

Utilities Policy Advisory Committee (UPAC)

Wednesday, January 14, 2026

8:00 a.m. – 11:00 a.m.

Blue River Board Room

121 S. Tejon Plaza of the Rockies or Microsoft Teams

[Join the meeting now](#)

If you require an ADA-accessible version of this packet of information, please send an email to ub@csu.org or call 719-448-4800.

8:00 a.m.	1.	Call to Order	
8:02 a.m.	2.	Approval of UPAC Meeting Minutes	Decision
		<ul style="list-style-type: none"> ○ UPAC Regular Meeting Minutes: December 3, 2025 ○ UPAC Special Meeting Minutes: December 9, 2025 	
8:05 a.m.	3.	Finalize Geothermal Energy Assignment Recommendation	Decision
9:30 a.m.	4.	Ethics, Open Meetings and Colorado Open Records Act (CORA) Review	Discussion
10:30 a.m.	5.	Customer Comment	Discussion
		Customers can provide comments in person, by joining the meeting from a computer or by phone using the link above. If you would like to speak during the customer comment period, please sign up to speak through BoardSubmissions@csu.org prior to the meeting.	
10:45 a.m.	6.	Committee Member General Discussion	
11:00 a.m.	7.	Adjournment	

Next meeting: February 4, 2026

Note: UPAC Bylaws, Rule 6: Customer and Public Comment: (b) At the discretion of the Chair, or the majority of the Committee Members present, customers and members of the public will be allowed to comment or ask questions concerning items discussed at regular meetings or concerning matters discussed at special meetings. Comments or questions by individuals will be limited to five minutes each, and all customer or public comments will not exceed twenty minutes on any agenda item unless time is extended by the Chair or majority of the Committee Members present.

Utilities Policy Advisory Committee (UPAC) Minutes
Wednesday, December 3, 2025
8:00 a.m. – 11:00 a.m.
Blue River Board Room
121 S. Tejon Plaza of the Rockies or Microsoft Teams

1. Call to Order

Past UPAC Chair Larry Barrett called the meeting to order at 8:04 a.m., while waiting for UPAC Chair Kate Danner to join the meeting.

Present – Committee Chair Kate Danner (online), Committee Member Larry Barrett, Committee Member Chris Meyer (online), Committee Member Scott Smith, Committee Member David Watson (online), Committee Member Gary Burghart, Alternate Committee Member Albert Badeau and Alternate Committee Member Tom Carter (online)

Excused – Vice Chair Michael Borden

2. Approval of November 5, 2025, UPAC Meeting Minutes

UPAC Member Chris Meyer made the motion to approve the November 5, 2025, UPAC meeting minutes. UPAC Member Scott Smith seconded the motion. The minutes were approved unanimously.

3. Fervo Energy

Mr. Jack Conness, Senior Regulatory and Policy Associate for Fervo Energy, provided an in-depth briefing on Fervo Energy and geothermal technology, including Enhanced Geothermal Systems (EGS).

Mr. Conness explained that federal tax credits supporting geothermal development remain available through 2033 and at the state level, opportunities exist in areas such as transmission planning, improved resource modeling, and new financing mechanisms that could help reduce project barriers. Examples from Xcel Energy and developments in Nevada were highlighted as potential models for integrating geothermal resources into large-load or utility-scale portfolios.

UPAC Members compared geothermal technology with small nuclear modular reactors, regarding technological readiness. The group discussed uncertainties around development timelines, whether geothermal should be included in future IRPs (Integrated Resource Plans), and how responsibilities should be divided between utilities and private developers.

The consensus was that geothermal is still in an early stage, with cost, infrastructure requirements and market readiness remaining significant challenges.

The Committee took a five-minute break before discussing the next agenda item.

4. Colorado Springs Utilities: Regional Transmission Organization (RTO)

Mr. Alex Baird, General Manager of Fuels and Purchase Power, reviewed how Colorado Springs Utilities trades and operates in energy markets.

Mr. Baird discussed Springs Utilities' current participation in the Western Energy Imbalance Market and its planned move to the Southwest Power Pool (SPP) RTO in 2026. The transition is expected to offer several benefits for Springs Utilities, including transmission planning, access to a larger transmission footprint, enhanced reliability and improved market efficiencies that could grant reduced costs.

The Committee reviewed SPP's governance structure, stakeholder engagement processes, resource requirements and framework for transmission cost allocation.

Members further discussed how joining an RTO may impact geothermal resource sourcing and considerations of site locations moving forward.

5. Customer Comment

There were no customer comments.

6. Committee Member General Discussion

Committee Member Barrett noted the winter weather has impacted the ability for some UPAC Members to attend the meeting in person.

It was discussed that UPAC must schedule officer elections for 2026 and there is a possibility for a brief special meeting before the regularly-scheduled January meeting to comply with the Bylaws.

7. Adjournment

Past Chair Barrett adjourned the meeting at 10:06 a.m.

Utilities Policy Advisory Committee (UPAC)

Minutes

Tuesday, December 9, 2025

8:00 a.m. – 8:15 a.m.

Blue River Board Room

121 S. Tejon Plaza of the Rockies or Microsoft Teams

1. Call to Order

Chair Katherine Danner called the meeting to order at 8:01 a.m.

