

The Virgin Islands Consortium

In Rebuff to Bryan, Senators Override Veto of Bill Seeking to Limit WAPA's Billing Cycle to 35 Days

Politics / **Published On May 08, 2020 03:23 PM /**

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Governor Albert Bryan

Senators during an 8-hour session Thursday overrode Governor Albert Bryan's veto of Bill No. 33-0290, which sought to bring relief to Virgin Islands ratepayers by reducing the amount of time the Virgin Islands Water and Power Authority could back-bill customers.

The legislation, which is now law, defines a billing cycle as a period not exceeding 35 days and prohibits WAPA from its double billing strategy of 60 days.

Mr. Bryan said he vetoed the measure because it was useless, stressing that it was not retroactive to WAPA's 60-day billing cycle — now completed, according to the authority — that saw residents being sent the two-month bills from March. [At the time](#), the authority said the move would help it recoup \$20 million.

Senators had told the Consortium they planned on voting to override the governor's veto. And they said they were well aware that the measure would be for potential future action by WAPA.

Mr. Bryan on April 15 challenged the Consortium to seek responses from the lawmakers on why they approved a bill that would have no effect on the recent 60-day billing decision. Their responses, [delivered on April 15](#), were swift:

Sen. Violet: "The recommendation to WAPA back in October when they told us that they were behind 30 days, was to add five days for six months because nobody could afford a 60-day bill. So we told them that we did understand that they were behind but we did not want them to grab all of those monies at one time, but we needed them to incrementally be able to recapture those monies."

Mr. Violet said if WAPA had taken initiative back in October when senators urged it to, and had implemented the 6-month incremental back-billing, it would have been up to date now.

"The custodian, the retiree that's making \$14,000 annually struggles to pay one regular WAPA bill, much less two."

On Mr. Bryan's contention that the bill was ineffective because it was not retroactive, Mr. Violet said, "We have known that WAPA has made mistake after mistake after mistake, and we want to make sure that this is the last time that the Water and Power Authority would be able to bill people for 60 days."

Sen. Barnes: "WAPA has, for an extended period of time, communicated that they are having challenges with completely bringing their automated meter-reading infrastructure online. Most times when they presented a deadline when it would be online 100 percent, they have reneged on that particular timeline. The measure proposed by Senator Francis provides protection for the ratepayers. Maybe if not in the present, in the future, and with the track record of WAPA oftentimes reneging on their promises, it was a good safeguard."

She added, "WAPA's meter-reading department is a disaster. It is a disaster of unmitigated proportions. They have an internal managerial and supervisory debacle that is at the crux of a lot of these issues. And until WAPA begins to address the staffing deficiencies in their meter-reading department, we're going to continue with these issues. So the measure is very much needed."

Sen. Sarauw: "The dilemma is that on October 1 we highlighted to WAPA that they had a billing issue, and WAPA, from October 1, could have issued bills that were 35 days to catch up, [but] WAPA did nothing. And in March, when the pandemic hit, they realized, 'oh gosh, we have to recoup our funds before June 30th' because WAPA's fiscal year ends June 30."

"We have had numerous private meetings outside of the hearing and have pleaded with WAPA to address their billing issue. WAPA did nothing. So in the absence of WAPA, or their ineptness, or their laziness, that shouldn't fall on the consumer. And if we are to be honest about the situation, just look at the data. You have a lot of people on unemployment right now. No one in their right mind on unemployment is going to pay a WAPA bill on the 60-day billing.

On the vetoed legislation, she said, "The bill is a bill for the future. Nobody should be billed so inconsistently. Thirty-five days today, 40 days next month. Sixty days the following month, 52 days this month. What we're trying to do is establish a uniform procedure."

Ms. Sarauw said the bill should have included language on how the billing matter would have been addressed during a state of emergency. But she assailed the governor for vetoing the measure when he could have approved it and request an amendment.

"I find the governor to be disingenuous because the bills that he approved of were the ones that he wanted," she said. "All he had to do was call the body and say, 'I'm going to approve this bill but when you guys meet again I want you to make an amendment for the emergency clause.' But you're going to veto the entire bill?"

Sen. DeGazon: "To me WAPA hasn't proven that they are owed that money. Every time they explain, more questions come up.

"I wrote a letter to WAPA saying why not [allow customers to] pay in six months. They said, basically, 'you all wanted us to collect money so this is what we'll do.' So when Novelle came up with the bill I was happy because it meant WAPA could only charge going back a certain amount.

"I was shocked when I saw the veto," Ms. DeGazon said.

Sen. Francis: "We knew when we moved the bill that it could not be retroactive to what was done before with the current billing that went out with the double billing. However, there is inclination, there is a possibility that there will be additional double-billing going forward and that is what we're attempting to prevent.

"Clearly my colleagues and I determined that we don't want to see no more double billing in the future. There is one that occurred and the potential of it continuing is there. The measure was put in place to prevent that."

Sen. Frett-Gregory: "It is unconscionable to ask residents to pay an additional 30 to 31 days at this time — at any time — if you ask me. So the suggestion from the Legislature six months ago was to look at doing [incremental] five days, 10 days, packeting it over a period of six months, and that would allow people to be able to afford it. [WAPA] cannot balance its errors on the backs of the community."

On Mr. Bryan saying that the bill has no immediate effect, Ms. Frett-Gregory pounced, "Nothing prevents the chief executive of this territory to work with VIWAPA as well as its board members, as well as its executive director and say, 'listen, what you all are doing right now is unconscionable.' After all he is the chief executive.

"If the governor is saying the [the bill] has no effect. Then he is the chief executive of this territory and he needs to address it."

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