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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 29<sup>TH</sup> DR SE  
BOTHSEL, WA 98021

APPLICATION NO. TG-240583

**PROTEST OF RUBATINO REFUSE  
REMOVAL LLC.**

COMES NOW, RUBATINO REFUSE REMOVAL LLC, holder of Certificate No. G-58 (hereinafter “Rubatino” 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:

Scheduled Residential and commercial collection of electronic waste (e-waste) in Pierce, King, Snohomish, Kitsap, Island, Yakima, and Benton Counties.

More specifically, DTG seeks authority for “curbside collection for electronic waste (E-Waste) in [its] existing service areas and ultimately expanding state-wide.” No definition of “E-Waste” has been submitted by DTG, nor any citation to any regulatory definition, and it is believed that the proposed service includes several common items that do not qualify as “E-Waste,” but are properly defined as solid waste.

This protest is submitted on the following grounds:

TG-240583 – PROTEST OF RUBATINO REFUSE  
REMOVAL LLC: 1

LAW OFFICES OF  
**LUKINS & ANNIS, PS**  
A PROFESSIONAL SERVICE CORPORATION  
717 W Sprague Ave., Suite 1600  
Spokane, WA 99201  
Telephone: (509) 455-9555  
Fax: (509) 747-2323

1           1.       Rubatino is the holder of UTC Certificate No. G-58, a copy of which is  
2 attached hereto as **Exhibit A**. Under Certificate No. G-58, Rubatino holds authority to operate  
3 solid waste collection services in Snohomish County. Pursuant to this authority, Rubatino  
4 provides full and complete solid waste collection service, including electronic waste, within its  
5 permitted territory, and has provided waste collection services within that territory to the  
6 satisfaction of the Commission at all times relevant to the application. The proposed service in  
7 DTG's Application would therefore overlap. As a holder of authority to collect and transport  
8 waste Snohomish County, Rubatino has a direct interest in this proceeding adverse to that of  
9 DTG.

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

16           3.       Rubatino is suitably and adequately equipped and otherwise qualified, ready,  
17 fit, willing, and able to provide all the relevant transportation services required by the shipping  
18 public in the applied-for territory, to the satisfaction of the Commission and consistent with  
19 the commission's regulations. It has invested significant funds to provide service to the public  
20 within its permitted areas. Moreover, there is no public need for an additional curbside  
21 collection of electronic waste service in this area. The granting of additional overlapping  
22 authority would be detrimental to Rubatino's investments, contrary to the public interest, and  
23 is not required by public convenience and necessity. Rubatino therefore alleges that the service  
24 proposed by DTG is not warranted by the public convenience and necessity and is not in the  
25 public interest.

TG-240583 – PROTEST OF RUBATINO REFUSE  
REMOVAL LLC: 2

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1 4. Rubatino requests that DTG be required to submit strict proof in support of its  
2 application and to produce competent witnesses at a hearing on all material and relevant facts  
3 bearing on the protested application. DTG has not demonstrated that it is fit, willing, or able to  
4 provide the applied-for services to the satisfaction of the Commission. DTG also has not—and  
5 cannot—demonstrate that Rubatino has failed to provide service to the satisfaction of the  
6 Commission.

7 5. If an oral hearing is held, Rubatino will appear and present evidence of its own  
8 operations and particular interests in the application. Rubatino estimates that it will call two  
9 (2) witnesses at the hearing, requiring an estimated hearing time of two hours.

10 WHEREFORE, Rubatino respectfully requests the opportunity to participate in the  
11 hearing on this application, and that the Commission thereafter deny the application.

12  
13 Dated this 26<sup>th</sup> of September, 2024.

14 Respectfully submitted,

15 LUKINS & ANNIS, P.S.  
16

17  
18 By /s/ Reid G. Johnson

19 Reid G. Johnson, WSBA #44338  
20 717 W. Sprague Ave., Suite 1600  
21 Spokane, WA 99201  
(509) 455-9555  
[rjohnson@lukins.com](mailto:rjohnson@lukins.com)

22 *Attorneys for Rubatino Refuse Removal LLC*  
23  
24  
25

# **EXHIBIT A**

**WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION**

**621 Woodland Square Loop S.E., Lacey, Washington 98503**

**PO Box 47250, Olympia, WA 98504-7250**

**(360) 664-1222**

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

Rubatino Refuse Removal LLC.  
d/b/a Rubatino Refuse Removal  
2812 Hoyt Ave  
Everett, WA 98201-3508

