Public Power Handbook

By Gabi Wasserman, Ingrid Behrsin, John Farrell, Kate Taylor Mighty, Katie Kienbaum, Public Power Peers Network

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ILSR INSTITUTE FOR Local Self-Reliance

ABOUT THE INSTITUTE FOR LOCAL SELF-RELIANCE

The Institute for Local Self-Reliance (ILSR) is a national nonprofit research and educational organization founded in 1974. ILSR has a vision of thriving, diverse, equitable communities. To reach this vision, we build local power to fight corporate control. We believe that democracy can only thrive when economic and political power is widely dispersed. Whether it's fighting back against the outsize power of monopolies like Amazon or advocating to keep local renewable energy in the community that produced it, ILSR advocates for solutions that harness the power of citizens and communities. More at **www.ILSR.org**.

ABOUT THE AUTHORS

Gabi Wasserman is a MPA student at CU Denver. His concentration is in public policy, specifically utility regulation. Gabi has been working with the Energy Democracy team to develop the Public Power Handbook as part of his coursework at CU. In his professional life, he is the Finance Director of the Colorado-based nonprofit, Ramah in the Rockies.

Ingrid Behrsin is a political ecologist and a Senior Researcher with the Energy Democracy Initiative at ILSR where she works on community power projects. She researches and writes on renewable and distributed energy policy, environmental justice, and energy communities.

Katie Kienbaum is a Senior Researcher with ILSR's Energy Democracy initiative, where she researches and writes about equitable and decentralized clean energy and its impact on communities across the country. Before joining the Energy Democracy initiative, she was a Research Associate with the Community Broadband Networks initiative.

John Farrell is co-director of the Institute for Local Self-Reliance and directs its work on energy democracy. John is best known for his vivid illustrations of the economic and environmental benefits of local ownership of decentralized renewable energy.

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Executive Summary

The Bottom Line

Successful public power campaigns need to build strong coalitions, find a winning message, and use legal and political savvy to overcome utility opposition.

Key Takeaways

- Communities can take back control of their energy system in a process called utility municipalization — if they know what to expect.
- Connecting with and learning from other public power advocates helps campaigns succeed.
- Monopoly utilities use dirty but predictable tactics to fight public power.
- Even public power campaigns that don't succeed can make utilities improve their service and accountability.

This handbook is a guide for communities exploring models of public power, such as a municipal utility, as a path toward local energy control, clean energy investment, and democratic accountability. It aims to: 1) help public power advocates understand what questions to ask when considering/initiating public power campaigns, and 2) provide resources that help advocates answer some of those questions.

The handbook first outlines four key phases of municipalization: finding a winning message, building a coalition, legal analysis, and feasibility studies. Drawing on case studies, it provides guidance on how to anticipate and overcome the significant financial and legal opposition posed by Investor-Owned Utilities (IOUs).

Subsequent sections provide insight on utility tactics such as data withholding and legal obstruction, and highlight how communities can leverage franchise agreements for concessions even when municipalization campaigns fall short of their ultimate goals. The handbook also briefly outlines community-centered alternatives to public power like Community Choice Aggregation, Performance-Based Regulation, and Sustainable Energy Utilities.

Introduction

Communities that want direct control over their energy infrastructure are a part of a broader movement known as public power. Advocates who want local ownership and accountability over their energy systems are the drivers behind the public power movement.

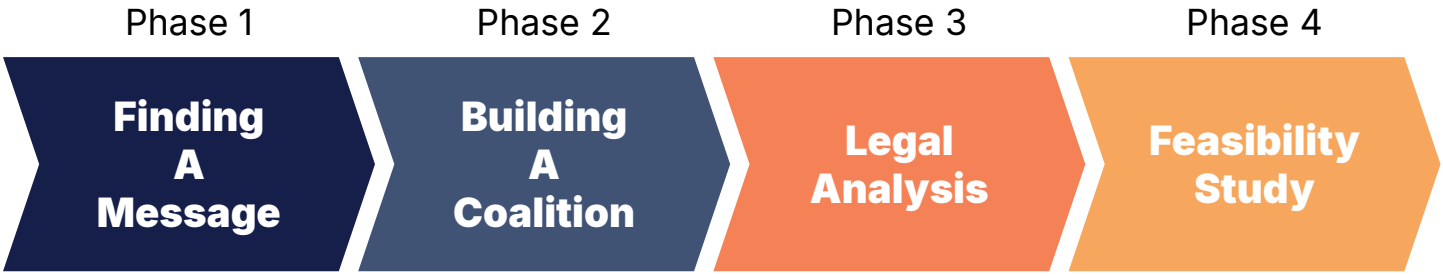
Public power is motivated by a basic conflict of interest in how electric service is provided to ratepayers in the United States. As providers of a public good, utilities are expected to maintain reasonable rates, offer high reliability, and reflect community priorities. Yet 72 percent of electricity customers in the United States are served by monopoly IOUs — private companies with a fiduciary duty to prioritize shareholder returns.[1] In theory, their profit motive is constrained by public utility commissions. In practice, IOUs often get permission from public utility commissions to raise customer rates while making inefficient investments that rely on dirty energy sources. Unlike other industries, where unsatisfied customers can switch providers, most electric utility customers have no such choice, outside of a public takeover of the utility.

The gold standard of public power is local, community-owned electricity providers such as municipal utilities or public power districts. Communities that succeed in establishing ownership enjoy a host of benefits such as lower rates, higher reliability, and greater local accountability.[2] But wresting control of the electric grid back from an IOU is a difficult task, pitting grassroots campaigns with limited resources against powerful utilities with effectively unlimited budgets.

This handbook focuses primarily on the process of municipalization, one of the only ways of achieving public power. Given the difficulty of municipalization, the handbook aims to help public power advocates learn from each others' campaigns and experiences to give them the best chance to succeed.

This resource provides insights and tools for four key phases of municipalization: finding a message, building a coalition, legal analysis, and the feasibility study. Additional resources are also included for countering utility opposition, securing concessions, and exploring other beneficial models such as Community Choice Aggregation, Performance-Based Regulation, and Sustainable Energy Utilities.

Key Phases of Municipalization



Phase 1 | Finding A Message

Municipalization campaigns must craft a message that resonates with constituents because success typically requires voters to endorse a ballot initiative approving a utility takeover. Campaign organizers can solicit input or use existing polling data from community stakeholders to better understand their top energy concerns. While each situation is unique, communities often municipalize out of frustration with their incumbent utilities' failure to keep energy costs affordable, improve reliability, increase local control and accountability, or advance clean energy goals. In some cases, organizers can strengthen their case by highlighting documented instances of corruption or misbehavior by their IOUs.

