

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

DTG ENTERPRISES, INC.,

Respondent.

DOCKET TG-240761

PETITION TO INTERVENE OF
BASIN DISPOSAL, INC.

1 COMES NOW, BASIN DISPOSAL, INC., (“BDI”), holder of Certificate No. G-118, and through its counsel, David W. Wiley and Michael S. Howard of Williams, Kastner & Gibbs PLLC, 601 Union Street, Suite 4100, Seattle, Washington, 98101, (206) 628-6652, and pursuant to WAC 480-70-355 petitions to intervene in the above proceeding (“Petition”). BDI submits this Petition on behalf of its corporate affiliates Basin Disposal of Yakima, LLC; Basin Disposal of Washington, LLC d/b/a Basin Disposal of Walla Walla; and Ed’s Disposal, Inc.

2 BDI’s contact information is:

Basin Disposal, Inc.
2021 N Commercial
Pasco, WA 99301
(509) 547-2476
customerservice@basindisposal.com

3 BDI and its affiliates are the holders and operators of Solid Waste Certificate No. G-45, G-110, G-118, and G-165, attached as Exhibit A. As said exhibits indicate, BDI currently holds authority in Yakima and Walla Walla, which overlap with DTG’s operations. BDI is a current Protestant in the related Application Dockets by DTG in TG-240583 & TG-240584. This docket implicates many factual and legal issues in the application proceedings, particularly on the issue

of fitness to operate to be issued a solid waste certificate and assessment of past operations in compliance with RCW 81.77.040. As a solid waste collection company regulated by the Commission, BDI has an interest in defending its certificate territory, deflecting unauthorized overlapping services, and supporting the enforcement of any RCW Title 81 violations by unregulated solid waste collection companies.

4 The Commission should grant BDI's Petition to Intervene pursuant to WAC 480-07-355(3) because BDI has a substantial interest in the subject matter of the hearing and/or its participation, as an incumbent carrier, is in the public interest. The Commission applies a "zone of interest" test to determine whether an intervenor's participation is in the public interest. *WUTC v. Avista Corporation d/b/a Avista Utilities*, Dockets UE-170970 et al. Order 04 (January 25, 2018). "Such an interest can be found to exist only when there is a nexus between the petitioner's stated purpose in seeking to intervene and an interest protected by a Washington statute within the Commission's jurisdiction." *Id.* That is certainly the case here. This case raises broad questions about what types of collection and transportation to and from transfer stations and recycling material recovery facilities (MRFs) are subject to regulation by the Commission as solid waste collection. In intervening in this proceeding, BDI is speaking to its perspective as a regulated company and participant in this regulated industry. It is not merely advancing a private, financial interest that falls outside of the Commission's jurisdiction. *Cf. id.* (denying a petition to intervene brought by Avista's stockholders that raised issues falling outside of RCW Chapter 80.12 and the Commission's jurisdiction).

5 Furthermore, BDI's role as an incumbent carrier will serve to develop the record for the Commission's consideration. As the Commission recently observed in *WUTC v. PacifiCorp d/b/a Pacific Power & Light Company*, "Staff, Public Counsel, **and intervening parties** all play a crucial

role in developing the record and representing various facets of the public interest in Commission proceedings. The conflict and competition between the parties sharpens the debate and develops the record on all issues, including the issue of the public interest.” Dockets UE-230172 and UE-210852 (consolidated) Order 08/06 ¶ 202 (March 19, 2024) (emphasis added).

6 BDI’s participation as an intervenor in this action will not broaden the issues in the matter. DTG has applied for statewide authority in Docket TG-240584, necessarily raising questions about its overall fitness to operate and its potential violations of RCW Title 81 throughout the state. The Commission is currently considering Staff’s Motion to Consolidate Docket TG-240584 with the pending complaint docket. While Staff’s Complaint, as filed, may be primarily focused on operations in Snohomish and Whatcom County, the Commission has also referenced several informal data requests issued by Staff prior to issuing the Complaint, which inquired as to DTG’s operations throughout the State. *See WUTC v. DTG Enterprises, Inc.*, Docket TG-240761, Order 01 (Denying Motion to Dismiss) ¶ 9 (January 27, 2025). BDI submits that the Commission should broadly consider DTG’s potential violations of RCW Title 81 throughout the state in the context of its overall operations and evidence of how it holds out to perform its services given its historic operations and broad request for either statewide G-certificate authority or an exemption from regulation.

