RAP
REGULATORY
ASSISTANCE PROJECT

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PUC Modernization Report

Phase One

Prepared for the Colorado General Assembly and the
Colorado Public Utilities Commission
by the Regulatory Assistance Project

The findings in this report are not those of the Public Utilities Commission or the Department of Regulatory Agencies. The Regulatory Assistance Project (RAP) is an independent, non-governmental organization dedicated to assisting the energy and regulatory community with non-partisan technical advice. RAP works closely with state utility commissioners to provide rigorous analysis and support in navigating modern regulatory challenges. RAP's Council of Commissioners—a group of former U.S. utility commissioners—channels first-hand insight into how regulatory decisions are made and how utility commissions operate in order to provide current commissions with trusted peer advice.

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Introduction: Motivation and Approach

The Colorado Public Utilities Commission (PUC) is subject to periodic sunset reviews by the Colorado Office of Policy, Research and Regulatory Reform within the Department of Regulatory Agencies (DORA). These reviews provide recommendations to the Colorado General Assembly regarding if, how and for how long to re-authorize the PUC's regulatory authority. The most recent review was conducted in 2025[1] and ultimately led to House Bill 26-1326,[2] signed by Governor Polis on May 29, 2026.

The signed act, herein referred to as the "Continuation Act,"[3] extends the statutory authorization of the PUC through 2033 and mandates several studies. Section 37 requires a study "on modernizing commission structure" to "ensure that the Commission and Commission staff have sufficient capacity, technical expertise, and resources to fulfill its statutory duties." This study must be conducted by an independent third-party consultant. Section 37, Subsection (1) requires the study to include an evaluation and recommendations regarding Commission size, commissioner compensation including salary and travel reimbursement, funding mechanisms to potentially support statutory equity and intervenor participation and adequacy of staffing levels.

Per statute, the study will be divided into two phases: An initial Phase 1 report to be completed by November 1, 2026; and a more detailed final Phase 2 report to be completed by November 1, 2027, with final suggestions, including legislative recommendations, for how to modernize the PUC's "personnel, organizational, and budgetary structures."

The PUC engaged the Regulatory Assistance Project (RAP) to prepare the Phase 1 report. Phase 1 is intended to scope and characterize the Colorado PUC, share initial findings and create a plan for future work.[4] RAP divided this work into five tasks:

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[1] Colorado Department of Regulatory Agencies. (2025, October 15). *2025 Sunset Review: Public Utilities Commission*. https://coprrr.colorado.gov/sites/coprrr/files/documents/2025SunsetPublicUtilitiesCommission.pdf (PDF)

[2] Colorado General Assembly, HB 26-1326, 2026 Reg. Sess. https://leg.colorado.gov/bills/hb26-1326

[3] Officially, "An act concerning the continuation of the Public Utilities Commission, and, in connection therewith, implementing recommendations in the 2025 sunset report by the Department of Regulatory Agencies and making an appropriation."

[4] Due to the short amount of time available to prepare this preliminary report, RAP focused predominantly on the PUC's energy-related work. The Phase 2 report should expand this scope to include all industries regulated by the PUC.

1. **Characterize the Colorado PUC:** Describe the PUC's current personnel by section; report commissioner compensation and the reimbursement policy for commissioners to travel to the Denver office; and report the annual budget for the last five fiscal years;
2. **Initial consultation with stakeholders:** Conduct scoping interviews with a preliminary set of stakeholders about their areas of concern and their expectations for the study;
3. **Consult with former practitioners:** Interview the RAP network of former senior PUC staff and commissioners to capture relevant expertise on challenges and potential solutions;
4. **Research peer commissions:** Compile the same information for five public utility commissions in other states with similar regulatory scope and complexity;[5]
5. **Prepare a blueprint for Phase 2:** Identify focus areas and potential recommendations that should be addressed in the Phase 2 report, along with guiding questions.

This report focuses on external perspectives about the PUC, and therefore no PUC staff or commissioners were interviewed. PUC staff did, however, review a draft of this report for accuracy, in particular regarding budget, approved FTE and vacancy data.

The Colorado PUC Today

Mission and Scope

The Colorado PUC regulates electricity, gas, gas pipelines, water and steam utilities. It also has oversight over significant aspects of the transportation sector,[6] as well as discrete aspects of telecommunications.[7] The PUC mission is to ensure that Coloradans receive "safe, reliable, and reasonably-priced services" and that those services are consistent with Colorado's "economic, environmental, and social values."[8] Due to Colorado's sunsetting law, the Public Utilities

[5] RAP selected five peer states to compare with the Colorado PUC. These states are Oregon, Montana, Minnesota, Wisconsin and Indiana.

[6] This includes rail safety, common carriers and towing and booting.

[7] This includes 911 and state prison communication services.

[8] This mission statement, from the PUC's website, is not found in statute. Rather, it appears to be an interpretation of many statutes. For example, C.R.S. §40-2-129(1) instructs the PUC to "consider, in all decisions involved in electric resource acquisition processes, best value regarding employment of Colorado labor"; C.R.S. §40-2-123(1) instructs the PUC to bear in mind "the beneficial contributions [clean energy and energy-efficient technologies] make to Colorado's… environmental protection"; and C.R.S. §40-2-108(3)(b) instructs the PUC to "consider how best to provide equity, minimize impacts, and prioritize benefits to disproportionately impacted communities."

Commission must periodically be re-authorized by the General Assembly. In 2026, the General Assembly authorized the PUC to continue operations through 2033, as recommended in DORA's *2025 Sunset Review* (PDF).

Organization and Personnel

The PUC is classified as a "type 1 entity" that sits within the Department of Regulatory Agencies (DORA). This means that, although some management functions may be administered through DORA, the PUC itself retains independent authority for statutorily defined powers such as rule-making, rate-setting and the assessment of civil penalties.[9] The Continuation Act also gave the PUC explicit responsibility for human resources and planning, as well as budgeting "in coordination with [DORA]."

PUC leadership includes three commissioners, each appointed by the governor with consent from the Senate,[10] and a director, appointed by the executive director of DORA with approval from the commissioners.[11] Commissioners serve four-year terms, with each term offset by at least one year so that only one seat changes at a time. No more than two commissioners at a time can have the same political affiliation.[12] The director is responsible for budgeting, purchasing, planning, personnel and the day-to-day operations of the PUC.

In addition to the director and commissioners, the PUC currently includes 12 Commission advisors and 108 additional staff (a total of 120 staff). Within the PUC, 37 staff are allocated to the Public Safety unit; 30 staff are allocated to the Fixed Utilities unit; 25 are allocated to the Policy unit (including the 12 Commission advisors); 11 are allocated for administrative hearings (including six administrative law judges); and the remainder contribute to support, operations and external affairs. See Figure 1 for more detail.

For the budget year 2025–26, the General Assembly's Long Bill allocated 138.5 full-time equivalent staff (FTE) to the PUC, which includes positions added by earlier legislation. The PUC's appropriated spending authority for personal services, however, currently only supports 120 FTE. The disparity between approved FTE and appropriated funding is due to government-wide reductions in appropriated spending during recent legislative sessions without

[9] C.R.S. §24-1-105(1)(b)

[10] C.R.S. §40-2-101(1)(b)

[11] C.R.S. §40-2-103(1)

[12] C.R.S. §40-2-101(2)

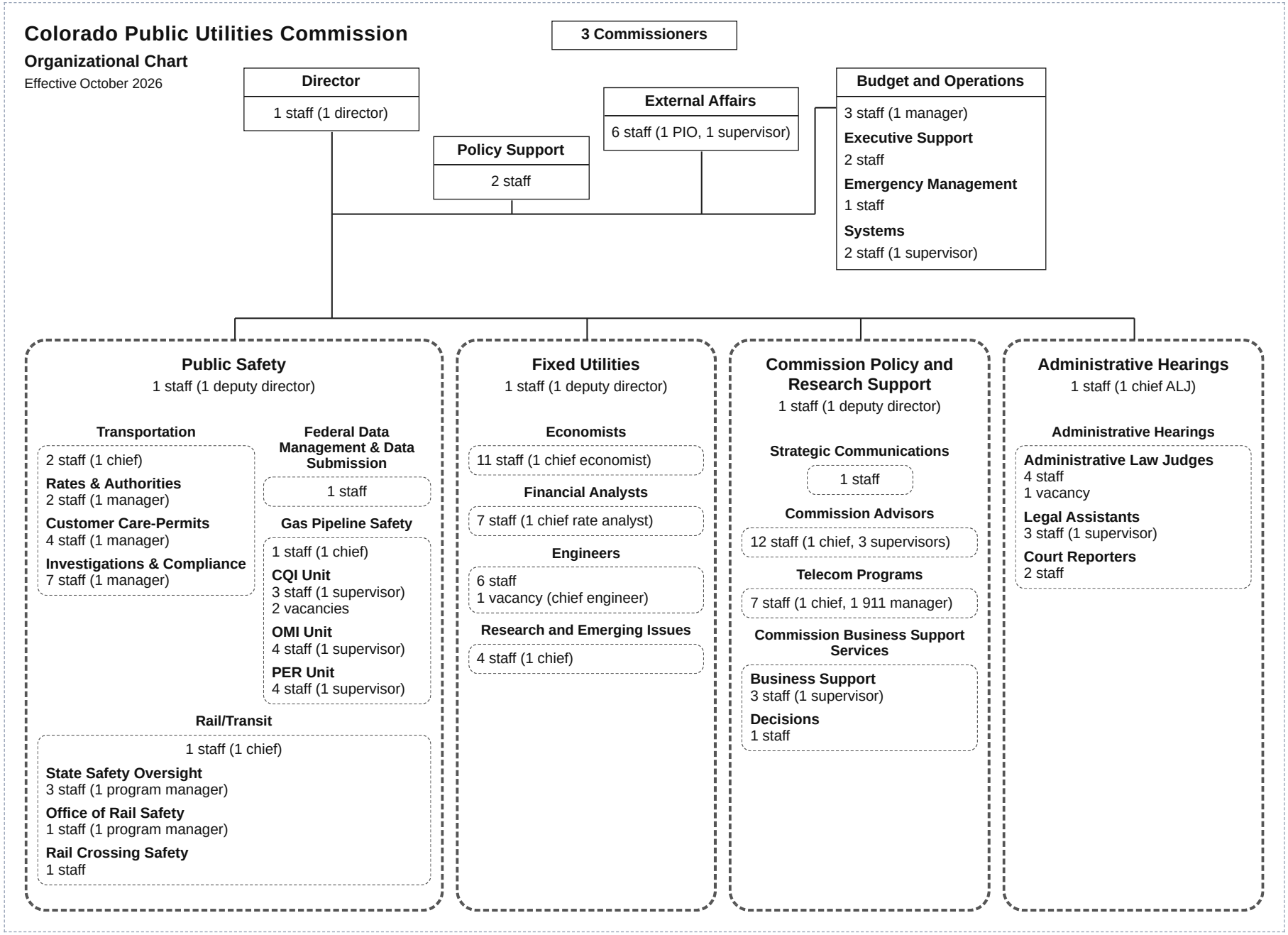
corresponding reductions in approved FTE. Such disparities may accumulate over time: If a position remains vacant, then funding can be re-allocated to other agencies, though the approved FTE remains.

