

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

DTG ENTERPRISES, INC.,

Respondent.

DOCKET TG-240761

In the Matter of the Application of

DTG ENTERPRISES, INC.,

for Solid Waste Collection Authority.

DOCKET TG-240584

COMMISSION STAFF’S MOTION
TO CONSOLIDATE PROCEEDINGS

I. INTRODUCTION

1 Commission Staff (Staff) moves to consolidate the Complaint against DTG Enterprise, Inc., (DTG or Company), Docket TG-240761, with the Application of DTG Enterprise, Inc., for Solid Waste Collection Authority, Docket TG-240584. Because these dockets are deeply intertwined, with related facts and issues of law, the Commission should grant Staff’s Motion to Consolidate.

II. RELIEF REQUESTED

2 Staff requests that the Commission consolidate the Complaint against DTG in Docket TG-240761 with DTG’s request for a solid waste certificate to transport residual waste statewide in Docket TG-240584.

III. STATEMENT OF FACTS

3 On August 5, 2024, DTG filed an application for solid waste certificate, seeking statewide authority to transport residual wastes originating from DTG facilities to various

regional landfills for disposal.¹ DTG stated that the application was based on Staff's recommendation.² On August 19, 2024, Staff sent a non-compliance letter to DTG asking for information about its operations in Snohomish County.³ Staff's August 19, 2024, letter included an application for solid waste certificate, along with information that a certificate is required prior to providing solid waste services.⁴ Prior to sending the letter, Staff had several discussions with DTG about its operations and whether DTG required a solid waste certificate.⁵ DTG had been contemplating whether to apply for a solid waste certificate for years.⁶

4 The Commission issued a complaint against DTG on December 18, 2024. The Complaint alleges that DTG has violated statutes and rules by operating as a solid waste company for compensation in Washington without first obtaining the required certificate.⁷ Specifically, the Complaint alleges that DTG transported 3,389 loads of residual solid waste, totaling 73,270 tons, from its material recovery facility to Snohomish County solid waste facilities.⁸ The Staff Investigation Report sets forth the history of questions about DTG's operations.⁹

5 The Commission assigned Administrative Law Judge (ALJ) Bijan Hughes to Docket TG-240584 and ALJ Harry Fukano to Docket TG-240761.

¹ *In re: Application of DTG Enterprises, Inc.*, Docket TG-240584, Application for Solid Waste Certificate (August 5, 2024).

² *Id.*

³ *Wash. Utils. & Transp. Comm'n v. DTG Enterprise, Inc.*, Docket TG-240761, Staff Investigation Report at 7 (December 20, 2024).

⁴ Staff Investigation Report at 59.

⁵ Staff Investigation Report at 5-7.

⁶ Staff Investigation Report at 52.

⁷ Complaint at ¶ 2.

⁸ Complaint at ¶¶ 11 and 20.

⁹ Staff Investigation Report 1-64.

IV. STATEMENT OF ISSUES

6 Should the Commission consolidate the Complaint against DTG with DTG's request
for a solid waste certificate to transport residual waste when common facts and related
issues of law are present, and when consolidation will further judicial economy?

V. EVIDENCE RELIED UPON

7 Staff relies upon the materials on file in Docket TG-240761 and Docket TG-240584.

VI. ARGUMENT

8 Under WAC 480-07-320, the Commission has discretion to consolidate proceedings
when those proceedings involve related facts and principles of law. The Commission also
considers whether consolidation would promote judicial economy and not unduly delay
resolution of one or all of the proceedings.¹⁰ In *Jammies*, the Commission recognized that it
was appropriate to consolidate a complaint proceeding calling into question the company's
operations and the certificate proceeding in which the company sought authority to operate.
The Commission found that the two proceedings involved related facts and principles of
law, and that consolidation would promote judicial economy.¹¹

9 Just as in *Jammie's*, DTG has filed an application for a solid waste certificate and
also faces a complaint that seeks penalties for operating without the required certificate,
determination of whether DTG is operating as a solid waste company, a cease and desist
order with respect to violating operations, and any further relief the Commission deems

¹⁰ *In re the Application of Jammie's Environmental, Inc.*, Dockets TG-220243 and TG-220215 (consolidated), Order 01, ¶ 6 (June 8, 2022); *Wash. Utils. & Transp. Comm'n v. Puget Sound Energy*, Dockets UE-111048 & UG-111049 (Consolidated) & UG-110723, Order 04, ¶ 8 (Sept. 7, 2011).

¹¹ *Jammie's*, Order 01, ¶ 10.

appropriate under the circumstances.¹² Just as consolidation was appropriate in the *Jammie*'s case, it is likewise appropriate here.

10 The complaint against DTG will bear on questions raised in the solid waste application. For example, with respect to the Complaint, the Commission will consider whether DTG is acting as a solid waste company when it transports nearly 40 percent of the materials it receives and collects to landfills for disposal. In the application docket, the Commission will consider DTG's fitness to operate as a solid waste company. Because the issues in both dockets are closely related and involve associated facts, judicial economy is best served by adjudicating these issues in the same proceeding.¹³

11 There are two ALJs assigned to these dockets. It is not likely that the matter will require two ALJs to adjudicate. Consolidating Docket TG-240761 and TG-240584 will allow the Commission to reallocate resources.

VII. CONCLUSION

12 For the reasons stated above, Staff requests the Commission grant its motion to consolidate Docket TG-240761 with Docket TG-240584.

DATED this 21st day of January, 2025.

Respectfully submitted,
NICHOLAS W. BROWN
Attorney General

/s/ Lisa Gafken, WSBA No. 31549
Assistant Attorney General
Office of the Attorney General
Utilities and Transportation Division
PO Box 40128 | Olympia, WA 98504
(360) 464-6595 | Lisa.Gafken@atg.wa.gov

¹² Complaint at ¶¶ 21-24.

¹³ Indeed, DTG anticipated that consolidation was likely in its December 17, 2024, letter in Docket TG-240584. The letter states, "Given the likelihood that the application proceeding in [Docket TG-240584] would be consolidated with the complaint proceeding, DTG believes it would be prudent for a decision on the procedural schedule in [Docket TG-240584] be deferred pending the filing of the complaint, as we believe all parties will be better informed at that point as to the appropriate procedural schedule for both matters."