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**Nick Brown**  
**ATTORNEY GENERAL OF WASHINGTON**

Utilities and Transportation Division  
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February 25, 2025

Jeff Killip  
Executive Director and Secretary  
Washington Utilities and Transportation Commission  
P.O. Box 47250  
Olympia, WA 98504-7250

RE: *UTC v. DGT Enterprises, Inc.*  
Docket TG-240761

Dear Mr. Killip:

On February 24, 2025, DTG Enterprises, Inc. (DTG) filed a letter from Snohomish County to Staff counsel dated February 14, 2025. DTG represents that Staff has declined to file the letter in Docket TG-240761. Staff files this letter to correct the misrepresentation.

Staff received Snohomish County's letter on February 14; however, we have not addressed the letter due to a heavy litigation caseload during February. A representative from Snohomish County contacted Staff counsel on Friday, February 21, 2025. Although I was on leave on Friday, I saw the email and responded. Because the representative from Snohomish County is on leave the week of February 24<sup>th</sup> (this week), we agreed to meet the following week. See the attached email string between Lisa Gafken and Sean Reay. The representative from Snohomish County indicated that the matter was not urgent:

Thanks Lisa, no worries—I am out myself all next week but maybe we could talk the following week? (I am just curious to know whether you might file the letter for the docket or whether you would have any issue with the County (or DTG) doing so. But it can wait.)

DTG's attorneys contacted Staff counsel on Friday, February 21, 2025, as well, but I had logged off and was not checking messages when they sent the message. DTG's attorneys requested that Staff file the Snohomish County letter in this docket and that I respond by 4:00PM. I responded on Saturday. See the attached email string between Lisa Gafken and Perkins Coie attorneys. I informed DTG's attorneys that I would be speaking to Snohomish County's representative next week (week of March 3) and that I would update DTG's attorneys. Specifically, I stated:

ATTORNEY GENERAL OF WASHINGTON

Jeff Killip  
February 25, 2025  
Page 2

I was out yesterday afternoon. I can confirm that Snohomish County did send a letter, but I have been buried with 2 evidentiary hearings in the meantime. As a result, I am still reviewing the letter and have a call scheduled with Snohomish County week after next (due to previously planned vacation schedules). In any event, Staff has made no decisions at this point, but we will let you know when we do.

Staff has not declined to file Snohomish County's letter. Staff will talk with Snohomish County to explore whether the County wishes to seek late intervention or whether it wants to monitor the docket. A letter from a non-party member of the public, which Snohomish County would be if it does not seek late intervention, is a public comment letter. See WAC 480-07-498. Staff has no objection to the letter being filed in the docket, but rather reasonably wanted to talk with Snohomish County before taking any action.

If you have any questions, please do not hesitate to contact the undersigned.

Sincerely,

/s/ *Lisa Gafken*, WSBA No. 31549  
Assistant Attorney General  
(206) 464-6595  
Lisa.Gafken@atg.wa.gov

LWG/jlr  
Enclosures

cc: Parties w/enc.

**From:** [Reay, Sean](#)  
**To:** [Gafken, Lisa \(ATG\)](#)  
**Subject:** RE: Snohomish County letter to AGO re DTG  
**Date:** Friday, February 21, 2025 10:18:41 AM  
**Attachments:** [image002.png](#)

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[EXTERNAL]

Thank you, and I hope you have a great day too! I will give you a shout on that Monday or Tuesday.

Regards,

Sean Reay  
Deputy Prosecuting Attorney  
Snohomish County Prosecuting Attorney's Office  
3000 Rockefeller Avenue, M/S 504  
Everett, WA 98201-4046  
phone: (425) 388-7387  
fax: (425) 388-6333  
email: [sreay@snoco.org](mailto:sreay@snoco.org)

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**From:** Gafken, Lisa (ATG) <[lisa.gafken@atg.wa.gov](mailto:lisa.gafken@atg.wa.gov)>  
**Sent:** Friday, February 21, 2025 9:31 AM  
**To:** Reay, Sean <[Sean.Reay@co.snohomish.wa.us](mailto:Sean.Reay@co.snohomish.wa.us)>  
**Subject:** RE: Snohomish County letter to AGO re DTG



**CAUTION.** This email originated from outside of this organization. Please exercise caution with links and attachments.

