

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
SANITARY SERVICE
COMPANY, INC.

1 COMES NOW, SANITARY SERVICE COMPANY, INC. (“Sanitary Service”), holder of Certificate No. G-14, 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”).

2 Sanitary Service’s contact information is:

Sanitary Service Company, Inc.
21 Bellwether Way Ste 404
Bellingham, WA 98225
206-842-4882
sarac@ssc-inc.com

3 Sanitary Service is the holder and operator of Solid Waste Certificate No. G-14, attached as Exhibit A. As said exhibit indicates, Sanitary Service currently holds authority in and around Bellingham, Washington, which overlap with DTG’s operations. Sanitary Service 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, Sanitary Service 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 Sanitary Service’s Petition to Intervene pursuant to WAC 480-07-355(3) because Sanitary Service 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, Sanitary Service is voicing 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, Sanitary Service’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 Sanitary Service’s participation as an intervenor in this action will not broaden the issues in the matter. DTG has already 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. Staff’s Complaint, as filed, appears to be primarily focused on operations in Snohomish and Whatcom County, areas falling either within or in proximity to Sanitary Service’s service territory. 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). Sanitary Service 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, Sanitary Service anticipates presenting one witness requiring 1 hour of hearing time.

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

9 Sanitary Service's attorneys in this matter are:

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Michael S. Howard, WSBA #41034
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10 WHEREFORE, having fully set forth its interest in this proceeding, Sanitary Service 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

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David W. Wiley, WSBA #8614
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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:

Sanitary Service Company, Inc.
P O Box 1702
Bellingham, WA 98227

Certificate No.
G000014

(PID 482) SOLID WASTE COLLECTION SERVICE In that portion of Whatcom County described as follows: beginning at the northeast corner of Section 32, T. 41 N., R. 1 E.; thence south on Harvey Road projected to Interstate 5; thence southeasterly on Interstate 5 to Birch-Bay-Lynden Road; thence east on Birch-Bay-Lynden Road to Bay-Lyn Drive; thence south and east on Bay-Lyn Drive to Guide Meridian; thence north on Guide Meridian to the Birch-Bay-Lynden Road/Kok Road intersection; thence east on Kok Road projected to the Hannegan Road/Polinder Road intersection; thence south on Hannegan Road to Hemmi Road; thence east on Hemmi Road, Fazon Road, Goshen Road and Cedarville Road to SR-542; thence easterly and northerly on SR-542 to Kendall Road; thence northerly and westerly on Kendall Road to Reese Hill Road, thence westerly and northerly on Reese Hill Road to Hillview Road; thence easterly and northerly on Hillview Road to Nims Road; thence north on Nims Road projected to the Canadian boundary; thence east on the Canadian boundary to the Whatcom/Okanogan county line; thence south on said county line to the south line of Section 3, T. 40 N., R. 16 E.; thence west along said south line extended to the northeast corner of Section 5, T. 40 N., R. 10 E.; thence south along the east line of said section extended to the southeast corner of Section 17, T. 39 N., R. 10 E.; thence west along the south line of said section extended to the northeast corner of Section 21, T. 39 N., R. 9 E.; thence south along the east line of said section extended to the southeast corner of Sec. 28, T. 39 N., R. 9 E.; thence west along the south line of said section extended to the northeast corner of Section 35, T. 39 N., R. 8 E.; thence south along the east line of said section extended to the Whatcom-Skagit County line (also the southeast corner of Section 35, T. 37 N., R. 8 E.); thence west along said county line to its intersection with the Whatcom-San Juan County line; thence northerly along said county line to its intersection with the US/Canada boundary (also with the west line of T. 39 N., R. 2 W.); thence northerly along said boundary line to the north line of T. 41 N.; thence east on said township line to the northwest corner of T. 41 N., R. 3 W.; thence south on the west line of said township to the southwest corner of the north half of T. 40 N., R. 3 W.; thence east on the south line of the north half of said township to the east line of said township; thence north on the east line of said township extended to the US/Canada boundary (also the north line of T. 41 N., R. 3 W.); thence east along said boundary to N. E. corner of Section 32, T. 41 N., R. 1 E., the

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By

Amanda Maxwell

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point of beginning.

(PID 483) SOLID WASTE COLLECTION SERVICE in the city of Blaine, Washington, and within a radius of one mile of said city limits in Whatcom County.

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

TG-101354

August 14, 2023