LOWER COSTS

Public power utilities can offer lower rates because they don't pay dividends to shareholders, are directly accountable to their customer-owners, and have access to tax-exempt financing.[3] Highlighting lower service costs is one of the most compelling municipalization messages because it directly and immediately impacts residents' everyday lives.

Case Study | San Diego residents pay some of the highest electricity bills in the nation, and public frustration with rates led residents to the formation of the pro-municipalization campaign, Power San Diego, in 2023.[4] The campaign takes an aggressive approach to cost messaging, highlighting on its homepage that the investor owned utility, SDG&E, is in the top three in the nation for highest rates, earns profits of $1 million a day from San Diego alone, and that 25 percent of customers are behind on their bills by over $600. They are also proactive in messaging that every single municipal utility in the country has lower rates than SDG&E.[5]

BETTER RELIABILITY

Municipal utilities maintain a high standard of reliability, often surpassing the performance of investor owned utilities and rural co-ops. System Average Interruptible Duration Index (SAIDI) data compiled by the American Public Power Association shows that municipal utility customers experience less than half the total outage time per year than the average electricity customer in the US.[6] Like lower costs, higher reliability is a compelling municipalization message because it is directly felt by residents in their day-to-day lives.

Case Study | Winter Park, Florida, successfully established a municipal utility in 2005 driven by frustration with frequent outages. Municipalization advocates put out an effective advertisement showing a blinking clock, invoking the frustration Winter Park residents felt towards the frequent outages that forced them to reset their clocks. After establishing a municipal electric utility, Winter Park went from 360 reduced its annual SAIDI from 360 minutes to **less than 50 minutes**.[7]

LOCAL CONTROL AND ACCOUNTABILITY

Local officials and independent boards directly govern public power utilities, giving customers more influence over policies and decisions. Because they are ostensibly accountable to constituents, municipal utilities operate with greater transparency, with open meetings, public records, and opportunities for citizen involvement through hearings and committees. In contrast, because they prioritize their shareholders, IOUs often operate with closed-door decision making and limited ratepayer access to executives.[8] In communities where residents are frustrated with the lack of accountability of their IOU, municipalization campaigns should craft a message about the opportunity for transparent governance with a municipal utility.

CLEAN ENERGY GOALS

In the era of climate change and increasingly cheaper renewable energy, communities are increasingly drawn to public power utilities for their **potential to advance clean energy goals**.[9] By establishing a municipal utility, cities gain local control over energy decisions enabling them to take action to build clean energy resources they believe will best serve their residents.

Case Study | In 2021, the public Sacramento Municipal Utilities District became the largest utility to commit to 100 percent renewables by 2030. The 11-person board of directors had adopted a Climate Emergency Declaration in 2020 and asked staff to begin drafting a plan to get to zero emissions. Board President Nancy Bui-Thompson explained that the threats to Sacramento as a result of using fossil fuels were "unacceptable" and that "Sacramento consistently ranks as one of the dirtiest air basins in the country and it disproportionately impacts our most disadvantaged residents."[10]

UTILITY INDUSTRY ABUSES

To protect their highly profitable way of doing business, utilities often engage in political lobbying to kill clean energy legislation that would impact their operations, influence regulators to keep profits artificially high, or in rarer instances even resort to outright political corruption. Weak regulatory oversight and utilities' influence over rate-setting processes further enable these companies to secure profit margins far above those of other low-risk industries, transferring **significant costs from customers to investors**.[11]

Case Study | Between 2016 and 2019, Ohio Representative Larry Householder **received $60 million from electric utilities**, including FirstEnergy, to secure political power and pass House Bill 6, which funneled billions in subsidies to utility-owned power plants while repealing clean energy laws. Although Householder and an associate were convicted of racketeering, and FirstEnergy was fined, the penalties remain minor compared to the financial gain the utility received.[12]

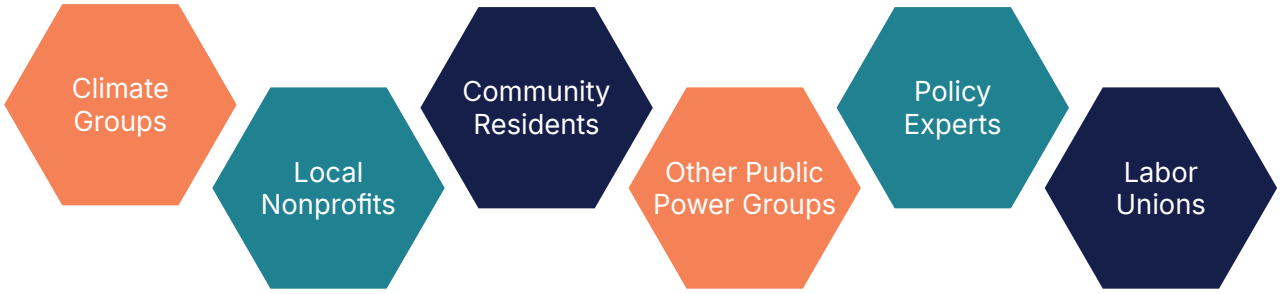
Case Study | In 2012, the IOU trade association, Edison Electric Institute (EEI) launched an **anti-rooftop solar campaign** aimed at weakening net metering policies across the country. IOUs earn profits by investing in large, centralized energy infrastructure, making distributed solar a threat to their profits, as **acknowledged by an expert witness** testifying for a utility in an Arizona rate-case.[13] Although David Owens, the vice president at EEI, claimed that the goal of their campaign was to protect their customers, his internal presentation to the EEI board began by framing the issue with the question "How do you grow earnings in this environment?"[14]

Advocates who would like resources to help them craft effective narratives can connect with the following organizations:

- **The Institute for Local Self-Reliance** (ILSR) keeps an **extensive library of interviews** with public power campaigners. In addition, advocates can join their monthly **Public Power Peers** meeting to connect with other advocates around the country.
- **Narrative Initiative** is a strategy hub for organizations who wish to organize their ideas, aspirations, and goals into an effective and compelling narrative.

- **The Campaign Workshop** helps advocates craft effective strategy. See their blog post about the **Tully Message Box**, a tool to help campaigns craft compelling messaging.[15]
- **We Make The Future** is dedicated to helping advocates implement the Race-Class Narrative, a framework that fosters unity across racial lines by emphasizing shared economic goals and confronting racially divisive rhetoric.

Phase 2 | Building A Coalition



To win their ballot measure or city council vote, municipalization campaigns need to create a durable, diverse, and sizable public power coalition. Community residents need to be informed about the ways a municipal utility can benefit them. Labor unions representing utility workers, powerful stakeholders in the transition to a public utility, need to be brought into the process as early as possible. Climate advocacy groups are a key ally and often already have existing networks and organizational capacity that can benefit public power efforts. Finally, campaigns may also benefit from robust networks of public power advocates from other communities whose experience they can leverage into success.

