Colorado's electric utility disparities

A CCLP issue brief

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Introduction: A tragedy raises questions

On the afternoon of September 6, 2024, around 10,000 members of the Delta-Montrose Electric Association lost power to their homes and places of work.1 Robin Cox, a Delta, Colorado resident, was at her home when the power outage occurred. Robin relied on an AC Oxygen Concentrator for her Chronic Obstructive Pulmonary Disease (COPD). Without a notice or alert about the outage, Robin was unaware of the loss of power to the concentrator. When she realized she was low on oxygen, she attempted to plug in her backup machine, which also failed to turn on. She turned to her portable oxygen tank, stored in a nearby closet. Unfortunately, she ran out of oxygen before she could connect to the tank.

Robin was found by her family in that closet, slumped over the tank. The paramedics who arrived pieced together the sequence of events. Robin's family only learned of the power outage from the 911 operator who answered the call to dispatch the paramedics.

Following Robin's death, her family had questions:

- Why weren't they notified of a power outage?
- Who was responsible for the outage and for notifications?
- What are the rules an electric utility must follow when an outage has occurred?
- Who else might be at risk in similar outages, and what can be done to protect them?

The family first contacted the City of Delta, which serves as the consumer-facing entity for electric services in Robin's area. They learned that another entity, cooperative Delta-Montrose Electric Association (DMEA), contracted with the City of Delta to provide power.[2] A third entity, Tri-State Generation and Transmission Association (Tri-State),[3] generated the electricity which was sold to DMEA.

Most importantly, Robin's family—which, in the interest of full disclosure, includes the author of this issue brief—learned that the State of Colorado has minimal authority over how most agencies operate electric services to residents. Though all Coloradans benefit from and should have a right to uniform safety standards, notification requirements,

[1] Staff Report. "DMEA, Tri-State Address Large Power Outage." *Montrose Daily Press*, 6 Sept. 2024, https://www.montrosepress.com/free_access/dmea-tri-state-address-large-power-outage/article_a1987268-6c9c-11ef-ad85-134e75e55664.html. Accessed 9 Sept. 2026.
[2] Delta-Montrose Electric Association, DMEA. Accessed: July 30, 2026 https://www.dmea.com/
[3] Tri-State Generation and Transmission Association, Inc, About Us. Accessed: July 30, 2026 https://tristate.coop/about-us

and oversight, many rural households like Cox's have no such protections. The differences in communications and safety standards between urban and rural households are stark.

This policy brief will outline the current utility apparatus in Colorado, identify the lack of consistent regulations across the state's electrical grid and the disparities rural communities face, and introduce CCLP's recommendations for common-sense solutions that would provide all Coloradans the access to information and notice they deserve.

The current utility apparatus in Colorado

The Colorado Public Utilities Commission (PUC), under the Department of Regulatory Agencies (DORA), is the entity responsible for ensuring the availability of safe, reliable, adequate and efficient electric gas, steam and water services to utility customers at rates that are just, reasonable, and not discriminatory.[4] In its role as regulator of electricity providers, it requires reporting on Electric Resource Plans and Clean Energy Plans,[5] Transmission Planning,[6] Clean Heat Plans, Rate Cases and Trends,[7] Wildfire Mitigation Plans,[8] Public Safety Shutoffs,[9] and Infrastructure Projects.[10]

Coloradans are provided electricity by 28 municipal utilities, 22 rural electric cooperatives and two investor-owned electric utility companies.[11]

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[4] Colorado Department of Regulatory Agencies Public Utilities Commission, About the PUC. Accessed: July 30, 2026. https://puc.colorado.gov/aboutpuc

[5] Colorado Department of Regulatory Agencies Public Utilities Commission, Electric Resource Plans/Clean Energy Plan. Accessed: July 30, 2026. https://puc.colorado.gov/puc-home/energy-and-water/electric-resource-plans/clean-energy-plan

[6] Xcel Energy, Transmission: Colorado Public Utilities Commission Rule 3627. Accessed: July 30, 2026. https://corporate.my.xcelenergy.com/s/transmission/planning/rule-3627#:~:text=The%20rule%20was%20adopted%20to:%20*%20Require,presentation%20below:%20*%20View%20July%202021%20Presentation