Present - Committee Chair Katherine Danner (online), Vice Chair Michael Borden (online), Committee Member Larry Barrett (online), Committee Member Chris Meyer (online), Committee Member Scott Smith (online), Committee Member David Watson (online), Committee Member Gary Burghart, Alternate Committee Member Albert Badeau (online) and Alternate Committee Member Tom Carter (online)

2. Selection of UPAC Officers for 2026

Mr. David Beckett, City Attorney's Office, reviewed the UPAC Officer eligibility and led the election.

Mr. Watson nominated Ms. Danner as Chair and Mr. Barrett seconded the motion. The motion passed unanimously.

Mr. Watson nominated Mr. Borden as Vice Chair, and Mr. Smith seconded the motion. The motion passed unanimously.

Ms. Danner and Mr. Borden accepted their nominations.

3. Customer Comment

There were no customer comments.

4. Committee Member General Discussion

There was no committee member discussion.

5. Adjournment

Chair Danner adjourned the meeting at 8:09 a.m.



Utilities Policy Advisory Committee Geothermal Recommendation

January 14, 2026

Is geothermal energy a feasible source of energy in Colorado and for Colorado Springs Utilities? What should Springs Utilities be doing to prepare for geothermal generation in the future?

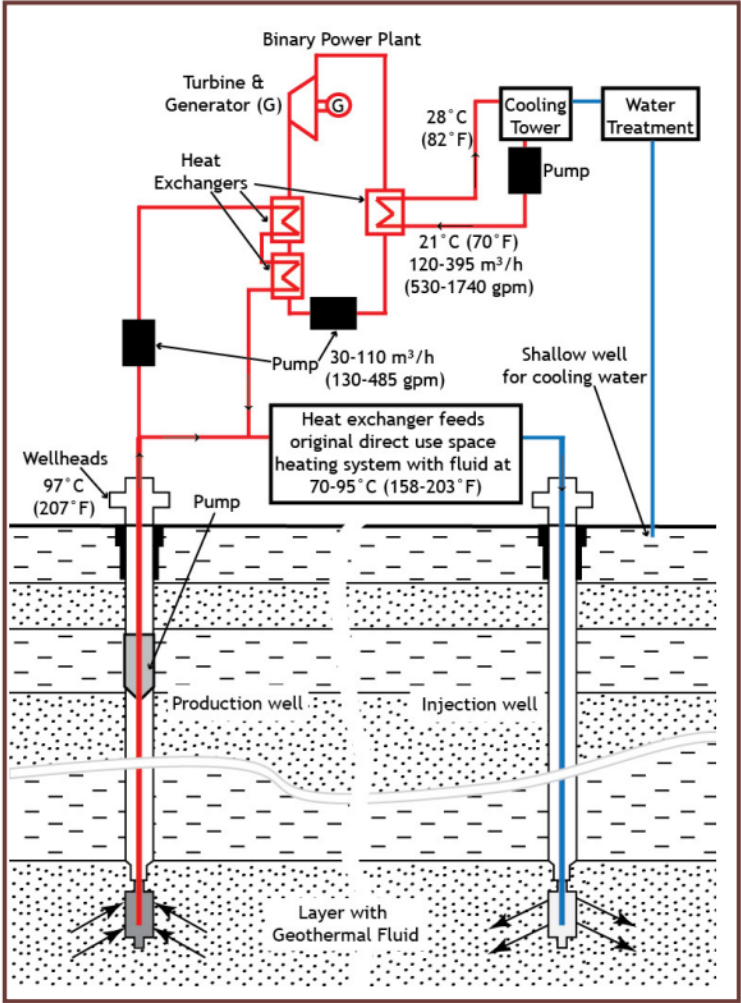
Conventional Geothermal:

- Not advisable for CSU to pursue due to geographical constraints.
- Exception might be critical infrastructure that requires 24/7 power, for example Otero Pump Station.