BUILDING COMMUNITY SUPPORT

Many public power campaigns involve a public vote at some point in the process, and should be treated as a **political campaign**.[16] This entails acquiring voter lists, polling data, and fundraising information, as well as developing communication and outreach strategies to educate voters about the benefits of public power.

Case Study | In early 2025, New York state legislators introduced the Hudson Valley Power Authority Act which proposed the creation of a public power utility that would replace the investor-owned Central Hudson Gas & Electric. Advocates started knocking on doors, holding town halls, educating residents, and collecting signatures in September 2024 in order to muster sufficient support to introduce the bill. State Representative Sarahana Shrestha recounted that while going **door to door** to speak with residents, as soon as she mentioned the incumbent IOU, Central Hudson, "they didn't even want to hear the full explanation. They just said, 'Where do I sign?'"[17]

Public power advocates who want training and expertise in building grassroots campaigns can connect with the following organizations:

- **Power Labs** provides training, coaching, and strategic plan support to build the capacity of organizations, leaders, and networks.
- **Training For Change** provides capacity building organization for activists and organizers.
- **Repower** offers training and strategic support to leaders and organizations across the progressive ecosystem
- **Ballot Initiative Strategy Center** provides campaign support for advocates who wish to create transformative change in their communities through ballot initiatives.

BUILDING RELATIONSHIPS WITH LABOR UNIONS

Municipalization campaigns should take care to understand the concerns of labor union members who may be wary of switching to a public utility. Many states **forbid public sector employees from striking**, and union members working for the incumbent utility may not support municipalization for this reason. The *Janus v. AFSCME* Supreme Court decision also forbids unions from charging union fees to public sector employees. This poses another concern to labor unions because if utility employees are considered a part of the public sector, they potentially stand to lose revenue.[18]

Public power campaigns should solicit input from line workers, billing agents, call specialists, and as many facets of labor as possible to craft municipal utility proposals that can win their support or mitigate their concerns.[19]

Case Study | New York's Build Public Renewables Act (BPRA) was passed in 2023, allowing public entities like the New York Power Authority to build and own large scale renewable energy generation. Patrick Robbins, one of the authors of the BPRA, recounted that the crucial steps along the way included **reaching out to unions**, organizing the legislative staff who wrote the bill, and substantial popular education, communications, and media intervention.[20]

Case Study | The **legislation proposing** a full public takeover of the Long Island Power Authority specifically requires that the municipal utility employees are not to be considered public sector employees, that they could keep their existing retirement plans, and that the union would have a seat on the Authority's board. Although the union has not explicitly endorsed the bill, it is **"receptive to its advantages"** and noted the bill is "unlikely to adversely affect [its] members." This bucks a long trend of labor unions directly opposing municipal takeovers.[21]

Key stakeholder unions include:

- **International Brotherhood of Electrical Workers** - represents utility workers at a majority of investor-owned, rural co-op, and municipal utilities in the United States.
- **American Federation of State, County, and Municipal Employees** - represents public sector workers including those at municipal utilities.
- **Utility Workers Union of America** - represents active electric, water, and gas utility workers.

For more information on labor's role in public power and energy democracy, advocates can connect with **Trade Unions for Energy Democracy** and the **Labor Network for Sustainability**.

NETWORKING WITH OTHER PUBLIC POWER GROUPS

In addition to community outreach, municipalization campaigns should leverage the experience and wisdom of other public power advocates who have fought similar battles. Luckily, much work has already been done to build public power networks that advocates can tap into.

The Institute for Local Self-Reliance hosts a monthly call for public power advocates from across the country to share resources and learn from other campaigns' stories. To join this group, fill out the **sign-up form**.

In 2023, over 60 public power advocates gathered to discuss the state of public power in the US at the **People Power for Public Power** summit. Key organizers included **Public Grids**, the **Climate and Community Institute**, **Lead Locally**, **Democratic Socialists of America**, **Pine Tree Power**, and **Public Power NY**.

In addition, advocates can contact other public power campaigns in places like **Maine**, **Ann Arbor, Michigan**, **San Diego**, and **Decorah, Iowa**.

Phase 3 | Legal Analysis

Municipalization campaigns will be challenged on legal grounds in many ways, from the language of ballot initiatives to the authority of cities to seize utility assets to the valuation of those assets. Given their limited resources, municipalization campaigns must avoid strategic errors that incumbent utilities will use to tie up the campaign in court. Understanding the relevant state and city statutes as well as existing case law will help campaigns form strategies most likely to succeed.

LEGALITY OF MUNICIPALIZATION

As a baseline, public power advocates must determine if municipalization is legal in their state. The American Public Power Association provides a **helpful survey** of every U.S. state's laws regarding municipalization.[22] The laws vary widely, as demonstrated by the examples below.

- Colorado has a strong **home rule provision in its Constitution** that gives municipalities the explicit right to operate municipal utilities within their city limits.[23] In Boulder's case, the city made a **tactical error** in attempting to establish a utility that would serve beyond the strict city limits and opened themselves up to a lengthy lawsuit by Xcel Energy.[24]
- In 2025, Decorah, Iowa, **attempted** to establish a municipal utility to replace their incumbent.[25] Per Iowa state law, Decorah's municipal utility would have served residents **outside municipal boundaries**.[26]
- Michigan has constitutional rights allowing municipal utilities to serve **residents outside municipal boundaries** by providing up to 25 percent of the quantity of electricity that the utility serves within its municipal boundaries.[27] In addition, Michigan's **"quick take"** eminent domain laws theoretically allow the city to move forward with seizing utility assets without having to wait for the outcome of the valuation process.[28] However, these laws haven't yet been tested in court.
- Similar to Michigan, Alaska state laws allow for **quick condemnation** of certain private property.[29]
- Oklahoma has a **legal moratorium** on condemnation of electric plants, preventing cities from acquiring utility assets without their agreement.[30]

Each of these examples illustrates how understanding the legal basis of municipalization in each state is crucial to making the right decisions during a municipalization effort.

Beyond understanding the legal basis for municipalization, municipalization efforts should ask key questions such as:

- According to state law, what is the legal process to municipalize? Will voters have a say via a **ballot initiative or referendum**?[31] Will the municipalization effort be legislated through the city council? What role will state regulators play?
- Who determines the **valuation** of the utility's assets? The courts? State regulators?[32]
- What case law already exists that has set precedent for future municipalization attempts?

