

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

DTG ENTERPRISES, INC.,

Respondent.

DOCKET TG-240761

COMPLAINT

and

NOTICE OF VIRTUAL
PREHEARING CONFERENCE

(Set for February 6, 2025,
at 9:30 a.m.)

1 The Washington Utilities and Transportation Commission (Commission), on its own motion, and through its regulatory staff, alleges as follows:

I. OVERVIEW

2 The Commission complains against DTG Enterprises, Inc. (DTG or Company) for violations of state law and administrative rule for operating as a solid waste company for compensation in Washington without the necessary certificate for such operations. Commission staff (Staff) seeks an order finding violations, assessing monetary penalties, and ordering DTG to cease and desist unauthorized operations.

II. PARTIES

3 The Commission is an agency of the state of Washington authorized by statute to regulate the rates, services, facilities, and practices of public service companies, including solid waste collection companies, under the provisions of Title 80 and Title 81 Revised Code of Washington (RCW).

4 DTG is a limited liability company operating in Washington. DTG currently holds a common carrier permit and does not hold a solid waste permit.

III. JURISDICTION

5 The Commission has jurisdiction over this matter pursuant to RCW 81.01.010; RCW 80.01.040; Chapter 81.04 RCW, including RCW 81.04.070, RCW 81.04.110, RCW 81.04.380, RCW 81.04.460, and RCW 81.04.510; Chapter 81.77 RCW, including RCW 81.77.020, RCW 81.77.030, RCW 81.77.040, and RCW 81.77.210; Chapter 480-07 of

the Washington Administrative Code (WAC); and Chapter 480-70 WAC.

IV. FACTUAL ALLEGATIONS

- 6 In 2017, DTG obtained a common carrier permit from the Commission.
- 7 On May 4, 2021, Staff received a complaint reporting that DTG collected large amounts of solid waste during the process of commercial recycling.
- 8 Over the next three years, Staff received complaints regarding DTG's operations, including allegations that DTG was transporting and disposing of solid waste. Staff also discovered advertisements offering debris disposal services for residential and commercial recycling customers. Staff questioned DTG about its operations, seeking information about whether DTG's operations were within the bounds of its common carrier permit. Staff provided substantial technical assistance.
- 9 On October 2, 2023, Staff received a complaint from the [REDACTED] [REDACTED], stating that DTG was transporting large loads of residual waste to the Snohomish County transfer facilities.
- 10 Staff requested information regarding DTG's disposal of materials at the Snohomish County solid waste facilities. Snohomish County responded that DTG had disposed of 3,329 loads of waste, totaling approximately 74,774 tons between January 1, 2023, and June 30, 2023.
- 11 DTG provided information to Staff stating that it collected and received approximately 186,898 tons from January 1, 2023, to June 30, 2023. Of that amount, DTG disposed of 73,270 tons as solid waste for a total disposal rate of 39 percent.
- 12 On July 31, 2024, DTG applied for a solid waste certificate for the collection and transportation of e-waste in Washington.
- 13 On August 5, 2024, DTG applied for a solid waste certificate for the transportation of residual waste originating from DTG-owned and operated material recovery facilities.

V. APPLICABLE LAW

- 14 The Commission regulates public service companies pursuant to a delegation of authority from the legislature. *See* RCW 80.01.040(2); RCW 81.01.010.
- 15 No person may operate as a solid waste collection company in Washington without a certificate of public convenience and necessity. *See* RCW 81.77.020; RCW 81.77.040.
- 16 Pursuant to RCW 81.77.030, the Commission is tasked with supervising and regulating solid waste collection companies that operate in the state of Washington. This task

includes fixing rates, charges, classifications, rules and regulations; regulating the accounts, service, and safety of operations; requiring compliance with local solid waste management plans and related implementation ordinances; and supervising and regulating carriers in all other matters affecting the relationship between them and the public which they serve.

- 17 The Commission may file a complaint upon its own motion setting forth any act or omission by any public service company that violates any law or any order or rule of the Commission. *See* RCW 81.04.110.
- 18 Pursuant to RCW 81.04.380, the Commission may penalize a public service company that violates or fails to comply with any provision of Title 81 RCW or any order, rule, direction, demand, or requirement of the Commission up to \$1,000 for each and every offense. Every violation is a separate and distinct offense.

