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BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

In re Application of:

DTG ENTERPRISES INC.
D/B/A DTG RECYCLE
22745 29TH DR SE
BOTHEL, WA 98021

APPLICATION NO. TG-240584

**PROTEST OF TORRE REFUSE
RECYCLING LLC**

COMES NOW, TORRE REFUSE RECYCLING LLC d/b/a SUNSHINE DISPOSAL & RECYCLING, holder of Certificate No. G-260 (hereinafter “Sunshine Disposal & Recycling” or “Protestant”), by and through its representatives, Lukins & Annis, P.S., respectfully protests the application by DTG Enterprises Inc. (“DTG”) for a certificate of public convenience and necessity to operate as a solid waste collection company requested in the above-numbered application for authority to transport:

Separation and disposal of residual solid waste originating through collection of recyclable construction and demolition debris from commercial streams as regulated under RCW 81.80 in the state of Washington. Transportation of separated solid waste from company’s material recovery facilities to landfills, transfer stations or licensed disposal sites.

Accordingly, while no map of the proposed service area has been provided, DTG “wishes to operate **throughout the state** using various regional landfills for disposal of residual wastes originating from [its] MRF facilities after sorting and processing recyclable materials.”

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RECYCLING LLC : 1

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1 Moreover, the MRF in question acquires materials “from commercial or industrial generators
2 **throughout the State**” before ultimately transporting waste to various landfills for disposal.

3 This protest is submitted on the following grounds:

4 1. Sunshine Disposal & Recycling is the holder of UTC Certificate No. G-260, a
5 copy of which is attached hereto as **Exhibit A**. Under Certificate No. G-260, Sunshine
6 Disposal & Recycling holds authority to operate solid waste collection services in the
7 following counties: Ferry County, Stevens County, and Spokane County. Pursuant to this
8 authority, Sunshine Disposal & Recycling provides full and complete solid waste collection
9 service within its permitted territory, and has provided waste collection services within that
10 territory to the satisfaction of the Commission at all times relevant to the application. The
11 proposed service in DTG’s Application would therefore overlap. As a holder of authority to
12 collect and transport waste, Sunshine Disposal & Recycling has a direct interest in this
13 proceeding adverse to that of DTG.

14 2. Sunshine Disposal & Recycling believes and therefore alleges that DTG is not
15 qualified to receive a grant of a solid waste certificate of public convenience and necessity; is
16 not fit, willing, and able to properly perform the services proposed; and is unable to conform
17 to the provisions of Ch. 81.77 RCW and the requirements, rules, and regulations of this
18 Commission thereunder. As DTG admits in its application, DTG and its predecessors have a
19 history of violating Commission rules.

20 3. Sunshine Disposal & Recycling is suitably and adequately equipped and
21 otherwise qualified, ready, fit, willing, and able to provide all the relevant transportation
22 services required by the shipping public in the applied-for territory, to the satisfaction of the
23 Commission and consistent with the commission’s regulations. It has invested significant
24 funds to provide service to the public within its permitted areas. Moreover, there is no public
25 need for an additional service in this area, and if such services are provided by DTG, it will

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RECYCLING LLC : 2

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1 likely be below tariff rates and cause unwarranted and unlawful benefits to DTG, at the
2 expense of certificate holders such as Sunshine Disposal & Recycling. The granting of
3 additional overlapping authority would be detrimental to the Sunshine Disposal & Recycling's
4 investments, contrary to the public interest, and not required by public convenience and
5 necessity. Sunshine Disposal & Recycling therefore alleges that the service proposed by DTG
6 is not warranted by the public convenience and necessity and is not in the public interest.

7 4. Sunshine Disposal & Recycling requests that DTG be required to submit strict
8 proof in support of its application, as the application information is deficient, and to produce
9 competent witnesses at a hearing on all material and relevant facts bearing on the protested
10 application. DTG has not demonstrated that it is fit, willing, or able to provide the applied-for
11 services to the satisfaction of the Commission. DTG also has not—and cannot—demonstrate
12 that Sunshine Disposal & Recycling has failed to provide service to the satisfaction of the
13 Commission.

14 5. If an oral hearing is held, Sunshine Disposal & Recycling will appear and
15 present evidence of its own operations and particular interests in the application. Sunshine
16 Disposal & Recycling estimates that it will call two (2) witnesses at the hearing, requiring an
17 estimated hearing time of two hours.

18 WHEREFORE, Sunshine Disposal & Recycling respectfully requests the opportunity
19 to participate in the hearing on this application, and that the Commission thereafter deny the
20 application.

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1 Dated this 26th of September, 2024.

2 Respectfully submitted,

3 LUKINS & ANNIS, P.S.
4

5
6 By /s/ Reid G. Johnson

7 Reid G. Johnson, WSBA #44338

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9 Spokane, WA 99201

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12 *Attorneys for Torre Refuse Recycling LLC*
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TG-240584 – PROTEST OF TORRE REFUSE
RECYCLING LLC : 4

02009919 9/26/24

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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:

Torre Refuse & Recycling LLC
d/b/a Sunshine Disposal & Recycling
PO Box 13369
Spokane Valley, WA 99213

Cert No.
G-260

SOLID WASTE COLLECTION SERVICE limited to 10, 12, 14, 20, 30, and 40 yard drop box service within the city limits of the City of Republic.

