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Bryan Says Bill Limiting WAPA's Back-Billing Practice Would Have No Effect; Sen. Francis Says Governor's Comments 'Makes no Sense'. Override of Veto Planned.

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Governor Albert Bryan

Governor Albert Bryan said during his Wednesday coronavirus press briefing that a bill sponsored by Senator Novelle Francis that sought to limit WAPA's back-billing to 35 days, which would essentially prohibit the authority from continuing with its 60-day billing cycle, would have no effect on residents' current situation, a stance Mr. Francis vehemently disagreed with.

"The bill that I vetoed would have no effect on the billing that is current. You would still have the two billing cycles to pay. The bill didn't do anything to address that," Mr. Bryan said. The governor's stance is that while the bill may have affected future double billing, it would not affect the current situation because WAPA had already completed the double billing it commenced in March.

If WAPA could not meet the deadline — and in this instance it would not have been able to as the 35 days (Mid-December 2019 to Mid-January 2020) have long lapsed — the authority would have to forego the payment and in turn residents would be free from paying the additional amounts WAPA has been billing. This, essentially, is what Mr. Francis sought to accomplish with the legislation.

Last week Wednesday, WAPA sent communication to Government House stating that the authority had no objections to the bill. Even so, Mr. Bryan vetoed the measure and spoke of a onetime rebate of \$250 and \$500 for residential and commercial WAPA customers, respectively, that his administration was attempting to secure from the federal government. Mr. Bryan was not sure his administration would be able to secure the funds, but the governor said he expects to hear from the federal government in two weeks.

Mr. Francis, the bill's sponsor, told the Consortium he would work with his colleagues to override Mr. Bryan's veto.

"The bill says that WAPA would be forbidden from double billing," Mr. Francis said, adding that the governor's comments that the measure would have no immediate effect "makes no sense to me."

"On enactment of the bill it would become effective," Mr. Novelle added.

In a followup call with the Consortium, Mr. Bryan reiterated that the bill would have done nothing to alleviate the financial burden of residents, as it was not retroactive and WAPA had already completed its double billing.

The measure would have also forced WAPA to improve its billing inconsistencies, which has led to this problem.

When WAPA [announced](#) the double billing on March 6, the utility said the move would help it recoup \$20 million.

"The 60-day bill, beginning with those issued on March 10, 2020, will allow the Authority to recover more than \$20 million in payments that are due for electrical and potable water service that has been provided but which has not been billed," said Chief Financial Officer Debra Gottlieb.

Senate Vice President Myron Jackson expressed frustration with the governor's veto. "It is unfortunate that at a time when the people of the Virgin Islands are experiencing a pandemic and economic hardship, they will be faced with having to choose between getting their basic needs met for their families or paying their newly adjusted WAPA bill," he said.

Mr. Francis, in a statement issued last night, said the governor's veto had put on vivid display his indifference to the plight of Virgin Islanders.

“Governor Bryan’s veto of this bill shows a blatant disregard for the people of this territory, who make many sacrifices to pay their WAPA bills and keep the lights on. No one should have to choose whether they will purchase medication or food or pay their utility bill,” Mr. Francis said. “By refusing to approve legislation that would define the bill cycle and restrict WAPA’s ability to reach back more than 1 month to correct billing errors, the Governor has made it clear that he is not interested in moving WAPA towards greater transparency or accountability. I am puzzled by his veto of Bill 33-0290, especially when WAPA leadership indicated their support of the proposed legislation.”

WAPA even recommended to Government House the approval of the measure, and said while it would incur some losses, it had a responsibility to provide better service to its customers — an indication that even WAPA believes the legislation would help it improve its billing practice. Governor Bryan said he did not see this communication.

Mr. Bryan went on to veto the bill, stating in his transmittal letter the following: “To limit VIWAPA, or any VI business for that matter, to only one billing cycle or 30 days to correct an error could be crippling. This bill could also create an inability to bill after disasters like hurricanes and tropical storms, when delayed billing becomes essential. This attempt to further reduce the back-billing ability of VIWAPA is also not taking into consideration the potential interference with its bondholder responsibilities to not change any operational financial terms that could affect the payment of bonds. As I understand this bill to be reactionary to VIWAPA’s change in billing cycle, we must also recognize that the current back-billing limitation is restrictive enough.”

The current back-billing limitation Mr. Bryan is referring gives leeway of 90 days.