

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of Determining the Proper
Carrier Classification of, and Complaint
for Penalties Against:

Prieto Landscaping, LLC

DOCKET TG-240933

ORDER 01

ORDER INSTITUTING SPECIAL
PROCEEDING; COMPLAINT
SEEKING TO IMPOSE
PENALTIES; NOTICE OF
PREHEARING CONFERENCE
(Set for Friday, May 9, 2025,
at 9:30 a.m.)

1 The Washington Utilities and Transportation Commission (Commission), on its own motion, and through its Commission staff (Staff), alleges as follows:

I. PARTIES

2 The Commission is an agency of the state of Washington authorized by statute to regulate the rates, services, facilities, and practices of public service companies, including common carriers and solid waste collection companies.

3 Prieto Landscaping, LLC (Prieto or Company) is a Washington limited liability company, UBI 604-342-711, conducting business in the state of Washington as a common carrier under Commission-issued permit CC071070. The Washington Secretary of State's records for limited liability corporations lists Rosalio Prieto as the Company's registered agent and governing person.

II. BACKGROUND

4 The following allegations are based on the Staff Investigation Report filed in this docket, along with accompanying attachments.

5 On August 16, 2023, and multiple other occasions, Staff witnessed Prieto disposing of construction waste at the BDI Transfer Station located at 1721 Dietrich Road, Pasco, Washington. Investigation revealed that Prieto had multiple waste drop boxes at various Pahlsh Homes job sites. Staff investigated these waste drop boxes and witnessed them being loaded by construction contractors.

- 6 Staff subsequently initiated an investigation to determine if Prieto was operating without a certificate of convenience and necessity, as required by Revised Code of Washington (RCW) 81.77.040 to operate as a solid waste collection company.
- 7 Following this investigation, Staff mailed Prieto a letter of non-compliance on August 24, 2023. This letter, along with a Spanish translation, was mailed to Prieto's registered mail address at 3526 East A Street, Pasco, Washington 99301.
- 8 Staff spoke with Christian Guerrero, a representative of the Company, on August 30, 2023. Christian Guerrero stated that the Company would be engaging in construction clean up, and Staff informed Guerrero that the Company would need a common carrier permit, which the Company did not have.
- 9 On October 4, 2023, Prieto applied for a common carrier permit, which was granted on October 11, 2023.
- 10 On October 17, 2023, Staff sent a closure email indicating the Company was provided with technical assistance, and that the Company had modified its business practices to conduct construction clean-up services in which the Company's employees would be loading waste drop-boxes with waste and subsequently transporting them for disposal.
- 11 However, on March 27, 2024, Staff received an illegal hauler report showing that the Company had impermissible drop boxes at an address in Pasco, Washington.
- 12 On July 31, 2024, Staff spoke with Lio Prieto at the Company regarding the new waste drop-boxes and steps that the Company needed to complete to be compliant with state law. Staff indicated that the Company needed to complete those steps by August 29, 2024.
- 13 When Staff spoke with the Company on August 29, 2024, the drop boxes were still present at various addresses. Lio Prieto indicated to Staff that the Company would remove the drop boxes from the DR Horton sites, and Staff stated that all drop boxes at all locations must be removed. The Company indicated it would remove all boxes by September 3, 2024. Staff also informed the Company that future reports may result in enforcement action and monetary penalties. This communication was confirmed in a follow-up email. The Company confirmed it understood.
- 14 A closure letter was sent on September 5, 2024, covering the issues discussed in prior conversations and expectations for compliance as a construction clean up service.
- 15 Despite receiving technical assistance twice, on October 23, 2024, Staff received a report that the Company was continuing to provide waste hauling services in violation of

