

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In re the Application of,

DOCKET TG-240584

ORDER 01

DTG Enterprises Inc. d/b/a DTG
Recycle
22745 29th Dr SE
Bothell, WA 98021

PREHEARING CONFERENCE
ORDER

- 1 NATURE OF PROCEEDING. On August 5, 2024, DTG Enterprises Inc., d/b/a DT Recycle (DTG or Applicant) filed with the Washington Utilities and Transportation Commission (Commission) an application for authority to operate as a solid waste collection company in Washington (Application). On August 8, 2024, DTG updated its Application. On September 24, 2024, Sanitary Service Company, Inc. and Waste Connections of Washington, Inc. (and its subsidiaries), filed protests to the Application. On September 25, 2024, Basin Disposal, Inc., Rabanco LTD and Kent Meridian Disposal Co. also filed protests to the Application. On September 26, 2024, Bainbridge Disposal, Inc., Waste Management of Washington Inc., Rubatino Refuse Removal LLC, and Torre Refuse Recycling LLC, also filed protests to the Application. On September 27, 2024, DTG filed an addendum to its application.
- 2 CONFERENCE. The Commission convened a telephonic prehearing conference on October 30, 2024, before Administrative Law Judge Bijan Hughes.
- 3 APPEARANCES. Staff is represented by Lisa Gafken of the Attorney General's Office. Public Counsel is represented by Tad Robinson O'Neill, Jessica Johanson-Kubin, and Robert D. Sykes. Donna Barnett and Becca Human of Perkins Coie represent DTG. David W. Wiley and Michael Howard of Williams, Kastner & Gibbs PLLC, represent: Basin Disposal, Inc.; Rabanco LTD; Kent Meridian Disposal Co.; Sanitary Service Company, Inc; Waste Connections of Washington, Inc (and its subsidiaries). Reid G. Johnson of Lukins & Annis, P.S., represent Rubatino Refuse Removal LLC and Torre Refuse Recycling LLC, d/b/a Sunshine Disposal & Recycling. Caroline Cilek and Walker Stanovsky of Davis Wright Tremaine LLP, represent Waste Management of Washington, Inc. Rod Whitaker represents Washington Refuse and Recycling Association (WRRRA). Contact information for the parties' representatives is attached as Appendix A to this Order.

- 4 PETITIONS FOR INTERVENTION. On September 24, 2024, WRRRA filed with the Commission a Petition to Intervene (Petition). Prior to the prehearing conference, no party objected to the Petition. At the October 30, 2024, prehearing conference DTG objected to the inclusion of the WRRRA, and the presiding administrative law judge heard arguments for and against granting the petition. DGT's objection is overruled; the Commission hereby grants the petition to intervene; the WRRRA has established a substantial interest in this proceeding and that its participation is in the public interest.¹
- 5 On September 25, 2024, an organization named Friends of Rocky Top filed a comment in this docket. Friends of Rocky Top's requested a number of conditions be placed on DTG if its certification were to be granted. Friends of Rocky Top did not file a motion for intervention. The presiding officer intends to treat the filing as a comment under WAC 480-07-498; if any party wishes to contest this treatment, they may do so by motion prior to the close of discovery.
- 6 DISCOVERY. Overruling Waste Management's objection, in order to facilitate an efficient resolution to this matter, discovery will be immediately available to the parties, and shall be conducted under the Commission's discovery rules, WAC 480-07-400 – 425. The Commission urges the parties to work cooperatively together to avoid having to bring discovery matters forward for formal resolution. Prior to bringing a discovery matter to the Presiding Officer's attention, the parties shall first consult with one another. The Commission will issue a separate protective order at the request of the parties.
- 7 PROCEDURAL SCHEDULE. The parties presented an agreed procedural schedule at the prehearing conference. Specifically, the Parties agreed to hold a settlement conference on December 10, 2024, with the understanding that if it was unsuccessful that the parties would confer further and submit an updated proposed schedule. The Commission adopts the proposed procedural schedule, which is attached to this Order as Appendix B. In the absence of a settlement, the Parties shall confer and send an updated proposed procedural schedule to the presiding officer by December 17, 2024; in the event that consensus cannot be reached, each party will submit proposed procedural schedules, and the presiding officer shall set a schedule by subsequent order. The parties may modify the date of the settlement conference by providing written notice to the Commission.

¹ WAC 480-07-355.

8 **DOCUMENT FILING AND SERVICE REQUIREMENTS.** Parties must file and serve all pleadings, motions, briefs, and other pre-filed materials in compliance with all of the following requirements:

- (a) Parties must submit electronic copies of all documents by 5 p.m. on the filing deadline established in the procedural schedule (or other deadline as applicable) unless the Commission orders otherwise. Parties must comply with WAC 480-07-140(6) in formatting, organizing, and identifying electronic files.
- (b) The Commission accepts only electronic versions of documents for formal filing. Parties must submit documents electronically through the Commission's web portal (www.utc.wa.gov/e-filing). If a party is unable to use the web portal to submit documents for filing, the Commission will accept a submission via email to records@utc.wa.gov, provided that the email: (1) explains the reason the documents are not being submitted via the web portal, and (2) complies with the requirements in WAC 480-07-140(5)(b).
- (c) Parties must electronically serve the other parties and provide courtesy electronic copies of filings to the presiding administrative law judge (bijan.hughes@utc.wa.gov) by 5 p.m. on the filing deadline unless the Commission orders otherwise. If parties are unable to email copies, they may furnish electronic copies by delivering them on a flash drive only.