The Public Safety unit is the largest unit in terms of FTE. Its responsibilities include rail and gas pipeline safety, as well as motor carrier rates and compliance. Personnel issue permits and conduct safety inspections, audits and accident investigations. Public safety staff will sometimes serve as Commission advisors or trial staff during proceedings.

The Administrative Hearings unit includes administrative law judges (ALJs) and the court staff necessary to ensure the administrative law process in litigated, quasi-judicial proceedings. The director hires ALJs and court staff. From 2020–2024, ALJs issued 32–47% of annual decisions; all remaining decisions were issued by the commissioners.

The Fixed Utilities unit contains expertise in economics, audits, public policy, accounting, engineering and research and analysis. Fixed Utilities staff serve in two distinct roles: as trial staff during formal litigated proceedings, in which they advocate for the public interest; and as expert staff who support the day-to-day operations of the Commission, such as reviewing compliance filings, conducting audits, reporting ongoing business to the Commission and other uncontested duties. In their role as an independent party to litigated proceedings, trial staff do not discuss the substance of ongoing cases with commissioners, ALJs or Commission advisors. They may, however, collaborate with other stakeholders in the proceedings. This firewall between trial staff and commissioners is a key characteristic of the PUC’s current structure.

Figure 1. Organizational chart for the Colorado PUC as of October 2026



The Policy and Research Support unit includes 12 Commission advisors who support the commissioners and ALJs during formal proceedings. These advisors focus solely on the PUC's energy work. Unlike trial staff from the Fixed Utilities unit, Commission advisors are legally permitted to discuss proceedings and directly support Commissioners and ALJs as they make their decisions. Importantly, as noted above, they are not legally permitted to discuss the substance of a proceeding with Fixed Utilities staff functioning as trial staff. Commission advisors are assigned to proceedings and support all three commissioners during those proceedings. Telecommunications staff are part of the Policy and Research Support unit, and may also serve as Commission advisors or trial staff during some proceedings.

Budget and Compensation

Table 1 documents the PUC personal services budget, approved FTE and commissioner compensation since FY2021–22. Over the last five years, the PUC budget for personal services increased by 32% and its FTE allocation increased by 33%. In the same period, commissioner salaries increased by 16% due to pay and cost-of-living adjustments that were applied to all state employees. Note that approved FTE does not necessarily match actual employees on staff. This is because the annual personal services appropriation, which determines actual staffing levels, is set independently of approved FTE. For example, personal services appropriations in FY2025–26 are below the level that would be necessary to employ 138.5 FTE.

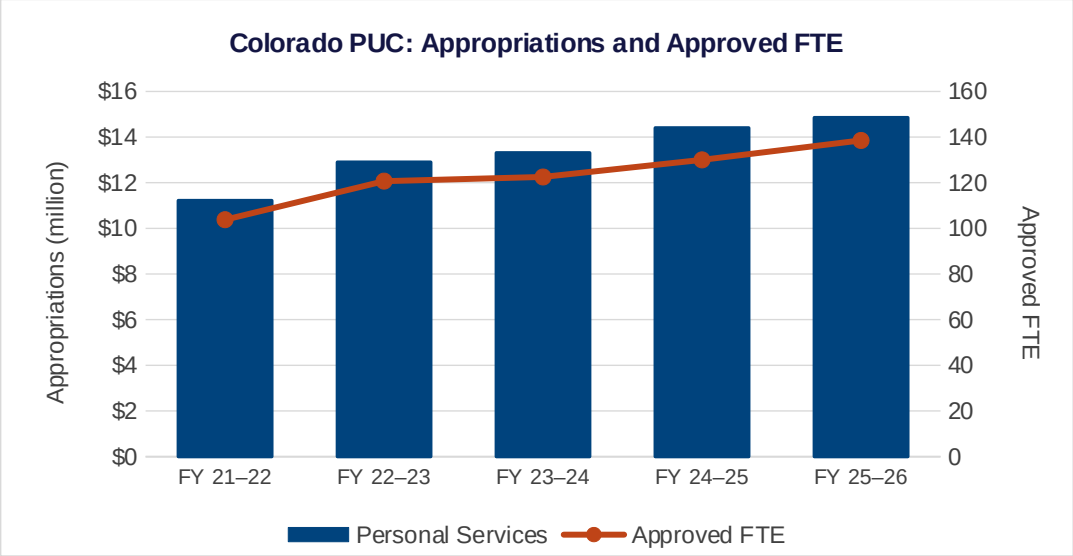
Table 1. Appropriations for PUC personal services, full-time equivalent staff (FTE) and commissioner salaries since FY2021–22

	Personal Services ($)	Year-over-year change	Approved FTE	Year-over-year change	Commissioner Salary ($)	Year-over-year change
FY2021–22	11,221,099	--	103.8	--	149,508	--
FY2022–23	12,902,263	+15%	120.7	+16%	153,996	+3.0%
FY2023–24	13,310,234	+3.2%	122.5	+1.5%	161,700	+5.0%
FY2024–25	14,402,898	+8.2%	130	+6.1%	169,785	+5.0%
FY2025–26	14,853,972	+3.1%	138.5	+6.5%	174,030	+2.5%
Change from FY2021–22	+32%		+33%		+16%	

Other funds are excluded, such as operating expenses, centrally appropriated overhead costs, allocations from DORA, expert testimony, federal funds and passthroughs and grants.

Sources: appropriations and FTE are from Annual Long Bill appropriations forms; commissioner salaries are from openthebooks.com

Figure 2. Colorado PUC appropriations for personal services and approved FTE for fiscal years 2022–2026



Appropriations exclude funds for operating expenses, centrally appropriated overhead costs, allocations from DORA, expert testimony, federal funds and passthroughs and grants.

Source: Annual Long Bill appropriations forms

Reimbursement Policy for Travel to Denver

Under DORA's *Travel Policy*, which follows state policy, PUC employees are considered to have a "Hybrid Workplace." This means they have "an available workspace… at a State Workplace," which is considered to be their "Regular Work Location." This includes "hybrid remote-first" employees who primarily work remotely but may come to the office for occasional business needs. Because PUC employees have a hybrid workplace, they are classified as being in "Circumstance 1," as defined by the *Travel Policy*. To be eligible for mileage, per diems and lodging reimbursement, staff must be traveling "away from home." For Circumstance 1 employees, travel "away from home" means travel "away from the [employee's] Regular Work Location," regardless of the employee's actual residence.

This means that, under DORA's *Travel Policy*, commissioners and other PUC staff are not eligible for reimbursement for the costs of traveling to the Denver office. Rather, travel to the Denver office is considered commuting, which is not reimbursable. This applies equally to staff and commissioners who live in Denver or anywhere else in the state.

In light of these travel and reimbursement policies, it is also relevant to note that the Continuation Act requires quorum in-person attendance at weekly meetings starting in July 2027 and further directs the PUC to develop attendance rules for other hearings.

Stakeholder Interviews

RAP invited 13 organizations to participate in an interview or submit written comments about their work with the PUC and the scope of this study. We ultimately interviewed 23 representatives from ten stakeholder organizations and received written comments from two more organizations. In addition, three groups shared written comments following their interview. One group did not respond. These organizations include regulated utilities, non-profits, labor unions, trade associations, government agencies and a municipality. This initial Phase 1 report focuses on external perspectives about the PUC, and therefore no PUC staff or commissioners were interviewed, although PUC staff did review the document for accuracy. See Appendix B for a breakdown of respondents and Appendix C for discussion questions.

Several common themes emerged among stakeholders. The most common theme by far is that PUC staffing levels have not kept pace with the PUC workload. This was described differently by

different stakeholders: Approved FTE staff are insufficient to meet the workload; legislative burdens are increasing without corresponding FTE approvals; budget appropriations are insufficient to hire all approved FTEs; or hiring bottlenecks prevent efficient replacement when skilled staff leave, increasing the burden on remaining staff, which leads to burnout and more turnover. Interviewees overwhelmingly approved of the professionalism and competence of existing staff but noted that this alone could not overcome the volume of work.

Stakeholders also held divergent perspectives on some issues, including the number of commissioners, the appropriateness of the "values" clause of the PUC mission and whether the PUC was equally executing all aspects of its mission. Here we categorize these and other recurring themes as they pertain to the scope of this report.

3 vs. 5 commissioners

Stakeholders disagree about whether the PUC should expand from three to five members. The two sides focused on different perspectives. Those who argue to keep three commissioners say that adding additional commissioners would result in slower decisions, as more commissioners could drive more contentious deliberations. Increasing the number of commissioners would also require additional staff support, imposing new costs on Coloradans; or risk stretching already-overburdened staff and advisors too thin. One group emphasized that the PUC needed additional analytical and trial staff in order to process workloads more quickly, rather than additional commissioners. There is also concern about politicization of the process and potentially re-opening a previously failed legislative effort to appoint commissioners geographically.[13]

These stakeholders point out that a three-commissioner PUC is the most common model in the United States.[14] They also point to New Mexico's recent decision to reduce its PUC from five to three members. According to the New Mexico Public Regulation Commission, this change reduces personnel costs and aims to "enhance efficiency and streamline decision-making processes…. Fewer commissioners can make it easier to reach a consensus and manage the

[13] HB25-1126: "Public Utilities Commission Membership Geographic Representation"

[14] According to DSIRE Insight, 28 states have three-member commissions. Apadula, E. (2024, November 22). *Utility commissioners: How they're selected, what they do, and how they impact daily life*. DSIRE Insight. https://www.dsireinsight.com/blog/2024/11/21/utility-commissioners-how-theyre-selected-what-they-do-and-how-they-impact-daily-life

workload more effectively."[15] Some groups also noted that adding commissioners would add new costs for Coloradans, which they believe would be better spent on technical staff.