7 At this time, BDI anticipates presenting two witnesses requiring 1.5 hours of hearing time.

8 BDI’s position in this action is expected to be in support of the Complaint brought by Commission Staff.

9 BDI's attorneys in this matter are:

David W. Wiley, WSBA #8614
Michael S. Howard, WSBA #41034
WILLIAMS, KASTNER & GIBBS PLLC
601 Union Street, Suite 4100
Seattle, WA 98101-2380
Telephone: (206) 628-6652
Fax: (206) 628-6611
Email: dwiley@williamskastner.com
mhoward@williamskastner.com

10 WHEREFORE, having fully set forth its interest in this proceeding, BDI prays that it be allowed to participate as a general intervenor in this matter.

DATED this 3rd day of February, 2025.

Respectfully submitted,

/s/ Michael S. Howard

Michael S. Howard, WSBA #41034
David W. Wiley, WSBA #8614
Attorneys for Protestant
WILLIAMS, KASTNER & GIBBS PLLC
601 Union Street, Suite 4100
Seattle, WA 98101-2380
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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:

BASIN DISPOSAL OF YAKIMA, LLC

Cert No.

PO BOX 3850

G-45

PASCO, WA 99302-3850

SOLID WASTE COLLECTION SERVICE in that portion of Yakima County described and bounded as follows: Commencing at the northeast corner of Section 25, T. 11 N., R. 23 E.; thence south along the east line of said Section 25 extended to the Yakima River centerline; thence northwesterly along the Yakima River centerline to the west line of Section 36, T. 10 N., R. 21 E.; thence north along the west line of said Section 36 extended to the northwest corner of Section 24, T. 10 N., R. 21 E.; thence east along the north line of said Section 24 to the northwest corner of Section 19, T. 10 N., R. 22 E.; thence north along the west line of said Section 19 extended to the northwest corner of Section 30, T. 11 N., R. 22 E.; thence east along the north line of said Section 30 extended to the east line of Section 25, T. 11 N., R. 23 E., the point of beginning; (EXCLUDING those portions lying within the limits of the city of Sunnyside and the city of Grandview, Washington).

TG-061259

10-20-06

**WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION**



By _____

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:

ED'S DISPOSAL, INC.
PO BOX 3850
PASCO, WA 99302-3850

Cert No.
G-110

SOLID WASTE COLLECTION SERVICE in that portion of Benton County described as follows:
Starting at the southeast corner of Section 13, T8N, R28E; thence west along the south line of said Section 13 extended to the northeast corner of Section 19, T8N, R27E; thence south along the east line of said Section 19 extended to the southeast corner of Section 30, T7N, R27E; thence west along the south line of said Section 30 extended to the southwest corner of Section 30, T7N, R24E; thence north along the west line of said Section 30 extended to the northwest corner of Section 18, T8N, R24E; thence east along the north line of said Section 18 extended to the southeast corner of Section 9, T8N, R26E; thence north along the east line of said Section 9 to the southeast corner of Section 21, T9N, R26E; thence west along the south line of said section 21 extended to the southwest corner of Section 19, T9N, R26E; thence north along the west line of said section 19 extended to the southeast corner of Section 36, T10N, R25E; thence west along the south line of said section 36 extended to the southwest corner of Section 31, T10N, R24E; thence north along the west line of said section 31 extended to the northwest corner of Section 30, T11N, R24E; thence east along the north line of said section 30 extended to the south boundary of U.S. DOE Hanford Site (in Section 19, T11N, R25E); thence easterly and southerly along the southern boundary of said Hanford Site to its intersection with the city limits of Richland (in Section 11, T10N, R27E); thence southeasterly along the west city limits of Richland to its intersection with the centerline of the Yakima River (in Section 32, T10N, R28E); thence southeasterly along the centerline of the Yakima River to the east line of Section 24, T9N, 28E; thence south along the east line of said section 24 extended to the southeast corner of Section 13, T8N, R28E, the place 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.

TG-030812

12-30-03

WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION



By _____

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:

BASIN DISPOSAL INC
PO BOX 3850
PASCO, WA 99302-3850

Cert No.
G-118

(PID179) GARBAGE AND REFUSE COLLECTION SERVICE in that portion of Franklin County described as follows: Starting at the point where Adams County meets with Whitman County (centerline of the Palouse River); thence south along the Palouse River to the junction of the centerline of the Snake River; thence westerly and southerly along the Snake River to the point where it intersects the centerline of the Columbia River (Wallula Lake); thence following said centerline in a westerly and northerly direction to the point of intersection with the north line of Section 29, T. 14 N., R. 27 E.; thence east along the north line of said Section 29 extended to the S.W. corner of Section 19, T. 14 N., R. 28 E.; thence north along the west line of said Section 19 extended to the N.W. corner of Section 6, T. 14 N., R. 28 E., (the Adams-Franklin County line); thence east along the north line of said Section 6 extended to the Whitman County line, the place of beginning.