Forming a comprehensive legal strategy that incorporates these questions can be part of the scope of a feasibility study.

CAMPAIGN FINANCE AND INDUSTRY SPENDING LAWS

In addition to understanding the legal landscape of municipalization, it may also be beneficial to understand the state's campaign finance and industry spending laws. The utility is all but guaranteed to spend big to oppose municipalization efforts, and some states may provide more fertile ground for opposition than others.

Case Study | In 2023, Colorado, passed **comprehensive legislation** preventing utilities from using ratepayer revenue for political activities such as lobbying and advertising.[33] Increasingly, other states are following suit as utilities have come under heavy criticism in recent years for lobbying efforts that have **slowed or stalled climate policy**.[34]

Case Study | While New York law already prevented utilities from using ratepayer revenue for lobbying, **legislation enacted in 2021** built upon that prohibition to include paying for trade association dues.[35] Public power activists partially attribute the **passing of the Build Public Renewables Act** (BPRA) in 2022 to those state laws that limited the spending of utilities that opposed the bill.[36]

Case Study | In 2023, Maine residents passed a ballot initiative **banning entities with 5 percent or more ownership by a foreign government** from making contributions or expenditures to influence ballot measures, referendums, or elections in Maine. The ballot initiative was proposed after a foreign-owned utility spent millions in Maine elections to influence ballot initiatives that would impact their bottom line.[37]

LEGAL OBSTACLES

Campaigns will have some amount of legal exposure regardless of what they do, and they should try to anticipate the ways in which the utility will use the legal system to stymie the municipalization effort. **See Section 4 - Countering Municipal Utility Opposition** for examples of past legal challenges to cities attempting municipalization.

Phase 4 | Feasibility Study

Can the city municipalize at a reasonable cost to the ratepayers? Cities or campaigns conduct a feasibility study to determine if a municipal electric utility is a viable economic alternative to the current IOU's service model.[38] The study is typically conducted by outside firms, and will heavily influence the debate about transitioning to public power. Transparency and oversight are key for a valid study, and consumer advocates should be involved in each step of the process. In determining the economic viability of municipalization, the feasibility study will usually include several key elements.

Select Utility Assets

Choose which parts of the utility's infrastructure to bring under public control.

Value Utility Assets

Estimate the price of the infrastructure the city wants to acquire.

Analyze Cash Flows

Determine whether a municipal utility can provide lower rates than for-profit utilities.

KEY SECTIONS

How To Select Utility Assets

A feasibility study will try to determine which assets make most sense for the city to acquire in order for municipalization to remain financially realistic. In many cases, utility infrastructure does not neatly fall within municipal boundaries.[39] Power plants may be located outside of the city, while substations and feeder lines may be within the city, or vice versa.

Case Study | Boulder's **feasibility study** recommended that the city only acquire the distribution assets of the incumbent utility, Xcel Energy. Purchasing only distribution assets would allow Boulder to keep acquisition costs low, more easily separate from Xcel's regional grid, avoid the federal regulation that would come with owning generation and transmission assets, and allow Boulder to purchase energy on the wholesale market rather than be stuck with Xcel's nearby aging power plant.[40]

How To Value Utility Assets

Feasibility study authors also attempt to price the utility assets that the city will attempt to acquire. An accurate valuation allows the city to determine if purchasing utility assets (as opposed to building new infrastructure) is the most cost effective approach.[41] Often, the firm conducting the feasibility study will value the utility's assets using multiple valuation methods to provide a cost range to the city.

Three Main Approaches to Valuing Utility Assets	
Original Cost Less Depreciation (OCLD)	The value of the asset at the time it was constructed less the current value of depreciation.
Replacement Cost Less Depreciation (RCLD)	The value of the asset if it were replaced today less the current value of depreciation.
Replacement Cost New Less Depreciation (RCNLD)	The value of the asset if it were built brand new today less the current value of depreciation.[42]

It is important for the municipalization effort to review state statutes or prior case law to understand if a particular valuation method is likely to carry more weight with the deciding entity. Clearly, OCLD is most advantageous to the city as it will be the lowest value. Conversely, the utility will often demand an exorbitant price to discourage the city from trying to municipalize and to maximize the acquisition value to its shareholders.[43] If the city and the utility cannot agree on a price, the city may decide to take over the utility assets by eminent domain — in which case the courts (or in some cases, the public utilities commission) must decide what constitutes just compensation to the utility.

Case Study | In Iowa, the Iowa Utilities Commission (IUC) determines the value of the incumbent utility, Alliant Energy's, assets during a municipalization attempt. In prior municipalization efforts in the state, the IUC selected RCNLD as the appropriate valuation method. When Decorah tried to municipalize in 2018, NewGen, the firm conducting Decorah's feasibility study, **ensured that RCNLD was included** in their analysis, even though they intended to argue that OCLD was the more appropriate method.[44]

In addition to physical asset valuation, the utility will often argue that costs such as "going concern" (the value of future utility cash flows) and "goodwill" (intangible brand value) be added onto the final price tag during valuation, even though these values accrue from the publicly granted monopoly, not from the incumbent utility's own efforts.[45]

Analysis of Cash Flows

The feasibility study will provide a comparison between the cash flows of the incumbent utility and the projected cash flows of a municipal utility to determine if the municipal utility can provide competitive rates. This study will make several assumptions to produce the modeling, such as:

- Cost of assets acquired during municipalization.
- Cost of generating or purchasing electricity.
- **Cost of payments in lieu of taxes.**[46]
- General operating costs.
- Non-operating costs (e.g capital spending, debt service, building cash reserves).[47]

The model may provide multiple scenarios depending on key variables such as how the municipal utility generates or acquires power.

Case Study | When Decorah, Iowa, pursued public power in 2018, the **feasibility study** provided a cash flow model with three scenarios where the city purchased power: 1) directly from the MISO wholesale power market, 2) through a Joint Action Agency, and 3) as a combination of 1 and 2. Ultimately, all three scenarios showed that the municipal utility was cost effective compared to the incumbent.[48] Notably, this analysis was conducted before the IOU, Alliant, **raised rates by 24.5 percent** less than a year later, which would have made the municipal option even more favorable.[49]

Additional Feasibility Study Priorities

Beyond these fundamental elements, a municipality may design their feasibility study to collect data and provide analyses on their priorities, such as achieving clean energy targets, designing equity-based rate making, and assessing the potential for technological innovations like microgrids and electric vehicle infrastructure.

