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Ray Gifford counsels energy, communications and other utility-sector companies on matters related to regulation, litigation and policy development. He represents parties before federal and state agencies, in state and federal courts, before legislative bodies, and as an expert witness on utility regulation.

He is prone to periodic enthusiasms to help conceive and form institutions. The current enthusiasm is to build interregional electric transmission in the Western United States. The Western Transmission Consortium (TWTC) evolved from a recognition that layers of collective action problems have made building network transmission projects in the West difficult. Politics, regulation and finance have meant there was no institutional impetus for the West to build interregional projects at scale. TWTC attempts to solve that with a bottom-up approach that is responsive to the needs of customers, accountable to state regulators and political leaders, and allocates costs to those who benefit from the transmission.

Earlier forays into institution-building include helping organize the Broadband Internet Technical Advisory Group (BITAG), a multi-stakeholder body of engineers and technologists addressing issues around communications network management during peak “net neutrality.” He also co-founded the Institute for Regulatory Law & Economics (IRLE), an annual seminar for state regulators and staff on the law and economics of network industry regulation.

During a naive phase of his career when he thought legislation mattered, he helped conceive and publish The Digital Age Communications Act, a bi-partisan, consensus legislative proposal for communications law reform published by The Progress & Freedom Foundation. He continues to remain active on policy issues relating to: performance-based regulation for electric and gas utilities, electric transmission policy, organized and less-organized electric and gas markets, and — his old standbys — Internet, broadband, telecommunications, and universal service regulation.

He has served as adjunct faculty at University of Colorado Law School, teaching a seminar focusing on the law and economics of utility regulation, and served as Chairman of the Advisory Board to the Silicon Flatirons Center for Law, Technology and Entrepreneurship at CU.

PRACTICE AREAS

Energy

Regulatory – State Utility Commissions

Regulatory – FERC and Organized Markets

Administrative and Court Litigation

Legislation and Public Policy – State and Federal

Telecommunications and Media

Administrative and Court Litigation

Broadband and IP-Enabled Services

State Regulation

Tower Siting and Infrastructure

Voice Communications

Security and Privacy

Transportation and Emerging Technologies

BAR ADMISSIONS

Colorado

New Mexico

Wyoming

U.S. District Court for the District of Colorado

U.S. District Court for the District of Nebraska

U.S. Court of Appeals for the D.C. Circuit

U.S. Court of Appeals for the 10th Circuit

EDUCATION

J.D. University of Chicago

B.A. (Great Books), St. John’s College (Annapolis, MD/Santa Fe, NM)

Ray served as Chairman of the Colorado Public Utilities Commission from 2000-2004. He followed that by serving as President of the Progress & Freedom Foundation, a Washington, DC-based think tank focusing on the law and economics of the digital revolution.

Honors

Elected Member, American Law Institute
Recipient, Best Lawyers "Lawyer of the Year" – Communications Law — 2013, 2020, 2025
Recognized in Best Lawyers for Communications Law (2012-2025)
Colorado Super Lawyer (2015-2020)
Chairman of the Advisory Committee and Executive Fellow, 2009-2019

- Silicon Flatirons Center for Law and Entrepreneurship

Adjunct Professor, University of Colorado Law School, 2000-2020

- Seminars on "Law and Economics of the Information Age" and "Law and Economics of Utility Regulation"

Co-Director, Institute for Regulatory Law and Economics, 2003-2021
Technology Policy Institute, Board Member, 2007-2018
National Association of Regulatory Utility Commissioners, 1999-2003