At the same time, several groups argue for expanding the bench to five commissioners. These groups assert that the current bench could benefit from greater diversity of professional experience and perspectives—for example having worked for utilities or on power lines. They indicate that statutory requirements to prevent a single-party bench have failed in practice to promote ideological diversity. They also argue that non-power utilities, such as water or transportation, are not sufficiently represented. One group considered the additional costs of a larger commission to be an investment in better public policy. One stakeholder also objected to the view that smaller commissions make faster decisions. In its view, the pace of decisions is more dependent on staff capacity and statutory deadlines.

Proponents noted other potential strengths of a five-member PUC relative to a three-member PUC. For example, in a three-member PUC, each commissioner has substantial weight. Increasing the number of commissioners dilutes that weight so that no individual holds too much influence. A three-member PUC also means that a non-unanimous decision will always be a narrow 2-1 consensus, which could be perceived as weaker precedent.

One group feels that the correct number of commissioners is open to discussion, but it supports an expanded bench as a means to achieve its chief concern of increased ideological diversity. Several groups similarly supported altering the selection process for commissioners to create some form of geographic representation, without taking a position on the exact number of commissioners.

PUC Staffing

The area of greatest agreement is that PUC staff capacity has not kept pace with its responsibilities. While recruitment and retention problems affect many state agencies, stakeholders noted a unique concern with the PUC: Requests from the legislature are increasing and adding to the PUC's duties without approving or funding a corresponding increase in FTE. At the same time, the energy landscape is evolving in complexity, creating an added challenge for existing staff. Importantly, several stakeholders stressed that this is a capacity issue, not a criticism of individual employees. According to one representative of a regulated utility, PUC staff

[15] New Mexico Public Regulation Commission. (n.d.). *New employee orientation*. https://www.prc.nm.gov/new-employee-orientation/

have “strong technical expertise and professionalism. Any challenges I have observed are generally related to workload and the increasing breadth of issues under consideration rather than a lack of expertise.”

Stakeholders experience these capacity constraints as delays to administrative proceedings and rulemakings. Some rulemakings that are currently in process originate with laws passed in 2022 or earlier. Frequently cited examples include recent rulemakings around equity, transmission and best value employment metrics.[16] For example, a 2022 audit of how the PUC was considering best value employment metrics found that a lack of rules and procedures prevented these metrics from being meaningfully considered.[17] Delays tie up organizational resources for groups involved in the proceedings and extend uncertainty about implementation of the law.

Most groups believe that increased PUC staffing is the solution to these delays.[18] Several stakeholders also mentioned a need for roles with specific expertise, such as transmission planning, cybersecurity, utility finance, large load technical requirements, greenhouse gas analysis, best value employment, environmental justice and on-the-ground experience with project development. Finally, multiple stakeholders pointed out that it may be difficult to attract top talent with the available compensation and training, which they perceive to be “below market” for state agencies. They noted that staffing appropriations are likely suppressed by the state budget pressures even though the PUC is funded by utility fees,[19] and that giving the PUC a stronger voice in its own budget might result in more sustainable funding.

These solutions require legislative approval for increased FTE and corresponding appropriations, as well as a faster and more flexible hiring process. Several groups suggested that giving the PUC autonomy over its hiring process, rather than working through DORA, could be a first step to speeding up hiring and reducing vacancies. The PUC, they say, should be authorized to determine its own hiring classifications and requirements, and to control the entire process. The Continuation Act grants to the PUC director “the powers, duties, and functions related to [the PUC’s] budgeting… including human resources” and responsibility for “operations and management of the state personnel system,” though it does not specifically mention hiring. One

[16] Colorado Public Utilities Commission. (n.d.). *Best value employment metrics and energy sector public works rulemaking*. https://puc.colorado.gov/best-value-employment-metrics-and-energy-sector-public-works-rulemaking

[17] See “Consideration of Best Value Employment Metrics in Electric Utility Resource Acquisitions” (PDF), p. 10.

[18] Although this belief is not unanimous. One group thought the PUC’s mission should be narrowed to focus on core duties, avoiding the increased costs of additional personnel.

[19] Colorado’s Taxpayer’s Bill of Rights (TABOR) means that the PUC cannot increase fees without reducing available funding to other state agencies. See *Intervenor Participation and Equity Objectives*, below, for a more detailed explanation.

group considers this a vital new authority and will be watching to see if it improves the hiring process.

Commissioner Compensation and Travel Reimbursements

Stakeholders did not take an explicit position on commissioner compensation. One group considered increased spending on commissioners (and staff) as an investment that could drive more efficient proceedings and better regulatory outcomes. Another group noted that costs to ratepayers would increase if the number of commissioners increased. Both of these comments were in the context of increasing the number of staff and commissioners, however, rather than direct comments about commissioner compensation levels.

Stakeholders did not have a position on travel reimbursements, either. Several groups, however, have a strong desire for more frequent in-person meetings, which bears indirectly on travel reimbursement. According to DORA's current *Travel Policy* (which is aligned with state travel policies), commissioners are not reimbursed for travel to Denver. Increasing the requirement for in-person hearings and meetings would financially impact commissioners and may trigger renewed interest in DORA's travel policies.[20]

Note that PUC staff reviewed this report for accuracy, but no PUC or DORA staff were interviewed for their perspectives, though they are unique among stakeholders in being affected by DORA's travel policies. It would be valuable to engage with PUC employees during the Phase 2 report, for this reason as well as for their deep familiarity with all of the PUC's operations.

Intervenor Participation and Equity Objectives

Stakeholders had various perspectives about intervenor participation and hurdles to participation in PUC proceedings. They point out that claiming intervenor compensation is currently difficult. Claimants must first know it exists, and then they must apply for it and prove that they contributed to the proceedings. A standardized eligibility rubric and "navigational support" throughout the process could help intervenors understand what they can claim and how.

Some stakeholders wonder if a different agency could be authorized to administer the intervenor compensation program. One group suggests that the program could be administered through the

[20] Section 4 of the Continuation Act requires in-person attendance from a majority of commissioners at weekly business meetings beginning in July, 2027, but it defers to the PUC (in Section 12) to adopt rules defining attendance at other meetings.

Office of Environmental Justice, which might have more funding flexibility. Another group suggests that it might be possible to “enterprise” the Utility Consumer Advocate (UCA) and then authorize the UCA to administer intervenor compensation. This suggestion is made in light of Colorado’s Taxpayer’s Bill of Rights (TABOR), which sets a cap on how much revenue the government can collect. In years when the government exceeds that cap, it must refund taxpayers, and agencies must trim their budgets accordingly. This means that an unused intervenor program will be de-funded and is difficult to re-fund. Raising utility fees to fund the program would reduce available revenue in other parts of the government, because utility fees are included in the TABOR revenue cap. This means that the PUC would need to fund intervenor compensation by cutting its own expenses on a one-to-one basis. Turning the UCA into a state-owned enterprise, however, could allow the UCA to collect fees that do not contribute to the overall revenue cap. In this way, the UCA could collect utility fees to fund an intervenor compensation program.

Access to intervenor compensation is helpful, but full participation is still a major effort for small groups. Many small organizations and municipalities lack not just the funding but also the legal staff necessary to participate. Several groups wanted to discuss a middle ground between full participation and simple public comment—for example through sworn affidavits that are not subject to cross examination, hearing days specifically for affected groups or other means of entering public comment into evidence.

Several groups note that the number of intervenors has grown substantially in the last few decades, to the point that “it is not uncommon now to have between 18 and 25 intervenors in a proceeding.” This escalates the workload, contributes to the staff capacity problem and creates a fundamental tension between hearing more voices and moving cases forward expeditiously.

Some groups indicate support for dedicated equity staff at the PUC, because equity can “fall off the table” (as one wrote) if staff are overwhelmed and lack guidance on how to incorporate equity into their work. They point to the need to both facilitate the equity rulemaking and to meet legislative requirements from the Continuation Act, such as establishing an equity taskforce. The taskforce will be responsible for identifying barriers to participation in proceedings, recommending community engagement practices and evaluating the impacts of PUC decisions on disproportionately impacted communities. The Continuation Act authorizes the PUC to hire an equity analyst, but the substantial work of the task force is an unpaid quarterly responsibility.

Other Recurring Stakeholder Themes

Enforcement: Several groups believe that the PUC lacks effective enforcement mechanisms in its compliance and procedural work,[21] undermining its ability to effectively execute its mission. The 2022 state audit notes that the law "does not authorize or require the Commission to enforce implementation of employment metrics," so there is no process to determine whether best value employment rules are actually being followed.[22] With respect to PUC proceedings, one group believes that a *mens rea* standard is too high of a bar for assessing penalties and is almost never used.[23] It wants penalties that are easier for the PUC to impose in less severe cases, such as failure to comply with PUC directives. Penalties could include fines or automatic denial of cost recovery if pre-established benchmarks are not met or a filing is found to be incomplete or inaccurate by the PUC.

The "values" clause in the PUC mission: The PUC "serves the public interest by effectively regulating utilities and facilities so that the people of Colorado receive safe, reliable, and reasonably-priced services consistent with the economic, environmental, and social values" of Colorado. Stakeholders had various perspectives on the "values" clause of this mission statement. Several groups felt that "economic values" receive too little weight in deliberations. Others noted that "economic, environmental, and social" criteria are nebulous, particularly in a quasi-judicial setting. They also note that delivering on these criteria adds workload for stakeholders, regulators and utility personnel, which should be weighed against perceived benefits, as it takes resources away from other priorities such as safety, reliability and cost.

Delegation to administrative law judges: Some stakeholders wanted ALJs to handle more cases and rulemakings as a way to reduce congestion. Others are wary of moving major proceedings to ALJs, citing more thorough treatment and deeper experience among the commissioners and their advisors. The Continuation Act changed the law so that by default future adjudication cases will be assigned to an ALJ, as opposed to the commissioners, although the commissioners can intervene to take on the case themselves. It is unclear yet if this change will effectively shift a substantial portion of the case load to ALJs.

