

**RESOLUTION IN SUPPORT OF CITY OF COMMERCE CITY  
BALLOT QUESTION 2D**

**NO. 2012-74**

WHEREAS, Public Service Company of Colorado (“PSCo”) is currently the beneficiary of a franchise granted by the City of Commerce City (the “City”), which allows PSCo to make reasonable use of City streets and other City property in order to provide electric service within the areas of the City to which PSCo currently provides such service;

WHEREAS, PSCo is also the beneficiary of a franchise granted by the City that allows PSCo to make reasonable use of City streets and other City property in order to provide gas service throughout the City to PSCo’s customers;

WHEREAS, on August 6, 2012, the City Council of the City of Commerce City (the “City Council”) passed on second reading Ordinance No. 1919, which approved and adopted a new franchise agreement between the City and PSCo (the “2012 Franchise Agreement”);

WHEREAS, one condition of the 2012 Franchise Agreement was that the City would put to a vote of the people the question of whether to grant a new franchise to PSCo;

WHEREAS, on July 16, 2012, the City Council passed Resolution 2012-44 calling a special election and declaring the City’s intent to participate in the November 6, 2012, general election;

WHEREAS, on August 20, 2012, the City Council adopted Resolution 2012-63, which set the language for a ballot questions regarding the approval by the qualified electors of the City of the grant of a franchise to PSCo to make reasonable use of City streets and other City property in order to provide gas and electric service to PSCo’s customers within the City;

WHEREAS, if passed by the qualified electors of the City, PSCo would be granted a franchise, subject to the terms and conditions of the 2012 Franchise Agreement, to make reasonable use of City streets and other City property in order to provide electric service (1) within the areas of the City to which PSCo currently provides such service; and (2) to and within future areas of the City as allowed by the Colorado Public Utilities Commission; as well as to provide gas service throughout the City to PSCo’s customers;

WHEREAS, the City Council believes that granting a franchise to PSCo that allows PSCo to make reasonable use of City streets and other City property in order to provide gas and electric service to PSCo’s customers within the City is in the best interests of the residents of the City; and

WHEREAS, the City Council therefore desires to express its support for the passage of the grant of franchise to PSCo.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL FOR THE CITY OF COMMERCE CITY, COLORADO, DOES HEREBY:

1. Support the City of Commerce City Ballot Question 2D, granting to Public Service of Colorado a franchise to make reasonable use of City streets and other City property in order to provide gas and electric service to PSCO's customers within the City.
2. Strongly encourage the registered electors of the City to vote "Yes" on the aforementioned ballot question at the election to be held on November 6, 2012.

RESOLVED AND PASSED THIS 17<sup>TH</sup> DAY OF SEPTEMBER, 2012.

CITY OF COMMERCE CITY

---

Sean Ford, Mayor

ATTEST:

---

Laura J. Bauer, CMC, City Clerk