

ORDINANCE/RESOLUTION REQUEST

Please email requests to the Mayor's Legislative Team
at MileHighOrdinance@DenverGov.org by **9 a.m. Friday**. Contact the Mayor's Legislative team with questions

Date of Request: June 30, 2025

Please mark one: ☒ Bill Request or ☐ Resolution Request

Please mark one: The request directly impacts developments, projects, contracts, resolutions, or bills that involve property and impact within .5 miles of the South Platte River from Denver's northern to southern boundary? (Check map [HERE](#))

☐ Yes ☒ No

1. Type of Request:

☐ Contract/Grant Agreement ☐ Intergovernmental Agreement (IGA) ☐ Rezoning/Text Amendment

☐ Dedication/Vacation ☐ Appropriation/Supplemental ☐ DRMC Change

☒ Other: Operating Agreement

2. **Title:** A bill for an ordinance approving a proposed Operating Agreement with Public Service Company of Colorado, an Xcel Energy company (Xcel Energy) for utility services at Denver International Airport, in Council District 11.

3. **Requesting Agency:** Department of Aviation

4. Contact Person:

Contact person with knowledge of proposed ordinance/resolution (e.g., subject matter expert)	Contact person for council members or mayor-council
Name: Scott Morrissey, DEN SVP - Sustainability	Name: Kevin Forgett, State and Local Legislative Advisor
Email: Scott.Morrissey@flydenver.com	Email: Kevin.Forgett@flydenver.com

5. General description or background of proposed request. Attach executive summary if more space needed:

Every 20 years, the City and County of Denver (CCD) and Xcel Energy renew their public franchise agreement, which is a contract between CCD and Xcel Energy outlining public benefits and granting Xcel the right to use Denver's public right-of-way and other City property to install, maintain and repair infrastructure and facilities to deliver utility services. The current franchise expires at the end of 2026, and CCD and Xcel Energy have negotiated a new agreement for council approval to refer to Denver voters for approval in the November 2025 election.

The public franchise agreement grants Xcel Energy the non-exclusive right to use Denver's right-of-way and Airport property to build the infrastructure needed to provide electricity, gas, steam and chilled water to the city – its homes, businesses, and public spaces. The franchise agreement also regulates operational matters pertaining to traffic signals and streetlights managed in partnership with Xcel Energy. The DEN Operating Agreement governs the procedures and logistical operations specific to providing utility service on DEN property.

Neither the public franchise agreement nor the Operating Agreement set utility rates.

Significant public benefits delivered through the City's partnership with Xcel Energy include:

- Efficient public construction projects that reduce costs and minimize disruptions
- Ensure utility service is provided to Denver International Airport without disruption to airport operations.

Additional information is also available at www.denvergov.org/xcel

6. **City Attorney assigned to this request (if applicable):** Debra Overn

7. **City Council District:** 11

8. ****For all contracts, fill out and submit accompanying Key Contract Terms worksheet****

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____

Key Contract Terms

Type of Contract: (e.g. Professional Services > \$500K; IGA/Grant Agreement, Sale or Lease of Real Property): Operating Agreement as part of the City's Franchise Agreement

Vendor/Contractor Name (including any dba's): Public Service Company of Colorado, an Xcel Energy company

Contract control number (legacy and new):

Location: Denver International Airport

Is this a new contract? ☒ Yes ☐ No **Is this an Amendment?** ☐ Yes ☒ No **If yes, how many?** _____

Contract Term/Duration (for amended contracts, include existing term dates and amended dates): January 1, 2027 to December 31, 2046

Contract Amount (indicate existing amount, amended amount and new contract total):

<i>Current Contract Amount</i> (A)	<i>Additional Funds</i> (B)	<i>Total Contract Amount</i> (A+B)
N/A	N/A	N/A

<i>Current Contract Term</i>	<i>Added Time</i>	<i>New Ending Date</i>
January 1, 2027 to December 31, 2046	N/A	January 1, 2027 to December 31, 2046

Scope of work: The public franchise agreement grants Xcel Energy the non-exclusive right to use Denver's right-of-way and Airport property to build the infrastructure needed to provide electricity, gas, steam and chilled water to the city – its homes, businesses, and public spaces. The franchise agreement also regulates operational matters pertaining to traffic signals and streetlights managed in partnership with Xcel Energy. The DEN Operating Agreement governs the procedures and logistical operations specific to providing utility service on DEN property.

Was this contractor selected by competitive process? N/A **If not, why not?**

Xcel is a monopoly utility regulated by the Public Utilities Commission of the State of Colorado, and there is no competition within their service territory. https://www.xcelenergy.com/company/rates_and_regulations

Has this contractor provided these services to the City before? ☒ Yes ☐ No

Source of funds:

Is this contract subject to: ☐ W/MBE ☐ DBE ☐ SBE ☐ XO101 ☐ ACDBE ☒ N/A

WBE/MBE/DBE commitments (construction, design, Airport concession contracts): N/A

Who are the subcontractors to this contract? N/A

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