

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

<p>In the Matter of the Applications of</p> <p>DTG ENTERPRISES, INC., D/B/A DTG RECYCLE,</p> <p>For Authority to Operate as a Solid Waste Collection Company in Washington.</p>	<p>DOCKET TG-240583</p> <p>and</p> <p>DOCKET TG-240584</p> <p>NOTICE OF VIRTUAL PREHEARING CONFERENCE (Set for October 30, 2024, at 1:30 p.m.)</p>
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- 1 **APPLICATIONS:** On August 5, 2024, DTG Enterprises, Inc. d/b/a DTG Recycle (DTG Recycle or Applicant) filed with the Washington Utilities and Transportation Commission (Commission) two separate applications for authority to operate as a solid waste collection company in Washington, which precipitated the opening of Dockets TG-240583 and TG-240584 respectively. On August 8, 2024, DTG Recycle filed an updated application in Docket TG-240584. On August 27, 2024, DTG Recycle filed an updated application in Docket TG-240583. On August 27, 2024, the Commission issued a notice of pending application in each docket allowing affected parties 30 days to protest the respective applications.

- 2 **PROTESTS.** On September 24, 2024, Waste Connections of Washington, Inc. (Waste Connections) and Sanitary Service Company, Inc. (Sanitary Service Company) filed protests to the application in Docket TG-240583. On September 25, 2024, Basin Disposal, Inc. (Basin Disposal) and Rabanco LTD (Rabanco) and Kent-Meridian Disposal Co. (Kent-Meridian Disposal) filed protests to the application in Docket TG-240583. Also, on September 25, 2024, the Washington Refuse and Recycling Association (Washington Refuse) filed a petition to intervene in Docket TG-240583 suggesting that it expects to support the protestants. On September 26, 2024, Bainbridge Disposal, Inc. (Bainbridge Disposal), Waste Management of Washington, Inc. (Waste Management), and Rubatino Refuse Removal LLC (Rubatino) filed protests to the application in Docket TG-240583.

- 3 On September 24, 2024, Sanitary Service Company and Waste Connections filed protests to the application in Docket TG-240584. On September 25, 2024, Basin Disposal and Bainbridge Disposal filed protests to the application in Docket TG-240584. On September 26, 2024, Rabanco, Kent-Meridian Disposal, Torre Refuse Recycling LLC d/b/a Sunshine Disposal & Recycling (Sunshine Disposal), Waste Management, and Rubatino filed protests to the application in Docket TG-240584.

4 **STATUTORY AUTHORITY:** The Commission has jurisdiction over this matter under RCW Title 80 and RCW Title 81 and has legal authority to regulate solid waste collection companies in the state of Washington. The statutes that apply to this matter include RCW 80.01, RCW 80.04, and RCW 81.77, including but not limited to RCW 80.01.040, RCW 80.04.020, RCW 81.77.020 and RCW 81.77.040. The rules that apply to this matter include those within Washington Administrative Code (WAC) 480-07 and 480-70, relating to solid waste collection companies.

5 **PROCEDURES:** The Commission will hear these matters under the Administrative Procedure Act (APA), particularly Part IV of RCW 34.05 relating to adjudications. The provisions of the APA that relate to this proceeding include, but are not limited to RCW 34.05.413, RCW 34.05.422, RCW 34.05.431, RCW 34.05.440, RCW 34.05.449, and RCW 34.05.452. The Commission will also follow its procedural rules in WAC 480-07 in these proceedings.

6 **THE COMMISSION GIVES NOTICE That it will hold a virtual prehearing conference in these matters at 1:30 p.m. on October 30, 2024. To participate by phone, call (253) 215-8782 and enter the Meeting ID: 858 1104 4459# and Passcode: 410784#. To participate via Zoom, [click here to join meeting](#).**¹

7 **PURPOSE:** The purpose of the prehearing conference is to consider requests for intervention, to resolve scheduling matters including establishing dates for distributing evidence, to identify the issues in the proceedings, and to determine other matters to assist the Commission in resolving the matters, as listed in WAC 480-07-430. The Commission will set the time and place for the evidentiary hearings at the prehearing conference or by later written notice.