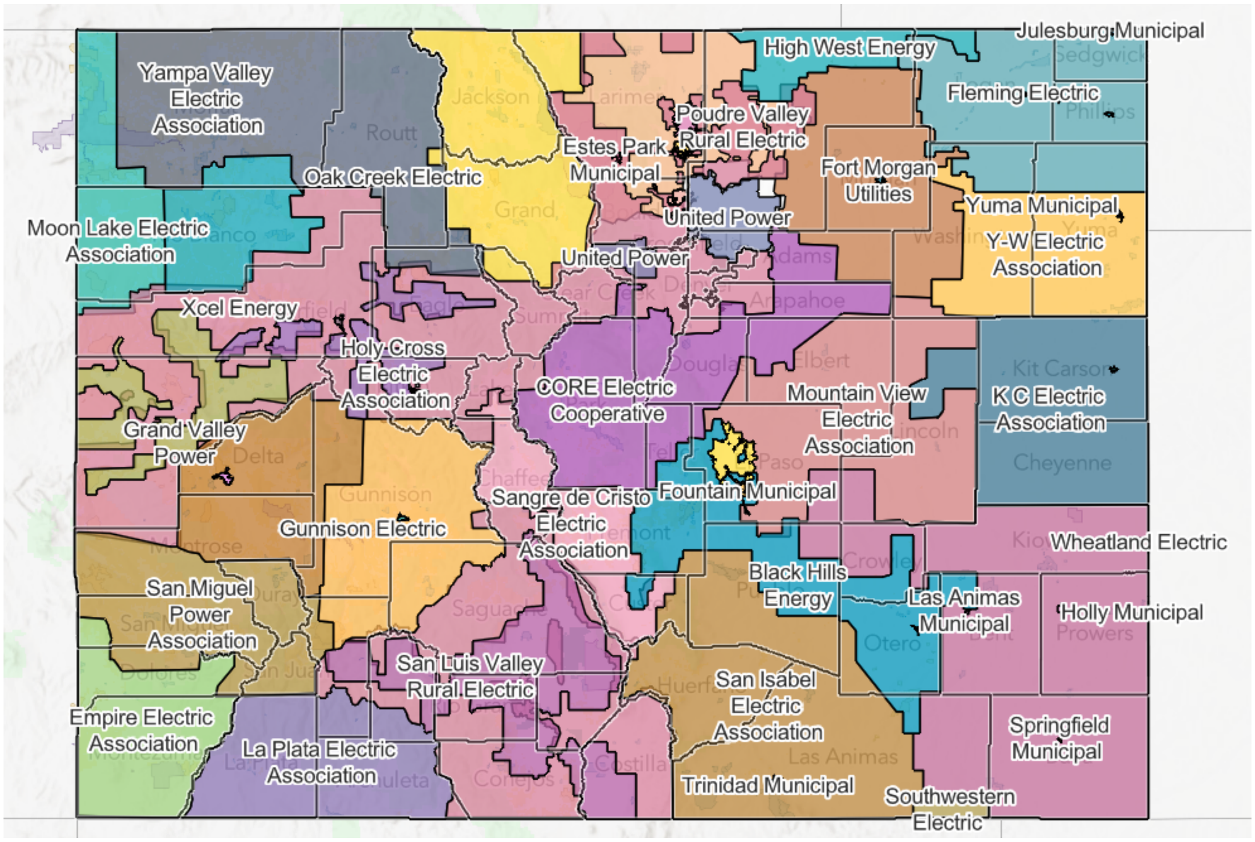
[7] Colorado Department of Regulatory Agencies Public Utilities Commission, Energy Trends. Accessed: July 30, 2026. https://puc.colorado.gov/energytrends

[8] Xcel Energy, Wildfire Mitigation Program. Accessed: July 30, 2026. https://www.xcelenergy.com/company/rates_and_regulations/filings/wildfire_mitigation_program