- Telecommunications Committee

Western Conference of Public Service Commissioners, 1999-2003

- Telecommunication Committee Chair, 2000-2003

Publications

Select Publications and Presentations

Gifford, Raymond and Larson, Matthew "The electricity paradox: Driving affordability means infrastructure investment" (UtilityDive – February 23, 2026)
Gifford, Raymond "Can the U.S. Utility Industry Rise to Its Sputnik Moment?" (RealClear Energy – February 18, 2025)
Gifford, Raymond and Larson, Matthew "Achieving energy dominance without leaving small customers behind" (UtilityDive – February 18, 2025)
Gifford, Raymond "PJM Auction a Strong Indicator America Needs More Electricity" (RealClear Energy – August 12, 2024)
Gifford, Raymond and Larson, Matthew "Do Tri-State's member exits signal 'the next episode' for PJM?" (UtilityDive – August 7, 2024)
Gifford, Raymond and Larson, Matthew "With huge capital needs, the power sector's founding regulatory principle is more critical than ever" (UtilityDive – July 18, 2024)
Gifford, Raymond and Larson, Matthew "FERC's Christie raises issues that need raising about the RTO state of mind" (UtilityDive – September 13, 2023)
Gifford, Raymond and Larson, Matthew "Are RTOs and ISOs sick, dying or dead?" (UtilityDive – March 6, 2023)
Gifford, Raymond and Larson, Matthew "Snoop Dogg and Resource Adequacy Reality Meet Head-on as Summer Approaches" (UtilityDive – May 23, 2022)
Gifford, Raymond and Larson, Matthew "2022 Electric Market Resolution: Changing How We Approach the RTO/ISO Debate" (UtilityDive – February 7, 2022)
Gifford, Raymond, Miller, Michael, Clark, Tony, and Larson, Matthew "At the Precipice: The Perils of Utility Restructuring" WBK White Paper (March 16, 2021)
Gifford, Raymond, "How the Texas Power Catastrophe Could Have Been Avoided" RealClearPolicy.com (March 5, 2021)
Gifford, Raymond; Clark, Tony; Larson, Matthew, "It's time for emergent markets to take center stage in non-RTO regions of the country" (Utility Dive — July 27, 2020)

Gifford, Raymond; Clark, Tony, “One of These Things Is Not Like the Other” (Inside Sources.com — June 23, 2020)
Gifford, Raymond; Larson, Matthew; Clark, Tony “COVID-19 and Critical Infrastructure Part II: Regulatory Stability for the Future” (WBK White Paper — June 2020)
Gifford, Raymond and Matthew Larson “Got to have a code: Co-ops, The Wire’s Omar Little, and the struggle to exit G&T providers” (UtilityDive — May 22, 2020)
Clark, Tony; Gifford, Raymond; Larson, Matthew; Miller, Michael; Nelson, Michael “COVID-19 and Critical Infrastructure: An Agenda for Decisive State Regulatory Action” (WBK White Paper — April 2020)
Gifford, Raymond and Larson, Matthew “Mandatory Capacity Markets and the Need for Reform” (WBK White Paper — March 2020)
Gifford, Raymond and Larson, Matthew “FERC gets around: PJM super MOPR — an around-market solution for the around-market solutions” (UtilityDive — January 21, 2020)
Gifford, Raymond “Railroad Regulation and Communications Law Reform” (2019).
Gifford, Raymond and Larson, Matthew “For RTOs and ISOs: Don’t Call It a Market” (UtilityDive — November 12, 2018)
Gifford, Raymond and Larson, Matthew “Why Federal Regulators Shouldn’t Save the Mystic Power Plant” (The Boston Globe — June 28, 2018)
Gifford, Raymond and Larson, Matthew “ ‘Around Market,’ ‘In Market,’ and FERC at a Crossroads WBK White Paper (May 2018)
Gifford, Raymond and Larson, Matthew “Of Monopolies and Monopolies: Cost of Service ‘Markets’ Abound UtilityDive (March 28, 2018)
Gifford, Raymond “Good Riddance to Net Neutrality” The Denver Post (December 22, 2018)
Gifford, Raymond and Larson, Matthew “The DOE NOPR: Ain’t a Damn Thing Changed” UtilityDive (December 7, 2017)
Gifford, Raymond and Larson, Matthew “The DOE NOPR: An Inevitable Next Step in Power ‘Market’ Regulation” UtilityDive (October 6, 2017)
Gifford, Raymond and Larson, Matthew “Courts back state ‘around market’ actions; other states likely to take action” IHSEnergy Daily (August 23, 2017)
Gifford, Raymond “DOE Study Offers No Panaceas to Struggling Nuclear and Coal Plants” UtilityDive (September 11, 2017)
Gifford, Raymond, Larson, Matthew, Lunt, Robin and Power Research Group, “The Breakdown of the Merchant Generation Business Model” (WBK White Paper June 2017)
Gifford, Raymond and Larson, Matthew “Litigation is the solution to state ‘around market’ power subsidies” UtilityDive (May 15, 2017)
Gifford, Raymond and Larson, Matthew “Subsidies are Subsidies, Whether ‘In’ or ‘Around Market” UtilityDive (April 28, 2017)
Gifford, Raymond and Larson, Matthew, “State Actions in Organized [Electric] Markets: Continued Use of ‘Around Market’ Solutions to ‘Fix’ Markets and the Natural Gas Conundrum” (WBK White Paper February 2017)
Gifford, Raymond and Larson, Matthew, “State Actions in Organized [Electric] Markets: States Strive to ‘Fix’ Markets and Retain Base Load Generation” (WBK White Paper September 2016)
Gifford, Raymond “How to keep the lights on in organized markets” UtilityDive (July 13, 2016)
Gifford, Raymond, Sopkin, Gregory and Larson, Matthew “The Clean Power Plan: Carbon Trading, State Legislation and the Political Economy Issue” (WBK White Paper August 2015)
Gifford, Raymond, Sopkin, Gregory and Larson, Matthew “The New EPA Building Block 3 and the Final Rule” (WBK White Paper August 2015)
Gifford, Raymond “Will EPA Make State Utility Regulation Irrelevant?” Energy Daily April 13, 2015.
Gifford, Raymond, Sopkin, Gregory and Larson, Matthew “EPA’s CO2 Rules and