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[21] As opposed to public safety. No groups commented on the PUC's ability to enforce its safety mandate.

[22] See "Consideration of Best Value Employment Metrics in Electric Utility Resource Acquisitions" (PDF), p. 18.

[23] DORA's *2025 Sunset Review* noted that the PUC has never levied fines against a fixed utility, preferring instead to work with utilities to bring them into compliance.

Perspectives from Former Practitioners

The challenges raised by stakeholders are not necessarily unique to the Colorado PUC. PUCs across the country have grappled with similar issues, such as modernizing agency capabilities, managing increased legislative involvement and adapting to complexity within the utility industry. The following former senior PUC staff and commissioners, who now work at RAP, shared their perspectives and experience with modernizing commission structures:

- Jay Griffin, former Chair, Hawaii PUC; former Chief of Policy and Research, Hawaii PUC
- Sarah Freeman, former Commissioner, Indiana Utility Regulatory Commission (IURC)
- Carl Linvill, former Commissioner, Nevada PUC
- Grace Relf, former Chief of Policy and Research, Hawaii PUC
- Josh Ryor, former Managing Director, Technical Staff, Connecticut Public Utility Regulatory Authority (PURA)

These practitioners emphasized the widespread nature of the challenges raised by stakeholders in this report, particularly:

- Ensuring adequate staff capacity;
- Structuring the PUC to ensure representation of diverse expertise, backgrounds and perspectives (e.g., geographical representation);
- Aligning the experience and expertise of PUC staff and the structure of the organization with the work before the Commission;
- Retaining staff when salaries do not match similar roles at their regulated counterpart or in the private sector and non-profit space;
- Reimbursing commissioners for long-distance travel to the PUC office;
- Enabling candid and rapid dialogue on complex issues;
- Providing meaningful opportunities for stakeholder input, including effective pathways for intervenor compensation;
- Considering legislatively mandated social goals in a timely and consistent manner.

Attracting and Retaining Staff

Experience at other PUCs mirrors the staffing challenges confronting the Colorado PUC, both in terms of maintaining sufficient staff capacity, as well as appropriately allocating expertise to the functional areas where it is most needed. Compensation, training, culture and opportunities for advancement are important factors in retaining staff. Attracting and retaining qualified staff is challenging for many PUCs because highly technical skillsets are increasingly required, salaries are constrained and there are often limited opportunities for professional growth. This creates a common phenomenon in which entry-level PUC staff are hired, receive a few years of training and expertise and then leave the PUC for roles in the private sector.

Some PUCs, including Hawaii and Connecticut, reorganized to create additional levels within job categories, creating more supervisory roles (and, thus, opportunities for advancement); or to better align the focus areas of PUC subunits with PUC work and priorities. Combined with clear performance review processes and opportunities for professional development, such reorganization provides staff with clarity about opportunities for advancement within the agency. This helps retain staff and better prepares them for higher-level responsibilities.

The Indiana URC conducted a confidential salary survey of comparably specialized roles across sectors. Respondents included the National Association of Regulatory Utility Commissioners (NARUC), the Midcontinent Independent System Operator (MISO), other utility commissions and the private sector. The IURC was able to use its survey results to justify higher salaries for highly technical and specialized roles. If the Colorado PUC were to conduct such a survey, additional useful information might include a survey of specialized state agencies—in particular those that require staff with advanced degrees—and an analysis of the cost of staff turnover.

Reimbursing for Travel

As in Colorado, rules in other states similarly prohibit travel reimbursement for commissioners, even if they reside far from the PUC office. In Hawaii, where commissioners must regularly fly to Oahu from other islands, the PUC worked with the State Procurement Office to allow reimbursement for commissioner travel to the PUC's main office. Part of this justification rested on encouraging participation by commissioners from across the state, and the deterrent effect of not fully reimbursing them for required travel.

Restructuring the PUC Itself

Practitioners affirm that a major bottleneck is the amount of work assigned to key technical roles. The legislature and the PUC could consider whether redistributing work currently assigned to the PUC might better achieve state priorities. The director and commissioners have responsibility for all parts of the organization, and ALJs hear cases from all units. From 2020 to 2024, 58% of PUC rulemaking proceedings focused on the transportation, rail and telecommunications industries.[24] While that is not necessarily representative of workload, RAP heard in conversation that transportation rulings consume a large portion of ALJ capacity. If the legislature wants to prioritize and create more capacity for energy proceedings across commissioners, ALJs and PUC leadership, it could consider moving some regulatory authority out of the PUC—for example, shifting transportation or railroad duties to an agency such as the Department of Transportation. Re-scoping PUC responsibilities would help focus existing staff capacity on priority areas for the state.[25] In Nevada, for example, the state legislature separated transportation and utility regulation by creating a new Transportation Services Authority (TSA). This separation allowed the PUC to focus on core competencies, retaining responsibility for railroad safety while moving all other transportation regulation to the TSA.

Revising Procedural Rules

Practitioners emphasize that the level of formality in commission decision-making requires tradeoffs with proceeding timelines, ability for public participation and staff resources. If facilitating quicker decisions is a state priority, the legislature could consider providing the PUC with more flexibility to conduct its proceedings, particularly when evidentiary hearings are required.

Other PUCs have pursued creative solutions to overcome challenges associated with useful-but-limiting rules restricting dialogue between commissioners or between the commission and certain staff members. For example, many states have increased the number of public meetings

[24] See DORA's *2025 Sunset Review: Public Utilities Commission*, p. 52.

[25] Former practitioners also note that, ideally, the legislature would additionally increase PUC staff capacity to help address state priorities.

held on streaming platforms since 2020.[26] Other states are increasingly relying on non-decisional staff to facilitate working groups that inform formal adjudications or support implementation of specific PUC Orders.[27]

Public meetings, working groups and information-gathering dockets can lower barriers to participating in commission proceedings. Especially if these discussions are held via streaming services, they can reduce potentially reimbursable or recoverable travel costs for commissioners, utilities and intervenors. These meetings also increase understanding of nuanced topics before a case arrives at the commission for decision making. Coordinating and making effective use of public meetings and working groups requires significant time and resources.[28] This is one reason that public meetings and working groups have historically been used more by large PUCs (e.g., California and New York). These tools have been used to great effect in those jurisdictions, warranting discussion of how they might be used in other states, and how to procure appropriate resources for effective facilitation.

Former practitioners also note that it is worth considering whether the current structure of staff, commissioners, ALJs and commission advisors facilitates effective and efficient communication and coordination of work and appropriately reflects the size and resources of the state and the PUC. For example, some smaller states do not separate staff and commissioners during adjudicated cases. This allows for freer conversations and collaboration on the final order. However, this also means that adjudicated cases do not benefit from trial staff putting on a case. Conversely, it is more common for larger states to separate commissioners and commission advisors from PUC staff due to the number of staff and the breadth of issues that come before the PUC.

Recommendations for Phase 2

The Phase 2 report, to be completed by November 1, 2027, will include recommendations for modernizing the PUC's "personnel, organizational, and budgetary structures," including

[26] For example, the Hawaii PUC regularly streams meetings on YouTube.

[27] For example, Massachusetts' Joint Utility Planning Working Group, which was established to support implementation of the Department of Public Utilities' order on integrated planning in D.P.U. 20-80.

[28] In addition to facilitation, this includes efforts to ensure equitable access. For example, some practitioners highlight the importance of holding public meetings once during the day and once in the evening, as well as providing "plain English" and multi-lingual summaries to enable higher attendance and participation. In larger states, holding stakeholder meetings in different locations ensures broader engagement and allows the commission to hear voices with different location-based concerns.

legislative recommendations. Based on preliminary research and stakeholder engagement, RAP has identified nine potential focus areas for the Phase 2 report. Many topics of concern among stakeholders have already been addressed to some degree in the recent PUC re-authorization bill. Because some of those changes are still being implemented, however, it remains valuable to reiterate stakeholder interest in this report, and in some cases it will be useful to track the impact of those changes in the coming year.

1. Broad Stakeholder Engagement and Detailed Peer Comparisons

Stakeholders interviewed for Phase 1 represent a narrow cross-section of the many who work with the PUC. Interviews lasted from 30–60 minutes, with some stakeholders sharing additional written responses. Phase 2 of this study should engage in more detail with more stakeholders, including representatives from all industries regulated by the PUC. This could take the form of facilitated workshops or follow-up interviews (several interviewees stated an interest in scheduling additional time to talk).

See Appendix B for the types of organizations that have already given input to this process. Additional classes of stakeholders who might be interviewed for the Phase 2 report include:

- Representatives from passenger operators, towing, household moving and railroads
- Additional municipalities, regulated utilities, unions, community groups and environmental groups
- Large load customers
- Regulatory firms
- Business groups such as the Colorado Chamber of Commerce
- Trade associations (e.g., solar, storage, homebuilders)
- Current and former Colorado PUC staff and commissioners
- Current and former staff and commissioners from other states

In addition, this study has compiled basic comparative information across the Montana, Minnesota, Indiana, Wisconsin and Oregon commissions (Appendix A). We have not done a detailed comparison across all potentially relevant areas of interest, however. For example,

different states have different funding mechanisms and varying levels of success with their intervenor compensation programs. A close analysis of these programs could produce valuable recommendations for the Colorado legislature. In addition, stakeholders have repeatedly referenced states not among these five—for example, New Mexico and Nevada—as potentially useful reference points. It may be helpful to expand the list of states or to at least conduct topical research into certain programs in additional states.

2. Number and Background of Commissioners

Currently, the commission is comprised of three full-time commissioners, appointed by the governor with Senate consent. They serve staggered four-year terms. No more than two commissioners can belong to the same political party. Commission advisors are assigned to proceedings, in which they serve all three commissioners.

Stakeholders had strong opinions about the composition of the bench—how many commissioners is the right number, how to increase the balance of backgrounds and perspectives and whether the bench should be geographically representative. DORA's *2025 Sunset Review* acknowledged that this was "a popular topic of discussion" but did not ultimately recommend a change, and the Continuation Act retained the three-commissioner format. The bill does require the governor, when choosing a commissioner, to "consider individuals who are knowledgeable of the industries that the commission regulates and who provide a diversity of experience."

