

BY AUTHORITY

ORDINANCE NO. 25-0922
SERIES OF 2025

COUNCIL BILL NO. CB 25-0922
COMMITTEE OF REFERENCE:
FINANCE & GOVERNANCE

A BILL

For an ordinance submitting to a vote of registered electors of the City and County of Denver at the general election to be held on November 4, 2025 the question of the granting of a franchise to Public Service Company of Colorado, and approving a Franchise Agreement therefor.

WHEREAS, Section 1.1.13(A) of the Charter of the City and County of Denver provides as follows:

No franchise relating to any street, alley or public place of the City and County shall be granted except upon the vote of the qualified taxpaying electors, and the question of its being granted shall be submitted to such vote upon deposit with the Treasurer of the expense (to be determined by said Treasurer) of such submission by the applicant for said franchise.

WHEREAS, Public Service Company of Colorado has filed an application for a franchise in the terms set forth in this bill;

WHEREAS, contemporaneous with the franchise application, the City and County of Denver and Public Service Company of Colorado have reached agreement on and filed an ordinance for approval of the Denver International Airport Operating Agreement authorized by Council Bill No. 25-0987;

WHEREAS, if the voters approve the franchise, Public Service Company of Colorado shall within sixty (60) days after approval of the franchise, execute the Franchise Agreement and the Denver International Airport Operating Agreement;

WHEREAS, Public Service Company of Colorado as applicant for such franchise shall make, prior to submission of the question of the granting of the franchise, a deposit with the Manager of Revenue, Ex-Officio Treasurer of the City and County of Denver, in the sum of Three Hundred Fifty Thousand and NO/100 Dollars (\$350,000.00) to defray the expense of

1 the submission of the question of the granting of this franchise to the registered electors of
2 the City and County of Denver; and

3 **WHEREAS**, the Manager of Finance, Ex-Officio Treasurer of the City and County of
4 Denver, upon the advice and recommendation of the Election's Division of the City and
5 County of Denver, has determined that the best estimate of the cost of such submission to
6 the registered electors will not exceed the sum of Three Hundred Fifty Thousand and NO/100
7 Dollars (\$350,000.00) to be deposited by Public Service Company of Colorado.

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9 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

10 **Section 1.** There is hereby submitted to the registered electors of the City and County
11 of Denver at the general election occurring on November 4, 2025, for their approval or
12 rejection, the question of granting to Public Service Company of Colorado the franchise
13 described in this bill.

14 **Section 2.** The ballot for said election shall carry the following designation, which shall
15 be the title and submission clause:

16 **REFERRED QUESTION** _____

17 **Shall the City and County of Denver approve the terms of a twenty-year franchise**
18 **contract, starting January 1, 2027, with Public Service Company of Colorado (Xcel**
19 **Energy) to continue its program for undergrounding overhead electrical lines,**
20 **maintaining infrastructure safety, and partnering with the City for emergency**
21 **management coordination, and to require that Xcel Energy continue to pay the City**
22 **for reasonable use of public rights-of-way and other City property necessary to**
23 **provide safe and reliable utility services for the benefit of the City, its residents, and**
24 **its businesses?**

25

26 **Section 3.** If the registered electors of the City and County of Denver affirm the
27 granting of the franchise set forth herein, Public Service Company of Colorado shall execute
28 and deliver the Franchise Agreement and the Denver International Airport Operating
29 Agreement to the Manager of Transportation and Infrastructure within sixty (60) days of such

1 approval. If Public Service Company of Colorado fails to execute and deliver the Franchise
2 Agreement and the Denver International Airport Operating Agreement required hereunder,
3 the Mayor of the City shall not grant the franchise and the application shall be considered null
4 and void and of no effect.

5 **Section 4.** The franchise by the City and County of Denver to Public Service Company
6 of Colorado is summarized as follows:

7 A franchise by the City and County of Denver to Public Service Company of Colorado
8 to provide utility service to the City and County of Denver and to its residents; and to provide
9 the right to acquire, purchase, construct, install, locate, maintain, operate, and extend into,
10 within and through the City and County of Denver all company facilities reasonably necessary
11 for the generation, production, manufacture, sale, storage, purchase, exchange,
12 transmission, transportation and distribution of utility service within and through the City and
13 County of Denver; and to fix the terms and conditions of this franchise; and for the execution
14 and delivery of the Franchise Agreement according to its terms, if the result of such vote of
15 the registered electors at such election shall be determined to have been affirmative for the
16 grant of this franchise.

17 **Section 5.** The proposed Franchise Agreement between the City and County of Denver and
18 Public Service Company of Colorado, in the words and figures contained and set forth in that form
19 of agreement available in the office and on the web page of City Council, and filed in the office of the
20 Clerk and Recorder, Ex-Officio Clerk of the City and County of Denver, under City Clerk's Filing No.
21 20250111, is hereby approved.

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COMMITTEE APPROVAL DATE: July 8, 2025 by Consent
MAYOR-COUNCIL DATE: July 15, 2025
PASSED BY THE COUNCIL: _____
_____ - PRESIDENT
APPROVED: _____ - MAYOR _____
ATTEST: _____ - CLERK AND RECORDER,
EX-OFFICIO CLERK OF THE
CITY AND COUNTY OF DENVER
NOTICE PUBLISHED IN THE DAILY JOURNAL: _____ ; _____
PREPARED BY: John G. McGrath, Assistant City Attorney DATE: July 17,2025
Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the
City Attorney. We find no irregularity as to form and have no legal objection to the proposed
ordinance. The proposed ordinance is submitted to the City Council for approval pursuant to § 3.2.6
of the Charter.
Katie J. McLoughlin, Interim City Attorney
BY: _____, Assistant City Attorney DATE: _____