

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

DTG ENTERPRISES, INC.,

Respondent.

DOCKET TG-240761

ORDER 04

GRANTING MOTION FOR LEAVE
TO FILE REPLY

BACKGROUND

- 1 On December 18, 2024, the Washington Utilities and Transportation Commission (Commission) issued a complaint against DTG Enterprises, Inc. (DTG or Company) for violations of state law and administrative rule and noticed a prehearing conference for February 6, 2025.
- 2 On February 6, 2025, the Commission convened a virtual prehearing conference before Administrative Law Harry Fukano. Subsequently, on March 18, 2025, the Commission issued Order 02, Prehearing Conference Order; Denying Motion to Consolidate (Order 02). Among other matters, Order 02 established a procedural schedule for this proceeding.
- 3 On April 29, 2025, Commission staff (Staff) filed its testimony and supporting exhibits with the Commission.
- 4 On May 16, 2025, the Company filed a Motion to Strike Staff Testimony (Motion to Strike), which requested striking portions of Staff's testimony and exhibits.
- 5 On May 23, 2025, Staff, Washington Refuse and Recycling Association (WRRRA), Rubatino Refuse Removal LLC, and Rabanco Limited filed responses to DTG's Motion to Strike.
- 6 On May 30, 2025, the Company filed a Motion for Permission to Reply to Responses to Motion to Strike Testimony. In its Motion for Permission to Reply, DTG states, in part, that good cause exists for the Commission to grant leave to reply because the various

responses to its Motion to Strike raise new legal arguments regarding the nature of this proceeding.¹

DISCUSSION

7 Washington Administrative Code (WAC) 480-07-370(5)(b) provides:

A party that wishes to reply to an answer or response must file a motion requesting permission to reply within five business days after the respondent serves the answer or response. The motion must explain why a reply is necessary including, but not necessarily limited to, whether the answer or response raises new facts or legal argument requiring a reply. A party should file a proposed reply as an attachment to its motion. The motion is deemed denied unless the commission grants the motion within five business days after the movant files it.²

8 Considering this standard, the Commission finds that DTG has established good cause to file a reply to the responses to its Motion to Strike. The responses raise various arguments and legal interpretations not previously addressed in DTG's Motion to Strike that merits considering the Company's proposed reply.³

ORDER

9 The Commission grants DTG's Motion for Permission to Reply to Responses to Motion to Strike Testimony.

DATED at Lacey, Washington, June 6, 2025.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Harry Fukano
HARRY FUKANO
Administrative Law Judge

¹ *WUTC v. DTG Enterprises, Inc.*, Docket TG-240761, DTG's Motion for Permission to Reply at 3 ¶ 7.

² *See also* WAC 480-07-370(5)(a) (requiring good cause for the Commission to grant permission to reply).

³ *See, e.g., WUTC v. DTG Enterprises, Inc.*, Docket TG-240761, WRRR Response In Opposition to DTG's Motion to Strike Staff Testimony at 2 ¶¶ 3-4 (arguing that classification under RCW 81.04.510 is required for the Commission to impose penalties under RCW 81.04.380).

**NOTICE TO PARTIES: This is an Interlocutory Order of the Commission.
Administrative review may be available through a petition for review, filed within
10 days of the service of this Order pursuant to WAC 480-07-810.**