As this continues to be a topic of significant interest, the Phase 2 study should consider the pros and cons of expanding the bench and make a specific recommendation. Some questions that may help guide this study include:

1. What would be the cost of adding two commissioners, including additional staff?
2. Do five-member commissions in other states come to more rapid decisions? Do they result in more reasoned decisions?
3. How do other states achieve partisan and expert balance, and what are the most important qualifications that should be required for eligibility?

4. What efficiencies, if any, are achieved with a three-member commission and/or with philosophically aligned commissioners? What are the trade-offs, if any?
5. What are the benefits of localized versus state-wide representation?

3. Commissioner Compensation, Travel Policy and In-Person Work

Several stakeholders have a strong preference for increased in-person work, citing factors such as building relationships and the value of dialogue for unpacking complex topics. The Continuation Act requires quorum in-person attendance at weekly meetings starting in July 2027 and further directs the PUC to develop attendance rules for other hearings. Under DORA's current travel policies, which follow state policies, commissioners (and all PUC staff) are ineligible for compensation for mileage, per diems or lodging for travel to the Denver office. The commissioner role is highly specialized and benefits from a statewide pool of candidates. Requiring in-person work without a change to the applicable travel policies could impact the PUC's ability to attract qualified commissioners from around the state. The PUC could investigate the possibility of obtaining an exemption from state policy to allow reimbursement for commissioner travel to the PUC office. This approach has been achieved elsewhere, on the basis of attracting commissioners from across the state.

Perhaps more importantly, competitive compensation is an important factor to attract expert commissioners and ALJs, whose experience likely qualifies them for high-paying roles in industry or other sectors. The Phase 2 report should make recommendations for fair and competitive compensation, in addition to recommendations for a compelling travel policy. Questions to guide this portion of the study include:

1. Is compensation sufficient to attract highly qualified commissioner and ALJ candidates?
2. How does commissioner and ALJ compensation in Colorado compare with peer states?
3. How would increasing the in-person requirement affect the PUC's ability to retain qualified commissioners and staff from around the state?

4. Is it possible for commissioners to qualify for an exemption from state travel policies?
5. What would commissioner travel reimbursement cost, given the 2027 in-person requirements already in law? What if mandatory in-office days were more frequent?

4. PUC Staffing, Composition and Advisor Model

The volume and complexity of the PUC's work are increasing, both as new cases are submitted and as new requirements are passed by statute. For example, there were six rulemaking proceedings in 2020, ten in 2022 and 20 in 2024.[29] PUC staffing is not keeping pace with this increase. As a result, some duties are not being fully carried out, such as motor carrier safety and compliance reviews,[30] and stakeholders are frustrated by legislative requirements that take years to implement. Stakeholders ascribe bottlenecks to a lack of staff capacity, which is magnified by slow hiring processes and insufficient appropriations, which leave the PUC operating below approved FTE levels.

Obvious options to balance the PUC's capacity with its work include increased staffing, improved retention or decreased obligations. Most organizations we spoke with support increasing staff, with one group calling the increase an explicit investment in better outcomes. The Phase 2 report should evaluate the pros and cons of increased staffing relative to reduced duties. It should also consider other options to help PUC staff avoid burnout while meeting statutory timelines and processing cases efficiently.

Former practitioners highlighted the importance of aligning the PUC's structure and expertise with the work before the commission. This includes ensuring that the appropriate number of salary levels exists within job categories; that sufficient supervisory roles exist to allow for career advancement; and that the substantive focus of staff units aligns with the major work before the commission, as well as the objectives of the PUC.

It is also worth considering whether the current structure of staff, commissioners, ALJs and commission advisors facilitates effective and efficient communication and coordination. One stakeholder believes that the model of shared advisors helps achieve unanimous decisions, as commissioners all receive the same set of facts and advice. It would also be valuable to explore

[29] See DORA's *2025 Sunset Review: Public Utilities Commission*, p. 52.

[30] Inspections declined to zero in 2024. See DORA's *2025 Sunset Review: Public Utilities Commission*, p. 62.

in Phase 2 whether the model used by smaller states—in which staff and commissioners are not separated—would yield benefits for the Colorado PUC and its stakeholders.

Helpful questions to guide work in this focus area include:

1. How often does the PUC miss statutory deadlines, and why?
2. Which delays or constraints result from insufficient funding? Statutory workload? Inefficient sequencing?
3. What is an appropriate FTE level given the PUC's current statutory obligations and the volume and complexity of case work?
4. How much would added staff raise utility fees and customer bills across all regulated industries? How can fees be raised given the constraints of TABOR?
5. Could temporary third-party contractors or advisory councils be used to supplement expertise and ease bottlenecks?
6. What are the PUC's average vacancy rates, turnover by function and time to fill specialized positions?
7. Is the HR authority in the Continuation Act sufficient to speed up recruitment?
8. How can the PUC improve retention? Are there sufficient opportunities for promotion, including salary gradations within specific roles and supervisory opportunities?
9. Do the current organization, scope and make-up of staff units appropriately align with the PUC's work? Is staff appropriately allocated between such units?
10. Should advisors continue to work with all commissioners? Or should they serve a dedicated commissioner? Would this require additional advisors with diverse expertise?
11. Does the current trial staff, ALJ and commissioner advisor model support efficient outcomes? Is it consistent with other, similarly situated states? If not, what other models exist and what opportunities do they present to improve outcomes?

5. Hiring, Budget Independence and Staff Compensation

The PUC is a division of DORA. Historically, PUC contracts and hiring have been handled through DORA. Stakeholders describe this extra layer of bureaucracy as a significant contributor to the PUC's perceived difficulty in hiring quickly. As a result, positions are left vacant and the burden on existing staff increases, increasing burnout.[31]

DORA's *2025 Sunset Review* looked at 21 other state commissions and noted that most are standalone agencies. It went on to say that Colorado's structure is "not out of the ordinary," however, and made no recommendation for change. Nonetheless, the Continuation Act recently gave the PUC director new budgeting and HR authority, which may be sufficient to increase the pace of hiring. As these new powers are being implemented, the Phase 2 report should seek to provide useful research and context.

The potential case for salary adjustments should also be a topic of inquiry in Phase 2. The Indiana URC was able to make a successful argument for raising PUC compensation through a broad salary survey. The Nevada PUC found that it required new economic and engineering expertise in order to address complicated issues of utility unbundling during the effort to restructure its power sector, and attracting that talent required significant salary adjustments. These may be useful case studies through which to consider adjusting compensation at the Colorado PUC.

Questions to guide this analysis in Phase 2 include:

1. How has the new HR authority been implemented in practice? What functions still run through DORA?
2. How long does it take the PUC to fill a position compared with other agencies?
3. How do PUC staff salaries compare with peer commissions in other states?
4. How do PUC staff salaries compare with utility, private sector and non-profit counterparts?
5. How do PUC staff salaries compare with other comparably specialized state agencies?
6. What is the cost of staff turnover?

[31] While this is a structural issue that could potentially be reformed, it is important to note that the budget environment in Colorado is currently the controlling factor that limits hiring. Without increased appropriations, hiring is limited almost entirely to backfilling positions as they become vacant.

7. On what basis have PUCs in peer states adjusted their own staff compensation?
8. Are exempt/non-classified positions an option and would they help the hiring process?

6. Specialized Expertise

The PUC has expert technical staff in accounting, economics, public policy, research, analytics and engineering, as well as pipeline inspectors, 911 experts, criminal investigators, auditors and more. New environmental realities and statutory responsibilities have created new areas of need —for example best value employment, wildfire safety, data centers, greenhouse gas analysis and equity implementation. While stakeholders respect the expertise of existing PUC staff, they describe a gap where specialized expertise is needed in these fields.

Gaps lead to delays when staff do not have the expertise to implement legislatively mandated rules. This is the perception around the delay in best value employment metrics. One such gap is addressed in the Continuation Act, which authorizes 1.0 FTE for a dedicated equity staff member. Phase 2 of this study should help identify the positions that could do the most to relieve bottlenecks in the PUC's work. Questions that may guide this work include:

1. Which evolving PUC responsibilities and statutory duties lack matching expertise?
2. What field experience does the PUC need?
3. How can the PUC attract technical experts with industry experience?
4. Are there opportunities to hire outside experts on a temporary basis to meet urgent needs (rather than adding FTE)?

7. Equity in PUC Work: Scope, Staffing and Funding

In 2021, SB21-272 directed the PUC to adopt rules "to improve equity for, minimize impacts on, and prioritize benefits to disproportionately impacted communities." While substantial foundational work has been completed, such as a PUC Equity Framework, as of 2026 this rulemaking is still in open proceedings. Meanwhile, stakeholders are struggling to understand how to interpret the equity mandate and what it requires of them.

For the PUC, hiring a dedicated equity staff member—as authorized by the Continuation Act—staffing an equity task force and completing the equity rulemaking will be important steps toward

creating clarity. Another option could include adjusting the intervenor compensation program to create a carve-out for equity representatives, as recommended by one stakeholder. This should be funded with additional appropriations, otherwise it would reduce the available resources for other intervenors.

The Phase 2 report should identify several viable funding options as well as the parties that could foot the bill for each option. Helpful questions in this work include:

1. What does the equity statute require in practice, and what has delayed the rulemaking?
2. Do other peer states have equity rules, and how do they define equity work?
3. How do other states fund equity work?
4. Could intervenor compensation rules be adjusted to create a carve-out for equity intervenors, and what would be the cost?
5. Will ratepayers ultimately pay those costs? Or could penalty revenue or other funding sources be used instead?

8. Intervenor Access and Procedural Efficiency

Public comment is not considered evidence in litigated PUC proceedings. To formally participate in proceedings, enter evidence and influence a PUC decision, parties must engage in a quasi-judicial process. More parties could improve the outcome by entering more information into the record and engaging in an adversarial process, but many parties could create congestion in the process. Stakeholders report that proceedings now routinely have over 20 parties, when a decade ago they would have fewer than ten. Stakeholders differ on whether the priority should be broader access to the process or faster processing of cases.

Participating in litigated proceedings also requires legal representation, which is expensive and requires abundant staff time to prepare evidence and to prepare for potential cross examination. Many smaller organizations that would be impacted by a decision do not have either the capacity or resources to participate. An intervenor compensation program exists to reimburse those parties for their expenses. This system itself requires a certain amount of effort on the intervenor's part, however—for example learning how to apply and prove impact.