Case Study | The city of Tucson designed a **feasibility study request for proposal** that would provide insight on matters of particular importance to Tucson such as:

- Determining feasible renewable energy power sources so the city could reach its 2045 carbon neutral goal.
- Creating a community outreach plan to effectively educate residents on the benefits of a municipal utility.
- Providing a cost benefit analysis of entering into Solar Service Agreements and Virtual Power Purchase Agreements to progress toward the city's renewable energy goals.
- Economic feasibility of deploying microgrids as a method of supporting Tucson's clean energy transition.[50]

FEASIBILITY STUDY COST

The cost of a feasibility study depends on the length, scope, and formality of the study. Cities that do not have funding for a full-scope feasibility study may consider breaking the study into phases with funding of subsequent phases dependent on the outcome of earlier analysis.

Recent examples of study costs include:

- In 2018, **Decorah, Iowa**, (population 7,500) commissioned a feasibility study to explore establishing a municipal utility in place of the IOU, Alliant. The study cost approximately $75,000.
- In 2019, Maine (population 1.4 million) **commissioned a feasibility study** to explore acquiring the transmission and distribution infrastructure from the state's two largest IOUs, Versant and Central Maine Power.[51] The study included legal analysis, economic sensitivity analysis, and cost/benefit modeling over 30 years. The study cost approximately $500,000.[52]
- In 2024, Tucson, Arizona (population 550,000) commissioned a feasibility study to explore municipalization. The study cost approximately $300,000.[53]

Ideally, state or city funds will be available to pay for a study. Depending on the state, franchise fees collected from the incumbent utility may be able to pay for a feasibility study. Otherwise, the feasibility study may be an additional expense on **the city's budget**.[54]

Case Study | In 2010, Boulder implemented a **Utility Occupation Tax**, levied on their IOU Xcel Energy, to pay for costs associated with municipalization (including their feasibility study) and other clean energy priorities. Although the utility passed on the cost of the tax to their electricity customers, the tax remained popular, and in 2020, voters authorized extending the tax through 2025.[55]

FEASIBILITY STUDY FIRMS

When choosing a feasibility study firm, municipalities should evaluate cost, reputation, and how well the firm's specialty aligns with the scope of work desired. The American Public Power Association offers a **list of feasibility study firms**.[56] In addition, MetroJustice provides a **shortlist of firms** ranked by pros and cons.[57] Cities and campaigns should consider whether prospective firms have worked with an IOU in recent years, and whether they may have a conflict of interest between doing a municipalization feasibility study and losing utility business.

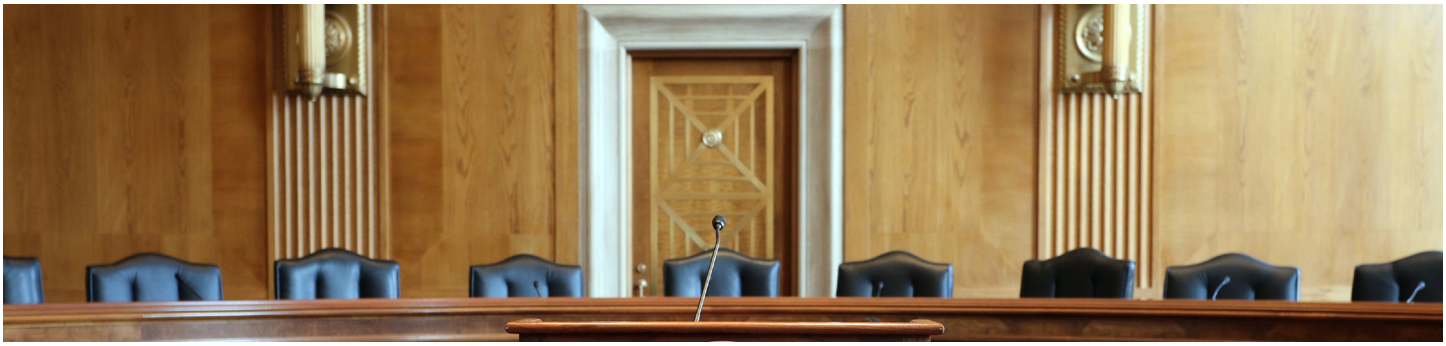
LIST OF FEASIBILITY STUDIES

The American Public Power Association also provides a list of **selected feasibility studies**.[58] To access one of these studies, contact Ursula Schryver at Uschryver@PublicPower.org or (202) 467-2980.

UTILITY COUNTERSTUDIES

Utilities will typically commission counterstudies to contest the conclusions reached by a city commissioned feasibility study. The utility often doesn't share the data used in the counterstudy with the city, making it difficult to verify the accuracy of its conclusions.

Case Study | In 2018, Alliant Energy, the IOU serving Decorah, Iowa, commissioned a counterstudy to a city-commissioned feasibility study that showed municipalization would benefit residents. The counterstudy estimated the cost of municipalization as upwards of $50 million as compared to the city's study which estimated a price tag of only $11-15 million.[59] Decorah's 2018 municipalization campaign would end up being rejected at the ballot box by 3 votes. After the campaign, the Iowa Utilities Commission **chastised Alliant** for withholding information about substantial rate increases that could have changed the outcome of the ballot vote.[60] When Decorah tried to municipalize again in 2025, Alliant Energy continued to reference their 2018 study despite the commission's earlier concerns about misrepresentation. Decorah City Council member **Emily Neal stated** the utility was "using an 8-year-old study" and "promoting the very lies they told in the first election."[61]



Countering Monopoly Utility Opposition

"The incumbent's goal is not necessarily to win, but to exhaust city funds or intimidate city officials and civic leaders into abandoning the idea of municipalization." [62]

It is all but certain that the incumbent utility will fiercely resist a municipalization effort. Their resources typically dwarf the limited resources of a public power campaign. Generally, this means outspending public power advocates by 10-to-1 or more.[63] If public power campaigns are aware of the strategies the incumbent utility might employ, they will be better equipped to respond quickly and efficiently, and mitigate the impacts. Campaigns should expect the following tactics from the incumbent utility during the municipalization process.

Withholding Data

It is common practice for the incumbent utility to withhold important data for their benefit. In many cases, for example, states do not require the utility to provide crucial asset valuation data until after the city votes on municipalization. This puts city residents in the bind of having to vote on purchasing the utility's poles and wires before they know the cost.[64]

Case Study | In Decorah, the incumbent utility Alliant refused to provide data to NewGen, the consulting firm attempting to value Alliant's infrastructure for the city. In **the study** done on behalf of the city, NewGen noted that "detailed information on electric systems within the City was requested by Alliant / IPL by Decorah Power, but was not provided."[65]

Case Study | In Boulder, Xcel Energy obstructed the city's consultant while they conducted their preliminary study. After submitting a data request to Xcel, consultant R.W Beck stated that "much of the information provided was incomplete or already available from public sources."[66] Xcel then commissioned their own study showing that municipalization would cost $1.2 billion, almost 10 times what the city estimated in their study. Jonathan Koehn, Boulder's regional sustainability coordinator, said that Xcel **refused to provide specifics** about how they had reached such a high number.[67]

John Coyle, a municipalization lawyer from Duncan, Allen, and Coyle, **explained the games** that utilities play to delay the municipalization process. The utility will say they don't keep asset records based on the boundaries of the municipality, and therefore they can't provide information on what facilities fall inside the city limits. After the city pays an engineer to go count the poles, wires, and transformers, the utility will respond that the report is incorrect and that certain assets were left out.[68]

Legal Challenges

The incumbent utility will use legal challenges wherever possible to stymie the municipalization effort. There are numerous ways that the utility can do this, including:

Challenging the city's jurisdiction to create a municipal utility.

