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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 BAINBRIDGE DISPOSAL,
INC. TO SOLID WASTE CERTIFICATE
APPLICATION

COMES NOW, BAINBRIDGE DISPOSAL, INC., (“BAINBRIDGE DISPOSAL” or
“Protestant”), holder of Certificate No. G-143, 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.”

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 any proposed tariff or a map of its intended service area.

6 This protest is submitted on the following grounds:

7 I.

8 Bainbridge Disposal is the holder and operator of Solid Waste Certificate No. G-143,
9 attached as Exhibit A. As said exhibit indicates, Bainbridge Disposal currently holds authority
10 in conflict with and which overlaps the applied-for solid waste authority, which is located in
11 the Puget Sound region but encompasses the entire state.

12 II.

13 Bainbridge Disposal alleges it has a direct, cognizable interest in this proceeding adverse
14 to this application. DTG seeks an undefined grant for solid waste hauling authority throughout
15 the state, which including Kitsap County, where Bainbridge Disposal currently holds G-143
16 certificate authority.

17 III.

18 Bainbridge Disposal is ready, willing and able to provide all of the solid waste collection
19 and transportation services sought by DTG in its Application. Bainbridge Disposal has made
20 significant investments in serving its solid waste collection customers in its service territory.

21 IV.

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

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

3 Significantly, DTG already appears to advertise solid waste collection services and
4 “dumpster rentals” in Bainbridge Island without any solid waste carrier certificate from the
5 Commission.¹

6 V.

7 Bainbridge Disposal further alleges that DTG cannot establish that the public convenience
8 and necessity require its proposed service or that its proposed service is consistent with the public
9 interest. DTG is ostensibly seeking to cut costs by providing “in house” hauling from its MRFs
10 rather than paying tariff rates for regulated solid waste collection companies’ services. There are
11 no benefits to the public from DTG’s internal cost mitigation.

12 Bainbridge Disposal will appear at any hearing on this matter and will present evidence
13 through approximately one witness requiring an estimated total hearing time of approximately 30
14 minutes.

15 WHEREFORE, Bainbridge Disposal, Inc., Protestant herein, requests that its right to
16 participate in the entirety of Application TG-240584 be fully affirmed, is currently unaware of any
17 restrictive amendment which would or could satisfy its interest herein, and therefore asks that
18 Application No. TG-240584 of DTG Enterprises Inc. d/b/a DTG Recycle be denied in its entirety.

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¹ DTG Recycle, *Bainbridge Island*, available at <https://www.dtgreycle.com/service-area/kitsap-county/bainbridge-island/> (last accessed Sep. 24, 2024).

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DATED this 25th day of September, 2024.

/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 BAINBRIDGE DISPOSAL,
3 INC. TO SOLID WASTE CERTIFICATE APPLICATION with the WUTC via their web portal
4 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 DTG Enterprises, Inc. d/b/a DTG Recycle
14 22745 29th Dr. SE
15 Bothell, WA 98021-4402
16 info@dtgrecycle.com

17 DATED at Seattle, Washington this 25th day of September, 2024.

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

EXHIBIT A

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

1300 S EVERGREEN PARK DRIVE SW, PO BOX 47250

OLYMPIA, WA 98504-7250

(360) 664-1222

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

BAINBRIDGE DISPOSAL, INC.
PO BOX 10699
BAINBRIDGE ISLAND, WA 98110

Cert No.
G-143

GARBAGE AND REFUSE COLLECTION SERVICE on Bainbridge Island in Kitsap County.

04-30-84

WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION



By _____

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

For the Operation of Motor Propelled Vehicles

pursuant to the provisions of Chapter 81 RCW

THIS IS TO CERTIFY that authority is granted to operate as a MOTOR CARRIER in the transportation of the commodities and in the territory described herein to

Bainbridge Disposal, Inc.
P. O. Box 10386
Winslow, WA 98110

CERT. NO.
G-143

D-1

GARBAGE AND REFUSE COLLECTION
Bainbridge Island in Kitsap County.

SERVICE on

M. V. G. No. 1169

4-30-84



WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

By Thomas Tischer