The Continuation Act recognized that intervenor compensation is not being used[32] and calls on the PUC to better outline the process for intervenors. PUC and legislative leaders could consider authorizing the establishment of a dedicated stakeholder engagement unit to address these concerns, with commensurate FTE approval. They may also wish to consider authorizing a different agency to administer the intervenor compensation program, which could potentially change its funding mechanism or goals (see *Intervenor Participation and Equity Objectives*, above).

Even with compensation, one stakeholder described full participation as "a huge lift." Some stakeholders suggest lower-effort modes of participation, such as sworn affidavits. DORA's *Sunset Review* found the PUC to be "an intimidating and confusing entity to engage with," and recommended that it attempt to include public comments in its decision-making. The Continuation Act now requires the Commission to include a summary of public comments in its decisions as well as a description of how the Commission considered the comments, but comments are still not part of the evidentiary record.

The Phase 2 report should consider options and case studies related to intervenor compensation and make recommendations to balance accessibility, volume and efficiency. Questions to guide this work include:

1. Why is the intervenor compensation program not being used?
2. What pain points do intervenors experience in applying for compensation? What guidance would be most helpful to applicants?
3. The Continuation Act cites California's successful intervenor compensation program. What elements of California's program could help improve Colorado's program?
4. How much time do additional parties add to case timelines? How have states with successful intervenor programs managed to move cases forward efficiently even with large numbers of participants?
5. What are the pros and cons of authorizing a different agency to administer the intervenor compensation program?

[32] In fact, currently there is effectively no intervenor funding available. With the state expected to exceed the TABOR cap in coming years, the PUC would potentially need to cut expenses in other areas in order to fund the intervenor program.

6. Is the UCA eligible to be “enterprised”? If so, how might utility fees be allocated to fund the intervenor program?
7. Would the Office of Environmental Justice in fact have greater funding flexibility for an intervenor compensation program?
8. Could compensation for intervenors be assigned to the relevant utility, and what would be the procedural requirements for such a model?
9. Have other states established dedicated stakeholder engagement units? If so, what is their scope and allocated FTEs? Are these models applicable to Colorado?
10. Could affidavits or amicus-style filings create a lower-effort class of intervention?
11. Are there examples in peer states of public comment being entered into evidence?

9. Delegating Case Volume to Speed Up Processing

Since 2019, all proceedings at the PUC are first assigned to commissioners, who can choose to rule on the case or delegate it to an ALJ hearing. The *2025 Sunset Review* identified that commissioners were personally adjudicating well over half of all cases, but did not recommend a change, instead focusing on deliberation and the sequence of filings to speed up processing. Nonetheless, the Continuation Act instructed the PUC to begin assigning proceedings to an ALJ by default, unless commissioners intervene.

This statutory change will satisfy some stakeholders, who are eager for more delegations to ALJs as a way to speed up proceedings. Others highlighted that bottlenecks tend to form when “multiple complex proceedings overlap.” Commissioners could address this concern if they allow ALJs to handle some of those complex proceedings; it is also possible that commissioners would have a preference for complex proceedings, in which case the perceived bottleneck would likely persist. Another concern is that proceedings are sometimes delayed because they rest on the outcome of other open proceedings, creating cascading delays. By planning hearings and working on interdependent cases in parallel, ALJs and commissioners could reduce these delays. The Continuation Act requires the PUC to open proceedings by December 1, 2026 “to investigate potential barriers to and opportunities for streamlining energy planning proceedings,” so work is already planned to address some of these stakeholder concerns.

With changes already enacted, the Phase 2 study will have the opportunity to analyze the preliminary impact of default delegation to ALJs and efforts to streamline energy planning proceedings. Questions to guide this work include:

1. Since default allocation to ALJs has been implemented, are ALJs in fact adjudicating more PUC cases? What portion of cases do commissioners continue to adjudicate?
2. What types of cases do commissioners keep, and why?
3. How long do ALJs take to complete proceedings? How long do commissioners take? How often are deadlines extended by each?
4. How often do commissioners modify or reject ALJ recommendations?
5. Does the Administrative Hearings unit have capacity and technical support for an increased case load?
6. How can filings be sequenced between commissioners and ALJs to improve efficiency? Do PUC staff have the planning tools to sequence interdependent cases efficiently?
7. How do peer state PUCs divide work between commissioners and ALJs?

10. Other potential topic areas

Stakeholders also discussed these themes, which could be further addressed in Phase 2.

PUC funding: The PUC is primarily[33] ratepayer-funded via utility fees capped at 0.45% of revenue (0.4% for telecommunications). Raising the assessed fee closer to the cap could potentially cover much of the PUC's staffing needs, as well as intervenor compensation. Doing so would increase prices for ratepayers; at the same time, it could free up PUC bottlenecks that would ultimately serve all ratepayers. The PUC can only spend what the legislature appropriates each year, however, and if the TABOR cap is exceeded, the legislature is unlikely to want to increase appropriations. This is an expansive topic and could justify an entire study of its own.

[33] The PUC's transportation work is funded through stamp and permit fees; work on pipeline safety and light rail safety is funded with a combination of federal funding and the fixed utility fund.

The mission statement "values" clause: The PUC's mission is to ensure "safe, reliable, and reasonably-priced services consistent with [Colorado's] economic, environmental, and social values." Each of these three "values"—economic, environmental, social—has a basis in statute.[34] Nonetheless various stakeholders find the values to be ambiguously defined or inconsistently enforced. Future reporting could address ways to improve clarity, enforcement and predictability.

Private deliberation: Under Colorado's open meetings requirements, any two commissioners discussing a case would constitute a quorum, making the discussion necessarily a public meeting. The *2025 Sunset Review* recommended that commissioners should be allowed to communicate on "adjudicatory matters" outside of public hearings, with appropriate notice and safeguards, citing New Mexico as an example of such a rule in practice. The Continuation Act did not enact this recommendation. Several stakeholders opposed replacing deliberation with private discussion. Others see the inability to discuss as a potential bottleneck. One suggests that there could be looser meeting rules for advisory staff, with the corollary that PUC orders would need a greater level of transparency and explanation.

Miscellaneous: Additional topics could include how uncontested or substantially settled matters are processed; delays caused by incomplete filings or changing requirements; internal review and approval processes at the PUC; whether the PUC's case-management platforms support efficient review of large and technically complex records; whether the legislature should consider redistributing some duties—such as transportation and railroad safety—to another agency; and whether the legislature should consider providing the PUC with more flexibility to conduct proceedings for which evidentiary hearings are required.

[34] For example, C.R.S. §40-2-129(1) instructs the PUC to "consider, in all decisions involved in electric resource acquisition processes, best value regarding employment of Colorado labor"; C.R.S. §40-2-123(1) instructs the PUC to bear in mind "the beneficial contributions [clean energy and energy-efficient technologies] make to Colorado's… environmental protection"; and C.R.S. §40-2-108(3)(b) instructs the PUC to "consider how best to provide equity, minimize impacts, and prioritize benefits to disproportionately impacted communities."

Appendix A: Peer PUCs

RAP selected five states in order to compare the Colorado PUC with peer commissions. These states are Minnesota, Oregon, Wisconsin, Indiana and Montana.

Peer PUCs from vertically integrated markets were selected to share some demographic characteristics, such as population and an urban-rural divide. At the same time, peer PUCs were also selected for a diversity of regulatory scope, docket complexity and commission composition. We include both 3- and 5-member commissions with elected and appointed commissioners, with and without geographic representation. Data comes from desk research into these commissions, including annual reports, state statutes and budget documents.

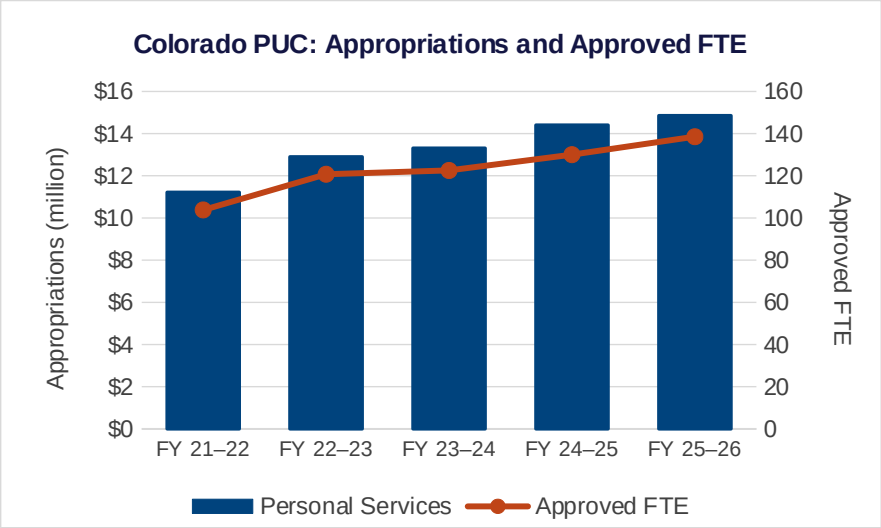
Table 2 below compares relevant features of the utility commissions in these states. Figures 3–8 below compare personal services budgets and staffing across utility commissions in each state.