Case Study | In 2010, California, PG&E paid millions of dollars to fund an **anti-public power petition** and garnered enough signatures to force a ballot vote. State law allowed municipalities to create public corporations without holding a vote, but the proposal would have required a two-thirds majority vote to establish any municipally owned utility in the state.[69] Despite PG&E outspending the opposition by a margin of 560-to-1, the measure **was defeated** due to residents' frustration with PG&E's spotty record of reliability.[70] An analysis after the election showed that PG&E's ballot measure lost by larger margins in the utility's service area, highlighting the potential to harness IOU failings as a winning message for public power campaigns.[71]

Challenging the city's ability to finance the purchase of the utility's assets.

Case Study | In 2013, Xcel Energy **forced a referendum** in Boulder by arguing that any attempt to finance the purchase of Xcel's assets through bonds or taxes required voter approval.[72] The Xcel-backed **ballot measure** also stipulated that the city guarantee the purchase up front. If the measure had passed, it would have put Boulder in the impossible position of needing to guarantee the purchase price in order to get voter approval for funding. But simultaneously voter approval for funding was necessary to guarantee the purchase price.[73] The ballot measure was defeated, and the city was able to proceed with the municipalization process.

Challenging the city's valuation methods of the utility's assets.

Case Study | In 1994, Las Cruces, New Mexico, **attempted to municipalize**. The city hired two independent firms to appraise the value of the incumbent utility, El Paso Electric Company. The two appraisals determined that the utility's infrastructure was worth $37 million and $38 million respectively. However, El Paso Electric hired a firm that appraised their infrastructure at $200 million. The discrepancy was due to the different types of valuations used (**see prior "Valuation of Utility Assets" section**). Because New Mexico is a "fair value" state, all of the valuations had to be taken into consideration. Consequently, if Las Cruces had proceeded with municipalization, the final purchase price would have been higher than the utility's depreciated book value.[74]

Weaponizing the concept of stranded costs.

Case Study | When the Federal Energy Regulatory Commission began to require that IOUs open access to their transmission infrastructure by third party energy suppliers, it allowed the utilities to collect from their former customers the revenue that they would have received had those customers not left for third party suppliers. These costs are known as stranded costs. In the case of Las Cruces, the stranded costs were determined to be upwards of $50 million and were a contributing factor as to why the city abandoned municipalization.[75] As John Coyle **attests**, "[Stranded costs has] been used as a club, a bludgeon in every municipalization I've ever been part of, since 1996 and, and the investor-owned incumbents are very quick to trot it out."[76]

Shady Tactics

While ratepayers often stand to benefit from municipal utilities, IOUs will look for ways to sow division and misinformation and reduce popular support for municipalization.

One way that incumbent utilities may attempt to discourage the city from moving forward with municipalization is by wildly **inflating their assets** — a tactic borrowed from the same playbook they use when negotiating their price of acquisition for the purposes of a merger.[77] Their aim is to convince ratepayers that the cost of acquisition makes municipalization more expensive than remaining with the status quo. Public power advocates can counter this information with a robust feasibility study estimate.[78]

Utilities may also sponsor studies based on misleading data that suggest municipalization would irreparably harm a city's local economy.

Case Study | In 2023, El Paso voters went to the ballot box to vote on the city's proposed Climate Charter, which would set clean energy targets and explore the feasibility of public power. A coalition of monopoly utility interests, fossil fuel companies, and energy companies spent over $1 million in opposition of the charter.[79] In particular, the El Paso Chamber of Commerce **commissioned a study alleging** that the Climate Charter would cost billions of dollars and half the city's jobs. Although a counter study would eventually show that these results were based on flawed assumptions, the Chamber of Commerce study inflicted tremendous damage and the Climate Charter would be defeated at the ballot box.[80]

Other utility misinformation tactics include **masquerading** as grassroots, citizen-led committees while attempting to influence local policy that could affect their bottom line, and **spreading myths** to dissuade community residents from supporting municipalization.[81] [82]

For further resources detailing nefarious utility behavior, see ILSR's report **Upcharge: Hidden Costs of Utility Monopoly Power**, and the **Energy Democracy Project's People's Utility Justice Playbook**.[83] [84]

Leveraging the Franchise Agreement

"It's my impression that people generally don't understand the value of the grant that's embedded in the franchise."[85] *- John Coyle*

Municipalization attempts can be effective for winning concessions from IOUs even if they do not succeed in forming a municipal utility. The threat of municipalization gives communities leverage to negotiate concessions from the utility in return for re-signing their franchise agreement. And it can be a strategic exit for public power campaigns that are losing steam or unlikely to succeed.

Communities should determine their key goals in case the opportunity arises to strike a deal with the incumbent utility. One example is leveraging franchise agreements to **fund local renewable energy and climate action**.[86]

Case Study | After waging a 10-year municipalization war with Xcel Energy, Boulder's appetite for further efforts had waned, and the city signed a **new franchise agreement** in 2020.[87] However, in return for extending the franchise, significant concessions were negotiated from Xcel such as:

- A crucial cost cap on the potential acquisition of utility assets.
- A guarantee from Xcel to reduce emissions, with an opt-out provision for the city if Xcel failed to meet the emissions goal.
- Investment in underground power lines to improve resilience and reliability.
- An oversight panel to ensure Xcel was keeping the terms of Boulder's pathway to renewable energy.
- Off ramps from the franchise agreement at years 3, 5, 6, 8, 11, and 16 in case Xcel failed to fulfill the agreement terms.[88]

Case Study | In 2014, Minneapolis leveraged the threat of municipalization to convince their IOU, Xcel Energy, to agree to a **clean energy partnership**.[89] However, over time, analysis has shown that even with the partnership, the city is not on track to meet its emission reduction goals, largely due to the utility **dragging its feet** in participation.[90] Former Minneapolis city councilman Cam Gordon suggests that there are lessons to be learned from Minneapolis's clean energy partnership, such as creating a dedicated staff and budget for implementing the partnership, keeping other options (such as municipalization) on the table, requiring buy-in from upper-level utility executives, and involving the Public Utilities Commission early on in the process.[91] For further reading about clean energy partnerships, see the **report** by the World Resources Institute about creating partnerships with value propositions for both the city and the utility.[92]

In addition, franchise agreements can be constructed to give the city advantages in future municipalization attempts.