the Common Elements Approach" (WBK White Paper April 2015).
Gifford, Raymond, Sopkin, Gregory and Larson, Matthew "State Implementation of CO2 Rules v.2.0" (WBK White Paper November 2014)
Gifford, Raymond, Sopkin, Gregory and Larson, Matthew "EPA's CO2 Rules and the Cooperative and Municipal Question" (WBK White Paper October 2014)
Gifford, Raymond, Sopkin, Gregory and Larson, Matthew "EPA's CO2 Rules and the State Institutional Problem" (WBK White Paper September 2014)
Gifford, Raymond, Sopkin, Gregory and Larson, Matthew "EPA's CO2 Rule and 18 States' Resolutions and Legislation" (WBK White Paper August 2014)
Gifford, Raymond "The Continuing Case for Serious Communications Reform," George Mason University Mercatus Center Working Paper Series (Nov. 2011)
Gifford, Raymond and Gunning, Eric "The Promise and Peril of Smart Grid," Engage (Federalist Society Spring 2010)
Gifford, Raymond "Municipal Broadband: The Results so Far," Engage (Federalist Society Summer 2009)
Gifford, Raymond and Walker, Mark "Glenwood Springs Residents Should Say No to Municipal Broadband", Convergence Law Institute (April 2009), and companion editorial column in Glenwood Springs Post Independent, April 2009.
Gifford, Raymond "Morgan Stanley v. Public Utility District: The Supreme Court Takes Up Regulatory Takings" podcast for Federalist Society Administrative Law practice group available at http://www.fed-soc.org/publications/pubID.665/pub_detail.asp
Gifford, Raymond and Adam Peters "Sports versus Cable: Tiers of a Fan" Engage (Federalist Society Fall 2007)
Gifford, Raymond "Schumpeter and Electric Markets" podcast delivered at Edison Electric Institute Wall Street Dialogue (2007)
Gifford, Raymond and Adam Peters "Power Gridlock" Rocky Mountain News December 30, 2006 op-ed.
Gifford, Raymond, Thomas Lenard. "The FCC Asks the Right Questions on USF: Reverse Auctions a Promising Way to Distribute Funds." Progress on Point 2.20. The Progress & Freedom Foundation, August 2006.
"Legislature in the Dark about Electricity," The Baltimore Sun, July 7, 2006
Gifford, Raymond. "The Internet Left Gets a Case of the Vapors." Progress Snapshot 2.15 The Progress & Freedom Foundation, June 2006.
Gifford, Raymond L. "Reconsidering Our Communications Laws: Ensuring Competition and Innovation." Testimony before the U.S. Senate Committee on the Judiciary, June 16, 2006.
Dixon, Kyle, Raymond L. Gifford, Thomas M. Lenard, Randolph J. May, Adam D. Thierer. "A Skeptic's Primer on Net Neutrality." Progress on Point 13.14. The Progress & Freedom Foundation, June 2006.
Gifford L. Raymond. "'Let the FTC Do It!' Maybe It Already Can." Progress Snapshot 2.12. The Progress & Freedom Foundation, April 2006.
May, Randolph, James Speta, Kyle Dixon, James Gattuso, Raymond Gifford, Howard Shelanski, Douglas Sicker and Dennis Weisman. The Digital Age Communications Act's Regulatory Framework and Network Neutrality: A Statement of the DACA Regulatory Framework Working Group. The Progress & Freedom Foundation, March 20, 2006.
Thierer, Adam and Raymond Gifford. "False 'Choices'." Progress Snapshot 2.1. The Progress & Freedom Foundation, January 2006.
Gifford, Raymond. "Intellectual Property and Innovation in the Digital World." Remarks at Digital Europe 2006. January 17, 2006.
Gifford, Raymond L. "Franchising Détente: Is it Possible?" Progress Snapshot 1.25. The Progress & Freedom Foundation, December 2005.
Gifford, Raymond, Adam Peters, Michael Riordan, Robert C. Atkinson, Robert D. Atkinson, Robert Crandall, Jerry Ellig, Dale Hatfield, Philip Weiser, Simon Wilkie. DACA Communications Act: Proposal of the Universal Service Group – Release 2.0.The Progress & Freedom Foundation, 2005.
Gifford, Raymond L. "Start Again: Communications Reform Has Inauspicious

