

For Immediate Release

PUC Confirms Clear Path for Boulder to Separate from Xcel Electric Grid

Commission directs Xcel to work 'in good faith' with Boulder

Boulder, CO, September 14, 2017 — The Colorado Public Utilities Commission (PUC) today affirmed the way forward for the City of Boulder to condemn certain Xcel assets in preparation for a physical separation of the electric grid. In its definitive written opinion on Boulder's plan to separate from Xcel Energy and form a publicly owned electric utility, the PUC said Xcel Energy "is directed to assist Boulder in good faith in Boulder's efforts to satisfy the conditions set forth in this Decision."

"This is a milestone, and it's the most progress we have had in years," said former City Council member and attorney Macon Cowles. "Finally the PUC has given Boulder the authority to do the things it needs to do to move forward. I look forward to seeing what happens in the negotiations between Boulder and Xcel Energy over the next 90 days."

According to the PUC, which tentatively approved a list of assets in verbal deliberations August 30th, Boulder and Xcel Energy must negotiate agreements on three issues as a condition for PUC approval for Boulder to proceed with condemnation. In their opinion, the Commissioners cited testimony by Xcel Energy President David Eaves that listed agreements to be worked out and commitments to work with Boulder, saying "We intend to hold Public Service to the commitments made by Mr. Eaves."

Requesting filings on the agreements within 90 days, the PUC said during its deliberations that it has a responsibility to avoid unnecessary delays in the municipalization process, which is a right guaranteed to cities by the Colorado Constitution. The conditions are as follows:

1. The filing of an agreement between Boulder and Xcel providing permanent rights for Xcel to place and access facilities in Boulder it needs to continue to serve its customers.
2. The filing of a revised list of assets that is accurate and complete; (not including substations)
3. The filing of an agreement that addresses payment from Boulder to Xcel for costs incurred by Xcel during separation.

It is the responsibility of the Colorado Public Utilities Commission to ensure that utility operations within their jurisdiction result in safe and reliable service for customers. The PUC is overseeing the process by which Boulder separates itself from Xcel because municipalization must also meet this test.

There are two important issues that the current PUC declined to rule on in the current separation plan, because, the Commission said, the issues were not within their jurisdiction. First, the Commission would not order Xcel to share its poles with the city of Boulder in the few places where that might have been expedient; secondly, the PUC would not order Xcel to share its substation equipment. However, Xcel would be obligated to allow Boulder to access the transmission grid. The PUC believes that Boulder and Xcel should work out details on their own.

The City of Boulder for its part, had already anticipated Xcel's opposition to shared resources and begun building many of these infrastructure costs into its separation estimates.

About Empower Our Future

Empower Our Future is a coalition of community organizations, local businesses, and individuals with a vision of a sustainable world and a shared commitment to bringing clean local power to Boulder. Empower Our Future's mission is to create a 21st century utility that provides reliable electricity at competitive rates, while mitigating climate change through reduction of greenhouse gas emissions. Local power would also enable energy innovation and local economic development in Boulder. If Boulder were to create a community owned electric utility, it would be the first city in the US to do so because of climate change. It would also join 29 other Colorado cities with municipal utilities including Colorado Springs, Longmont and Fort Collins. To learn more please visit www.EmpowerOurFuture.org.

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