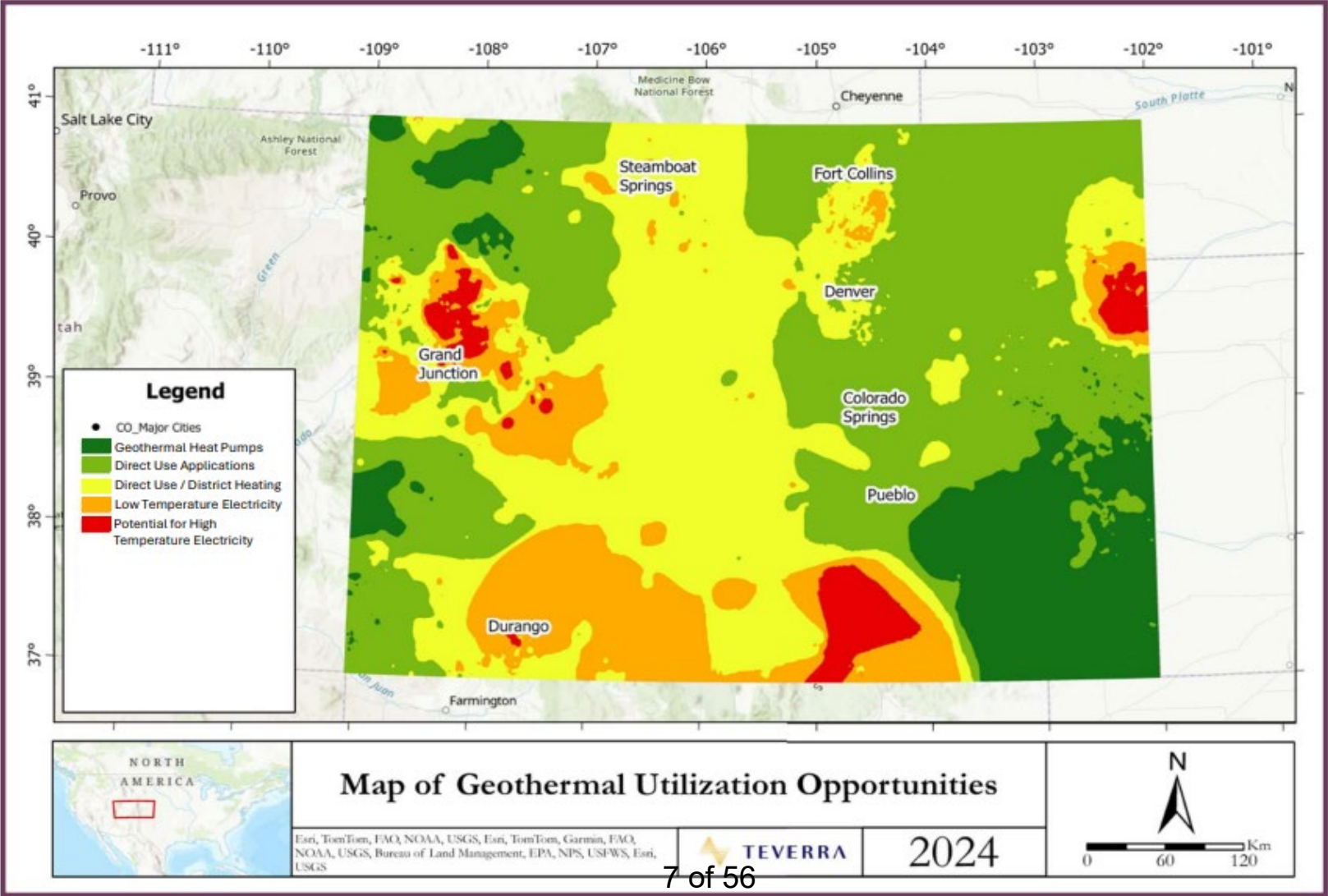
Advanced Geothermal:

- Emerging technology that has future potential to be implemented in a variety of areas.
- Technology is not currently at a state of maturity that would be advisable for Springs Utilities to pursue, however it should be monitored for future consideration into Springs Utilities' Integrated Resource Planning process.

Pros	Cons
Clean, reliable base-load power	High exploration risk
Minimal land footprint	Deep drilling challenges
Positive public perception	Undetermined costs **come back to



Is geothermal energy a feasible source of energy in Colorado and for Colorado Springs Utilities? What should Springs Utilities be doing to prepare for geothermal generation in the future?



What is the state of the technology? And what are the associated project risks?

Conventional Geothermal

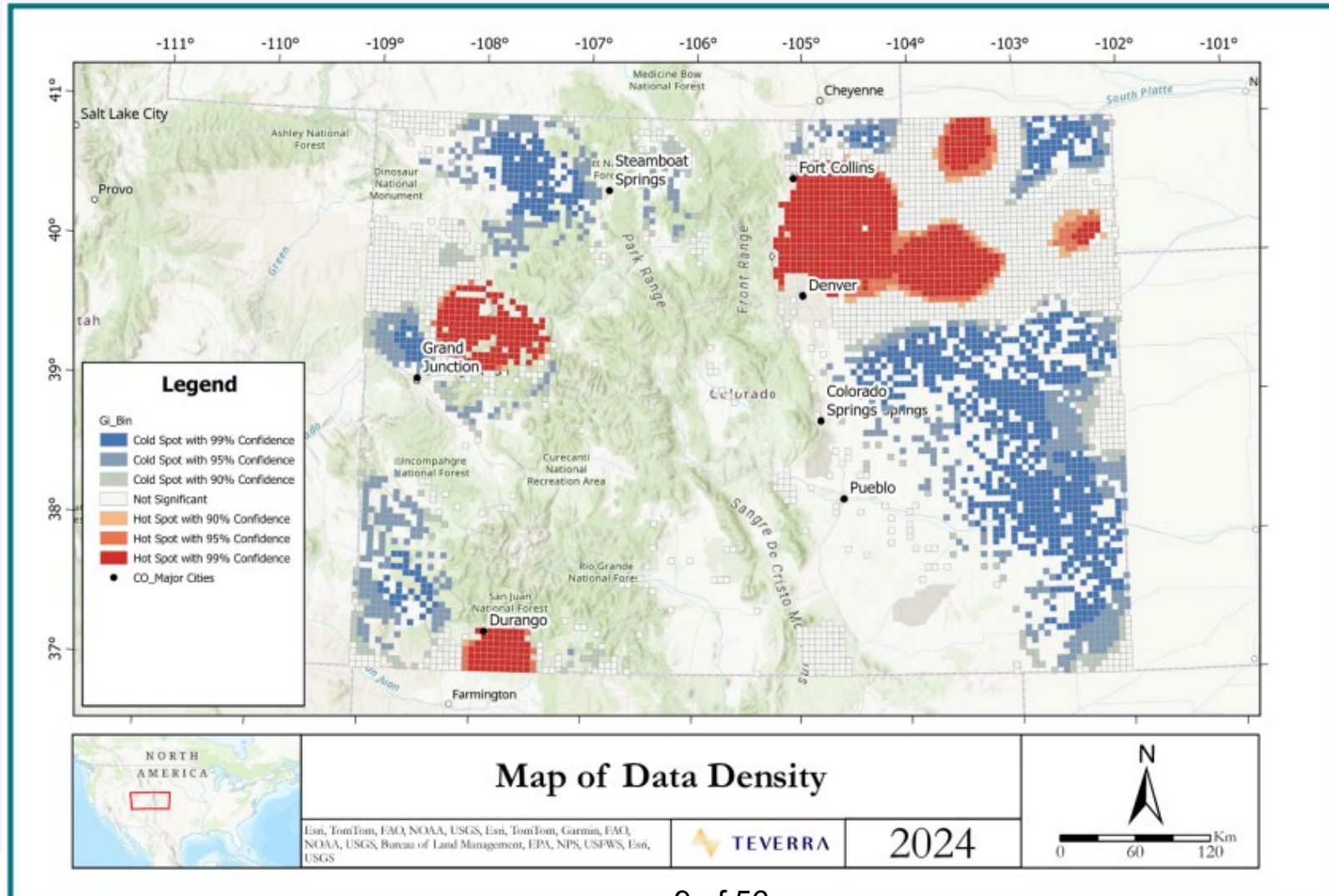
- Uses naturally occurring hydrothermal reservoirs—hot water or steam trapped in permeable rock.
- Wells drilled into reservoirs to bring steam or hot water to surface for power generation.
- Proven technologies: dry steam, flash steam, and binary cycle plants.
- Global capacity ≈ 16 GW (2025); concentrated in volcanic regions.
- Maturity: commercial since early 20th century; steady cost improvements (\$0.05–\$0.08 /kWh).