Table 2. Comparison of peer utility commissions

	Colorado	Minnesota	Oregon	Wisconsin	Indiana	Montana
State population	5.8 million	5.7 million	4.2 million	5.9 million	6.8 million	1.1 million
Commission mission	*"…safe, reliable, and reasonably-priced services consistent with the economic, environmental, and social values of our state."*	*"…safe, reliable, and sustainable utility services at just and reasonable rates."*	*"…safe, reliable and fairly priced utility services that advance state policy and promote the public interest."*	*"…safe, reliable, affordable, and environmentally responsible utility services and equitable access to telecom and broadband services."*	*"…safe and reliable service at just and reasonable rates."*	*"…utility services that are affordable, reliable, and sustainable for the long-term."*
Regulated sectors	Electricity Gas Gas pipelines Water Steam Telecom. Rail safety Transportation	Electricity Gas Gas pipelines Telecom.	Electricity Gas Gas pipelines Water Telecom.	Electricity Gas Gas pipelines Water Steam Limited telecom.	Electricity Gas Gas pipelines Water Steam Limited telecom. Wastewater	Electricity Gas Gas pipelines Water Limited telecom. Rail safety Wastewater
Number of regulated electric and gas utilities	4	8	6	12 investor-owned 81 municipal	24	5
Commissioners	3 (appointed)	5 (appointed)	3 (appointed)	3 (appointed)	5 (appointed)	5 (elected)
Other leadership	Director	Executive Secretary	Executive Director	n/a	n/a	Executive Director
FY25–26 budget for personal services	$14,853,972	$14,022,000 (estimated)	$24,771,733 (estimated)	$17,204,697 (estimated)	$8,368,034 (estimated)	$4,493,260 (estimated)

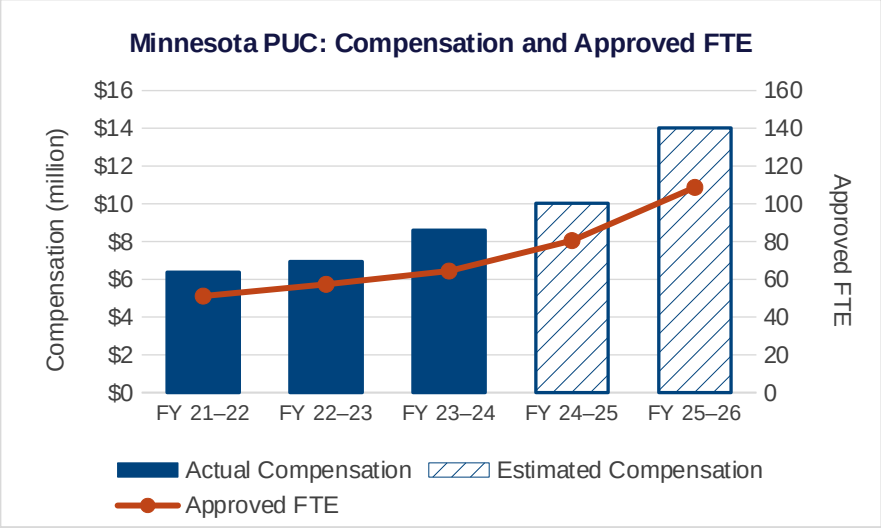
	Colorado	Minnesota	Oregon	Wisconsin	Indiana	Montana
FY25–26 commissioner compensation	$174,030	$182,533	$195,228 – $229,332	$140,004 – $146,182	$152,339 – $163,425	$128,260 – $134,163
FY25–26 approved FTE	138.5	108.67	145.5	144	72 (headcount)	44 (positions budgeted)
Reimbursement for intrastate travel to the PUC office	None	Limited meal reimbursements for overnight stays	None	Limited reimbursement for lodging, if approved by the PSC's chief administrative officer.	None	None
Organizational structure (staff) (staff count may differ from approved FTE)	▪ Public Safety (37) ▪ Fixed Utilities (30) ▪ Policy & Research (25) ▪ Administrative Law (11) ▪ External/Consumer Affairs (6) ▪ Budget and Operations (6) ▪ Other (5)	▪ Regulatory Analysis (36) ▪ HR & Operations (10) ▪ Legal & Rulemaking (10) ▪ Consumer Affairs (7) ▪ Leadership (7) ▪ Communications & Public Engagement (3)	▪ Rates, Safety & Utility Performance (62) ▪ Business & Administrative Services (26) ▪ Administrative Hearings (18) ▪ Energy Resources & Planning (17) ▪ Utility Strategy & Integration (12) ▪ Other (9)	▪ Digital Access, Consumer & Environmental Affairs ▪ Energy Regulation & Analysis ▪ Water Regulation & Analysis ▪ Business Operations & Office Management (staff count is not published)	▪ Energy Policy & Electricity (16) ▪ Operations (15) ▪ Pipeline Safety (14) ▪ Attorney Examiner (8) ▪ Consumer Affairs (6) ▪ Water & Sewer (5) ▪ Hearings (2) ▪ Information Tech (2) ▪ Telecommunication (2) ▪ Other (2)	▪ Regulatory (19) ▪ Legal (6) ▪ Centralized Services (6) ▪ External Affairs (1) ▪ Other (6)

Figure 3. Colorado PUC appropriations for personal services and approved FTE



Source: Colorado annual Long Bill appropriations forms

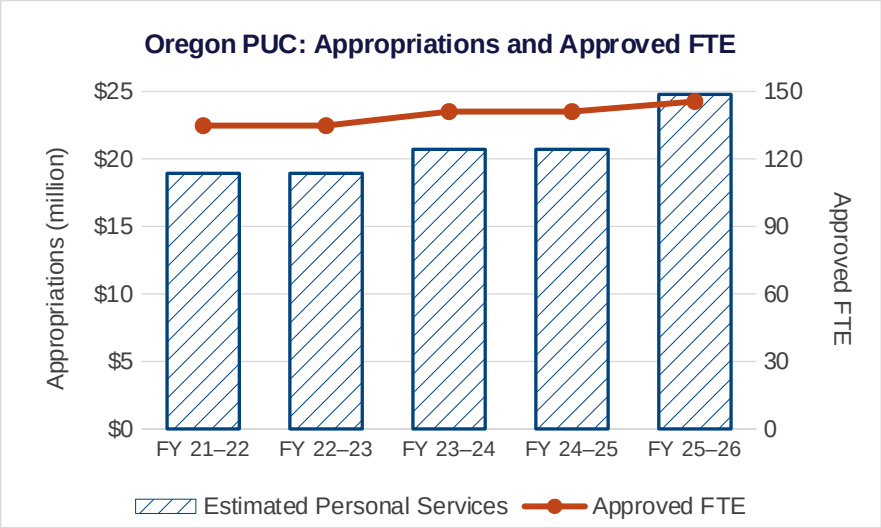
Figure 4. Minnesota PUC staff compensation and approved FTE



FY2021–24 are actual spending; FY2024–25 is estimated spending; FY2025–26 is the Governor's recommended compensation amount.

Source: Minnesota Department of Management and Budget's Revised 2026-27 Biennial Budget

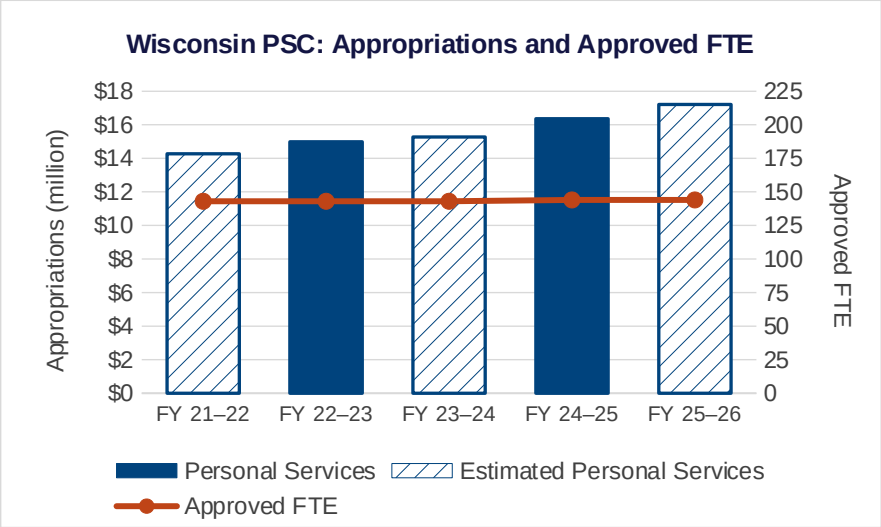
Figure 5. Oregon PUC estimated appropriations for personal services and approved FTE



Because Oregon's budget is biennial, budget totals are halved for an estimate of annual budgets.

Source: Oregon Legislatively Adopted Budget reports

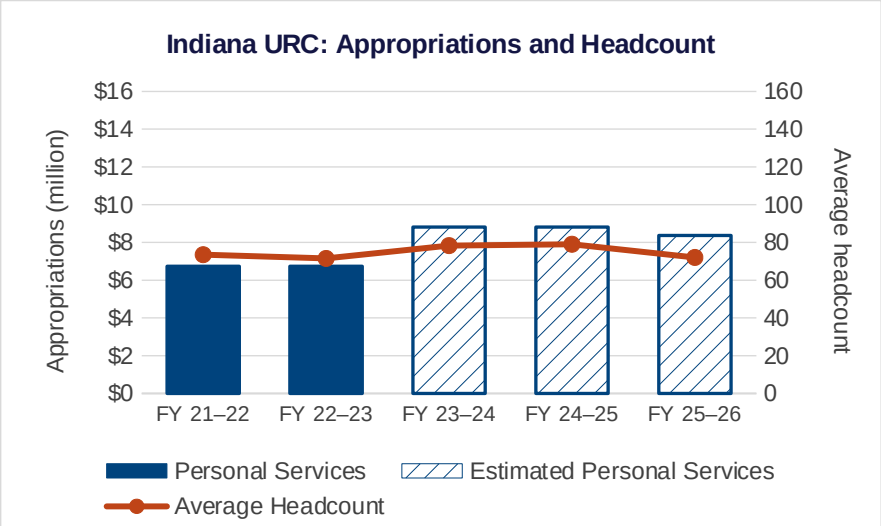
Figure 6. Wisconsin PSC appropriations for personal services and approved FTE



Personal services in even fiscal years are estimated based on the portion of all state appropriations in odd years that is assigned to state-funded personal services.

Sources: Wisconsin appropriations acts and agency budget requests

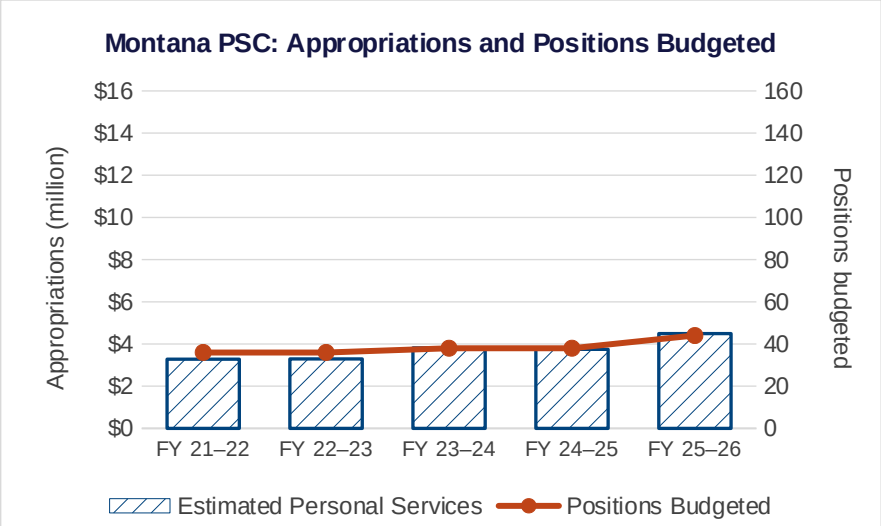
Figure 7. Indiana URC appropriations for personal services and average headcount



After FY2023, Indiana's biennial appropriations acts cease distinguishing "Personal Services" from "Other Operating Expense." Personal services in later years are estimated using the ratio of personal services to operating expenses in FY2023. Approved FTE is not published.

