

**BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

**In the Matter of the Application of
DTG ENTERPRISES INC.
for Permanent Solid Waste Carrier
Authority.**

**APPLICATION NO. TG-240583
PROTEST OF WASTE
MANAGEMENT OF WASHINGTON,
INC.**

1. Waste Management of Washington, Inc. (“WM”), holder of Certificate No. G-237,¹ 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 (“Application”)² in the territory within Pierce, King, Snohomish, Kitsap, Island, Yakima, and Benton Counties identified in DTG’s Application.

II. WM’s Interest

2. Under Certificate No. G-237, WM is authorized to provide solid waste collection service in parts of Pierce, King, Snohomish, Kitsap, and Benton Counties covered by DTG’s Application, doing business as Waste Management – North Sound; Waste Management – Marysville, Waste Management – South Sound; Waste Management – Seattle; Waste Management of Skagit County; Waste Management of Kennewick; and Brem-Air Disposal.

3. DTG seeks a certificate to offer residential and commercial collection of various wastes and commodities falling under DTG’s extremely broad definition of “e-waste.”³

¹ Available at https://www.utc.wa.gov/sites/default/files/2022-02/42878%20-%20G-0237.cert%20-%20latest%20WM_0.pdf.

² DTG, Solid Waste Collection Company Certificate Application (updated version filed Aug. 16, 2024).

³ See DTG, Proposed Tariff No. 1 at 11-14 (including, among many others, engine-driven items like motorbikes and lawnmowers, dishwashers, “mixed components” (not further specified), and “scrap metal of any kind”).

4. WM is suitably equipped and, in all respects, fit, willing, and able to provide collection and transportation of solid waste consistent with the Commission's regulations in WM's certificated portions of the territory described in DTG's Application. Therefore, the service proposed by DTG, to the extent it conflicts with WM's authority under Certificate No. G-237, is not warranted by the public convenience and necessity and is not in the public interest.

5. WM has provided and will continue to provide solid waste collection services within DTG's proposed territory to the satisfaction of the Commission at all times relevant to the Application.⁴

III. Bases of Protest

6. DTG's Application and related filings do not show that DTG is qualified to receive a grant of a solid waste certificate because it is not clear on the face of the Application that DTG is financially and operationally fit,⁵ willing, and able to properly perform the services proposed; or is able to conform to the provisions of Chapter 81.77 RCW and the requirements, rules, and regulations of the Commission thereunder.

7. Various elements required of an application by Commission regulation are missing or deficient, rendering the application incomplete. These elements include:

- "A complete description of the proposed service and the line, route, or service territory using boundaries such as streets, avenues, roads, highways, townships, ranges, city limits, county boundaries, or other geographic descriptions"⁶;
- "A map of the proposed . . . service territory *that meets the standards described in WAC 480-70-056*"⁷;

⁴ See RCW 81.77.040 (Commission may issue a certificate covering another hauler's certificated area "only if the existing solid waste collection company or companies serving the territory will not provide service to the satisfaction of the commission or if the existing solid waste collection company does not object.").

⁵ See *In re Waste Management of Washington, Inc. d/b/a/ WM Healthcare solutions of Washington* (Docket TG-120033, Order 07, Feb. 14, 2013) at ¶ 5.

⁶ WAC 480-70-091(3)(a).

⁷ WAC 480-70-091(3)(b) (emphasis added); see also WAC 480-70-056 (laying out detailed requirements for map content and format).

- “A statement of conditions that justify the proposed service”⁸; and
- A complete equipment list (DTG only seems to have provided a list of vehicles).⁹

8. Moreover, the Commission’s docket notice—not to mention DTG’s map itself—appears insufficient, as the vague and inadequate map included by DTG¹⁰ sweeps in significant territory outside the counties listed in the Commission’s docket notice, appearing to include areas in Skagit, Thurston, Chelan, Douglas, Kittitas, Grant, Franklin, Adams, and Walla Walla Counties. Waste Management also holds authority under Certificate No. G-237 for collection of solid waste within Skagit, Chelan, Douglas, Kittitas, and Grant Counties.

9. The Application does not even estimate, much less demonstrate, that there is demand for the proposed services sufficient such that the public convenience and necessity require it.¹¹ Many of the products DTG proposes to accept as “e-waste” are already the target of special collection programs at manufacturers’ expense under Chapter 70A.500 RCW.¹² This raises further doubt as to whether the public convenience and necessity require the services DTG proposes to offer at the expense of individual businesses and residents seeking to dispose of those products.

10. Finally, DTG’s Application appears to seek Commission authority in areas that may be exempt from Commission regulation, such as areas serviced by municipalities themselves or haulers under municipal contract.¹³ The Application should therefore be denied to the extent it purports to seek certification in areas outside Commission jurisdiction.

⁸ WAC 480-70-091(3)(f).

⁹ WAC 480-70-091(g).

¹⁰ See untitled map with filename “DTG SERVICE AREA.pdf” (filed Aug. 14, 2024).

¹¹ See DTG, E-Waste Curbside Request for Additional Information (filed Aug. 14, 2024); *Northwest Industrial Services, LLC, d/b/a American On Site Services* (TG-081725, Order 03, Apr. 23, 2009) (to show public convenience and necessity requirement, “the Commission must hear directly from prospective customers”).

¹² See RCW 70A.500.020 (defining “covered electronic product”).

¹³ See WAC 480-70-011(1)(a), (b).

IV. Procedural Matters

11. WM requests that DTG be required to produce evidence and competent witnesses at a hearing for cross-examination, on all material and relevant facts bearing on the protested Application. The Application does not demonstrate that DTG is fit, willing, or able to provide the applied-for services to the satisfaction of the Commission or that the public convenience and necessity require those services. DTG also has not and cannot demonstrate that WM has failed to provide service to the satisfaction of the Commission.

12. If an oral hearing is held, WM will appear and present evidence of its own operations and particular interests in the Application. WM estimates that it will call two to three witnesses at the hearing, and that the hearing time for the testimony of its witnesses will be approximately two hours.

13. Service on WM in this docket should be made to:

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WHEREFORE, WM respectfully requests the opportunity to participate in the hearing on this Application, and that the Commission thereafter deny the Application.

DATED this 26th day of September, 2024.

Respectfully Submitted,
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