Case Study | In Winter Park, Florida, the city included favorable terms in their 1971 **franchise agreement** for the valuation of the utility's assets should the city attempt to purchase them at a future date. This aided Winter Park's successful municipalization attempt in 2005. As John Coyle advises, "If you're writing a franchise, you should write your franchise the way Winter Park did and say, if I'm not happy at the end of this, you are gonna sell me those facilities … at depreciated original cost."[93]

Communities that want to use other cities' franchise agreements as a model can find over **3,000 franchise agreements** in the National Renewable Energy Laboratory's (NREL) database.[94] This resource can help campaigns and cities identify strong language and strategies to negotiate effectively with their utilities.

Alternative Models to Public Power

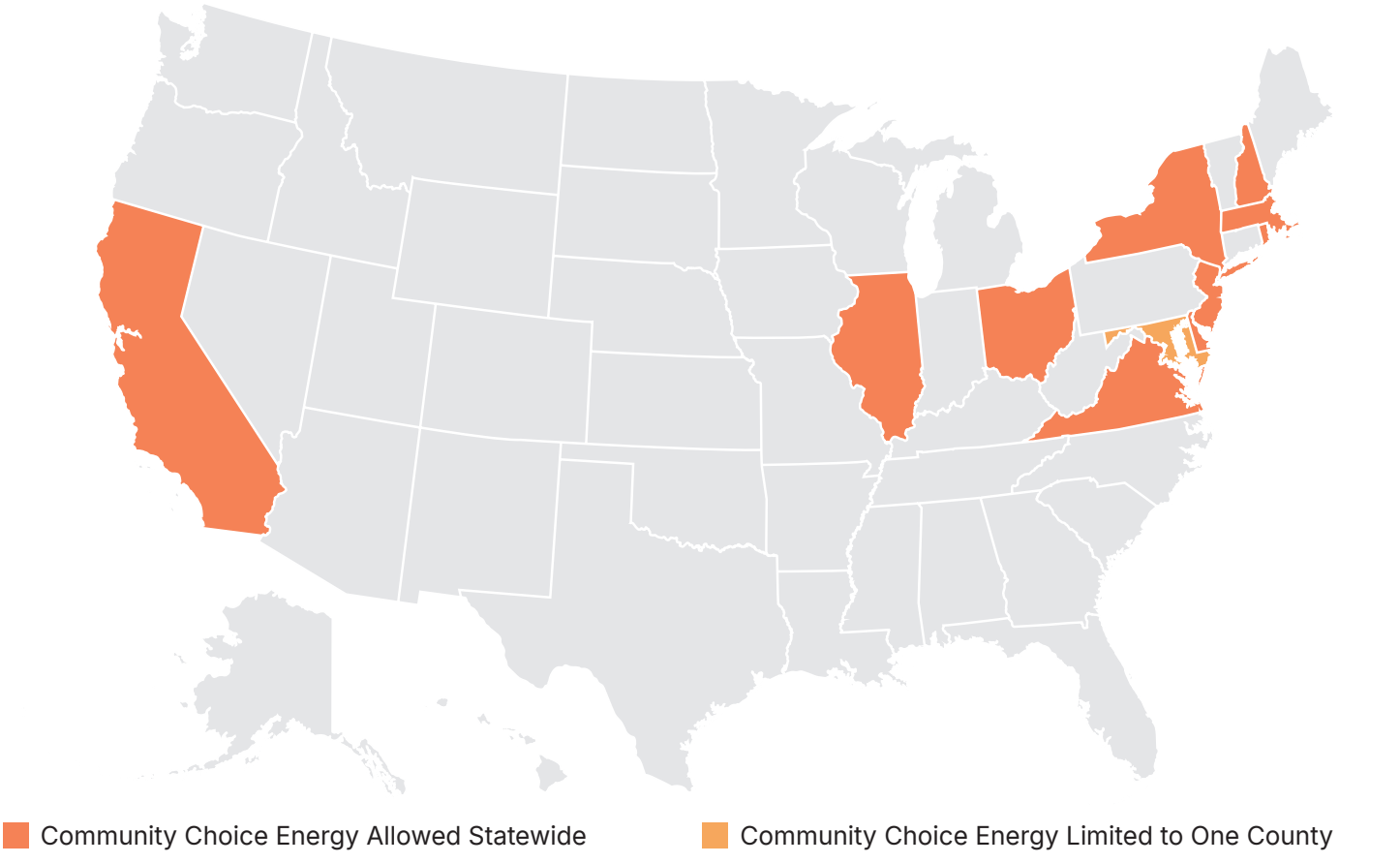
Communities that aren't able to municipalize have **other options** to achieve some of their goals, including Community Choice Aggregation, Performance-Based Regulation, and Sustainable Energy Utilities.[95]

Community Choice Aggregation

Community Choice Aggregation programs allow a city or county (or a group of them) to use their collective bargaining power to purchase electricity on behalf of home and business electric customers to attain better rates or cleaner energy. While the utility still owns the transmission and distribution infrastructure, under these programs they must maintain it and continue to deliver the purchased energy to residents.[96] Most community choice programs have the modest ambition of lowering rates through economies of scale, but there is great potential for municipalities to leverage community choice in **creative and meaningful ways**, such as:

- Facilitating energy efficiency programs.
- Seeking 100 percent renewable energy sourcing.
- Prioritizing local clean energy development and jobs.
- Incorporating community governance.
- Integrating with city energy, economic development and environmental planning.
- Helping low-income residents access economic opportunities.[97]

Currently, **only 11 US states** have legislation enabling community choice programs.[98]



Case Study | California **stands out nationally** for its ambitious, large-scale Community Choice Aggregation programs, often involving multiple cities or counties. These programs had to overcome significant utility resistance, such as a $35 million utility-backed ballot proposition to require a two-thirds vote to enact community choice in Marin County. But overall, California has successfully pushed the frontier of what community choice can accomplish with actions like building long term renewable energy contracts and integrating energy planning with local zoning, permitting, and transportation initiatives.[99]