9 **ALTERNATE DISPUTE RESOLUTION.** The Commission supports the informal settlement of matters before it. Parties are encouraged to consider means of resolving disputes informally. The Commission has limited ability to provide dispute resolution services. If you wish to explore those services, please contact James Brown II, Director, Administrative Law Division (360-664-1163).

10 **NOTICE TO PARTIES: A party who objects to any portion of this Order must file a written objection within ten (10) calendar days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. The service date appears on the first page of this Order, in the upper right-hand corner. Absent such objection,**

this Order will control further proceedings in this docket, subject to Commission review.

DATED at Lacey, Washington, and effective December 5, 2024.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Bijan T. Hughes

BIJAN HUGHES

Administrative Law Judge

**APPENDIX A
PARTIES' REPRESENTATIVES
DOCKET TG-240584**

PARTY	REPRESENTATIVE	PHONE	E-MAIL
UTC Staff	Lisa Gafken Utilities and Transportation Division P.O. Box 40128 Olympia, WA 98504-0128	206-714-3551	lisa.gafken@atg.wa.gov
Public Counsel	Tad Robinson O'Neill, Jessica Johanson-Kubin Robert D. Sykes Washington Attorney General's Office Public Counsel Unit 800 Fifth Avenue, Suite 2000 Seattle, WA 98104-3188	206-254-0570 206-521-3211 206-389-2055	Tad.ONeill@ATG.WA.GOV Jessica.Johanson-Kubin@ATG.WA.GOV Robert.Sykes@ATG.WA.GOV
DTG Enterprises Inc.	Donna Barnett Becca Human Perkins Coie LLP 10885 NE 4th Street, Suite 700 Bellevue, WA 98004	425-635-1400	dbarnett@perkinscoie.com rhuman@perkinscoie.com
Waste Connections of Washington, Inc.	David W. Wiley Michael Howard Williams, Kastner & Gibbs PLLC 601 Union St., Ste. 4100 Seattle, WA 98101-2380	206-628-6600	dwiley@williamskastner.com mhoward@williamskastner.com
Bainbridge Disposal, Inc.	David W. Wiley Michael Howard Williams, Kastner & Gibbs PLLC 601 Union St., Ste. 4100 Seattle, WA 98101-2380	206-628-6600	dwiley@williamskastner.com mhoward@williamskastner.com
Basin Disposal, Inc	David W. Wiley Michael Howard Williams, Kastner & Gibbs PLLC 601 Union St., Ste. 4100 Seattle, WA 98101-2380	206-628-6600	dwiley@williamskastner.com mhoward@williamskastner.com
Rabanco LTD	David W. Wiley Michael Howard Williams, Kastner & Gibbs PLLC 601 Union St., Ste. 4100 Seattle, WA 98101-2380	206-628-6600	dwiley@williamskastner.com mhoward@williamskastner.com

Kent Meridian Disposal Co.	David W. Wiley Michael Howard Williams, Kastner & Gibbs PLLC 601 Union St., Ste. 4100 Seattle, WA 98101-2380	206-628-6600	dwiley@williamskastner.com mhoward@williamskastner.com
Sanitary Service Company, Inc	David W. Wiley Michael Howard Williams, Kastner & Gibbs PLLC 601 Union St., Ste. 4100 Seattle, WA 98101-2380	206-628-6600	dwiley@williamskastner.com mhoward@williamskastner.com
Waste Management of Washington	Walker Stanovsky Caroline Cilek, Davis Wright Tremaine LLP 560 SW 10th Ave., Ste. 700 Portland, OR 07205 Ame Lewis, Waste Management 7227 NE 55th Ave. Portland, OR 97218	206-757-8259 503-778-5271 425-823-6164	WalkerStanovsky@dwt.com CarolineCilek@dwt.com alewis6@wm.com alewis6@wm.com
Rubatino Refuse Removal LLC	Reid G. Johnson Lukins & Annis, P.S. 717 W. Sprague Ave., Suite 1600 Spokane, WA 99201	509-455-9555	rjohnson@lukins.com
Torre Refuse Recycling LLC, d/b/a Sunshine Disposal & Recycling	Reid G. Johnson Lukins & Annis, P.S. 717 W. Sprague Ave., Suite 1600 Spokane, WA 99201	509-455-9555	rjohnson@lukins.com
WRRRA	Rod Whitaker, Attorney at Law WRRRA 4160 6th Avenue SE, Ste.205 Lacey, WA 98503	360-943-8859	rod@wrra.org

**APPENDIX B
PROCEDURAL SCHEDULE
DOCKET TG-240584**

EVENT	DATE
Application Filing	August 5, 2024
Prehearing Conference	October 30, 2024 (Wednesday)
Applicant Direct Testimony and Exhibits	TBD
Response testimony from Protestants and Intervenor	TBD
Rebuttal and Cross-answering Testimony	TBD
Discovery deadline	TBD
Settlement Conference	December 10, 2024 (Tuesday)
Exhibit List, Cross-Examination Exhibits, Witness Lists, Time Estimates, and Exhibit Errata	TBD
Evidentiary Hearing	TBD
Post-Hearing Briefs	TBD