the only area where DTG operated without the requisite certificate,”<sup>31</sup> it cites *no* basis for this assumption—and, unless the Complaint is amended to allege misconduct in other jurisdictions, speculation about *other* areas that *might* be affected is plainly insufficient, as the Commission has held that purely speculative interests do not justify intervention.<sup>32</sup> Moreover, contrary to Sunshine Disposal’s claim that “[it] will have lost the ability to participate” if intervention were denied now and the Complaint were later amended to impact it more directly,<sup>33</sup> the intervention regulation allows late-filed petitions on a showing of good cause.<sup>34</sup>

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<sup>27</sup> Pet. to Intervene of Basin Disposal, Inc. ¶ 3.

<sup>28</sup> Pet. to Intervene of Sanitary Service Company, Inc. ¶ 3.

<sup>29</sup> Pet. to Intervene of Rabanco Ltd. & Kent-Meridian Disposal Co. Ex. A.

<sup>30</sup> See *Wash. Utils. & Transp. Comm’n v. Puget Sound Energy*, Dockets UE-151871, UG-151872 (consolidated), Order 02 ¶ 14 (Jan. 7, 2016) (denying intervention where proceeding did not directly impact putative intervenors’ business and thus it “d[id] not have a substantial interest”); *In the Matter of the Pet. of Qwest Corp.*, Docket UT-073033, Order 08 ¶ 6 (Apr. 16, 2008) (denying intervention petition where putative intervenor did not have customers in relevant area at time of proceeding); *cf. In the Matter of the Appl. of Jammie’s Env’t, Inc.*, Docket TG-220243, Order 01 ¶ 13 (June 8, 2022) (putative intervenor had “credible, substantial interest in the outcome of [] proceeding” where it “receive[d] solid waste collection services from [complainant]” and “contract[ed] with [respondent] for [] collection, disposal, and other services”).

<sup>31</sup> Pet. to Intervene of Torre Refuse Recycling LLC ¶ 6; *see also, e.g., id.* ¶ 9 (“If the Complaint allegations are confirmed, and if additional violations are uncovered, DTG’s operations will impact other similarly situated certificate holders throughout the state.” (emphases added)); Pet. to Intervene of Bainbridge Disposal, Inc. ¶ 6 (speculating that scope of proceeding might expand).

<sup>32</sup> See *Wash. Utils. & Transp. Comm’n v. Puget Sound Energy*, Docket UE-161123, Order 05 ¶¶ 12–13 (Jan. 3, 2017) (speculative interests are not sufficient for intervention).

<sup>33</sup> Pet. to Intervene of Torre Refuse Recycling LLC ¶ 6.

<sup>34</sup> WAC 480-07-355(1)(b).



22           Ultimately, the Putative Intervenor has only an abstract interest in the hypothetical policy implications of the Complaint’s resolution.<sup>35</sup> This is precisely the sort of mere “desire for certain outcomes in [a] proceeding” that does not “rise to the level of a substantial interest for the purpose of establishing standing.”<sup>36</sup> And, to the extent they have an interest in such policy issues, the Washington Refuse and Recycling Association—the “trade association representing the vast majority of regulated solid waste collection companies in Washington state”<sup>37</sup>—will safeguard their interests in a more efficient manner, thus avoiding duplicative filings and obviating any need for the Putative Intervenor to participate here.<sup>38</sup>

**B. Intervention would not serve the public interest.**

23           Whatever generalized interest the Putative Intervenor has in the hypothetical policy implications of this case, that interest is grossly outweighed by the prejudice of their involvement. The Putative Intervenor’s participation here is not in the public interest because it would distract the Commission from the core issues in this narrowly focused proceeding and, in so doing, force the Commission and parties to expend significant resources on irrelevant matters.

24           Because none of the Putative Intervenor has any firsthand knowledge of the Complaint’s allegations, their participation will not develop the relevant factual record or otherwise help the

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<sup>35</sup> See, e.g., Pet. to Intervene of Torre Refuse Recycling LLC ¶ 10 (“[L]egal determinations such as, for example, whether DTG can bypass commission regulations by simply hiring a third-party collection company or whether residual waste is considered a regulated haul, may have industry-wide ramifications.”); Pet. to Intervene of Bainbridge Disposal, Inc. ¶ 4 (“This case raises broad questions about what types of collection and transportation to and from transfer stations and recycling material recovery facilities (MRFs) are subject to regulation by the Commission as solid waste collection. In intervening in this proceeding, Bainbridge Disposal is voicing its perspective as a regulated company and participant in this regulated industry.”); Pet. to Intervene of Basin Disposal, Inc. ¶ 4 (similar); Pet. to Intervene of Sanitary Service Company, Inc. ¶ 4 (similar); Pet. to Intervene of Rabanco Ltd. & Kent-Meridian Disposal Co. ¶ 4 (similar); Pet. to Intervene of Waste Connections’ Companies ¶ 4 (similar).

<sup>36</sup> *Wash. Utils. & Transp. Comm’n v. Advanced Telecom Grp., Inc.*, Docket UT-033011, Order 20 ¶¶ 43–44 (Feb. 9, 2005).

<sup>37</sup> Pet. to Intervene of Washington Refuse & Recycling Association ¶ 2.