[9] *Public Safety Power Shutoff Plan*, Public Service Company of Colorado – Xcel Energy. June 27, 2024. https://engagedora.org/31200/widgets/109573/documents/76227

[10] Colorado Department of Regulatory Agencies Public Utilities Commission, Excel Energy Mountain Energy Project Proposal. Accessed July 30, 2026. https://puc.colorado.gov/xcel-energy-mountain-energy-project-proposal

[11] Colorado Energy Office, Current Energy Profile. Accessed: July 30, 2026 https://energyoffice.colorado.gov/energy-utility-service-territories



Map of Colorado's Electric Service Territories[12]

However, only the two investor-owned electric companies, Black Hills Energy and Public Service Company of Colorado, also known as Xcel Energy, are fully regulated by the PUC.[13] Both control generation, transmission and distribution of electricity in their regions.

The remaining 50 utility providers, on the other hand, are largely self-regulating. Those providers are either electric cooperatives or municipal utilities. Electric cooperatives are overseen by boards and are subject to a limited number of PUC regulations,[14] while municipal utilities are overseen by elected officials and mayors.

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[12] *Energy Utility Service Territories | Colorado Energy Office*. (2026). Colorado.Gov. https://energyoffice.colorado.gov/energy-utility-service-territories

[13] Colorado Department of Regulatory Agencies Office of the Utility Consumer Advocate, Utility Information. Accessed: July 30, 2026 https://uca.colorado.gov/uca-home/consumer-resources/utility-information

[14] Code of Colorado Regulations, Secretary of State, State of Colorado. 4 CCR 723-3 3000 – Rules Regulating Electric Utilities, Scope and Applicability

C.R.S. Title 40 grants cooperatives and municipalities the right to vote to exempt themselves from specific responsibilities. Not surprisingly, electric cooperatives and municipality boards often vote against placing themselves under the jurisdiction of the Public Utilities Commission. Examples of this include voting to exempt themselves from paying fees under the PUC, except in rare circumstances, and to exempt themselves from providing election result data regarding their boards.

The current oversight structure for utilities does set some foundational expectations, such as providing "reasonably continuous and adequate services." However, as we detail below, in the absence of PUC oversight, customers of municipal utilities and electric cooperatives are often left far behind customers of the regulated utilities.

Non-PUC-regulated electric providers

There are key differences between fully regulated and non-PUC-regulated electric companies and their minimally regulated counterparts in Colorado. For fully regulated electric companies, the PUC sets rates through a process that allows for open comment and feedback from community members, ensures reliability and service standards are met, and holds electric utilities accountable when they fall short. For example, it was Colorado's PUC that launched an investigation into Xcel Energy in the aftermath of the Marshall Fires.[15] Lessons learned from that tragedy have resulted in PUC-overseen improvements in the plans, communications, and infrastructure of the utilities they oversee.

Electric cooperatives

Electric cooperatives are exempted under state law from significant regulation by the PUC, presumably because regulation by the PUC "may" be duplicative of their efforts to self-regulate.[16] These utilities are permitted by Colorado statute to broadly take actions and make policies as they see fit.

Electric cooperatives are owned by their consumer-members who elect board members. An electric cooperative's board manages electric distribution to consumers and is responsible for setting policies, approving budgets, and determining rate increases.

[15] *Investigation into Recent Outages on the PSCo (Xcel Energy) Electric System Proceeding No. 241-0394E.*Bongiardina et al., April 30, 2025. https://drive.google.com/file/d/1B3223FC5NkbGw08UTBFSSxZQY9L6-e8Y/view?pli=1

[16] Colo. Rev. Stat. § 40-9.5-101 (Lexis Advance through August 1, 2026 of the 2026 Regular Session. The text of this section is not final. It will not be final until compared to, and updated from, the text provided by the Colorado Office of Legislative Legal Services later this year)

Electrical cooperatives are required to give advance notice of changes.[17] However, they are not required to have a public hearing prior to implementation of changes. Additionally, boards are allowed to vote to exempt themselves from specific duties that are optional to fulfill in state statute. Boards have voted to exempt themselves from paying fees under the PUC, except in rare circumstances, and from revealing data election results regarding their boards.