8 **INTERVENTION:** Persons seeking to intervene in the proceedings must file written petitions to intervene at least three business days before the date of the prehearing conference. See WAC 480-07-355(a).

9 **NOTICE OF APPEARANCE; INTERPRETER:** Party representatives must file notices of appearance with the Commission, as required by WAC 480-07-345(2), no later than the day before the conference. If any party needs an interpreter or other assistance, they should fill out the form attached to this notice and return it to the Commission.

10 **THE COMMISSION GIVES NOTICE that any party who fails to attend or participate in the prehearing conference set by this Notice, or any other stage of these proceedings, may be held in default under RCW 34.05.440 and WAC 480-07-450.**

11 The names and mailing addresses of all known parties and their known representatives and parties seeking intervention for which intervention may or may not be granted are as follows:

¹ <https://utc-wa-gov.zoom.us/j/85811044459?pwd=0ePtEym15XJCZxnKdnWGEq4jHtJHCb.1>

Applicant: DTG Enterprises, Inc. d/b/a DTG Recycle
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Bothell, WA 98021-4402
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Representative: Donna Barnett
Perkins Coie LLP
10885 NE Fourth Street, Suite 700
Bellevue, WA 98004-5579
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Protestant: Sanitary Service Company, Inc.

Representatives: David W. Wiley
Michael S. Howard
Williams, Kastner & Gibbs PLLC
601 Union St., Ste. 4100
Seattle, WA 98101-2380
(206) 628-6652
dwiley@williamskastner.com
mhoward@williamskastner.com

Protestant: Waste Connections of Washington, Inc.

Representatives: David W. Wiley
Michael S. Howard
Williams, Kastner & Gibbs PLLC
601 Union St., Ste. 4100
Seattle, WA 98101-2380
(206) 628-6652
dwiley@williamskastner.com
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Protestant: Basin Disposal, Inc.

Representatives: David W. Wiley
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Intervener: Washington Refuse and Recycling Association

Representative: Rod Whitaker
4160 6th Avenue SE, Ste. 205
Lacey, WA 98503
Phone: 360-943-8859
rod@wrra.org

Protestant: Rabanco LTD. and Kent-Meridian Disposal Co.

Representatives: David W. Wiley
Michael S. Howard
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601 Union St., Ste. 4100
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Protestant: Bainbridge Disposal, Inc.

Representatives: David W. Wiley
Michael S. Howard
Williams, Kastner & Gibbs PLLC
601 Union St., Ste. 4100
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(206) 628-6652
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mhoward@williamskastner.com

Protestant: Waste Management of Washington, Inc.

Representatives: Walker Stanovsky
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Ame Lewis
Senior Legal Counsel, Pacific Northwest
Waste Management
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Protestant: Rubatino Refuse Removal LLC

Representative: Reid G. Johnson
Lukins & Annis, P.S.
717 W. Sprague Ave., Suite 1600
Spokane, WA 99201
(509) 455-9555
rjohnsonAlukins.com

Protestant: Torre Refuse Recycling LLC

Representative: Reid G. Johnson
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Commission
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Commission Staff Representative: Lisa W. Gafken
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12 Administrative Law Judge Bijan Hughes from the Commission's Administrative Law Division will preside during these proceedings.²

13 The Commission will give parties notice of any other procedural phase of these proceedings in writing or on the record, as appropriate during these proceedings.

DATED at Lacey, Washington, and effective October 21, 2024.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



JEFF KILLIP
Executive Director and Secretary

² Judge Hughes can be reached by email at bijan.hughes@utc.wa.gov or by phone at (360) 664-1254.

NOTICE

Hearings are accessible to persons with disabilities and persons who do not speak English as a first language. If limited English-speaking or hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

If you need an interpreter, or have other special needs, please provide the information requested below via email to Stacey Brewster, paralegal, at stacey.brewster@utc.wa.gov:

(PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket: _____

Case Name: _____

Hearing Date: _____ Hearing Location: _____

Primary Language: _____

Hearing Impaired: (Yes) _____ (No) _____

Do you need a certified sign language interpreter:

Visual _____ Tactile _____

Other type of assistance needed: _____