VS

Enhanced Geothermal

- Engineered reservoirs created by injecting fluid into hot, dry rock to form artificial fractures.
- Works where natural hydrothermal resources are absent—vastly expanding geographic potential.
- Heat extracted via closed-loop or circulating fluid systems powering binary plants.
- Recent milestones: Fervo Energy's 'Project Red' (NV) delivering 24/7 clean power; Utah FORGE proving connectivity in hot steam.
- Key enablers: oil-and-gas-grade drilling, fiber-optic monitoring, and reservoir stimulation advances.
- Challenges: high upfront drilling cost, induced seismicity, regulatory timelines, scaling to commercial multi-MW plants.

Is geothermal energy a feasible source of energy in Colorado and for Colorado Springs Utilities? What should Springs Utilities be doing to prepare for geothermal generation in the future?



Environmental Questions

What are the environmental pros and cons?

Pros

- Low greenhouse gas emissions
- Small land footprint
- Renewable and reliable baseload power source
- Minimal mining
- Potential for co-use for direct heating applications

Cons

- Similar risk associated with deep drilling activities, for example - seismic activity and surface and groundwater contamination
- Land subsidence
- Habitat and ecosystem disruption
- Finite local resource

Are the water constraints in Colorado a prohibitive factor?

- Geothermal could displace a fossil project so you could have a good water source trade off and can use non potable water.
(rephrase)
- Geothermal reduces water usage through:
 - **Air cooling systems**, which eliminate most water consumption but slightly reduce efficiency. Increase capital costs. **Use of non-potable or produced water**, including saline or recycled municipal water.
 - **Closed-loop enhanced geothermal system designs**, where fluids are contained and reinjected continuously.

What is being done domestically and internationally in areas with similar water limitations and climate and altitude?



Current conventional geothermal plants in operation in California



Enhanced Geothermal projects being pursued in Utah

- Water is not considered a limitation or roadblock for project.