Start in House." Progress Snapshot 1.11. The Progress & Freedom Foundation, September 2005.
Arrison, Sonia, Robert C. Atkinson, Kyle D. Dixon, Raymond L. Gifford, Kent Lassman, Douglas C. Sicker, Adam D. Thierer, Steven Titch, and Philip J. Weiser. A Digital Age Communications Act – Preliminary Report from the Working Group on Federal-State Framework, Release 1.0. The Progress & Freedom Foundation, July 2005.
"The Place for Property and Commons." Progress on Point 12.17. The Progress & Freedom Foundation, September 2005.
Digital Age Communications Act – Proposal of the Regulatory Framework Working Group, Release 1.0. The Progress & Freedom Foundation, June 2005. (with Kyle Dixon, James L. Gattuso, Randolph J. May, Howard A. Shelanski, Douglas C. Sicker, James B. Speta, and Dennis Weisman).
"Progress, Freedom and Regulatory Transcendence: Video Service Debate Illustrates Importance of Core Regulatory Principles." Progress on Point 12.7. The Progress & Freedom Foundation, May 2005 (with Kyle Dixon).
"Platform Envy: Don't Unbundle the IPod" Testimony before the U.S. House Judiciary Committee, Subcommittee on Courts, the Internet & Intellectual Property, April 6, 2005
"Standards in the Digital Age." Progress on Point 12.2. The Progress & Freedom Foundation, March 2005.
Testimony before the Illinois Senate Committee on Environment and Energy on communications law reform, March 15, 2005.
"Reforming Universal Service for the Digital Age" in A Digital Age Communications Act: Essays on the Need for Communications Policy Reform, The Progress and Freedom Foundation, February 2005.
"A Model State Act for Communications." Progress on Point 11.21. The Progress & Freedom Foundation, December 2004 (with Adam Peters).
"Universal Service: Is It Still Relevant?" Progress on Point 11.18. The Progress & Freedom Foundation, October 2004.
"State Barriers to VoIP Deployment." Progress on Point 11.17. The Progress & Freedom Foundation, October 2004 (with Kent Lassman).
"Regulation, Competition, and Universal Service in the IP Era." Heartland IT Update, September 24, 2004.
"Just right rates." The San Jose Mercury News, September 22, 2004.
"The Fallacy of Predation in Wireline Communication." Progress on Point 11.13. The Progress & Freedom Foundation, August 2004. (with Adam Peters).
Gifford, Raymond L. "Telecommunications Policy: A Look Ahead." Testimony before the U.S. Senate Committee on Commerce, Science, and Transportation, April 28, 2004.