CCLP reviewed public board meeting minutes of three cooperatives that occurred through 2025. Meeting notes reflect that few members of the public attend meetings. Empire Electric Association, Inc. had documented one to three community members present at each 2025 monthly meeting notes,[18] with no public comments made by those community members. Mountain View Electric Association, Inc.,[19] and Delta-Montrose Electric Association[20] documented 11 meetings (out of 24) in 2025 during which community members provided public comment. Most member feedback was provided by local mayors, commissioners, or representatives of local organizations.

Municipal utilities

Municipal utilities act largely without state oversight, but under different laws than the electric cooperatives. “Home rule” municipalities are granted their right to self-regulate their utilities under Article XXV of the Colorado Constitution. This right to self-governance is further extended by statute to areas served by those public utilities but which exist outside of the municipalities themselves.[21]

This means municipalities control their own utilities, such as water, electricity, and gas for their residents without PUC interference, though they are still expected to provide “reasonable charges and adequate services.” Per state statute, this means every public utility shall provide and maintain services, instrumentalities, equipment, and facilities. In addition to this they are to promote the health, safety, and convenience of their

[17] Colo. Rev. Stat. § 40-9.5-106 (Lexis Advance through August 1, 2026 of the 2026 Regular Session. The text of this section is not final. It will not be final until compared to, and updated from, the text provided by the Colorado Office of Legislative Legal Services later this year)
[18] Empire Electric Association, Inc., Board Meetings and Minutes. Accessed: July 30, 2026. https://www.eea.coop/board-meetings-and-minutes
[19] Mountain View Electric Association, Inc., Board Meetings. Accessed: July 30, 2025. https://mvea.coop/about-us/board-of-directors/board-meetings/
[20] Delta-Montrose Electric Association, Board Meetings. Accessed: July 30, 2026. https://www.dmea.com/board-meetings
[21] Colo. Rev. Stat. § 40-3.5-102 (Lexis Advance through all legislation from First Regular and Extraordinary Sessions, 75th General Assembly (2025))

consumers, employees and the general public to be "adequate, efficient, just, and reasonable."[22]

Non-PUC-regulated entities: Rate changes, wildfire mitigation, reporting, and safety

Rate changes

Oversight and consumer engagement opportunities vary widely. The PUC regulates rate changes for consumers who receive services from Xcel Energy and Black Hills only. Rates are otherwise determined by the cooperatives' boards of directors, or at the discretion of municipalities. Consumers who receive power from Xcel Energy or Black Hills Energy can participate in feedback opportunities provided by the PUC, but other consumers may lack a clear opportunity to impact rate-setting.

Some cooperatives provide their own listening and feedback sessions, but it is unclear how they incorporate consumer input. Consumers can also participate in cooperative board meetings when rates are discussed. For example, in November of 2025, Delta-Montrose Electrical Association proposed their first-rate hike in six years. The entire membership base—including small and large commercial, industrial, and residential customers—saw a 7.49% increase in the cost of electricity. On average, this resulted in a real-dollar increase of $37 a month. DMEA hosted and accepted feedback from consumers on this in their December 2025 Board Meeting[23].

Wildfire Mitigation Plans

Climate change continues to be the main component in assessing utility wildfire risks and Coloradans' safety. Colorado continues to experience drier climates and an increased risk of fires based on human development.[24] As Colorado continues to expand and develop neighborhoods and new places to inhabit in our forests and wildland vegetation areas, wildfire mitigation is essential for public health and safety.

