

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  
THE WASTE CONNECTIONS'  
COMPANIES

1 COMES NOW, THE WASTE CONNECTIONS' WASHINGTON REGULATED COMPANIES (collectively "Waste Connections"), holder of Certificate Nos. G-9, G-11, G-48, G-51, G-75, G-87, G-88, G-89, G-98, G-101, G-154, G-173, and G-253, 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 Waste Connections' contact information is:

Waste Connections of Washington, Inc.  
12115 NE 99th St, #1830  
Vancouver, WA 98682  
360-448-6954  
[brian.vandenburg@wasteconnections.com](mailto:brian.vandenburg@wasteconnections.com)

3 Waste Connections is the holder and operator of Solid Waste Certificate Nos. G-9, G-11, G-48, G-51, G-75, G-87, G-88, G-89, G-98, G-101, G-154, G-173, and G-253. Due to the volume of certificates, as representative examples of the various G Certificates, attached as Exhibit A are the certificates of Murrey's Disposal, Inc. dba Olympic Disposal G-9, and Waste Control, Inc. G-101. All other certificates of the Waste Connections Companies referenced above will be

produced as exhibits at hearing. As said exhibit indicates, Waste Connections currently holds authority throughout Washington state, which overlaps with DTG's operations. Waste Connections 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, Waste Connections 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 Waste Connections' Petition to Intervene pursuant to WAC 480-07-355(3) because Waste Connections 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, Waste Connections 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, Waste Connections’ 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           Waste Connections’ 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 application Docket TG-240584 with the pending complaint docket. Staff’s Complaint, as filed, may be primarily focused on geographic operations in Snohomish and Whatcom County, areas falling either within or in proximity to Waste Connections’ service territory. But 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). Waste Connections 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, Waste Connections anticipates presenting at least three witnesses requiring  
two hours of hearing time.

8 Waste Connections' position in this action is expected to be supporting the Complaint  
brought by Commission Staff.

9 Waste Connections' attorneys in this matter are:

David W. Wiley, WSBA #8614  
Michael S. Howard, WSBA #41034  
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[mhoward@williamskastner.com](mailto:mhoward@williamskastner.com)

10 WHEREFORE, having fully set forth its interest in this proceeding, Waste Connections  
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  
Telephone: (206) 628-6652  
Fax: (206) 628-6611

# EXHIBIT A

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

MURREY'S DISPOSAL COMPANY, INC.  
d/b/a OLYMPIC DISPOSAL  
4622 70<sup>TH</sup> AVENUE EAST  
Puyallup, WA 98371

Cert. No.  
G-9

GARBAGE AND REFUSE COLLECTION SERVICE In that portion of Pierce County described as follows: Beginning in Section 30, Township 21 North, Range 4 E.W.M. at the point of intersection of the northeast Tacoma city limits and the Pierce County-King County line; thence south along the Tacoma city limits as they exist on April 1, 1974, to the intersection of the said Tacoma city limits with 72nd Street East; thence east on the centerline of 72nd Street East to Waller Road; thence south on the centerline of Waller Road to 112th Street; thence east along centerline on 112th Street to Meridian; thence south on the centerline of Meridian to the Kapowsin Highway; thence east on the centerline of the Kapowsin Highway to its intersection with Electron County Road; thence east along the centerline of Electron County Road to the southwest corner of Section 33 Township 18 North, Range 5 E.W.M.; thence continuing east along the centerline of the Section line between Township 17 North and 18 North, to its intersection with the East boundary line of Mt. Rainier National Park; thence south along said boundary to its intersection with the Pierce County-Yakima County boundary line; thence north along the Pierce County-Yakima County boundary to the intersection of the Pierce County-Yakima County-Kittitas County-King County line; thence west along said line to its intersection with the northeast boundary of the City of Tacoma, situated in Section 30, Township 21 North, Range 4 E.W.M. the point of beginning.