Certificate No.  
G000058

**GARBAGE AND REFUSE COLLECTION SERVICE** In the City of Everett and those portions of Snohomish County adjacent thereto, described as follows: (1) South of Everett: Beginning at the point where the Great Northern Railway right-of-way intersects with the south city limits of Everett; thence southerly along said right-of-way to its intersection with 61st Street extended; thence west along 61st Street extended to its intersection with the new Alternate PSH-1 (U.S. 99 by-pass); thence southerly along said U.S. 99 by- pass to its intersection with 84th Street; thence west along 84th Street to the Upper Ridge Road; thence northerly along the Upper Ridge Road, including 78th Place S.W. and 76th Place S.W., to the Beverly Park Maple Heights Road; thence northerly along the Beverly Park-Maple Heights Road to the 7th Standard Parallel North; thence west on said parallel to the east line of Section 3, T. 28 N., R. 4 E.W.M.; thence south on said line to the east-west centerline of said Section 3; thence west on said centerline to the east city limits of Mukilteo; thence northerly and westerly following the city limits of Mukilteo to the shore line of Possession Sound and/or Port Gardner Bay; thence easterly along said shoreline to the west city limits of Everett. Also in that portion of Snohomish County described as follows: Starting at the points where 40th Ave. W. extended intersects with the north boundary of Paine Field; thence east on said north boundary to the east boundary of Paine Field; thence south to a line 100 feet north of 90th Street S.W.; thence east on this line to U.S. Highway 99 (no service to be rendered on Kelly-Corbin Road); thence north on a line one block west of U.S. Highway 99 to its intersection with 84th Street S.W.; thence west on the south side of 84th Street S.W. to Upper Ridge Road; thence north on Upper Ridge Road (with no service to be rendered on Upper Ridge Road) to Beverly Park-Maple Heights Road; thence following the west side of the Beverly Park Maple Heights road to the 7th Standard Parallel North; thence west on said parallel to the east line of Section 3, T. 28 N., R. 4 E.W.M.; thence south on said line to the east-west centerline of said Section 3; thence west on said centerline to the east city limits of Mukilteo; thence southerly and easterly following said city limits to 40th Ave. W. extended; thence south on 40th Ave. W. extended to the north boundary of Paine Field, the place of beginning. (2) East of Everett: Beginning at the point where Hewitt Avenue (PSH-15) intersects with the city limits of Everett;

**WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION**



By

A handwritten signature in blue ink, appearing to read "Suzanne L. Stillwell".

Digitally signed by  
Suzanne L. Stillwell  
Date: 2022.02.08  
09:09:26 -08'00'

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

Continuation Page

thence east on Hewitt Avenue extended to the southeast corner of Section 21, T. 29 N., R. 6 E.W.M.; thence north on the east line of said Section 21 extended to the northeast corner of Section 4, T. 29 N., R. 6 E.W.M.; thence west on the north line of said Section 4 extended to the point where it intersects with the southerly shore of Steamboat Slough; thence westerly along said shoreline to Port Gardner Bay; thence southerly along the shoreline of said bay to the north city limits of Everett.

The following authority was obtained by transfer from Basin Disposal, Inc. holder of Certificate No. G-118.

**GARBAGE AND WASTE MATERIALS COLLECTION SERVICE** From within that portion of Snohomish County described as follows: Bounded on the north by the south city limits line of the City of Everett extended east to its intersection with the New Broadway Cut-off (alternate PSH-1); thence south on the New Broadway Cut-off to its intersection with Pacific Northwest Traction Company Road; thence south on both sides of said road to its intersection with Stockshow Road; thence west along the north side of Stockshow Road to its intersection with 8th Ave. W. extended; thence north on 8th Ave. W. extended to the intersection of 9th Ave. W. and U.S. 99; thence westerly and northerly on 9th Ave. W. to its intersection with 100th St. S.W. and Holly Drive; thence west on 100th St. S.W. (but not including 100th St. S.W.) to 12th Ave. W. extended (West boundary of Sec. 13, TWP 28 N., Range 4 E.); thence north on 12th Ave. W. extended to a point 100 Ft. north of 90th St. S.W.; thence east on a line 100 Ft. north of 90th St. S.W. to U.S. 99 (service is authorized on both sides of the Kelly-Corbin Road for its entire extent); thence northeast along U.S. Highway 99 (both sides) to its intersection with 84th St. S.W.; thence west on the north side of 84th St. S.W. to its intersection with Upper Ridge Road; thence north on both sides of Upper Ridge Road to its intersection with the Beverly Park-Maple Heights Road to its intersection with the south city limits of Everett.

**GARBAGE AND REFUSE COLLECTION SERVICE** In that portion of Snohomish County described as follows: From the Snohomish County Airport for the account of Tye Aircraft, Inc., only, to the City of Everett dump.

**REFUSE AND DEBRIS COLLECTION SERVICE** consisting of lumber brick, tile and other cast-off materials (excluding regular garbage collection service) from premises where construction or repair jobs are being or have been conducted or structures are being or have been razed in Snohomish County (except for starting from Puget Sound at 148th St. S.W. to Highway 99, thence South on 99 to 35th Avenue S.W., thence South on 35 to 164th St. S.W., thence East on 164th St. S.W. including the City of Mill Creek present City Limits to Seattle Hill Road, thence North to Seattle Hill Road to Lowell-Larimer Road, thence Southeast on Lowell-Larimer Road and Connelly Road which runs into Elliott Road which connects with high Bridge Road

to the King County Line, thence West to Puget Sound following the King County Line, thence North along the shoreline of Puget Sound to the point of beginning.)

TG-220069

February 8, 2022