

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Petition)	
GA-78155 of William D. Hearn)	DOCKET NO. TG-941404
d/b/a Bingen Garbage Service)	
for Authority to Mortgage)	
Certificate of Public)	ORDER GRANTING
Convenience and Necessity)	PETITION
No. G-51)	
)	
.)	

A petition was filed with the Commission on July 28, 1994, by William D. Hearn d/b/a Bingen Garbage Service under the provisions of RCW 81.77.040 for authority to mortgage Certificate of Public Convenience and Necessity No. G-51 for the operations of its solid waste collection company.

The requested authority is for the purpose of partially securing the sum of \$155,000 borrowed by William D. Hearn d/b/a Bingen Garbage Service from Klickitat Valley Bank to consolidate existing and additional debt. The additional debt of \$155,000 is being used for the purchase of new equipment.

The bank obligation is evidenced by a promissory note written for a four-year term with monthly installments of \$3,891.00, including interest at a fixed rate of 10.25%. As partial security for the note, the applicant has granted the bank a security interest in the Certificate of Public Convenience and Necessity No. G-51 and in all equipment and rolling stock.

Internally generated funds of the applicant as set forth in its petition are sufficient to meet current and long-term obligations as to the payment of both interest and principal. Under this circumstance applicant does not appear to be adversely affected by the mortgaging of its rights to do business as a public service company.

In the event the proposed indebtedness of the applicant is not repaid and in a foreclosure action the aforementioned bank acquires the assets of the applicant and Certificate of Public Convenience and Necessity No. G-51, the authority granted by this order cannot be construed as waiving the requirements of either chapter 81.77 RCW or the Commission's rules adopted pursuant thereto as related to the transfer of said certificate to Klickitat Valley Bank.

FINDINGS

THE COMMISSION FINDS:

1. William D. Hearn d/b/a Bingen Garbage Service is a public service company subject to the jurisdiction of this Commission under the provisions of chapter 81.77 RCW.

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2. As to form, the petition filed herein and the attached exhibits satisfy the provisions of RCW 81.77.040.

3. Any proposed transfer, assignment or sale of Certificate of Public Convenience and Necessity No. G-51 to any other party is not a matter under consideration in this order and must be the subject of another application filed in accordance with the rules and regulations of this Commission and the applicable statute.

4. The proposed mortgaging of Certificate of Public Convenience and Necessity No. G-51 will not be contrary to the public interest and should, therefore, be approved subject to the conditions of this order.

O R D E R

THE COMMISSION ORDERS:

1. After the effective date of this order and subject to the provisions hereof, William D. Hearn d/b/a Bingen Garbage Service, is hereby authorized to mortgage Certificate of Public Convenience and Necessity No. G-51, to Klickitat Valley Bank as partial security for a promissory note payable to said bank in the principal amount of \$155,000 due four years from the date of issue, all in accordance with the terms of the petition and attached exhibits filed herein.

2. Within 30 days after discharging the \$155,000 promissory note payable to Klickitat Valley Bank, William D. Hearn d/b/a Bingen Garbage Service shall notify the Commission of this fact and file the original Certificate of Public Convenience and Necessity No. G-51 with the Commission in order to have recorded thereon the release of the mortgage lien.

3. The authority granted by this order shall not be construed as authorizing the transfer, assignment or sale of Certificate of Public Convenience and Necessity No. G-51 for any reason whatsoever.

4. This order shall in no way affect the authority of this commission over rates, service, accounts, valuations, estimates, or determination of costs, or any matters whatsoever that may come before it, nor shall anything herein be construed as an acquiescence in any estimate or determination of costs, or any valuation of property claimed or asserted.

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DATED at Olympia, Washington, and effective this 9th
day of November, 1994.

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STEVE MCLELLAN, Secretary