SOLID WASTE COLLECTION SERVICE in Ferry County excluding the City of Republic.

SOLID WASTE COLLECTION SERVICE in that portion of Okanogan County described as follows: Commencing at the southwest corner of Section 31, T37N, R31E; thence north to the southwest corner of Section 7, T37N, R31E; thence west along the south line of Section 12, T37N, R30E, extended to the southeast corner of Section 9, T37N, R30E; thence north along the east line of said Section 9 to the southwest corner of Section 3, T37N, R30E; thence east along the south line of said Section 3 to the southwest corner of Section 2, T37N, R30E; thence north along the west line of said Section 2 extended to the northwest corner of Section 23, T38N, R30E; thence east along the north line of said Section 23 extended to the northeast corner of Section 24, T38N, R30E; thence north along the east line of Section 13, T38N, R30E extended to the northwest corner of Section 6, T40N, R31E; thence east to the northeast corner of Section 1, T40N, R31E, thence south along the Douglas/Ferry County line to the southeast corner of Section 36 T37N, R31E; thence west along the south line of said Section 36 extended to the southwest corner of Section 31, T37N, R31E, the point of beginning.

TO THE EXTENT THAT THE AUTHORITY GRANTED IN THIS ORDER DUPLICATES ANY AUTHORITY PREVIOUSLY GRANTED OR NOW HELD SHALL NOT BE CONSTRUED AS CONFERRING MORE THAN ONE OPERATING RIGHT NOR SHALL ANY DUPLICATING RIGHTS BE AVAILABLE FOR PURPOSES OF TRANSFER.

(PID419) SOLID WASTE COLLECTION SERVICE in that portion of Stevens County described as follows: Beginning at the intersection of the west line of Section 14, T27N, R39E and the centerline of the Spokane River (also the Spokane-Stevens County Line); thence north along the west line of said section extended to the southeast corner of Section 34, T32N, R39E; thence west along the south line of said section extended to the southwest corner of Section 33, T32N, R38E; thence north along the west line of said section to the northwest corner of Section 4, T35N, R38E; thence west along the north line of said section extended to the Ferry-Stevens County Line (also the centerline of the Columbia River); thence north along said county line to the north line of Section 4, T37N, R37E; thence east along the north line of said section to the northeast corner of Section 1, T37N, R39E; thence south along the east line of said section to the northwest corner of Section 6, T36N, R40E; thence east along the north line of said section extended to the northeast corner of Section 1, T36N, R40E; thence south along the east line of said section extended to the northwest corner of Section 30, T33N, R41E; thence east along the north line of said section extended to the northeast corner of Section 25, T33N, R41E; thence south on the east line of said

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section to the southeast corner of Section 36, T32N, R41E; thence east on the south line of said section to the northeast corner of Section 4, T31N, R42E; thence south on the east line of said section extended to the southeast corner of Section 33, T30N, R42E; thence west on the south line of said section (also the Spokane-Stevens County Line) extended to the north line of Section 5, T29N, R42E; thence following the Spokane-Stevens County Line southerly and westerly to its intersection with the west line of Section 14, T27N, R39E, the point of beginning.

(PID413) SOLID WASTE COLLECTION SERVICE limited to containers and drop boxes of 2 yard capacity or greater in those portions of Stevens County described as follows: Beginning at the intersection of the extended east line of Section 10, T27N, R39E and the Lincoln-Stevens County Line; thence westerly along said county line (also the centerline of the Spokane River) to its intersection with the centerline of the Columbia River; thence northerly along the centerline of the Columbia River (also the Stevens-Ferry County Line) to its intersection with the north line of Section 3, T35N, R37E; thence east along the north line of said section extended to the northeast corner of Section 5, T35N, R38E; thence south along the east line of said section extended to the southeast corner of Section 32, T32N, R38E; thence east along the south line of said section extended to the northeast corner of Section 3, T31N, R39E; thence south along the east line of said section extended to the Lincoln-Stevens county line, the point of beginning.

(PID414) ALSO, Beginning at the northeast corner of Section 1, T30N, R42E; thence south along the east line of said section extended to the southeast corner of Section 36, T30N, R42E; thence west along the south line of said section extended to the southwest corner of Section 34, T30N, R42E; thence north along the west line of said section extended to the northwest corner of Section 3, T30N, R42E; thence east along the north line of said section extended to the northeast corner of Section 1, T30N, R42E, the point of beginning.

