

**AMENDMENT TO FRANCHISE AGREEMENT BETWEEN THE TOWN OF  
MINTURN AND XCEL ENERGY OF COLORADO**

THIS AMENDMENT TO FRANCHISE AGREEMENT BETWEEN THE TOWN OF MINTURN AND XCEL ENERGY OF COLORADO (the “Amendment”) is made and entered into this \_\_\_ day of \_\_\_\_\_ 2025, between the TOWN OF MINTURN, Colorado, a home-rule municipal corporation (the “Town”) and PUBLIC SERVICE COMPANY OF COLORADO, a Colorado corporation and an Xcel Energy Company (the “Company”), collectively (the “Parties”).

**RECITALS**

**WHEREAS**, as set forth in Ordinance No. 11 – Series of 2005, the Town and the Company executed the Franchise Agreement Between the Town of Minturn and Xcel Energy of Colorado (the “Agreement”), granting the Company the right to use Town streets and property to provide gas and electricity service to the Town and the Town’s residents (the “Utility Service”); and

**WHEREAS**, Section 2.2 of the Agreement establishes the term of the franchise for twenty (20) years, set to expire on June 1, 2025; and

**WHEREAS**, the Town and the Company are presently engaged in negotiations regarding a new franchise agreement that would grant the Company a non-exclusive franchise to use Town streets, public utility easements, and other Town property to provide Utility Service; and

**WHEREAS**, Section 14.1 of the Agreement allows the Parties to amend the Agreement through a writing signed by both the Company and the Town and approved in the same manner as was required for the passage of the Agreement’s adoption ordinance; and

**WHEREAS**, the Town and the Company wish to execute this Amendment to provide for a temporary extension of the Agreement to allow for continuous Utility Service under the Agreement until a new franchise agreement is executed.

**NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, the parties agree as follows:**

1. Recitals. The foregoing recitals are incorporated herein as if set forth in full.
2. Amendment. The Agreement is hereby amended with the addition of Section 2.3 as follows:

§ 2.3 Temporary Extension of Term. The term of this Agreement is hereby extended for a period of ninety (90) days beginning on the expiration date of this Agreement and ending on August 29, 2025.

~ Signature Pages Follow ~

IN WITNESS WHEREOF, the Parties have entered this Agreement as of the Effective Date.

TOWN OF MINTURN, COLORADO

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Town Clerk

PUBLIC SERVICE COMPANY OF COLORADO

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

STATE OF COLORADO                    )  
  ) ss.  
COUNTY OF \_\_\_\_\_ )

The foregoing Agreement was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2025 by \_\_\_\_\_.

Witness my hand and official seal.

\_\_\_\_\_  
Notary Public