Sources: Indiana House Enrolled Act 1001-2021 and the biennial List of Appropriations

Figure 8. Montana PSC estimated appropriations for personal services and positions budgeted



State-funded personal services are an estimate because state and federal personal services are not separated.

Source: Montana Legislative Fiscal Division's Biennium Fiscal Reports

Methodological Notes

Personal services appropriations exclude federal funding. State populations come from the U.S. Census Bureau. RAP staff used Claude to parse state budget documents and calculate budget estimates where no directly comparable personal services line item was available. RAP staff verified these calculations. Other relevant notes for each state include:

Colorado PUC: The General Assembly appropriates employee benefits centrally through DORA. These do not appear in the PUC's appropriations form, and DORA does not publish the PUC's share. Peer states report these benefits within personal services, meaning that the Colorado PUC's personal services appropriations, as reported here, skew slightly below a true apples-to-apples comparison with other states.

- Key sources: The PUC's mission and regulated sectors are described on the PUC's website; the number of regulated electric and gas utilities was provided by the PUC; the PUC's leadership structure is defined in Colorado Revised Statutes §40-2-101 and §40-2-103; FTE and appropriations for personal services are appended to the General Assembly's annual Long Bill (for example, here); commissioner compensation comes from OpenTheBooks.com; travel policy is interpreted from DORA's *Travel Policy* (policy number DORA-ACCT-005), as shared by the PUC; organizational structure and staffing comes from a 2026 organizational chart shared by the PUC.

Minnesota PUC: Minnesota's budgeting documents report actual and estimated employee compensation, rather than appropriations for personal services. Compensation in FY2021–24 is actual spending; FY2024–25 is estimated spending; FY2025–26 is the Governor's recommended compensation amount.

- Key sources: The PUC's mission and regulated sectors are described on the PUC's website; a list of regulated electric and gas utilities is also listed on the PUC's website; the PUC's leadership structure is defined in Minnesota Statutes §216A.03 and §216A.04; FTE and actual and estimated compensation are from the Department of Management and Budget's (MMB's) Revised 2026-27 Biennial Budget (PDF); commissioner compensation is from MMB's "Current Salaries - July 1, 2026" (PDF) report; travel policy is interpreted from Chapter 15 of the MMB's *Commissioner's Plan* (PDF); organizational structure and staffing comes from a 2025 organizational chart.

Oregon PUC: Biennium budgets are halved to estimate annual budgets. "Legislatively adopted" appropriations are used to estimate annual personal services budgets rather than "legislatively approved" appropriations, as the latter includes additional budget changes from later in the session. "Adopted" budgets show legislative intent and are therefore a better comparison for Colorado's Long Bill appropriations.

- Key sources: The PUC's mission and regulated sectors are described on the PUC's website; the number of regulated electric and gas utilities comes from the PUC's *2025 Oregon Utility Statistics* (PDF) report; the PUC's leadership is defined in Oregon Revised Statutes Chapter 756.014; FTE and appropriations for personal services are from the PUC's biennial *Legislatively Adopted Budget* reports; commissioner compensation comes from OpenTheBooks.com; travel policy is interpreted from the *Oregon Accounting Manual* (PDF) (policy number 40.10.00); organizational structure and staffing comes from the organizational chart in the PUC's FY2025–27 *Legislatively Adopted Budget* report.

Wisconsin PSC: Personal services in even fiscal years are estimated based on the portion of all state-funded appropriations in odd years that is assigned to personal services. Staff counts are not published.

- Key sources: The PSC's mission and regulated sectors are described on the PSC's website; the number of regulated entities is reported from publicly available data compiled by the Municipal Electric Utilities of Wisconsin (here (PDF)); the PSC's leadership structure is defined in Wisconsin Statutes §15.06 and §15.79; FTE and appropriations for personal services come from cross-referencing Wisconsin's biennial budget acts (2021 Act 58; 2023 Act 19; and 2025 Act 15) with the PSC's biennial *Agency Budget Requests*; commissioner compensation comes from OpenTheBooks.com; travel policy is interpreted from Wisconsin Statutes §20.916 and Wisconsin's *Uniform Travel Schedule Amounts* (PDF); organizational structure comes from the PSC's FY2025–27 *Agency Budget Request*.

Indiana URC: Indiana does not publish approved FTE. Instead, headcount is calculated as the average of daily headcounts across the fiscal year, as reported in the *Indiana Transparency Portal*. The biennial *List of Appropriations* includes appropriations for the URC but does not separate personal services from other expenses. House Enrolled Act 1001-2021 includes identical personal services appropriations broken out from identical other operating expenses for

FY2021–23. Personal services for FY2024–26 are therefore estimated from total appropriations using the ratio of personal services to total appropriations in FY2021–23.

- Key sources: The URC's mission, regulated sectors and approximate headcount are described on the URC's website and in the *2023 Indiana Utility Guide* (PDF); the number of regulated entities is reported from the URC's electricity and gas web pages; the URC's leadership structure is defined in the Indiana Code §8-1-1-2; appropriations for personal services are derived by cross-referencing the 2025–2027 State of Indiana *List of Appropriations* (PDF) with House Enrolled Act 1001-2021 (PDF); daily headcount and commissioner compensation come from the *Indiana Transparency Portal*; travel policy is interpreted from the Indiana Department of Administration's *Travel Policies and Procedures* (PDF); organizational structure and staffing comes from the *Indiana Transparency Portal*.

Montana PSC: The PSC's quarterly financial reports and the Montana Legislative Fiscal Division's (LFD's) biennial *Fiscal Reports* list "positions budgeted" rather than approved FTE. Personal services are an estimate because state and federal personal services funds are not separated. Instead, the federal portion of "Personal Services" is estimated and removed using the ratio of "State/Other Special Rev. Funds" to "Total Expenditures" in the LFD's biennial *Fiscal Reports*.

- Key sources: The PSC's mission and regulated sectors are described on the PSC's website; the number of regulated electric and gas utilities is counted from the PSC's public portal and from the Montana Department of Environmental Quality's *Understanding Energy in Montana* (PDF); the PSC's leadership structure is defined in Montana Code §69-1-103 and §69-1-107; appropriations for personal services come from Section D of the LFD's biennial *Fiscal Reports*; positions budgeted come from the LFD's *Fiscal Reports* and the PSC's quarterly financial reports; commissioner compensation comes from the Montana Department of Administration's *Elected Officials Salary Survey*; travel policy is interpreted from Montana Code §69-1-111 and §2-18-501 through 2-18-503, as well as the Department of Administration's travel policy; organizational structure and staffing comes from the PSC's posted organizational chart (PDF).

Appendix B: Stakeholder Consultations

The findings in this report are in part driven by interviews with stakeholders who work with the PUC. RAP conducted interviews with or received written responses from representatives of 12 organizations. Table 3 lists the types of organizations that were invited to interview. These stakeholders are a narrow representation of those who may be contacted for the Phase 2 study. See *Recommendations for Phase 2*, above, for a list of additional types of stakeholders who should be contacted for the Phase 2 report.

Relevant stakeholders were initially provided by the PUC, and additional stakeholders were identified during some interviews. Participants included representatives from regulated utilities, municipalities, labor unions, state agencies and nonprofits.

Interviews lasted 30–60 minutes and were conducted via video call. Stakeholders were also invited to share written comments in lieu of or in addition to a video interview. All interviews were structured around the same set of 17 questions (see Appendix C for the list of questions). The questions covered the organization's interactions with the Commission; participants' perspectives about the PUC's mission, staffing, structure and budget; their perception of bottlenecks; experience with other state commissions; and potential priorities for this study. While no stakeholders were able to address all questions during the video interview, all participants were given the full list of questions via email, and invited to share written responses.

Table 3. Types of stakeholder organizations invited to interview for this report

Type of Organization	Number of Representatives	Video Interview	Written Response
Regulated Utility	2	✔	✔
Regulated Utility	4	✔	
Regulated Utility	1		✔
Regulated Utility	n/a	No response	No response
Government Agency	1	✔	
Government Agency	1	✔	
Municipality	2	✔	✔
Labor Union	5	✔	
Labor Union	4	✔	
Industry Association	1	✔	
Non-profit	2	✔	✔
Non-profit	1	✔	
Utility Services Company	1		✔

Some stakeholders followed up with written comments; two stakeholders responded only in writing; one regulated utility did not respond.

Appendix C: Questions for Stakeholders

Stakeholder interviews were structured around the following 17 questions:

General:

1. How do you primarily interact with the PUC? How long have you worked with the Colorado PUC?
2. How well is the PUC executing its mission to ensure “safe, reliable, and reasonably-priced services consistent with [Colorado’s] economic, environmental, and social values”?
3. Do you think the mission is adequate to meet the current-day needs of all stakeholders?
4. Do you think the structure of the PUC is aligned with its mission?
5. Do you have concerns about the PUC’s organizational structure, staff capabilities or budget?
6. Have you worked with PUCs in other states? How do they compare to working with the CO PUC?
7. How could the PUC improve its effectiveness?
8. What should the PUC not change?
9. What areas of focus would you recommend for this study?

Staffing:

10. Do you perceive any gaps in staff capabilities or expertise?
11. Has your work with the PUC been affected by turnover or vacancies?

Organizational:

12. From your perspective, does the PUC coordinate well across organizational units?
13. Have you encountered any bottlenecks in the PUC’s operations or proceedings?

Budgetary:

14. From your perspective, is the PUC adequately resourced to enact its mission?
15. From your perspective, what are the PUC’s most obvious or impactful resource constraints?

16. Do you have any comments about overall commissioner compensation?

17. Do you have any comments about funding mechanisms for PUC equity objectives and intervenor participation?



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