Also in that portion of Pierce County described as follows: Starting at the point where the N.E. corporate limits of Tacoma intersects with the shoreline of Commencement Bay in Section 21, T. 21 N., R. 3 E.; thence following said shoreline in a clockwise direction to the point of intersection with the King-Pierce County line; thence southeasterly on said county line to the corporate limits of Tacoma (south line of Section 14, T. 21 N., R. 3 E.); thence following said corporate limits westerly in a counter-clockwise direction to the point of intersection with the shoreline of Commencement Bay in Section 21, T. 21 N., R. 3 E., the place of beginning.

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Also that portion of Pierce County beginning with the intersection at the Pierce County-Kitsap County-Mason County line; thence south along the Pierce County-Mason County line to its point of intersection with the shoreline of Rocky Bay; thence generally south along the east shoreline of Rocky Bay and North Bay including Heron Island to the southwest point of Drayton Passage; thence northerly along the shoreline of Drayton Passage and Henderson Bay to the most northern point of Henderson Bay; thence southerly along the east shoreline of Henderson Bay including the islands of Henderson Bay, but excluding McNeil, Anderson and Ketron Islands to the northeast point of Hale Passage; thence easterly along the north shoreline of Hale Passage including Fox Island to the southwest point of the Narrows; thence northerly along the west shoreline of the Narrows to its point of intersection with the west shoreline of West Passage; thence northerly along the west shoreline of West Passage to its point of intersection with the Kitsap County-Pierce County line; thence westerly along the Kitsap County-Pierce County line to the intersection of the Pierce County-Mason County-Kitsap County line to the intersection of the Pierce County-Mason County-Kitsap County line, the point of beginning.

Also all areas within the boundaries of Pierce County occupied by United States Government installations.

The following authority was obtained by transfer of Certificate No. G-112, standing in the name of David James Murrey, d/b/a Points Garbage Service.

**GARBAGE AND REFUSE COLLECTION SERVICE** In that portion of Pierce County described as follows: Starting at the intersection of the east corporate limits of Tacoma as they exist on April 1, 1974, and the centerline of 72nd St. East; thence east on the centerline of 72nd St. East to Waller Road; thence on the centerline of Waller Road South to 96th St. East; thence east on E. 96th St. to its intersection with the west corporate limits of Puyallup to a line projected from south to north located 1/2 mile west of SSH-5B; thence north on said projected line to the south corporate limits of Milton; thence following the limits of Milton in a clockwise direction to the point of intersection with the north line of Section 6, T. 20 N., R. 4 E.; thence west on the north line of said section projected to the east corporate limits of Tacoma; thence following said corporate limits southerly and westerly to 72nd St. East, the place of beginning.

Also in that portion of Pierce County described as follows: Starting at the point where the N.E. corporate limits of Tacoma intersects with the shoreline of Commencement Bay in Section 21, T. 21 N., R. 3 E.; thence following said shoreline in a clockwise direction to the point of intersection with the King-Pierce County line; thence southeasterly on said county line to the corporate limits of Tacoma (south line of Section 14, T. 21 N., R. 3 E.); thence following said corporate limits westerly in a counter-clockwise direction to the point of intersection with the shoreline of Commencement Bay in Section 21, T. 21 N., R. 3 E., the place of beginning.

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GARBAGE COLLECTION SERVICE in Pierce County described as follows: Beginning at the point where Stewart Rd. in Pierce County projected west intersects SR-99 (PSH-1); thence north along the centerline of SR-99 to the intersection of the Pierce County line projected west; thence east along the King/Pierce County line to the N.E. corner of Section 3, T. 20 N., R. 5 E.; thence south along the east line of said line of said Section 3 extended to the N.E. corner of Section 8, T. 20 N., Section 3 to the S.E. corner of said Section 3; thence west along the south 1 R. 5 E.; thence south along the east line of said Section 8, to the S.E. corner of said Section 8; thence west along the south line of said Section 8 extended to SR-167 (PSH-5); thence north on SR-167 (PSH-5) to the intersection of Stewart Road extended east; thence west along Stewart Road extended to the intersection with SR-99 (PSH-1), the point of beginning.