VI. CAUSE OF ACTION (RCW 81.77.040)

- 19 The Commission re-alleges paragraphs 2 through 18, above.
- 20 Between January 1, 2023, and June 30, 2023, DTG committed 3,389 violations of RCW 81.77.040 when it, without the required certificate, knowingly transported 3,389 loads of residual solid waste from its material recovery facility to Snohomish County solid waste facilities.

VII. REQUEST FOR RELIEF

- 21 Staff requests up to \$1000 for each violation of RCW 81.77.040, totaling 3,389 violations, for a total penalty of \$3,389,000.
- 22 DTG has applied for solid waste certificates relating to collection and transportation of residual waste and e-waste. For purposes of this complaint, Staff requests that the Commission determine whether DTG operated as a solid waste collection company in Washington without the necessary certificate during the periods relevant to the violations alleged herein.
- 23 Staff requests that the Commission issue a cease and desist order directing DTG to stop operations in violation of RCW 81.77.040.
- 24 Staff further requests that the Commission order such other or further relief as is appropriate under the circumstances.

VIII. PROBABLE CAUSE

25 Based on a review of Commission Staff's investigation report, and consistent with RCW 80.01.060 and WAC 480-07-307, the Commission finds probable cause exists to issue this complaint.

IX. NOTICE OF PREHEARING CONFERENCE

26 The Commission will hear this matter 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 this proceeding.

27 **THE COMMISSION GIVES NOTICE That it will hold a virtual prehearing conference in this matter at 9:30 a.m. on February 6, 2025. To attend by phone, dial (253) 215-8782 and enter the Meeting ID: 867 8089 5854# and the Passcode: 407029#. To participate online via Zoom, click [here](#).**¹

28 The purpose of the prehearing conference is to consider requests for intervention, resolve scheduling matters including establishing dates for distributing evidence, identify the issues in the proceeding, and determine other matters to assist the Commission in resolving the matter, as listed in WAC 480-07-430.

29 **INTERVENTION:** Persons who wish to intervene should file a petition to intervene in writing at least three business days before the date of the prehearing conference. *See* WAC 480-07-355(a). The Commission will consider oral petitions to intervene during the conference, but strongly prefers written petitions to intervene. Party representatives must file a notice of appearance with the Commission no later than the business day before the prehearing conference. *See* WAC 480-07-345(2). Parties with more than one representative must identify one individual as the "lead" for purposes of official service. Any party or witness in need of an interpreter or other assistance should fill out the form attached to this notice and return it to the Commission. The Commission will set the time and place for any evidentiary hearings at the prehearing conference, on the record of a later conference or hearing session, or by later written notice.

30 **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 this proceeding, may be held in default under RCW 34.05.440 and WAC 480-07-450.**

¹ <https://utc-wa-gov.zoom.us/j/86780895854?pwd=TAp01GsTxAd5LcZXNThPAo6nvlUcZ.1>

31 The names and mailing addresses of all known parties and their known representatives are as follows:

Complainant: Washington Utilities and Transportation Commission
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(360) 664-1160

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Respondent: DTG Enterprises, Inc.
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- 32 Administrative Law Judge Harry O. Fukano from the Commission's Administrative Law Division will preside during this proceeding.²
- 33 The Commission will give parties notice of any other procedural phase of the proceeding in writing or on the record, as appropriate during this proceeding.

DATED at Lacey, Washington, and effective December 18, 2024.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ James E. Brown II
JAMES E. BROWN II
Interim Director, Administrative Law
Division

Inquiries may be addressed to:

Jeff Killip
Executive Director and Secretary
621 Woodland Square Loop S.E.
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

² Judge Fukano can be reached at 360-664-1285 or harry.o.fukano@utc.wa.gov.

NOTICE

Hearing facilities are accessible to persons with disabilities. Smoking is prohibited. If limited English-speaking, 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 fill out and return this form to:

Washington Utilities and Transportation Commission
Attention: Jeff Killip
P.O. Box 47250
Olympia, WA 98504-7250

(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: _____

English-speaking person who can be contacted if there are questions:

Name: _____

Address: _____

Phone (_____) _____