In previous sessions of the Colorado General Assembly, legislators understood the importance of ensuring wildfire mitigation plans for all utility providers. In 2021, a

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[22] Colo. Rev. Stat. § 40-3-101 (Lexis Advance through August 1, 2026 of the 2026 Regular Session. The text of this section is not final. It will not be final until compared to, and updated from, the text provided by the Colorado Office of Legislative Legal Services later this year)

[23] Dennis Webb, Delta-Montrose Electric eyes first rate hike in six years, *The Daily Sentinel Grand Junction*, 10 Nov., 2025. https://www.gjsentinel.com/news/western_colorado/delta-montrose-electric-eyes-first-rate-hike-in-six-years/article_67ff58c4-15f2-4c01-b8ab-3c4297016a1f.html

[24] Colorado's Wildland-Urban Interface, Colo. State Forest Service, https://csfs.colostate.edu/wildfire-mitigation/colorados-wildland-urban-interface/

bipartisan group of legislators brought forward Senate Bill 21-170: Wildland Fire Mitigation Cooperative Electric Association.[25] Had it passed, the bill would have required that cooperative electric associations adopt wildfire mitigation plans and establish rules for those who hold maintenance responsibilities based on the location of the landscape (i.e. Home Owner Associations, property owners). Unfortunately, the bill was postponed indefinitely on April 6, 2021.

Wildfire mitigation plans are essential to assess any risk of wildland fires, implementing procedures and standards to ensure vegetation management and public safety. Not having a plan in place allows for wildfires to continue to rage in Colorado and risks irreparable damage to lands, infrastructure, and displacement of families.

Reporting Requirements

Regulated and non-PUC-regulated electric providers are required to submit annual reports to the PUC. However, the actual data required from the non-PUC-regulated providers is extremely limited, amounting to little more than number of customers, kilowatt-hours sold, rates, and the revenues made at those rates.[26] Those who are regulated by the PUC submit similar documents, but must provide far more detailed information on operations and maintenance expenses, existing transmission lines, assets, and capital.[27] While understanding the financial implications for each electric utility provider is necessary, there is a lack of documentation in other sectors of the service provided.

Outage tracking

Only Xcel Energy provides information about the frequency and length of outages, but their data may provide insight into trends generally. According to a 2025 report on Xcel outages, and based on investigations initiated due to consumer complaints, data shows upward trends for both the number of outage incidents and total outage minutes.[28] System-wide outage minutes in 2024 were much higher than anticipated—customers

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[25] Wildland Fire Mitigation Cooperative Electric Association, SB21-170. (2021). https://leg.colorado.gov/bills/sb21-170

[26] Public Utilities Commission, Abridged Electric Association Annual Report For The Year, Accessed July 30, 2026. https://drive.google.com/file/d/0B8qvU2knU8BkN2tkUzRwTWg1aVU/view?resourcekey=0-6Qkvl_8W6B8I6xRlQ9ygow

[27] Public Utilities Commission, Annual Report of Public Electric Utilities. Accessed: July 30, 2026. https://drive.google.com/file/d/1xnXosV6BdZvkUTpIGNKSCl-Tuxz68BcH/view

[28] *Investigation into Recent Outages on the PSCo (Xcel Energy) Electric System Proceeding No. 241-0394E*.Bongiardina et al., 30, April, 2025. https://drive.google.com/file/d/1B3223FC5NkbGw08UTBFSSxZQY9L6-e8Y/view?pli=1

experienced 350 minutes of outages in 2024, rather than the 166 minutes suggested by the 2015-2023 trend.[29]

CCLP held stakeholder engagement meetings throughout Summer and Fall 2025 with electric cooperatives and municipal utilities. During those meetings, CCLP requested outage data similar to what is provided by Xcel. Some participants reported that they did have this kind of data and that they would send this information to CCLP. At the time of this brief's publication, however, not one provider has responded to our request.

Customer notifications

CCLP reviewed the websites for each utility entity that distributes power to Colorado consumers. As of August 2026, based on public documents and websites, roughly 35 out of 52 service agencies and municipalities do not provide a direct notice or alert to consumers about power outages. From those, 19 out of 52 provide notices only through social media channels, rather than through direct customer outreach.

Grievances and complaints

Many electric utility providers do not have a clear way to submit complaints or grievances for consumers when they fall short. Electric utility websites typically provide options to contact the utility about a power outage, or about billing, but some appear to lack any easily accessible contact information at all. Some municipalities and cooperatives publish information on their services, infrastructure, financials, and community engagement, but in our research, CCLP found that only one in ten provide public access to such documents on their own websites.

