**Service Date: September 17, 2025**

**BEFORE THE WASHINGTON**
**UTILITIES AND TRANSPORTATION COMMISSION**

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| WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION,<br><br>Complainant,<br><br>v.<br><br>DTG ENTERPRISES, INC.,<br><br>Respondent. | DOCKET TG-240761<br><br>ORDER 10<br><br>GRANTING MOTION TO WITHDRAW |

## 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 Judge 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 granted intervenor status to Rubatino Refuse Removal LLC (Rubatino).

*3* On August 27, 2025, Rubatino filed a Motion to Withdraw (Motion). In its Motion, Rubatino argues that there is a conflict of interest between DTG's present counsel, Perkins Coie LLP, and Rubatino and Stephan Banchero, who is a managing member of MaBanco, LLC, an entity holding a majority ownership interest in Rubatino.[1] Rubatino maintains that Banchero is a current client of Perkins Coie LLP, and that Perkins Coie LLP has represented Banchero, his family, and his businesses for years, including on matters related to this proceeding.[2] Rubatino further contends that Perkins Coie LLP has access to private information regarding Banchero, as well as Rubatino's corporate

[1] Rubatino's Motion at 1-2 ¶¶ 4-5.

[2] Rubatino's Motion at 2 ¶ 6.

structure and operations, and that Rubatino has objected to DTG's attempts to seek discovery from Rubatino in this case.[3] Due to this asserted conflict of interest and DTG's discovery, Rubatino requests that the Commission allow Rubatino to withdraw as an intervenor to this case so that it may "assess[] its options to address these conflicts outside this proceeding."[4]

*4* On September 4, 2025, DTG filed a Motion for Authorization to File Response to Rubatino Refuse Removal LLC's Motion (Motion for Authorization), arguing that good cause exists to permit DTG to respond to Rubatino's Motion in order to correct the record and clarify that no conflict of interest exists.[5]

## DISCUSSION

*5* Washington Administrative Code (WAC) 480-07-380(3) provides in part:

> (a) *General.* Once the commission has issued a hearing notice or otherwise commenced an adjudicative proceeding pursuant to chapter 34.05 RCW, a party may withdraw from that proceeding, or may withdraw the party's tariff, complaint, petition, or application on which a proceeding is based, only upon permission granted by the commission in response to a written motion. The motion must include any settlement or other agreement pursuant to which the party is seeking withdrawal.
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> (b) *Response.* No party may file a response to a motion to withdraw unless the commission authorizes a response. The commission will grant such a motion when the requested withdrawal is in the public interest[.]

*6* Pursuant to WAC 480-07-380(3)(b), the Commission will grant a motion to withdraw when withdrawal is in the public interest.[6]

*7* As a threshold matter, the Commission denies DTG's Motion for Authorization for two reasons. First, unlike a motion for permission to reply pursuant to WAC 480-07-370(5)(b), which a party may request upon a showing of good cause, WAC 480-07-380(3)(b) states that "no party may file a response to a motion to withdraw unless the

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[3] Rubatino's Motion at 2 ¶ 7.

[4] Rubatino's Motion at 2-3 ¶¶ 9-10.

[5] DTG's Motion for Authorization at 1 ¶¶ 2-3.

[6] *See*, *WUTC v. PacifiCorp*, Docket UE-220376, Order 06 at 6 ¶ 30 (February 10, 2023).

Commission authorizes a response."[7] The Commission has not authorized any response to Rubatino's Motion, and it would be unfair at this junction to consider a response only from DTG without providing other parties a similar opportunity to respond. Second, the Commission determines that additional factual development of the conflict of interest issue is not warranted under the circumstances presented. As explained further below, the Commission interprets Rubatino's Motion as not requesting that the Commission determine whether a conflict of interest exists but rather to allow Rubatino to withdraw its participation so that Rubatino can "address these conflicts outside this proceeding."[8]

*8* The record before the Commission is inadequate to determine whether a conflict of interest, potential or actual, presently exists. According to Rubatino, Banchero is a current client of Perkins Coie LLP and the firm has provided Banchero, his family, and his businesses legal services "for decades."[9] The Commission infers from this representation that determining whether a conflict of interest exists would require extensive additional factual development on an issue that, while important, is essentially collateral to the primary purpose of the present proceeding involving a complaint for penalties regarding alleged activity in Snohomish County between January 2023 and June 2023. In the interest of administrative efficiency and conservation of Commission and party resources, the Commission finds that it is in the public interest to allow Rubatino to withdraw from this docket so that it may address this issue outside this proceeding, such that additional factual development is unnecessary for purpose of this case.[10]

## ORDER

*9* (1) The Commission grants Rubatino Refuse Removal LLC's Motion to Withdraw.

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[7] *Compare* WAC 480-07-380(3)(b) *with* WAC 480-07-370(5)(b)("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.").

[8] Rubatino's Motion at 2-3 ¶ 10.

[9] Rubatino's Motion at 2 ¶ 6.

[10] Rubatino's Motion at 2-3 ¶ 10.

DATED at Lacey, and effective Washington September 17, 2025.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ *Harry Fukano*
HARRY FUKANO
Administrative Law Judge

**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.**