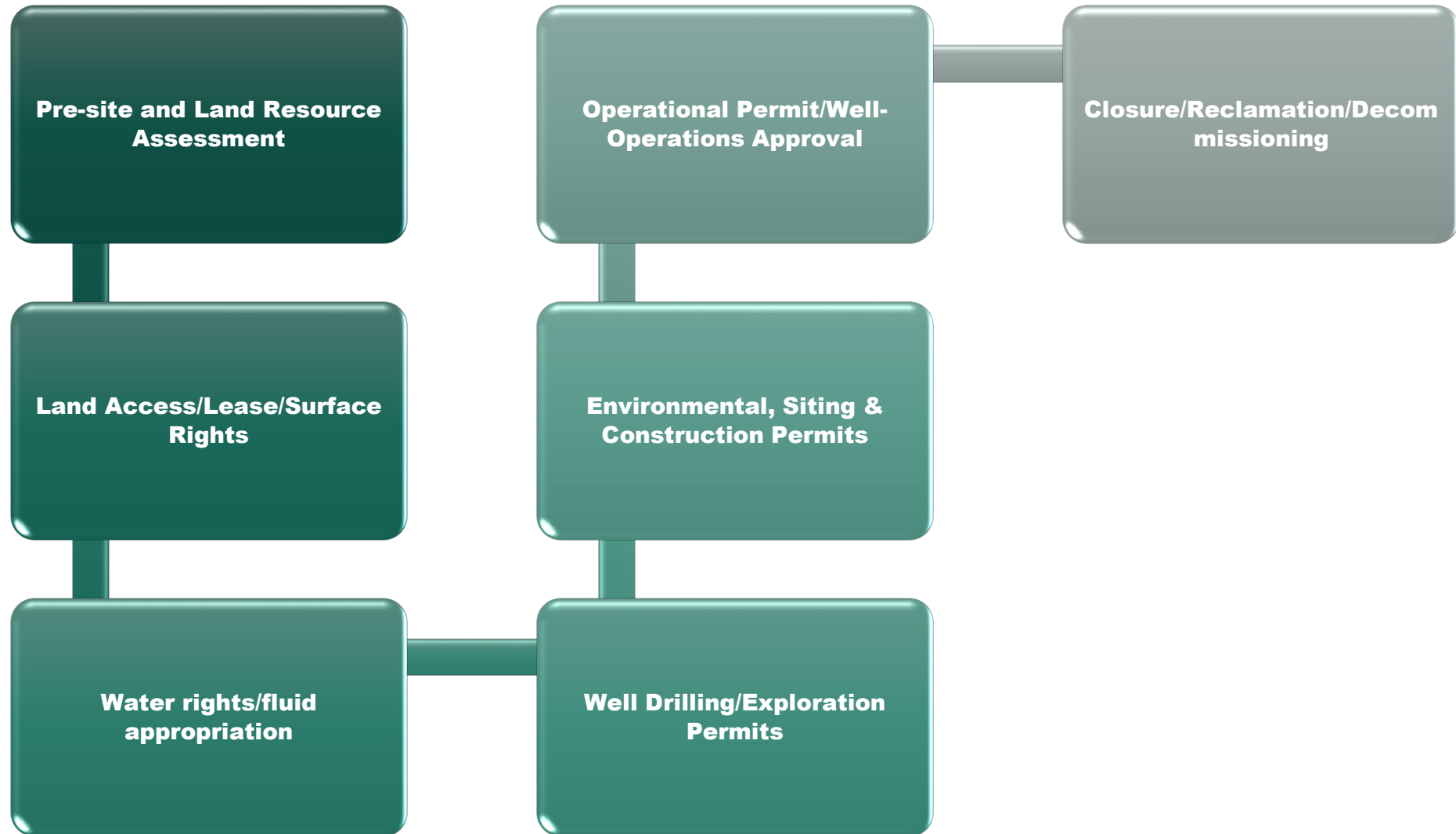
Regulatory Questions

What is the regulatory/legal environment in Colorado and nationally?

Depending on whether the resource is shallow vs deep or involves non-tributary ground water, the lead regulator may differ:

- Colorado Division of Water Resources (DWR)
 - Governs geothermal resources (well and water related issues)
- Colorado Energy and Carbon Management Commission (ECMC)

What is the build out timeframe?



What is the permitting environment? Are there any that have been permitted in CO? Are there public land considerations?

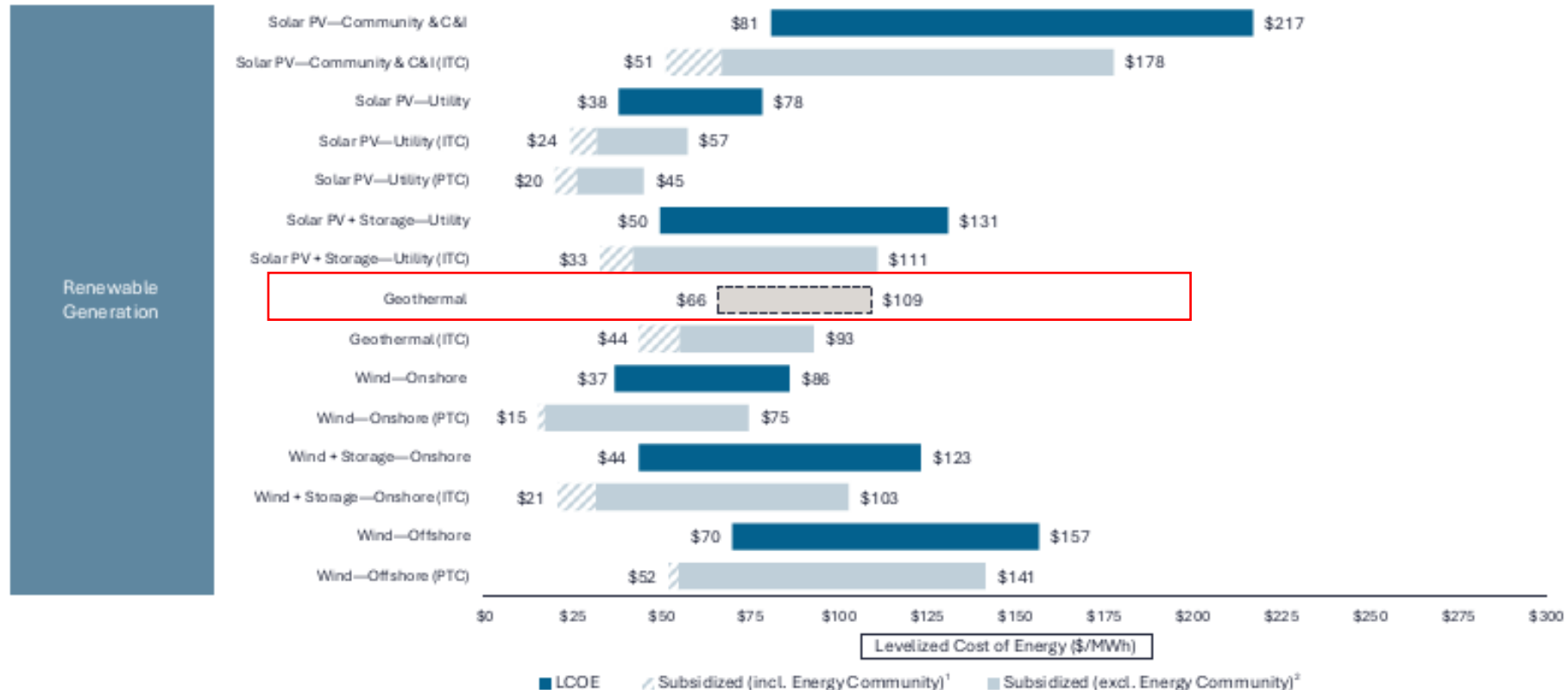
- Goes with #6
- Build out timeframe: just like any other traditional generator once permitting is done. No clear answer. Mention transmission.
- If it's federal: NEPA.
- Build out: exploration risk factor
- Year 0, year 1, year 2, etc.