Upon further review of Title 40 it was found that cooperatives are required to have rules to specify how to register complaints, but nothing in the statute specifies requirements for what those rules must include, or how those rules must be posted.[30] This creates an additional barrier for Colorado consumers to be able to hold their cooperatives accountable—there is not a clear path to do so.

Rural-urban disparities

There continues to be a symptomatic rural-urban divide in consumer protections around Colorado's utility infrastructure and its providers. Only investor-owned, publicly-held utilities are receive the higher level of scrutiny by the PUC, while smaller providers like

[29] *Ibid*

[30] Colo. Rev. Stat. § 40-9.5-109 (Lexis Advance through Chapter 78 of the 2026 Regular Session, effective as of April 29, 2026. The text of this section is not final. It will not be final until compared to, and updated from, the text provided by the Colorado Office of Legislative Legal Services later this year)

electric cooperatives and municipalities have opted out of oversight in many areas. Publicly-held providers, like Xcel Energy and Black Hills Energy, operate in areas where population density allows them to make a profit, particularly in southern urban areas in Colorado. As a result, most urban areas in Colorado are regulated by the PUC while rural areas are not given such oversight by the state.

The number of unregulated electricity utility entities is concerning. Rural areas are at the mercy of the electric cooperative's boards of directors and municipalities' elected officials in determining how they operate in their regions. This means irregularities in rates, safety, and reliability. The inconsistencies presented in Colorado's electricity structure are troubling and raise significant questions regarding who is responsible for protecting Coloradans when safety is on the line.

Policy Considerations for Colorado

Infrastructure Improvements

Power grid issues are the leading causes of unscheduled blackouts.[31] Most of Colorado's electric grid was built in the 1960–70's, and roughly 70 percent of transmission lines are nearing the end of their lifespan.[32]

Meanwhile, the increased number of power outages can also be attributed to increased demand on the electric grid, and demand continues to rise with each passing year. Severe weather and climate change increase the strain on the electric grid, particularly as higher temperatures increase the use of air conditioning in Colorado.[33] However, some of the increased strain is due to policy initiatives and goals set by Colorado leadership, and current state goals are likely not feasible with Colorado's current energy infrastructure.

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[31] Woodman, Bridget. "Power Grid Issues Are the Leading Cause of Blackouts." *Zero Carbon Analytics*, 23 Sept. 2025, https://zerocarbon-analytics.org/energy/power-grid-issues-are-the-leading-cause-of-blackouts/.

[32] Ung-Kono, V. (2025, August 19). *Unlocking affordable, clean power: Colorado's big move to build transmission lines*. Climate 411. https://blogs.edf.org/climate411/2025/08/19/unlocking-affordable-clean-power-colorados-move-to-build-transmission-lines/

[33] Finley, B. (2022, June 15). *Colorado used to be AC-optional. Heat wave prompts look at whether electric grid is ready for the future*. Denver Post. https://www.denverpost.com/2022/06/15/heatwave-electricity-colorado-ac/.

When Governor Jared Polis first took office in 2019, he signed Executive Order B 2019-002: Supporting a Transition to Zero Emission Vehicles.[34] This executive order directed the state to set a goal of 940,000 electric vehicles on the road by 2030.[35] Progress toward this goal, while admirable, has resulted in additional demand on the electric grid—at a time when little improvement to the infrastructure has been made.

Grid growth must match the pace of technology innovation. Similar policy goals requiring an increased demand for our state's electrical infrastructure, if they do not include plans to replace old lines or expand to meet the demand, should be re-assessed and updated. Policies that have been implemented and are not showing community improvements or sustainability with significant environmental safety impacts should be reviewed. State leaders should prioritize ongoing, sustainable funding options for our electric grid, to strengthen it and meet the growing needs of the state.

Transparency, Accountability, and Safety

Establishing more uniformity in state statute will be beneficial for the state and consumers. Coloradans should be able to access reliable and safe utilities regardless of geography, income, or primary language.