<sup>38</sup> See, e.g., *In the Matter of the Appl. of Puget Sound Energy*, Docket UE-200115, Order 05 ¶ 14 (Oct. 12, 2020) (denying intervention where other parties, including other intervenors, adequately represented putative intervenor’s interests); *Wash. Utils. & Transp. Comm’n v. Avista Corp.*, Dockets UE-190334, UG-190335, UE-190222 (consolidated), Order 04 ¶ 13 (June 28, 2019) (similar); *BNSF Ry. Co. v. City of Mount Vernon*, Docket TR-070696, Order 01 ¶ 15 (July 20, 2007) (similar).

Commission's adjudication of this matter. To the contrary, given that they have no knowledge of the allegations, any witnesses or factual contribution the Putative Intervenor would provide would necessarily *broaden* the proceeding in a way that is inappropriate. Bainbridge Disposal, Basin Disposal, Sanitary Service, Kent-Meridian Disposal, and Waste Connections all make this improper intention explicit, stating that "the Commission should broadly consider DTG's potential violations of RCW Title 81 *throughout the state* in the context of its overall operations."<sup>39</sup> Such a widescale perspective might be appropriate in an application proceeding, but it is not proper in a Commission enforcement proceeding focusing exclusively on operations in a single county.

25           The Commission has previously denied petitions to intervene when putative intervenors would widen the issues before the Commission. For example, in *Washington Utilities and Transportation Commission v. Avista Corp.*, the Commission held that the putative intervenors' intervention would not be in the public interest because they would broaden the issues and "require expenditures of resources by the parties and the tribunal that are unnecessary and burdensome."<sup>40</sup> The same concerns apply here: The Putative Intervenor would significantly expand the scope of the proceeding by focusing their arguments and discovery requests on DTG's statewide application for a solid-waste certificate.

Intervention is also not in the public interest because it would unnecessarily overburden the Commission. All of the Putative Intervenor appear to seek fully-party status, including the opportunity to participate at hearing. Given that the Putative Intervenor have identical or near-identical interests, granting intervention would likely result in duplicative discovery, testimony, argument, and briefing. Given the lack of factual knowledge the Putative Intervenor possess regarding the allegations in the Complaint, this is wholly unnecessary and would do nothing more

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<sup>39</sup> Pet. to Intervene of Bainbridge Disposal, Inc. ¶ 6 (emphasis added); *see also* Pet. to Intervene of Basin Disposal, Inc. ¶ 6 (same); Pet. to Intervene of Sanitary Service Company, Inc. ¶ 6 (same); Pet. to Intervene of Rabanco Ltd. & Kent-Meridian Disposal Co. ¶ 6 (same); Pet. to Intervene of Waste Connections' Companies ¶ 6 (same).

<sup>40</sup> Docket U-170970, Order 02 ¶ 9 (Oct. 25, 2017). The Commission later granted intervention but restricted the intervenor's involvement to the limited issues in that proceeding. *See Wash. Utils. & Transp. Comm'n v. Avista Corp.*, Docket U-170970, Order 03 ¶ 17 (Nov. 20, 2017).

than waste the Commission's and the other parties' time and resources. In short, the Putative Intervenor's "participation [would] require expenditures of recourse by the parties and the tribunal that are unnecessary and burdensome," which is "contrary to the public interest."<sup>41</sup>

26 Intervention would prejudice DTG more directly as well. Allowing a half-dozen third parties to intervene on the side of Commission Staff—parties who seek to competitively damage DTG and limit its operations in Washington—would be highly prejudicial given that DTG would be required to litigate against not only Commission Staff, but also the intervenors in a proceeding where a penalty of more than \$3.3 million is sought.<sup>42</sup> The possibility of such prejudice is underscored by the Putative Intervenor's suggestions that they will "broaden the scope of the action if discovery uncovers new issues"<sup>43</sup>—without citing *any* authority allowing anyone but the Commission to broad the scope of an enforcement proceeding and associated penalties. Such prejudice is clearly not in the public interest.

27 Given the seriousness of the allegations against DTG, it is imperative that the Commission significantly limit intervention only to those parties that demonstrate actual interests in this proceeding beyond general concerns with hypothetical policy questions that might arise. The Putative Intervenor would not contribute meaningfully to the resolution of the Complaint and would instead distract from the actual issues before the Commission.

### CONCLUSION

28 For the foregoing reasons, DTG urges that the intervention petitions of Sunshine Disposal, Bainbridge Disposal, Basin Disposal, Sanitary Service, Kent-Meridian Disposal, and Waste Connections be denied. Alternatively, if intervention is permitted, DTG requests that it be conditioned consistent with DTG's concurrently filed response to the intervention petitions of the Washington Refuse and Recycling Association, Rubatino Refuse Removal LLC, and Rabanco Ltd.

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<sup>41</sup> *Wash. Utils. & Transp. Comm'n v. Avista Corp.*, Docket U-170970, Order 02 ¶ 9 (Oct. 25, 2017).

<sup>42</sup> Compl. & Notice of Prehearing Conference ¶ 21.

<sup>43</sup> Pet. to Intervene of Torre Refuse Recycling LLC ¶ 12.

Dated: February 4, 2025

**PERKINS COIE LLP**

*s/ David A. Perez*

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David A. Perez, WSBA No. 43959  
DPerez@perkinscoie.com  
David S. Steele, WSBA No. 45640  
DSteele@perkinscoie.com  
Stephanie Olson, WSBA No. 50100  
SOlson@perkinscoie.com  
Jonathan P. Hawley, WSBA No. 56297  
JHawley@perkinscoie.com  
1201 Third Ave, Suite 4900  
Seattle, Washington 98101  
Telephone +1.206.359.8000  
Facsimile +1.206.359.9000

*Attorneys for DTG Enterprises, Inc.*