REFUSE AND DEBRIS COLLECTION SERVICE In those portions of King and Pierce Counties described as follows: Starting at the S.E. corner of Sec. 20, T. 20 N., R. 6 E.; thence west on the south line of said section projected to the east limits of the City of Tacoma (as of Sept. 6, 1960); thence north on a line projected from this point to the shoreline of Puget Sound; thence following said shoreline easterly and northerly to the point of intersection with the north line of Sec. 6, T. 22 N., R. 4 E.; thence east on the north line of said section projected to the N.E. corner of Sec. 5, T. 22 N., R. 6 E.; thence south on the east line of said section projected to the S.E. corner of Sec. 20, T. 20 N., R. 6 E., the place of beginning: EXCLUDING the City of Tacoma as the point of origin and destination of the same shipment, and EXCLUDING the City of Puyallup as the point of origin and destination for the same shipment, and excluding the King County portion.

The following authority was obtained by transfer of Certificate No. G-28, standing in the name of Olympic Disposal, Inc.

GARBAGE COLLECTION SERVICE in that portion of Clallam and Jefferson Counties described as follows: Starting at the intersection of the west shoreline of the Hood Canal and the south line of Section 31, T. 25 N., R. 2 W., (the Jefferson-Mason County line); thence west on the south line of said Section 31, and the Jefferson-Mason County line to the Olympic National Park boundary (as of September 6, 1960) approximately the S.E. corner of Section 32, T. 25 N., R. 4 W.; thence following the Olympic National Park boundary in a northerly and westerly direction to the north-south centerline of Section 17, T. 29 N., R. 5 W.; thence south on said centerline projected to the Clallam-Jefferson County line; thence west on said county line to the S.W. corner of Section 31, T. 28 N., R. 9 W.; thence north along the west line of said Section 31 extended to the S.E. corner of Section 36, T. 31 N., R. 10 W.; thence west along the south line of said Section 36, extended to the N.E. corner of Section 1, T. 30 N., R. 15 W.; thence south along the east line of said Section 1 extended to the S.E. corner of Section 36, T. 30 N., R. 15 W.; thence west along the south line of said Section 36, extended to the Pacific Ocean; thence north along the shoreline of the Pacific Ocean, around the point of Cape Flattery, easterly along the shoreline of the Strait of Juan De Fuca, along the shorelines of Sequim Bay, Port Discovery Bay, Port Townsend Bay and including Indian and Marrowstone Islands; thence southerly along the west shoreline of Hood Canal, around Oak Head,

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along the shorelines of Dabob Bay and Quilcene Bay; thence southerly again along the shoreline of Hood Canal to the intersection of the west shoreline of Hood Canal and the south line of Section 31, T. 25 N., R. 2 W., (the Jefferson-Mason County line); the point of beginning.

GARBAGE AND REFUSE COLLECTION SERVICE in that portion of Jefferson and Grays Harbor Counties described as follows: Starting at the point where the Clallam-Jefferson County line intersects the shoreline of the Pacific Ocean; thence following said county line east to the point of intersection with the Olympic National Park boundary; thence following said boundary south to the intersection with the east boundary of R. 12 W., in T. 24 N.; thence south on said boundary line to the point of intersection with State Route 101; thence northwesterly along said highway 101 to the intersection with the Jefferson-Grays Harbor County line; thence following the said county line westerly to its intersection again with State Route 101; thence southerly, westerly, then northerly along said State Route 101 to the intersection once again with the Jefferson-Grays Harbor County line; thence west along said county line to the shoreline of the Pacific Ocean; thence northerly along said shoreline to the intersection of the Clallam-Jefferson County line; the point of beginning.

GARBAGE AND REFUSE COLLECTION SERVICE at the Makah Air Force Base, Neah Bay, under contract with THE U.S. GOVERNMENT and in the Olympic National Park, Port Angeles under contract with THE U.S. NATIONAL PARK SERVICE.