(PID415) ALSO, Beginning at the southeast corner of Section 33, T32N, R42E; thence west along the south line of said section extended to the southwest corner of Section 31, T32N, R42E; thence north along the west line of said section extended to the northwest corner of Section 30, T33N, R42E; thence west along the north line of said section extended to the southwest corner of Section 19, T33N, R41E; thence north along the west line of said section extended to the northwest corner of Section 6, T36N, R41E; thence west along the north line of said section extended to the southwest corner of Section 31, T37N, R40E; thence north along the west line of said section extended to the northwest corner of Section 30, T37N, R40E; thence east along the north line of said section extended to the northeast corner of Section 28, T37N, R41E; thence south along the east line of said section extended (also the Stevens-Pend Oreille County Line) to the southeast corner of Section 33, T37N, R41E; thence east along the north line of said section extended (also the Stevens-Pend Oreille County Line) to the northeast corner of Section 4, T36N, R42E; thence south along the east line of said section extended (also the Stevens-Pend Oreille County Line) to the southeast corner of Section 33, T32N, R42E, the point of beginning.

(PID416) ALSO, Beginning at the southeast corner of Section 36, T38N, R41E; thence west along the south line of said section extended (also the Stevens-Pend Oreille County Line) to the southwest corner of Section 34, T38N, R41E; thence north along the west line of said section projected due north to its intersection with the north line of Section 4, T40N, R41E (also the US-Canada Border); thence east along the north line of said section extended (also the US-Canada Border) to the northeast corner of Section 1, T40N, R42E; thence south along the east line of said section extended (also the Stevens-Pend Oreille

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County Line) to the southeast corner of Section 36, T40N, R42E; thence west along the south line of said section extended (also the Stevens-Pend Oreille County Line) to the southeast corner of Section 33, T40N, R42E; thence south along the east line of said section extended (also the Stevens-Pend Oreille County Line) to the southeast corner of Section 33, T39N, R42E; thence west along the south line of said section extended (also the Stevens-Pend Oreille County Line) to the southeast corner of Section 36, T39N, R41E; thence south along the east line of said section extended (also the Stevens-Pend Oreille County Line) to the southeast corner of Section 36, T38N, R41E, the point of beginning.

(PID417) ALSO, In the City of Northport and along Highway 25 from the north line of Section 5, T37N, R38E to the City of Northport.

(PID418) ALSO, along Williams Lake Road from Highway 25 to its intersection with the north line of Section 6, T37N, R39E.

(PID444) SOLID WASTE COLLECTION SERVICE in Spokane County described as follows:

Beginning at the southeast corner of Section 36, T29N, R44E; thence west along the south line of said Section 36 extended to the southeast corner of Section 34, T29N, R43E; thence north along the east line of said Section 34 to the northeast corner of said Section 34; thence west along the north line of said Section 34 to the northwest corner of said Section 34; thence south along the west line of said Section 34 to the southwest corner of said Section 34, T29N, R43E; thence west along the extended south line of said Section 34 to the City Limits of Deer Park (in Section 32, T29N, R43E); thence northerly and westerly following said city limits counterclockwise through Sections 29 and 30, T29N, R43E, continuing through Sections 36, 35, and 34, T29N, R42E to the intersection of said city limits and the south line of Section 34, T29N, R42E; thence west along the south line of said Section 34 extended to the Stevens-Spokane County line; thence north along the Stevens-Spokane County line to the north line of Section 5, T29N, R42E; thence east along the north line of said Section 5 extended to the northeast corner of Section 1, T29N, R44E; thence south along the east line of said Section 1 extended to the southeast corner of Section 36, T29N, R44E, the place of beginning.

(PID484) SOLID WASTE COLLECTION SERVICE in that portion of Spokane County described as follows: Beginning at the southwest corner of Section 31, T21N R40E; thence north along the west line of said section extended (also the Spokane-Lincoln County Line) to its intersection with the centerline of the Spokane River; thence easterly along said centerline (also the Spokane-Stevens County Line) to its intersection with the Spokane-Stevens County Line (within Section 32 T27N, R42E); thence southeasterly along said centerline to the intersection with the city limits of Spokane (within Section 10, T25N, R42E); thence westerly, southerly and easterly in a counterclockwise direction along said city limits to the intersection with Highway 195 (within Section 8, T24N, R43E); thence southerly along Highway 195 to the south line of Section 32, T24N, R43E; thence east along said south line to the southwest corner of Section 33, T24N, R43E; thence south along the west line of said section extended to the southeast corner of Section 20, T22N, R43E; thence west along the south line of said section to the northeast corner of Section 30, T22N, R43E; thence south along the east line of said section to the southeast corner of said section; thence west along the south line of said section to the northeast corner of Section 34, T22N, R42E; thence south along the east line of said section to the southeast corner of said section; thence west along the south line of said section extended the northeast corner of Section 1, T21N, R41E; thence south on the east line of said section extended to the southeast corner of Section 36, T21N, R42E; thence west

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along the south line of said section (also the Spokane-Whitman County Line) to the southwest corner of Section 31, T21N, R40E the point of beginning.

TO THE EXTENT THAT THE AUTHORITY GRANTED IN THIS ORDER DUPLICATES ANY AUTHORITY PREVIOUSLY GRANTED OR NOW HELD SHALL NOT BE CONSTRUED AS CONFERRING MORE THAN ONE OPERATING RIGHT NOR SHALL ANY DUPLICATING RIGHTS BE AVAILABLE FOR PURPOSES OF TRANSFER.

Note: PID reference numbers are used by the Commission for mapping purposes only.

TG-151067

06-30-15

WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION



By _____