(PID180) GARBAGE AND REFUSE COLLECTION SERVICE in Clark County along secondary State Highway 8-B, from the City limits of Washougal to its intersection with the Skye Road and along Skye Road from Secondary State Highway 8-B to the center of Section 24, T. 2 N., R. 4 E.; also, along County Road #30 from its intersection with Secondary State Highway 8-B, west to the point where it intersects with Secondary State Highway 8-A, Section 23, T. 2. N., R. 3 E.

(PID182) GARBAGE AND REFUSE COLLECTION SERVICE in that portion of Benton County described as follows: Starting at the point where the south line of Section 7, T. 6 N., R. 31 E. intersects with the bank of the Columbia River (Wallula Lake); thence west on the south line of said section projected to the southwest corner of Section 12, T. 6 N., R. 28 E.; thence north on the west line of said section projected to the northwest corner of Section 25, T. 9 N., R. 28 E.; thence east on the north line of said section projected to the bank of the Columbia River (Wallula Lake); thence easterly and southerly following the bank of said river to the south line of Section 7, T. 6 N., R. 31 E.; the place of beginning; ALSO, service is authorized in the City of Richland.

EXCLUSION: Service is not authorized in the City of Kennewick.

WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION



By _____

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Continuation Page

(PID184) GARBAGE AND REFUSE COLLECTION SERVICE in that portion of Walla Walla County described as follows: Starting at the point where the east line of Section 15, T. 6 N., R. 34 E. meets the Oregon-Washington State Line; thence west along the State Line to the bank of the Columbia River (Wallula Lake); thence northerly along the bank of the Columbia River and Wallula Lake to the Snake River; thence northeasterly along the bank of the Snake River to the point where it intersects with the north line of Section 25, T. 11 N., R. 33 E.; thence easterly on the north line of said section projected to the northeast corner of Section 27, T. 11 N., R. 34 E.; thence south on the east line of said section projected (the east line of Section 15, T. 6 N., R. 34 E.) to the Oregon-Washington State Line, the place of beginning.

(PID186) GARBAGE AND REFUSE COLLECTION SERVICE from the U.S. Department of Energy Hanford site located in Benton County.

NOTE: PID reference numbers are for Washington Utilities and Transportation Commission internal GIS mapping purposes only.

TG-060821

05-03-06

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:

Basin Disposal of Washington, LLC
d/b/a Basin Disposal of Walla Walla
P.O. Box 3850
Pasco,, WA 99302-3850

Cert No.
G-165

GARBAGE AND REFUSE COLLECTION SERVICE in that portion of Walla Walla County described as follows: Beginning at a point of intersection of the Washington-Oregon State boundary and the west line of R. 33 E.; thence north along said boundary corner to the northwest corner of Section 31 T. 10 N., R. 33 E.; thence east along the north line of Section 31 projected to the northeast corner of Section 36 T. 10 N., R. 36 E.; thence south to the southeast corner of Section 36 T. 10 N., R. 36 E.; thence east to the northeast corner of Section 1 T. 9 N., R. 37 E.; thence south to the southeast corner of Section 36 T. 9 N., R. 37 E.; thence east to the northeast corner of Section 1 T. 8 N., R. 38 E.; thence south along the east line of said section extended to its intersection with the Washington-Oregon State line; thence west along said state line to the west line of R. 33 E., the point of beginning.

GARBAGE AND REFUSE COLLECTION SERVICE in Columbia County beginning at the northwest corner of Section 6, Range 37 E., Township 11 N. easterly along the north line to the Garfield County Line, south along the Columbia-Garfield County border to the Oregon State Line, westerly along the Oregon State Line to the Walla Walla County Line, north along the Walla Walla County Line to the point of beginning.

SOLID WASTE COLLECTION SERVICE in that portion of Walla Walla County described as follows: Beginning at the southwest corner of Section 26 T. 10 N., R. 34 E.; then north to the southwest corner of Section 23 T. 11 N., R. 34 E.; then west to the Walla Walla Franklin County line (center of the Snake River); then north and east along the Walla Walla Franklin County Line to its intersection with the east line of R. 36 E. (also Columbia Walla Walla County line); then south along the Columbia Walla Walla County line to the southeast corner of Section 25 T. 10 N., R. 36 E.; then west to the southwest corner of Section 26 T. 10 N., R. 34 E., the point of beginning.

TG-081074

06-19-08

**WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION**



By _____