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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-240583
PROTEST OF SANITARY SERVICE
COMPANY, INC. TO SOLID WASTE
CERTIFICATE APPLICATION

COMES NOW, SANITARY SERVICE COMPANY, INC., “Sanitary Service” “SSC,” 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 solid waste authority with the Washington Utilities and Transportation Commission (Commission).

On August 27, 2024, DTG filed an updated application (Amended Application) with the Commission. In its Amended Application, DTG seeks authority for “curbside collection for electronic waste (E-Waste) in our existing service areas and ultimately expanding state-wide.” DTG requests a G-Certificate “to perform curbside collection and hauling of E-Waste in our existing service areas and ultimately expanding state-wide.”

1 DTG does not define “E-Waste” in its Amended Application or cite to a definition of
2 this term in either statute or rule. DTG filed a proposed tariff, however, that includes a wide
3 variety of common items in its curbside “E-Waste” collection service, including bicycles,
4 medical equipment, motorbikes, power tools, scrap metal, tractors, vacuums, and water heaters.

5 DTG attaches a Service Area map, which shows red and black polygons over various
6 locations in the state, including Seattle, Tacoma, Bremerton, Olympia, Everett, Wenatchee,
7 Yakima, and Richland. DTG does not provide any more precise descriptions of its service area
8 which renders it potentially vague and misleading. DTG also does not provide a meets-and-
9 bounds description of its territory as required by WAC 480-70-091.

10 This protest is submitted on the following grounds:

11 I.

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

15 II.

16 Sanitary Service alleges it has a direct, cognizable interest in this proceeding adverse to
17 this application. Sanitary Service holds a G-certificate for solid waste collection services in
18 various portions of Whatcom County. DTG’s service map suggests that DTG will provide E-
19 Waste collection in neighboring Skagit County, but without a precise meets-and-bounds
20 description it is difficult to ascertain the exact border of the proposed service territory.
21 Furthermore, DTG’s Amended Application, according to its plain terms, requests G-certificate
22 authority throughout the state. *See* Amended Application at 5 (“DTG requests a G-Certificate to
23 perform curbside collection and hauling of E-Waste in our existing service areas and ultimately
24 expanding state-wide.”). Sanitary Service must protest now in order to secure its rights as an
25 incumbent carrier.

1 III.

2 Sanitary Service is ready, willing and able to provide all of the collection and
3 transportation services to the generating public sought by DTG in the curbside collection of E-
4 Waste to the extent that is permitted by local and state law. Sanitary Service has invested
5 substantially in serving its solid waste collection customers within its service territory.

6 IV.

7 Sanitary Service alleges that DTG cannot establish its fitness to conduct operations or its
8 past compliance with Washington law and rule. DTG and its predecessors in interest have a
9 history of violating Commission rules, as DTG admits in the Amended Application. Even when
10 submitting its Amended Application, DTG failed to provide supporting documents as required by
11 both RCW 81.77.040 and WAC 480-70-091.

12 V.

13 SSC further alleges that DTG cannot establish that the public convenience and necessity
14 require its proposed service or that its proposed service is consistent with the public interest.
15 Moreover DTG's use of the term "E-Waste" is inaccurate, misleading, and lends itself to
16 confusion and potential future enforcement concerns. Denying the Amended Application would
17 therefore be in the public interest.

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

20 WHEREFORE, Sanitary Service Company, Inc., Protestant herein, requests that its right
21 to participate in the entirety of Application TG-240583 be fully affirmed, is currently unaware of
22 any restrictive amendment which would or could satisfy its interest herein, and therefore asks that
23 Application No. TG-240583 of DTG Enterprises Inc. d/b/a DTG Recycle be denied in its entirety.

24 DATED this 24th day of September, 2024.
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/s/ Michael S. Howard
Michael S. Howard, WSBA #41034
David W. Wiley, WSBA #8614
Attorneys for Protestant
WILLIAMS, KASTNER & GIBBS PLLC
601 Union Street, Suite 4100
Seattle, WA 98101-2380
Telephone: (206) 628-6652
Fax: (206) 628-6611
Email: mhoward@williamskastner.com

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

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