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BEFORE THE WASHINGTON STATE UTILITIES
AND TRANSPORTATION COMMISSION

In re the Application of,
DTG Enterprises Inc. d/b/a DTG Recycle
22745 29th Dr SE
Bothell, WA 98021

TG-240584
PROTEST OF SANITARY SERVICE
COMPANY, INC. TO SOLID WASTE
CERTIFICATE APPLICATION

COMES NOW, SANITARY SERVICE COMPANY, INC., “Sanitary Service” or
“Protestant”, Certificate No. G-14 and through its counsel, David W. Wiley and Michael S.
Howard of Williams, Kastner & Gibbs PLLC, 601 Union Street, Suite 4100, Seattle,
Washington, 98101, (206) 628-6652, and pursuant to WAC 480-70-106(2) protests the above-
entitled solid waste certificate application.

On August 5, 2024, DTG Enterprises Inc. d/b/a DTG Recycle (DTG) filed an
application for a solid waste carrier certificate with the Washington Utilities and Transportation
Commission (Commission).

On August 8, 2024, DTG filed an replacement application (Application) with the
Commission. In its Application, DTG notes that it “wishes to operate throughout the state using
various regional landfills for disposal of residual wastes” originating from its material recovery
facilities (MRF) “after sorting and processing recyclable materials.” DTG submits that it “only
seeks a solid waste license for hauling residual materials from our sorting process.”

PROTEST OF SANITARY SERVICE COMPANY, INC. TO SOLID
WASTE CERTIFICATE APPLICATION - 1

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601 Union Street, Suite 4100
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(206) 628-6600

1 DTG notes that “[c]urrent operations are concentrated in the greater Puget Sound
2 region, Tri-Cities region, and Yakima County region.” Yet DTG accepts construction and
3 demolition waste “from commercial and industrial generators throughout the State.”

4 Despite the fact that the Application represents a replacement filing, DTG does not
5 provide a proposed tariff or a map of its service area.

6 This protest is submitted on the following grounds:

7 I.

8 Sanitary Service is the holder and operator of Solid Waste Certificate G-14, attached as
9 Exhibit A. As said exhibit indicates, Sanitary Service currently holds authority in conflict with
10 and which overlaps the applied-for solid waste authority as noted above.

11 II.

12 Sanitary Service alleges it has a direct, cognizable interest in this proceeding adverse to
13 this application. Sanitary Services holds a G-certificate for solid waste collection services in
14 various portions of Whatcom County that the proposed service in this Application would overlap.

15 III.

16 Sanitary Service is ready, willing and able to provide all of the collection and
17 transportation services sought by DTG in this Application within the scope of its certificate.
18 Sanitary Service has invested significant amounts of resources in serving its solid waste collection
19 customers in its service territory and the grant of this Application would dilute that material
20 investment, which would tend to destabilize the efficiency and viability of its existing and
21 prospective regulated service.

22 IV.

23 Sanitary Services also alleges that DTG cannot establish its fitness to conduct operations
24 or its past compliance with Washington law and rule. DTG and its predecessors in interest have a
25 history of violating Commission rules, as DTG admits in its Application. DTG furthermore fails

1 to even provide supporting documents with its application as required by both RCW 81.77.040
2 and WAC 480-70-091.

3 V.

4 Sanitary Service further alleges that DTG cannot establish that public convenience and
5 necessity require its proposed service or that its proposed service is consistent with the public
6 interest. DTG is ostensibly seeking to cut costs by providing “in house” hauling from its MRFs
7 rather than paying tariff rates for regulated solid waste collection companies. There are no benefits
8 to the public from DTG’s actions here.

9 Sanitary Service will appear at any hearing on this matter and will present evidence
10 through approximately two witnesses requiring a hearing time of 90 minutes.

11 WHEREFORE, Sanitary Service Company, Inc., Protestant herein, requests that its right
12 to participate in the entirety of Application TG-240584 be fully affirmed, is currently unaware of
13 any restrictive amendment which would or could satisfy its interest herein, and therefore asks that
14 Application No. TG-240584 of DTG Enterprises Inc. d/b/a DTG Recycle be denied in its entirety.