- Commission rules. The reporting party supplied Staff with photos indicating that the Company had removed the logos from its waste drop-boxes. On this same date, Prieto placed at least four waste drop-boxes at residential constructions sites, permitting contractors to load them with construction debris.
- 16 On October 25, 2024, Staff sent Richland Solid Waste a request for information on Prieto's disposal activities at the Horn Rapids Landfill.
- 17 On October 28, 2024, Staff received a report from an employee with Basin Disposal that showed that the Company was providing illegal solid waste transportation services. The report was accompanied by photos of Prieto drop boxes containing construction debris. On this same date, Staff received the report from Richland Solid Waste that showed that between September 5, 2024, and October 24, 2024, Prieto had disposed of "Non-Richland commercial construction/demo" waste 72 times.
- 18 A report from Basin Disposal Transfer Station indicates that Prieto disposed of 71 loads of municipal solid waste materials between September 5, 2024, and October 24, 2024.
- 19 In a March 4, 2025, conversation, Staff provided further technical assistance to the Company and informed the Company that the Company's newly proposed business model would likely be considered regulated solid waste transportation and require a solid waste certificate.
- 20 Staff estimates that between September 5, 2024, and October 24, 2024, the Company engaged in business as a solid waste collection company on at least 147 occasions.
- 21 The Commission has no records of Prieto ever applying for a solid waste certificate to transport solid waste. With this information, Staff completed its investigation and determined that Prieto knowingly violated RCW 81.77.040 on at least 147 occasions by engaging in the business of transporting solid waste without obtaining the necessary certificate from the Commission.

II. JURISDICTION

- 22 The Commission has jurisdiction over the subject matter of this complaint under chapter 34.05 RCW, RCW 80.01.040, RCW 80.01.060, RCW 81.01.010, RCW 81.04.010, RCW 81.04.020, RCW 81.04.110, RCW 81.04.160, RCW 81.04.380, RCW 81.04.460, RCW 81.04.510, chapter 81.77 RCW specifically RCW 81.77.040, chapter 81.80 RCW, chapter 81.28 RCW, chapter 480-70 Washington Administrative Code (WAC) specifically WAC 480-70-081, chapter 480-14 WAC, and chapter 480-07 WAC.

IV. APPLICABLE LAW

- 23 Motor freight carriers and solid waste collection companies are common carriers. RCW 81.04.010(11). For the purposes of Title 81 RCW, every common carrier is a public service company per RCW 81.04.010(16), (11), and therefore subject to Commission regulation. *See* RCW 80.01.040(2); RCW 81.01.010.
- 24 Under state law, the definition of “solid waste collection company” includes “every person or his or her lessees, receivers, or trustees, owning, controlling, operating, or managing vehicles used in the business of transporting solid waste for collection or disposal, or both, for compensation, except septic tank pumpers, over any public highway in this state as a ‘common carrier’ or as a ‘contract carrier.’” RCW 81.77.010(9).
- 25 The term “person” encompasses corporations as well as individuals. RCW 81.04.010(6).
- 26 “Solid waste” is defined as “all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, and recyclable materials.” RCW 70A.205.015; RCW 81.77.010(9).
- 27 No person may engage in business as a solid waste collection company within the state of Washington without first obtaining a certificate of convenience and necessity from the Commission. RCW 81.77.040.
- 28 Pursuant to WAC 480-70-011(2), the collection and hauling operations of a permitted motor freight carrier “*that occasionally transports to a disposal site*, but whose primary business is not the collection of solid waste,” are not regulated by the Commission as solid waste transportation (emphasis added). Pursuant to WAC 480-70-016(1), “[p]ersons holding permits issued by the commission under the provisions of chapter 81.80 RCW, whose primary business is not the collection of solid waste, normally will also need to obtain a certificate of public convenience and necessity if they *transport solid waste to a disposal site on more than an occasional basis*[.]” (emphasis added).
- 29 Under RCW 81.04.380, the Commission may penalize a public service company that violates any provision of Title 81 RCW up to \$1,000 for each and every offense. Every violation is a separate and distinct offense. *Id.*
- 30 The Commission is authorized to file a complaint on its own motion setting forth any act or omission by any public service company that violates any law or any order or rule of the Commission. RCW 81.04.110.

31 Where the Commission believes that a person is engaged in operations without the
necessary permit or certificate, it may institute a special proceeding to adjudicate the
issue. RCW 81.04.510.

32 If the Commission institutes a special proceeding and determines that a person is
operating without the necessary permit or certificate, it is authorized and directed to order
the person to cease and desist from such operations. RCW 81.04.510.

V. CAUSE OF ACTION

33 The Commission, through its Staff, realleges the allegations contained in paragraphs 2
through 32 above.

34 The Commission alleges that Prieto Landscaping violated RCW 81.77.040 a total of 147
times between September 5, 2024, and October 24, 2024, by transporting solid waste for
compensation over the public highways of Washington state without first obtaining a
certificate of convenience and public necessity from the Commission authorizing it to do
so.

