

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0670BP-TRANSFER-TA

IN THE MATTER OF THE APPLICATION FOR TEMPORARY AUTHORITY TO
TRANSFER CONTRACT CARRIER PERMIT NO. B-10011 FROM WIDE OPEN
ADVENTURE LLC (GREG BOOKS) TO WIDE OPEN ADVENTURE LLC (RYAN
BARWICK).

**COMMISSION ORDER GRANTING
TEMPORARY APPROVAL**

Mailed Date: July 11, 2014
Adopted Date: July 9, 2014

I. BY THE COMMISSION

A. Statement

1. On June 18, 2014, Wide Open Adventure LLC (Greg Books) filed an application for temporary approval to allow Wide Open Adventure LLC (Ryan Barwick) to assume operational control of Contract Carrier Permit No. B-10011.
2. The Commission gave notice of the application on June 30, 2014, for a period of five days.
3. There are no interventions opposing grant of the application.
4. Pursuant to § 40-10.1-204(2), C.R.S., the Commission may grant temporary approval of a permit transfer “if it appears that failure to grant such temporary approval may result in destruction of or injury to the carrier or its properties sought to be acquired, or may interfere substantially with their future usefulness in the performance of adequate and continuous service to the public.”

B. Findings of Fact

5. The applicants explain that Under Contract Carrier Permit No. B-10011, the transferor, Wide Open Adventure LLC (Greg Books), currently provides transportation services for Mishawaka Amphitheatre in order to transport patrons from the Fort Collins area to the Amphitheatre. The transferee, Wide Open Adventure LLC (Ryan Barwick) would take up this same service.

6. In support of the temporary approval, the applicants state that the summer concert season has already begun, and therefore temporary approval is needed to allow a smooth transition to Mr. Barwick's ownership of Wide Open Adventure LLC. The customer support letter from Mishawaka Amphitheatre states that Mishawaka is in its high demand season and could not sustain a disruption of this service to its patrons.

C. Conclusions

7. A failure to grant temporary approval of an assumption of operational control could result in injury to Contract Carrier Permit No. B-10011 and ultimately affect service to the public.

8. Wide Open Adventure LLC (Ryan Barwick) has adequate equipment and financial resources to begin immediate service within the scope of the authority sought.

9. This application for temporary approval is in the public interest and will be granted.

10. Wide Open Adventure LLC (Greg Books) and Wide Open Adventure LLC (Ryan Barwick) are advised that the grant of temporary approval of an assumption of operational control creates no presumption that permanent transfer approval will be granted.

II. ORDER

A. The Commission Orders That:

1. The application for temporary approval of an assumption of operational control filed by Wide Open Adventure LLC (Greg Books) and Wide Open Adventure LLC (Ryan Barwick) is granted.

2. Wide Open Adventure LLC (Ryan Barwick) is granted temporary approval to assume operational control of Contract Carrier Permit No. B-10011 for a period of 180 days commencing from the Mailed Date of this Decision.

3. Wide Open Adventure LLC (Ryan Barwick) shall operate in accordance with all applicable Commission rules and regulations.

4. Wide Open Adventure LLC (Ryan Barwick) shall not assume operational control until it has:

- (a) caused proof of insurance (Form E or self-insurance) or surety bond (Form G) coverage to be filed with the Commission in accordance with applicable rules;
- (b) paid to the Commission, the motor vehicle fee (\$5) for each vehicle to be operated under authority granted by the Commission, or in lieu thereof, paid the fee for such vehicle(s) pursuant to the Unified Carrier Registration Agreement;
- (c) filed an adoption notice that adopts as its own the currently effective tariff of Wide Open Adventure LLC (Greg Books);
- (d) paid the applicable issuance fee (\$5); and,
- (e) received notice in writing from the Commission that it is in compliance and may begin service.

5. If Wide Open Adventure LLC (Ryan Barwick) does not comply with the requirements of this Decision within 30 days of its effective date, then the temporary approval shall

be void. For good cause shown, the Commission may grant additional time for compliance if the request for additional time is filed within the 30 days.

6. The 20-day time period provided by § 40-6-114(1), C.R.S., to file an application for rehearing, reargument, or reconsideration shall begin on the first day after the Commission mails ~~os~~erves this Decision.

7. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
July 9, 2014.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

PAMELA J. PATTON

GLENN A. VAAD

Commissioners