



# THE EMAIL EXPRESS



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## ***Special Ruby Hill edition***

# **Brown urges council to act soon on towers to protect city's home rule authority from state interference**

Published by  
Denver City  
Councilman  
Charlie Brown

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*Electrical power lines cross Ruby Hill Park, as they do in many Denver neighborhoods. Xcel Energy wants to replace the older lattice towers, as seen on the right, with newer single poles like the one on the left. The new line would have less visual impact but would violate the view plane ordinance. Building the line above-ground would cost \$600,000. Burying it, as Ruby Hill residents want, would cost \$5 million.*

A neighborhood dispute could spill over into a state case that might undermine Denver's ability to make its future land use decisions. To ensure that 50,000 Denver residents have reliable electricity, Xcel Energy must upgrade a transmission line that crosses Ruby Hill Park. Xcel would dismantle the 57-year-old lattice towers that support the line and replace them with single-pole structures. But five of the new single poles would on average be 14 feet taller than the existing structures, so Ruby Hill residents vow to fight the proposal unless Xcel buries the line. Ruby Hill residents and the city can't afford the \$5 million cost of burying the line. And, historically, the Colorado Public Utilities Commission (PUC) has not approved passing costs of this nature onto Xcel customers. If the city fails to resolve the dispute, Xcel could appeal the issue to the PUC.

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## **Brown seeks compromise to assure power for District 6, protect city rights**

That outcome would be risky, Councilman Brown believes. The town of Louisville, Douglas and San Miguel Counties all failed to convince the PUC to force utilities to put power lines underground, unless the neighborhood or local governments paid the extra costs. The expensive, time-consuming legal disputes dragged on for years.

In the past, Denver's status as a home-rule city has put it on firm legal terrain when it had to defend its right to have the local government decide what's best for this city. But in 2001, the state legislature declared that the construction and placement of power lines is a matter of statewide concern. Brown worries the state PUC or courts might end up deciding the Ruby Hill matter, taking cherished control away from local government. Brown does not want the bad precedent of a state court ruling that even hints at eroding Denver's home rule authority.

On July 6, City Council voted 6-5 to postpone the decision whether to grant Xcel an exception to the view plane ordinance. "But City Council has got to make a decision on the matter," Brown said. "We can't risk turning local land use matters over to a state agency."

Brown wants to discuss possible compromises with newly elected Councilman Chris Nevitt, who now represents the Ruby Hill area.

*The following have endorsed Councilman Brown's bill to grant Xcel an exception to the city's Ruby Hill Park View Plane:*

- **Mayor John Hickenlooper**
- **Rocky Mountain News**
- **Denver Public Works Department**
- **Denver Parks and Recreation Department**
- **Energy Outreach Colorado**
- **Denver Community Planning & Development Department**

### **The Ruby Hill power line dispute in a nutshell**



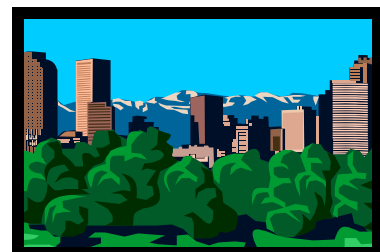
*Everyone wants reliable electric power to run their lights, computers, homes and businesses . . . .*

*They also want their electricity at a low cost . . . .*



*But nobody wants to look at power lines in their neighborhood . . . .*

*If city council does not make a decision on the Ruby Hill line . . . .*



*Then a state agency or state court might make the decision instead, and override local control.*

## Power lines cross many Denver neighborhoods, Including District 6

Ruby Hill Park isn't the only area to put up with above-ground power lines. District 6 residents, for example, no doubt are familiar with the transmission lines that run through Garland Park. All Denver neighborhoods are watching what happens in Ruby Hill. If those lines are buried, then all neighborhoods will want transmission lines in their parks put underground, too. That outcome will have enormous financial and political ramifications for the city.

*Power lines slice through District 6, as seen here along Leetsdale Drive.*

*Photo by Meagan Mercer*



## Rocky Mountain News

*Excerpts from July 6, 2007 editorial:*

“The Denver City Council’s decision on the upgrade of electric transmission lines that cut through Ruby Hill Park could have consequences that reach throughout the metro area and beyond.

“Xcel Energy plans to double transmission capacity along the park corridor. Should opponents succeed in forcing the company to bury the lines, other cities and towns may follow suit whenever an upgrade is needed in their communities, too. The result would be a major hike in Xcel energy bills. How major? Read on . . .

“Opponents want to force Xcel to bury lines now strung over five towers on Ruby Hill. Even if that happens, by the way, there will still be five above-ground transmission poles in the park.

“Burial would result in a far more pricey project. Keeping the line above ground is expected to cost about \$600,000; burying the lines would run upwards of \$5 million.

“There’s a way to keep this brouhaha from setting a bad precedent. . . . The council should pass Councilman Charlie Brown’s Bill 306. The bill would grant Xcel a variance from restrictions in the Ruby Hill Park View Plane Ordinance, and allow the utility to upgrade the transmission lines as it had planned.

“The city’s claim that it can force Xcel’s hand is questionable. . . . In 2003, the Colorado Public Utilities Commission approved Xcel’s proposal to expand transmission capacity along a nine-mile corridor that includes the park. . . .

“If the council reject’s Brown’s bill, (Xcel) will almost certainly appeal to the state Public Utilities Commission. Xcel is confident it would win.”

money matters



# With gloomy financial forecast, can Denver afford \$5 million to underground a mile of transmission lines?

## What city budgets do we cut?



### Public Safety?



### Public Works?



### Parks and Rec?

Looking ahead to the next 12 to 18 months, Mayor Hickenlooper expressed concern about less-than-robust financial forecasts for the city and state following his inaugural address July 16. “We need to certainly tighten our belts,” the Mayor told the Denver Post.

*“While some residents understandably prefer that Ruby Hill’s transmission lines be buried, it would require roughly \$5 million that the City simply doesn’t have.”*

**- Mayor John Hickenlooper**

The Mayor and City Council make a lot of tough, economic choices for our city. For those who demand that we spend \$5 million to bury these transmission lines, my question is a simple one.

## What city department budget do we cut to come up with the money?

Public Safety? Parks? Public Works? Will ratepayers open their wallet to pay for the 900 percent increase associated with putting the lines underground?

The political reality is this: If we spend \$5 million to eliminate three towers in Ruby Hill Park, there will be very expensive consequences. Every council member will be getting calls: “You did it for Ruby Hill, when are you going to do it for us?” All across our city, citizens will demand equal treatment — they will demand the same for their parks.

“Its easy to stand up here and demand that the city bury the transmission lines. The challenge is — we all know what we want, but do we know what we can afford,” Councilman Brown said at the July 9 City Council meeting and public hearing. “And everything we do must be grounded in fiscal responsibility and fiscal discipline.”

This is, for some, an emotional issue. I understand and appreciate that. But as council members, we cannot let our emotions be our only guide. We need to balance emotions with reason. To be pragmatic and practical. What we need is not profiles in emotional politics, but profiles in courage.

*“Everything we do must be grounded in fiscal responsibility and fiscal discipline.”*

**-Councilman Brown**