Transparency

Utility financials, customer service reports, and community engagement initiatives should be made easily accessible to consumers. This will help ensure that providers are properly investing their funds into their own long-term stability, but also using those funds to maintain their infrastructure and quality of service. Customer service reports will show whether a provider is assisting consumers with their issues and finding reasonable solutions. Community engagement initiatives should be open for consumers to see if their provider is investing in the communities they serve. Consumer facing electric providers should also be held responsible and accountable for communications sent out to consumers to ensure they are notified of any outages, policy changes, rate increases, or other safety concerns.

Accountability

Reporting outage instances and events should be an annual requirement for all providers of utilities to the PUC. If there are systematic issues, then the commission can assist the provider with correcting and ensuring functionality. It should not be on the

[34] *2019 Executive Orders | Colorado Governor Jared Polis*. (2019). Colorado.Gov. http://governorsoffice.colorado.gov/governor/2019-executive-orders.
[35] Colorado Energy Office, A prosperous, clean energy future for Colorado. Accessed: July 30, 2026. https://energyoffice.colorado.gov/zero-emission-vehicles

consumer to ensure their power is working and accessible. It is the responsibility of power providers to ensure accessible, uninterrupted services are provided to the best of their ability.

Safety

Colorado has seen more wildfires in the last few years than ever before. Colorado has grown hotter and drier, causing various wildfires and additional safety risks. Per Colorado's Division of Fire Prevention and Control, four of the five largest wildfires in the state have occurred between 2020 and 2025.[36] As measured by homes lost, the most destructive fire in Colorado history was the Marshall Fire in December of 2021. One of the causes of this fire was arcing Xcel Energy powerlines.[37]

It is imperative that all utilities are creating and implementing wildfire mitigation plans to ensure the safety and reliability of their systems.

For medically vulnerable consumers, there needs to be a back-up battery rebate program available from each utility provider, in addition to communication of such instances of outages to ensure each consumer is able to secure their own power needs without compromising their health and safety.

Colorado consumers should be able to access the same safety standards regardless of where they live, their income, or their primary language. Accessibility is the main barrier found in this report, and establishing uniform policies for all power providers is essential for public safety. This includes requiring communication and marketing materials to be available in English, Spanish, and a third primary-used language in the electric cooperatives' jurisdiction to ensure all household members and caregivers are able to access timely, accurate updates on potential and active power outages. Doing so would also provide more opportunities for community engagement to inform new policy initiatives and goals. Community voices need to be present in any proceedings affecting the livelihoods of Coloradans. This ensures that any unique issues happening in specific regions are addressed appropriately. Colorado is unique in having rural and urban providers with different expectations on who is to provide updates.

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[36] Colorado Division of Fire Prevention & Control Department of Public Safety, Historical Wildfire Information. Accessed July 30, 2026. https://dfpc.colorado.gov/sections/wildfire-information-center/historical-wildfire-information

[37] Boulder County Sheriff's Office concludes cause and origin of the Marshall Fire, Boulder County. June 8, 2023. https://bouldercounty.gov/news/boulder-county-sheriffs-office-concludes-the-investigation-into-the-cause-and-origin-of-the-marshall-fire/

Conclusion

Colorado faces significant disparities in electrical utility regulation, leading to wildly different outcomes between the PUC-regulated and non-PUC-regulated provider. There is reason to believe that the current patchwork of regulations and responsibilities in Colorado law is not working uniformly for all Coloradans.

What we see today in Colorado is a potentially catastrophic constellation of limited oversight on non-PUC-regulated entities, rural to urban disparities, and lack of adequate safety standards in state statute. With greater state oversight over all players in Colorado's complex electric utility landscape, the issues that contributed to Robin Cox's untimely death might have been avoided.

Robin’s family was unable to prevent her death due to these inequalities present in Colorado’s electrical infrastructure, and they’re not alone. It is the duty and responsibility of all players involved—cooperatives, municipalities, for-profits, state agencies and advocates—to make policy changes and improvements for the health and safety of all Coloradans. It’s time Colorado stopped pushing the responsibility onto consumers and back onto the utility providers and state agencies.