

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
BAINBRIDGE DISPOSAL, INC.

1 COMES NOW, BAINBRIDGE DISPOSAL, INC., (“Bainbridge Disposal”), holder of Certificate No. G-143, 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 Bainbridge Disposal’s contact information is:

Bainbridge Disposal, Inc.
9423 Business Park Lane
Bainbridge Island, WA 98110
206-842-4882
info@bainbridgedisposal.com

3 Bainbridge Disposal is the holder and operator of Solid Waste Certificate No. G-143, attached as Exhibit A. As said exhibit indicates, Bainbridge Disposal currently holds authority on and around Bainbridge Island, which overlaps with DTG’s operations. Bainbridge Disposal is a current Protestant in the related Application Dockets of 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, Bainbridge Disposal 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 Bainbridge Disposal’s Petition to Intervene pursuant to WAC 480-07-355(3) because Bainbridge Disposal 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, Bainbridge Disposal 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, Bainbridge Disposal’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 Bainbridge Disposal’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 the application 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). Bainbridge Disposal 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, Bainbridge Disposal anticipates presenting one witness requiring 1 hour of hearing time.

8 Bainbridge Disposal’s position in this action is expected to support the Complaint brought by Commission Staff.

9 Bainbridge Disposal'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, Bainbridge Disposal
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
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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:

BAINBRIDGE DISPOSAL, INC.
PO BOX 10699
BAINBRIDGE ISLAND, WA 98110

Cert No.
G-143

GARBAGE AND REFUSE COLLECTION SERVICE on Bainbridge Island in Kitsap County.

04-30-84

WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION



By _____

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

For the Operation of Motor Propelled Vehicles

pursuant to the provisions of Chapter 81 RCW

THIS IS TO CERTIFY that authority is granted to operate as a MOTOR CARRIER in the transportation of the commodities and in the territory described herein to

Bainbridge Disposal, Inc.
P. O. Box 10386
Winslow, WA 98110

CERT. NO.
G-143

D-1

GARBAGE AND REFUSE COLLECTION SERVICE on
Bainbridge Island in Kitsap County.

M. V. G. No. 1169

4-30-84

WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSIONBy Thomas Tischer