Financial Questions

What is the cost range for different options? Should cost be seen as prohibitive?

Levelized Cost of Energy Comparison—Sensitivity to U.S. Federal Tax Subsidies

The Investment Tax Credit (“ITC”), Production Tax Credit (“PTC”) and Energy Community adder, among other provisions in the IRA, are important components of the LCOE for renewable energy technologies



Are there federal grants, private investment opportunities or other funding that Springs Utilities should investigate?

Yes, however, not
significant enough to
change the conclusions

What are the opportunities for partnerships and collaboration?

Could collaborate with other utility providers with transmission that would be between us and sources of geothermal energy

Otero pump collaboration with Aurora/Xcel

Military

Private investments

What is recommended for the frequency of UPAC re-examining this topic, including for the EIRP?



Enhanced geothermal technology 3-5 years



If something happens closer to home maybe a more frequent look. Conditional trigger.

Based on this assignment's findings, what if any are areas needing further evaluation by UPAC?

Should be further evaluation of broad resources

Big gap in capacity and operations to meet current goals

Transmission in general—resource wide (regionally and nationally)

How utilities are managing peak demand



Colorado Springs Utilities[®]

It's how we're all connected

Ethics, Open Records, Open Meetings 2026 Update



Presented to
Colorado Springs Utilities Policy Advisory Committee

January 14, 2026

David Beckett – City Attorney's Office

Ethics

Ethics - Why Should You Care?



In your role as a UPAC member, you are a “covered person” subject to the City’s Code of Ethics

Ethics education is required to be given annually

Ethics - Themes of the Ethics Guidelines



- Goals:
 - Ensure independent objective judgment & ethical behavior
 - Ensure public confidence
 - Transparency
- Act with complete honesty, utmost integrity, and fair dealing
- Strive to avoid any conduct creating the appearance of impropriety
- No tolerance for violations

Ethics - UPAC Bylaws Rules of Conduct



- UPAC members may seek employment with Colorado Springs Utilities; if a job application is pending, member receives “excused absences”
- UPAC members may offer products and services to Colorado Springs Utilities after a “no conflict” determination from Colorado Springs Utilities’ CEO (who must consult with the Chair of the Utilities Board)
- UPAC members may not use their position to influence Colorado Springs Utilities’ procurement decisions
- UPAC members may ask for an advisory opinion from the City Attorney regarding a potential future action; must be in writing

Ethics – City Code of Ethics



- Conduct your activities with UPAC's best interests in mind
 - Can vs. Should activities
- Safeguard Colorado Springs Utilities' confidential and proprietary information
- Avoid conflicts of interest and appearances of impropriety
 - Engaging in activities that might interfere with one's objectivity; offering preferential treatment; misuse of financial or customer information
- Disclose promptly any circumstances that might constitute a conflict of interest or an appearance of a conflict
- Unofficial messages should have clear disclaimers that the views expressed do not necessarily represent UPAC's views

Ethics – Code: Conflicts of Interest



- Conflicts of interest are prohibited; recusal is mandatory
- Covered persons may not:
 - Use (either for self or immediate family) or disclose confidential information
 - Knowingly make unauthorized commitments or promises purporting to bind the City or Utilities
 - Request or grant special consideration, treatment, or advantage beyond that available to every other private organization or individual
 - Endorse private organizations or individuals
 - Directly or indirectly participate in any matter in which they or an immediate family member has a substantial interest
 - Misappropriate services or other resources of the City or Utilities for personal benefit

Ethics – Code: Appearance of Impropriety



- Not a prohibited conflict of interest; recusal is voluntary
- Created when a covered person takes a direct official action that may create a reasonable perception that his/her ability to carry out official duties with integrity, impartiality, and competence is impaired

Ethics – Code: Disclosure and Recusal



- Disclose in writing or orally at the public meeting
- Recuse from the matter by:
 - Refraining from voting on or taking any official action concerning the matter
 - Refraining from communicating with any covered person with authority to take official action (commenting on the matter through public or private statements, emails, blogs, tweets, or other social media)
 - Physically leaving any room or premises at which the matter is being discussed or considered

Ethics – Gifts



- Applies to “covered persons” and “immediate family members”
 - Includes “greats”, cousins, step relatives, in-laws and people in your household
- Whether something is a “gift” is fact-based
- Whether the gift is “related to the covered person’s duties and responsibilities on behalf of the City [or Utilities]” is an important fact
- Cannot exceed \$75 in value in a year from one donor
- Do not solicit, accept, or give gifts (event tickets, tours, etc.,) that could be perceived to influence objectivity or when a substantial interest may exist

Ethics – Gifts



- What is a Gift under City Code?