I have pretty good availability the week of March 3. Enjoy your week off next week!

**Lisa W. Gafken**  
**Assistant Attorney General**  
**Utilities and Transportation Division**  
**Direct: (206) 464-6595**

**Cell: (206) 714-3551 (no text messaging)**

**Pronouns:** She/Her/Hers

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**From:** Reay, Sean <[Sean.Reay@co.snohomish.wa.us](mailto:Sean.Reay@co.snohomish.wa.us)>

**Sent:** Friday, February 21, 2025 8:51 AM

**To:** Gafken, Lisa (ATG) <[lisa.gafken@atg.wa.gov](mailto:lisa.gafken@atg.wa.gov)>

**Subject:** RE: Snohomish County letter to AGO re DTG

[EXTERNAL]

Thanks Lisa, no worries—I am out myself all next week but maybe we could talk the following week? (I am just curious to know whether you might file the letter for the docket or whether you would have any issue with the County (or DTG) doing so. But it can wait.)

Regards,

Sean Reay  
Deputy Prosecuting Attorney  
Snohomish County Prosecuting Attorney's Office  
3000 Rockefeller Avenue, M/S 504  
Everett, WA 98201-4046  
phone: (425) 388-7387  
fax: (425) 388-6333  
email: [sreay@snoco.org](mailto:sreay@snoco.org)

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**From:** Gafken, Lisa (ATG) <[lisa.gafken@atg.wa.gov](mailto:lisa.gafken@atg.wa.gov)>

**Sent:** Friday, February 21, 2025 8:49 AM

**To:** Reay, Sean <[Sean.Reay@co.snohomish.wa.us](mailto:Sean.Reay@co.snohomish.wa.us)>

**Subject:** RE: Snohomish County letter to AGO re DTG

Hi Sean,

Yes, I did receive the letter – thank you. Could we talk next week? I am actually taking today off.

Many thanks,

**Lisa W. Gafken**  
**Assistant Attorney General**  
**Utilities and Transportation Division**  
**Direct: (206) 464-6595**  
**Cell: (206) 714-3551 (no text messaging)**

Pronouns: She/Her/Hers

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**From:** Reay, Sean <[Sean.Reay@co.snohomish.wa.us](mailto:Sean.Reay@co.snohomish.wa.us)>  
**Sent:** Friday, February 21, 2025 7:23 AM  
**To:** Gafken, Lisa (ATG) <[lisa.gafken@atg.wa.gov](mailto:lisa.gafken@atg.wa.gov)>  
**Subject:** Snohomish County letter to AGO re DTG

[EXTERNAL]

Lisa,

Last week Snohomish County sent the attached letter providing some information regarding a pending enforcement action by the State. Can you confirm receipt of the letter? And by any chance, would you have time for a fifteen minute call this morning?

Thanks in advance for getting back to me!

Regards,

Sean Reay  
Deputy Prosecuting Attorney  
Snohomish County Prosecuting Attorney's Office  
3000 Rockefeller Avenue, M/S 504  
Everett, WA 98201-4046  
phone: (425) 388-7387  
fax: (425) 388-6333  
email: [sreay@snoco.org](mailto:sreay@snoco.org)

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**From:** [Gafken, Lisa \(ATG\)](#)  
**To:** ["Perez, David A. \(Perkins Coie\)"](#)  
**Cc:** ["Olson, Stephanie \(Perkins Coie\)"; "Steele, David S. \(Perkins Coie\)"; "Hawley, Jonathan \(Perkins Coie\)"](#)  
**Subject:** RE: TG-240761 Letter from Snohomish County  
**Date:** Saturday, February 22, 2025 12:05:18 PM

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The representative from Snohomish County is not available next week. We have yet to have the prehearing conference order entered (I have no insight about when that might happen). What is the rush? The representative from Snohomish County said this could wait until he returned when he learned that I was not available yesterday.

