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## Waste Management Authority's Assessment Dispute with PSC Headed for Court After Denial

**After the PSC denied the Waste Management Authority's second reconsideration request, the agency remains responsible for its annual \$400,000 assessment. With no resolution in sight, WMA's attorney signaled plans to take the dispute to court.**

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The V.I. Management Authority is still on the hook for their unpaid annual assessments to the Public Services Commission, after a request for reconsideration was denied during Tuesday's PSC board meeting.

For years, the two entities have been in disagreement over just how much WMA owes its regulator. An annual assessment of over \$400,000 should be reduced to just \$14,000 per year,

argued WMA legal counsel Florence Kahugu last February, when the [reconsideration petition was first heard and denied](#).

During Tuesday's meeting, attorney Kahugu presented much the same arguments as she had throughout the process, insisting that the money WMA receives via legislative appropriation should not be considered as operating revenue for the purposes of calculating what they owe the PSC.

However, like last year, commissioners were not swayed by that framing. David Hughes noted that “last year's petition was denied by the Commission on its merits,” and also that the argument WMA's attorney made on Tuesday did not “appear to be a different argument than was made in the last petition for reconsideration.”

Attorney Kahugu agreed that it was the “same argument,” but warned that a second denial of her reconsideration petition “would take me to court,” arguing that having the PSC include legislative appropriations in calculating WMA's operating revenues was like “taking your brother or younger brother's lunch money.”

PSC Chair Pedro Williams assured Ms. Kahugu that it was her right to seek redress from the courts, while Commissioner Hughes moved that WMA's petition for reconsideration be dismissed for lack of basis and on its merits.

The motion was unanimously approved by all commissioners. It now appears that unless pending legislation is passed into law to clarify matters, the assessment dispute between the Public Services Commission and the Waste Management Authority will be refereed in court.

Even if the WMA prevails, their outstanding arrears to the PSC, of over \$1.4 million, will remain, as the window for challenging those assessments has reportedly passed. Only current and future assessment amounts are facing potential downward adjustments.