A payment, subscription, advance, forbearance, acceptance, rendering or deposit of money, services, or anything of value given, to include food, lodging, transportation, golf or other recreation or entertainment, and reimbursement for other than necessary expenses for official business on behalf of the City, unless consideration of equal or greater value is received.

Ethics – Gifts



- So long as not reasonably considered a bribe or means of improper influence on direct official action, the following examples of gifts are permitted:
 - Unsolicited awards (plaques & professional awards)
 - Awards or prizes at competitions or drawings open to the public
 - Perishable or consumable gifts given to Utilities or UPAC
 - Gifts that become the property of the City or Utilities

Ethics – Gifts

Inappropriate hospitality or gifts per City Code

Involve offering or receiving accommodations, tours, event tickets, recreation, entertainment, meals or other similar personal benefits when a ***substantial interest exists*** that could influence or be perceived to influence objectivity when interacting with, representing, or conducting business for or on behalf of the City or Utilities

Substantial interest: a situation in which a reasonable person faced with making a decision, after considering the relevant circumstances, would tend to have their decision influenced by a personal or financial stake or consideration

Ethics – Gifts



- “Gifts” of fees, meals, lodging and transportation are generally OK when Colorado Springs Utilities pays for an approved conference, seminar, event or meeting
- Keep all documentation
- Report all gifts by contacting Colorado Springs Utilities’ Bethany Schoemer

Ethics - Gifts are Tricky; If in Doubt, ask Yourself:

- Is the action legal?
- Does it comply with UPAC's and Colorado Springs Utilities' values?
- If you do it/accept it, how will you feel?
"You" includes Immediate Family Members and Covered Persons
- How will it appear to the public and the media?



Ethics – Guidelines Citations



UPAC members are subject to

- UPAC's Bylaws
- The City of Colorado Springs Ethics Code (City Code §§ 1.3.101, *et seq.*)

Questions about Ethics

Contact the City Attorney's Office 719-385-5909

CORA –Colorado Open Records Act

The Incorrect Approach . . .



Public Records



It is declared to be the public policy of this state **that all public records shall be open for inspection by any person** at reasonable times, except as provided in this part 2 or as otherwise specifically provided by law.
C.R.S. § 24-72-201

COLORADO STATUTE:

Colorado Open Records Act (CORA):
Colorado Revised Statutes
(C.R.S.) sections **24-72-202 et seq.**

Colorado Criminal Justice Records Act (CCJRA):
Colorado Revised Statutes
(C.R.S.) sections **24-72-301 et seq.**

Colorado Open Records Act



- Strong presumption that the records you make, maintain or keep are public (even those retained on personal devices) and can be “inspected”
- Both paper and electronic “writings” are “public records”
- “Writings” include emails (sent, received, opened, unopened), texts, Teams messages, notes you take in meetings, digitally stored data, photos, voicemails/recordings, receipts, calendars, vendor proposals and other solicitation process documents, etc.
- Emails related to this Project are subject to CORA
- No specific CORA requirement that you retain documents
 - Colorado Springs Utilities will destroy records in accordance with its document deletion practices (such as 3 years for emails)
 - Exception – no destruction of relevant records once a CORA request is received

CORA's Exceptions: Records that are NOT Public



For example:

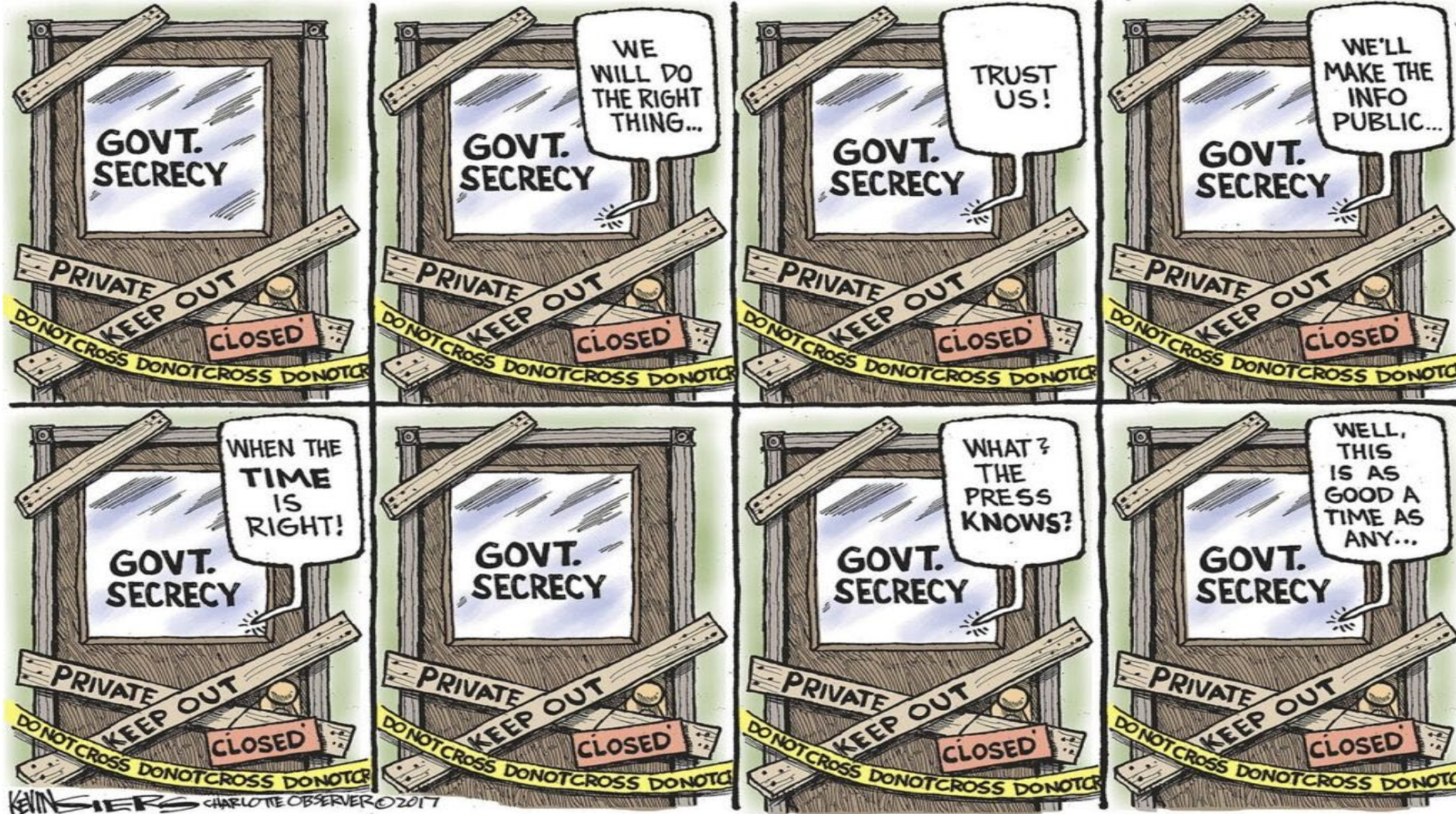
- Work Product: all intra- or inter-agency materials assembled for the benefit of elected officials that advise and express an opinion for the purpose of assisting the elected officials to make a decision
- Work product includes preliminary drafts and discussion copies that are NOT distributed to UPAC for discussion
- The elected official, however, can release any work product prepared by UPAC

