

**Jan. 7, 2015**

**The City of Boulder issued the following statement today with regard to the Jan. 6, 2015, decision of District Court Judge Judith L. LaBuda in Patrick Murphy v. City of Boulder, et al.**

The city greatly appreciates the court's attention to this matter, as well as the careful consideration the judge gave to the arguments of both sides, the language of the Colorado Open Records Act and case law related to the statute. As the court found, it is clear that much of the information that Mr. Murphy sought is not public record, and the city has already released what was required of it with regard to the modeling process.

Boulder would like to reiterate its commitment to transparency. As was demonstrated in the courtroom, the city has released an exhaustive list of the "inputs" that went into the utility creation feasibility analysis. In addition, there has been significant opportunity for public input along with vetting and discussion about the conclusions and "outputs" of this same analysis.

Boulder is preparing a more detailed explanation about what the spreadsheet released on Monday, Jan. 5, does and does not represent. The release of the software composing the model – software that is proprietary in nature – would likely exacerbate this confusion and could potentially harm both the privacy of certain customers and the city's litigation strategy.

Releasing the models and the software in a way that would allow others to manipulate it could unfairly benefit Xcel Energy, currently an opposing party in four court cases. Xcel has repeatedly refused to release even the most basic data related to how it would serve city customers in the future. This lack of transparency has required the city to expend significant resources to develop a baseline upon which city projections can be compared. While Boulder values open government, it does not believe that taxpayers expect the city to knowingly harm its potential for success in either negotiations or adversarial legal and regulatory processes.

In closing, it is important to understand that the city's effort to create its own electric utility to meet our community's energy goals is challenging and in some significant legal respects, unprecedented. The city fully anticipates, as future rulings are released, that some decisions will support the city while others are likely to support Xcel Energy and related intervenors.

While the city remains steadfast in its legal positions, it has the utmost respect for these processes, for those who must make these difficult decisions and for those who support the highest levels of openness and public discourse. Boulder welcomes community input and participation and will continue to look for opportunities to provide Mr. Murphy and other interested individuals with the information they seek.