**Lisa W. Gafken**  
**Assistant Attorney General**  
**Utilities and Transportation Division**  
**Direct: (206) 464-6595**  
**Cell: (206) 714-3551 (no text messaging)**

Pronouns: She/Her/Hers

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**From:** Perez, David A. (Perkins Coie) <DPerez@perkinscoie.com>  
**Sent:** Saturday, February 22, 2025 11:38 AM  
**To:** Gafken, Lisa (ATG) <lisa.gafken@atg.wa.gov>  
**Cc:** Olson, Stephanie (Perkins Coie) <SOlson@perkinscoie.com>; Steele, David S. (Perkins Coie) <DSteele@perkinscoie.com>; Hawley, Jonathan (Perkins Coie) <JHawley@perkinscoie.com>  
**Subject:** Re: TG-240761 Letter from Snohomish County

[EXTERNAL]

Lisa, is there any reason not to file the letter in the meantime? Why would it have to wait until a meeting in two weeks?

**David A. Perez | Perkins Coie LLP**  
**Partner**  
**Firmwide Chair of Business Litigation**  
1201 Third Avenue, Suite 4900  
Seattle, WA 98101-3099  
p: 206.359.6767  
c: 206.618.4293  
e: [DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)  
<http://www.perkinscoie.com/dperez>

On Feb 22, 2025, at 11:28 AM, Gafken, Lisa (ATG) <[lisa.gafken@atg.wa.gov](mailto:lisa.gafken@atg.wa.gov)> wrote:

Hi Stephanie,

I was out yesterday afternoon. I can confirm that Snohomish County did send a letter, but I have been buried with 2 evidentiary hearings in the meantime. As a result, I am still reviewing the letter and have a call scheduled with Snohomish County week after next (due to previously planned vacation schedules). In any event, Staff has made no decisions at this point, but we will let you know when we do.

Cordially,

**Lisa W. Gafken**  
**Assistant Attorney General**  
**Utilities and Transportation Division**  
**Direct: (206) 464-6595**  
**Cell: (206) 714-3551 (no text messaging)**

Pronouns: She/Her/Hers

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**From:** Olson, Stephanie (Perkins Coie) <[SOlson@perkinscoie.com](mailto:SOlson@perkinscoie.com)>  
**Sent:** Friday, February 21, 2025 12:57 PM  
**To:** Gafken, Lisa (ATG) <[lisa.gafken@atg.wa.gov](mailto:lisa.gafken@atg.wa.gov)>  
**Cc:** Perez, David A. (Perkins Coie) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; Steele, David S. (Perkins Coie) <[DSteele@perkinscoie.com](mailto:DSteele@perkinscoie.com)>; Hawley, Jonathan (Perkins Coie) <[JHawley@perkinscoie.com](mailto:JHawley@perkinscoie.com)>; Olson, Stephanie (Perkins Coie) <[SOlson@perkinscoie.com](mailto:SOlson@perkinscoie.com)>  
**Subject:** TG-240761 Letter from Snohomish County

[EXTERNAL]

Lisa,

It's come to our attention that Snohomish County sent you a letter dated February 14, 2024 explaining that DTG's activity at issue in this case fully complies with Snohomish County's recycling program.

Given the letter's relevancy to the issues in this case, we request that you file the letter from Snohomish County in the public docket for TG-240761.

Please let us know by 4:00 p.m. today if Staff declines to do so.

Thank you,

**Stephanie Olson**  
**COUNSEL**

**Perkins Coie**

1201 Third Avenue Suite 4900  
Seattle, WA 98101-3099  
[+1.206.359.3025](tel:+12063593025)  
[solson@perkinscoie.com](mailto:solson@perkinscoie.com)  
[perkinscoie.com](http://perkinscoie.com)

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