15 DATED this 24th day of September, 2024.

16
17
18 /s/ Michael S. Howard

19 Michael S. Howard, WSBA #41034
20 David W. Wiley, WSBA #8614
21 Attorneys for Protestant
22 WILLIAMS, KASTNER & GIBBS PLLC
23 601 Union Street, Suite 4100
24 Seattle, WA 98101-2380
25 Telephone: (206) 628-6652
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PROTEST OF SANITARY SERVICE COMPANY, INC. TO SOLID
WASTE CERTIFICATE APPLICATION - 3

Williams, Kastner & Gibbs PLLC
601 Union Street, Suite 4100
Seattle, Washington 98101-2380
(206) 628-6600

1 CERTIFICATE OF SERVICE

2 I hereby certify that I have this day filed the PROTEST OF SANITARY SERVICE
3 COMPANY, INC. TO SOLID WASTE CERTIFICATE APPLICATION with the WUTC via
4 their web portal and served the same upon the below parties of record by electronic transmission:
5

6 _____ Donna Barnett
7 Perkins Coie LLP
8 10885 NE Fourth Street, Suite 700
9 Bellevue, WA 98004-5579
10 425-635-1633
11 dbarnett@perkinscoie.com
12 *Attorneys for DTG Enterprises, Inc. d/b/a DTG Recycle*

13
14 DTG Enterprises, Inc. d/b/a DTG Recycle
15 22745 29th Dr. SE
16 Bothell, WA 98021-4402
17 info@dtgreycling.com

18 DATED at Seattle, Washington this 24th day of September, 2024.

19 s/ Maggi Gruber
20 Maggi Gruber
21 Legal Assistant
22 WILLIAMS KASTNER & GIBBS PLLC
23 601 Union Street, Suite 4100
24 Seattle, WA 98101
25 206-233-2972
mgruber@williamskastner.com

EXHIBIT A

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

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

PO Box 47250, Olympia, WA 98504-7250

(360) 664-1222

This certificate authorizes the following operations under the provisions of RCW Title 81:

Sanitary Service Company, Inc.
P O Box 1702
Bellingham, WA 98227

Certificate No.
G000014

(PID 482) SOLID WASTE COLLECTION SERVICE In that portion of Whatcom County described as follows: beginning at the northeast corner of Section 32, T. 41 N., R. 1 E.; thence south on Harvey Road projected to Interstate 5; thence southeasterly on Interstate 5 to Birch-Bay-Lynden Road; thence east on Birch-Bay-Lynden Road to Bay-Lyn Drive; thence south and east on Bay-Lyn Drive to Guide Meridian; thence north on Guide Meridian to the Birch-Bay-Lynden Road/Kok Road intersection; thence east on Kok Road projected to the Hannegan Road/Polinder Road intersection; thence south on Hannegan Road to Hemmi Road; thence east on Hemmi Road, Fazon Road, Goshen Road and Cedarville Road to SR-542; thence easterly and northerly on SR-542 to Kendall Road; thence northerly and westerly on Kendall Road to Reese Hill Road, thence westerly and northerly on Reese Hill Road to Hillview Road; thence easterly and northerly on Hillview Road to Nims Road; thence north on Nims Road projected to the Canadian boundary; thence east on the Canadian boundary to the Whatcom/Okanogan county line; thence south on said county line to the south line of Section 3, T. 40 N., R. 16 E.; thence west along said south line extended to the northeast corner of Section 5, T. 40 N., R. 10 E.; thence south along the east line of said section extended to the southeast corner of Section 17, T. 39 N., R. 10 E.; thence west along the south line of said section extended to the northeast corner of Section 21, T. 39 N., R. 9 E.; thence south along the east line of said section extended to the southeast corner of Sec. 28, T. 39 N., R. 9 E.; thence west along the south line of said section extended to the northeast corner of Section 35, T. 39 N., R. 8 E.; thence south along the east line of said section extended to the Whatcom-Skagit County line (also the southeast corner of Section 35, T. 37 N., R. 8 E.); thence west along said county line to its intersection with the Whatcom-San Juan County line; thence northerly along said county line to its intersection with the US/Canada boundary (also with the west line of T. 39 N., R. 2 W.); thence northerly along said boundary line to the north line of T. 41 N.; thence east on said township line to the northwest corner of T. 41 N., R. 3 W.; thence south on the west line of said township to the southwest corner of the north half of T. 40 N., R. 3 W.; thence east on the south line of the north half of said township to the east line of said township; thence north on the east line of said township extended to the US/Canada boundary (also the north line of T. 41 N., R. 3 W.); thence east along said boundary to N. E. corner of Section 32, T. 41 N., R. 1 E., the

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION



By

Amanda Maxwell

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Continuation Page

point of beginning.

(PID 483) SOLID WASTE COLLECTION SERVICE in the city of Blaine, Washington, and within a radius of one mile of said city limits in Whatcom County.

NOTE: PID reference numbers are for Washington Utilities and Transportation Commission internal GIS mapping purposes only.

TG-101354

August 14, 2023