GARBAGE, REFUSE AND RUBBISH COLLECTION SERVICE in that portion of Clallam County described as follows: Beginning at the S.E. corner of Section 36, T. 28 N., R. 10 W., (Clallam-Jefferson County line); thence west along the south line of said Section 36 (and county line) extended to the shoreline of the Pacific Ocean; thence northerly along said shoreline to the intersection of the north line of Section 6, T. 29 N., R. 15 W.; thence east along said north line of Section 6 extended to the S.W. corner of Section 31, T. 30 N., R. 14 W.; thence north along the west line of said Section 31 extended to the N.W. corner of Section 6, T. 30 N., R. 14 W.; thence east along the north line of said Section 6 extended to the N.E. corner of Section 1, T. 30 N., R. 10 W.; thence south along the east line of said Section 1 extended to the S.E. corner of Section 36, T. 28 N., R. 10 W.; the point of beginning.

TG-030688

05-16-03





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:

WASTE CONTROL, INC.  
d/b/a WASTE CONTROL  
PO BOX 148  
KELSO, WA 98626

Cert No.  
G-101

SOLID WASTE COLLECTION SERVICE in that portion of Clark County described as follows: Starting at the intersection of the east line of Section 10, T5N, R1E and the Clark-Cowlitz County Line (also the centerline of the Lewis River); thence south along said line extended to the southeast corner of Section 22, T5N, R1E; thence west along the south line of said section extended to the northwest corner of Section 28, T5N, R1E; thence south along the west line of said section to the southwest corner of said section; thence west along the south line of Section 29, T5N, R1E extended to its intersection with the Clark-Cowlitz County Line; thence northerly and easterly along said county line to its intersection with the east line of Section 10, T5N, R1E, the point of beginning.

SOLID WASTE COLLECTION SERVICE in that portion of Cowlitz County described as follows: Starting at the intersection of the Clark-Cowlitz County Line and the Washington-Oregon State Line (also the intersection of the Lewis River extended to the center of the Columbia River); thence northerly and westerly along said state line to its intersection with the Cowlitz-Wahkiakum County Line, (also the west line of Section 17, T8N, R4W); thence north along said county line to its intersection with the Cowlitz-Lewis County Line (also the northwest corner of Section 5, T10N, R4W); thence east along said county line to the northeast corner of Section 4, T10N, R3W; thence south on the east line of said section extended to the southeast corner of Section 9, T10N, R3W; thence east on the south line of said section extended to the southwest corner of Section 11, T10N, R3W; thence north on the west line of said section extended to the northwest corner of Section 2, T10N, R3W; thence east on the north line of said section extended to the northeast corner of Section 1, T10N, R3E; thence south along the east line of said section extended to the northeast corner of Section 1, T9N, R3E; thence east along the north line of said section extended to the northeast corner of Section 1, T9N, R4E; thence south on the east line of said section extended to its intersection with the southeast corner of Section 36, T9N, R4E; thence west along the south line of said section extended to its intersection with the northeast corner of Section 1, T8N, R1E; thence south along the east line of said section extended to its intersection with the northwest corner of Section 18, T6N, R2E; thence east along the north line of said section extended to the northeast corner of Section 16, T6N, R3E; thence south along the east line of said section extended to its intersection with the

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NOTE: A copy of this permit **MUST** be carried in each vehicle being operated under this authority.



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Clark-Cowlitz County Line (also the center of Lake Merwyn and the Lewis River); thence westerly and southerly along said county line to its intersection with the Washington-Oregon State Line, the point of beginning.

REFUSE COLLECTION SERVICE only in that portion of Cowlitz County described as follows:  
Sections 3 and 10, T10N, R3W.

SOLID WASTE COLLECTION SERVICE in that portion of Skamania County described as follows:  
Starting at the northeast corner of Section 4, T9N, R5E; thence south on the east line of said section extended to the southeast corner of Section 33, T9N, R5E; thence west on the south line of said section extended to the southwest corner of Section 31, T9N, R5E; thence north on the west line of said section extended to the northwest corner of Section 6, T9N, R5E; thence east on the north line of said section extended to the northeast corner of Section 4, T9N, R5E, the point of beginning.

TG-020291

08-01-02