Final Thoughts on CORA



- All public agencies are subject to CORA, including Colorado Springs Utilities
- All citizens (even non-Colorado Springs citizens), media, businesses, and even employees can request records
- Responding to CORA likely will be the responsibility of Colorado Springs Utilities:
 - Official records: Agendas, minutes, bylaws, meeting recordings
 - Emails that staff have sent or received and retained per retention policy
- Copy Bethany Schoemer on any UPAC-related correspondence
- UPAC members have no obligation to keep UPAC-related materials, notes, or correspondence unless there is a current CORA request

Another Incorrect Approach . . .



Open Meetings

Colorado Open Meetings Law



- Think of it as,
“Let the sunshine in.”



Colorado Open Meetings Law



- Formation of public policy is public business and shall not be conducted in secret: All “meetings” shall be open to the public
- A “meeting” occurs any time **three** or more members of UPAC discuss UPAC or Colorado Springs Utilities’ public business or take formal action in person, over the telephone, or by email
- Assume a “meeting” occurs when using “reply all” by email
 - **Avoid “reply all”**; get assistance from Bethany Schoemer

Open Meetings – What is Not a “Meeting”



A chance meeting at a social gathering at which discussion of public business is not the central purpose.

Open Meetings Require Notice



- Notice is required when UPAC
 - Has **three** or more members present or expected to be present
AND
 - Intends to discuss or conduct UPAC or Colorado Springs Utilities public business; OR
 - Intends to adopt a proposed policy or position; OR
 - Needs to take formal action
- Notice shall be provided no less than 24 hours prior to the meeting
- Notice preferably posted on a public website and be searchable

Public Forum Surprises – No Public Notice



- UPAC Assignment is on the Same Topic as Forum
 - Three UPAC members attend unexpectedly
 - Best Practice: Just listen
 - Report back at next UPAC meeting
 - Less than three UPAC members attend unexpectedly
 - You may speak in your non-UPAC capacity
 - Report back at next UPAC meeting
- UPAC Assignment is not related to forum topic
 - Multiple UPAC members attend unexpectedly
 - You may speak in your non-UPAC capacity
- In all instances, immediately notify Bethany Schoemer afterward

Open Meetings – UPAC May Hold Closed “Executive Sessions”

- UPAC may not adopt any proposed policy, position, resolution, rule, regulation or other formal action in an executive session
- Examples of purposes:
 - Legal advice on specific legal questions
 - Matters required by federal or state law or rules and regulations to be kept confidential
 - Transactions involving real, personal, or other property interests
 - Documents protected by CORA’s mandatory nondisclosure provisions

Open Meetings – Consequences

- Failure to comply with the Open Meetings Law may rend the action invalid
- Court challenges can result if the Open Meetings Law is not followed
- In a court proceeding, awarding costs and reasonable attorney fees to the prevailing party is typically mandatory
- Regardless, an Open Meetings Law legal challenge does not bolster public confidence in government

Final Thoughts on Open Meetings



- Work with Bethany Schoemer, whenever a meeting needs to be noticed
- Before sharing material with other members that might be discussed as part of UPAC or Colorado Springs Utilities' public business ask yourself:
 - Am I sending this to two or more members of UPAC?
 - Might a discussion commence?
 - Can Bethany Schoemer facilitate distribution of this material to the rest of the UPAC members?
- **Questions?**