Case Study | While not a perfect example of community choice, Utah's Community Renewable Energy Act bears some key similarities in that it uses group bargaining to achieve community goals. In 2019, the bill passed the state legislature establishing a **framework for Utah communities to achieve 100 percent renewable energy**. Communities that opt-in join a community renewable energy agency board, which designs a plan to achieve 100 percent renewable energy and presents it to the Utah Public Service Commission. Initially, Utah's largest IOU, Rocky Mountain Power, supported the program, but in 2024, it announced it would be **dialing back its renewable energy purchases**, leaving the Utah communities that opted-in to source the energy on their own.[100]

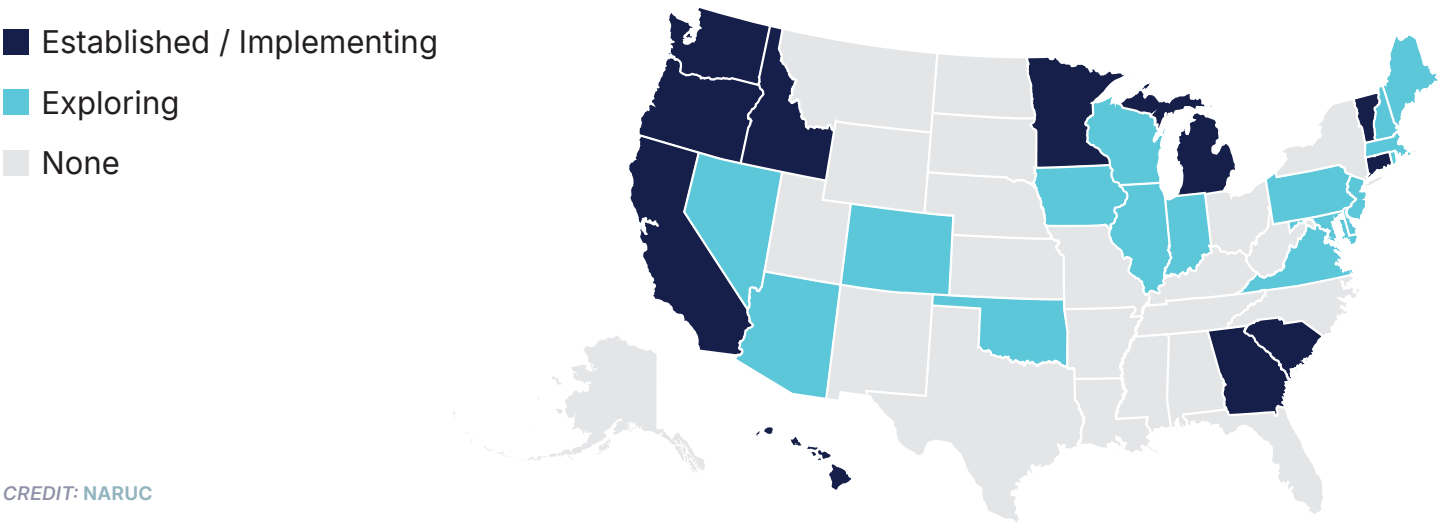
To learn more about successful community choice entities, advocates can look to:

- **Ava Community Energy** (formerly East Bay Power Alliance), California.[101]
- **Redwood Coast Energy Authority**, California.[102]
- **Southeast Ohio Public Energy Council**, Ohio.[103]
- **Westchester Power**, New York.[104]

Performance-Based Regulation

Communities that decide to work with their utility instead of replacing it may advocate for implementing performance-based regulation (PBR) at their states' utilities commissions to realign the utility's incentives with the community's priorities. Examples of performance-based regulation include revenue caps to decouple utility revenue from customer rates, providing performance incentive mechanisms for good behavior, and revenue penalties if the utility does not meet regulatory goals.

As of 2025, **28 states are participating in** some form of performance-based regulation of their electric utilities, although most have only a marginal influence because they do not change the utility's underlying "cost plus" financial model.



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Case Study | After a three-year investigation, Hawaii's public utilities commission established a **PBR framework to regulate the utility's operations.**[105] The PBR framework includes four mechanisms:

- The revenue adjustment mechanism decouples profit from investment, ending the "cost plus" model.
- Performance incentive mechanisms offer further revenue opportunities if the utility achieves public interest performance goals set out by the public utilities commission.
- A pilot process allows for an expedited review of projects that the utility may want to undertake to test new technologies, programs, and business models.
- Safeguards include an earnings sharing mechanism to protect the utility and customers from excessive earnings or losses.[106]

Advocates who wish to do a deep dive into performance-based regulation can access the following resources from RMI:

- **The Nuts and Bolts of Performance-Based Regulation**[107]
- **How to Restructure Utility Incentives**[108]
- **Navigating Utility Business Model Reform**[109]

Sustainable Energy Utility

Communities can create a sustainable energy utility to implement energy efficiency programs, provide renewable energy, and save customers money on their energy bills. Like community choice and performance-based regulation, sustainable energy utilities often work **in parallel with energy utilities** rather than replacing them.[110] The primary drawback of this model is identifying a sustainable funding source.

Case Study | Delaware provides a wide-ranging model of the potential of a state-wide sustainable energy utility that works "behind the meter", i.e., in a customers home or business. Established in 2007, **Energize Delaware** has grown to offer a suite of services to residents such as energy audits, rebates on energy efficient upgrades, low interest loans or grants for solar and geothermal systems, and programs for low-income households. It is a fully self-funded entity that raises money with bond issuances and pays the money back through energy and cost savings.[111]

Case Study | In 2024, Ann Arbor residents **approved the creation of a citywide sustainable energy utility** that will "be an opt-in, supplemental, community-owned energy utility that provides 100 percent renewable energy from local solar and battery storage systems installed at participating homes and businesses in the city."[112] As with community choice, the opt-in provision complicates participation, as many residents may not be enrolled simply because they are not aware of the program. To mitigate this, Ann Arbor plans to hold multiple outreach and engagement events to boost awareness as the sustainable energy utility is deployed.

Conclusion

Municipalization offers communities a transformative opportunity to reclaim control over their energy systems and align them with local values such as affordability, reliability, equity, and environmental sustainability. While the path is complex — requiring legal analysis, rigorous feasibility studies, strategic messaging, and coalition-building — the benefits of public power can be substantial, from reduced rates and increased resilience to accelerated climate action. Even when full municipalization proves elusive, the process can yield critical concessions through franchise negotiations or inspire compromises like Community Choice Aggregation, Performance-Based Regulation, or Sustainable Energy Utilities.

Ultimately, the fight for public power is a fight for democratic accountability and community self-determination in the face of entrenched monopoly interests. Armed with effective strategies, resources, and networks, public power advocates are better equipped to challenge the status quo and chart a new course — one where energy systems are not just utilities but engines of local empowerment and climate resilience.

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