VI. REQUEST FOR RELIEF

35 Staff requests the Commission institute a classification proceeding under RCW 81.04.510
and order Prieto Landscaping to cease and desist its solid waste collection activities.

36 Staff further requests that the Commission, pursuant to its authority under RCW
81.04.380, assess penalties of \$1,000 for each of the 147 violations of RCW 81.77.040,
totaling \$147,000.

37 Finally, Staff further requests that the Commission order such other or additional relief as
is appropriate under the circumstances.

VII. PROBABLE CAUSE

38 Based on a review of Staff's investigation report and all supporting documents, and
consistent with RCW 80.01.060 and WAC 480-07-307, the Commission finds probable
cause exists to issue this complaint.

VIII. NOTICE OF PREHEARING CONFERENCE

39 The Commission will hear this matter under the Administrative Procedure Act (APA),
particularly Part IV of chapter 34.05 RCW relating to adjudications. The provisions of
the APA that relate to this proceeding include, but are not limited to RCW 34.05.413,

RCW 34.05.422, RCW 34.05.431, RCW 34.05.440, RCW 34.05.449, and RCW 34.05.452. The Commission will also follow its procedural rules in chapter 480-07 WAC in this proceeding.

40 **THE COMMISSION GIVES NOTICE** That it will hold a virtual prehearing conference in this matter at 9:30 a.m. on Friday, May 9, 2023. **To participate by phone, call (253) 215-8782 and enter the Meeting ID: 878 5343 0172# and Passcode 843496#. To attend via Zoom, please use the following link: [Click to join meeting](#).**

41 The purpose of the prehearing conference is to consider requests for intervention, resolve scheduling matters including establishing dates for distributing evidence, identifying the issues in the proceeding, and determining other matters to assist the Commission in resolving the matter, as listed in WAC 480-07-430.

42 **INTERVENTION:** Persons who wish to intervene should file a petition to intervene in writing at least three business days before the date of the prehearing conference. *See* WAC 480-07-355(a). The Commission will consider oral petitions to intervene during the conference but strongly prefers written petitions to intervene. Party representatives must file a notice of appearance with the Commission no later than the business day before the conference. *See* WAC 480-07-345(2). Parties with more than one representative must identify one individual as the “lead” for purposes of official service. Any party or witness in need of an interpreter or other assistance should fill out the form attached to this notice and return it to the Commission. The Commission will set the time and place for any evidentiary hearings at the prehearing conference, on the record of a later conference or hearing session, or by later written notice.

43 **THE COMMISSION GIVES NOTICE** that any party who fails to attend or participate in the prehearing conference set by this Notice, or any other stage of this proceeding, may be held in default under RCW 34.05.440 and WAC 480-07-450.

44 The names and mailing addresses of all known parties and their known representatives are as follows:

Carrier:	Prieto Landscaping, LLC Rosalio Prieto, Registered Agent 3526 E A St Pasco, WA 98301-5252 (509) 521-7868 (509) 545-1324 lio@prietolandscaping.com
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Complainant:	Washington Utilities and Transportation Commission
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621 Woodland Park Loop SE
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

Representative: Josephine R. K. Strauss
Office of the Attorney General
7141 Cleanwater Dr. SW
Olympia, WA 98504
(360) 709-4850
Josephine.Strauss@utc.wa.gov

45 Administrative Law Judge Bijan Hughes from the Commission's Administrative Law Division will preside during this proceeding.

46 The Commission will give parties notice of any other procedural phase of the proceeding in writing or on the record as appropriate during this proceeding.

DATED at Lacey, Washington, and effective March 28, 2025.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Connor Thompson
CONNOR THOMPSON
Acting Director of Administrative Law
Division

Inquiries may be addressed to :

Jeff Killip
Executive Director and Secretary
621 Woodland Square Loop S.E.
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1173

NOTICE

Hearings are accessible to persons with disabilities and persons who do not speak English as a first language. If limited English-speaking or hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

If you need an interpreter, or have other special needs, please provide the information requested below via email to Stacey Brewster, paralegal, at stacey.brewster@utc.wa.gov.

(PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket: _____

Case Name: _____

Hearing Date: _____ Hearing Location: _____

Primary Language: _____

Hearing Impaired: (Yes) _____ (No) _____

Do you need a certified sign language interpreter:

Visual _____ Tactile _____

Other type of assistance needed: _____