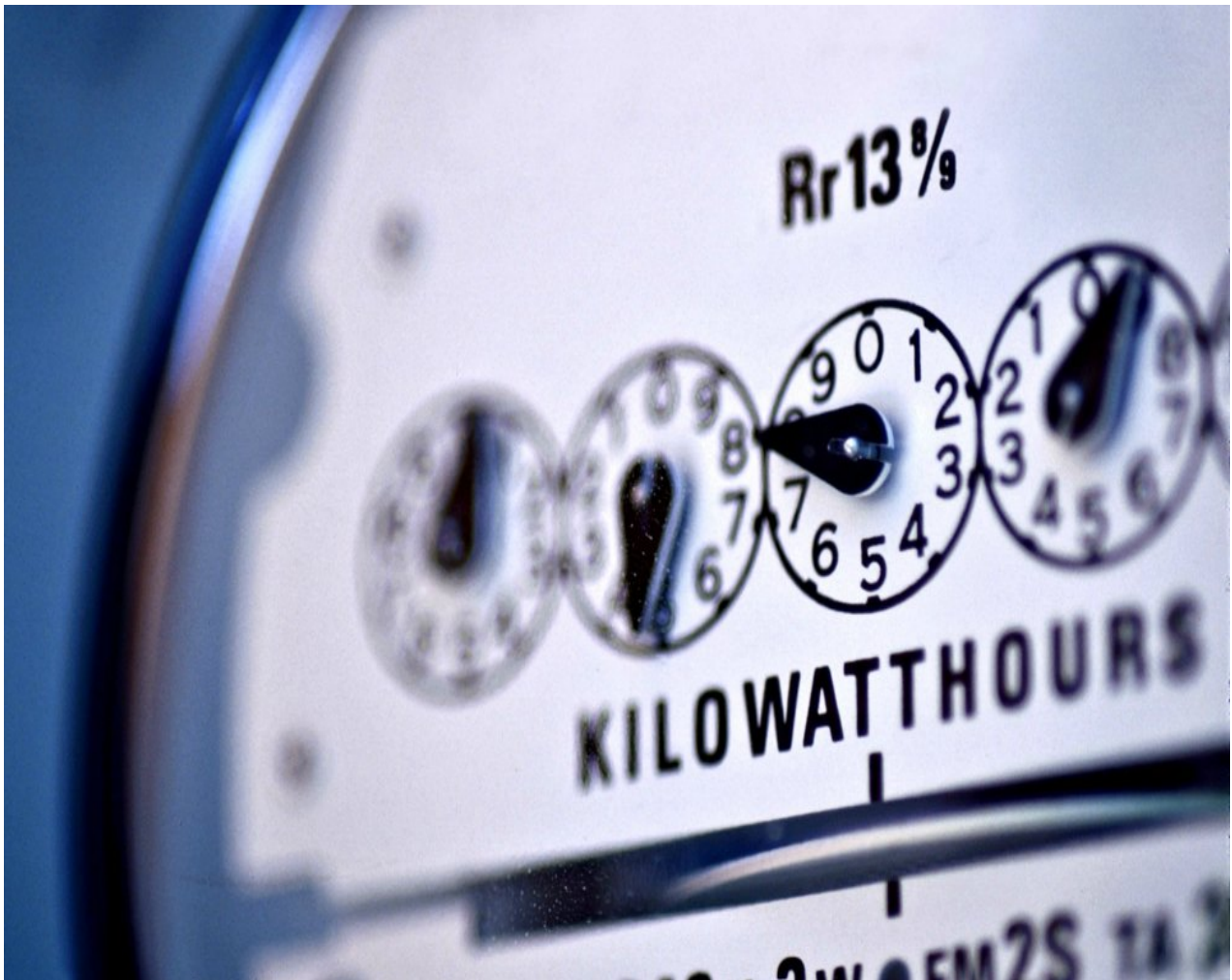


The Virgin Islands Consortium

After Governor Bryan vetoed WAPA oversight Bill, Lawmakers passed a measure which will give the PSC oversight over the Authority

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Members of the Committee on Rules and Judiciary convened once again this week to vet several resolutions and measures, including Bill No. 33-0055, an Act amending titles 3 and 30 of the Virgin Islands Code, pertaining to the Public Services Commission, which was primarily sponsored by Sen Janelle Sarauw. While some see the legislation as long overdue, others say the Bill only duplicates and adds another layer of bureaucracy to an already volatile situation.

While some of the testifies present at the hearing supported the Bill, others felt that it only copies WAPA's governing board's powers. Lawrence Kupfer, the Executive Director/CEO of VIWAPA, told lawmakers, "the proposed Bill seeks to undermine five decades of legislative enactments that have withstood the test of time and increase the operational costs of WAPA without any corresponding benefit." Kupfer further stated that the PSC's broad regulatory power would lead to further conflict, litigation, and higher costs when the PSC Commissioners seek to make decisions that they may not be either qualified or competent to make about the operations of WAPA. "These higher costs will ultimately be borne by WAPA ratepayer-owners if this Bill is enacted into law," said Mr. Kupfer.

Mr. Kupfer explained to lawmakers that millions of dollars have already been used on exorbitant PSC regulatory costs in which ratepayers currently bear and have borne for decades for the PSC's consultants. Mr. Kupfer continued by saying that VIWAPA and its ratepayers have paid the PSC over \$8.6 million in docket and annual assessments over the past five years.

While the proposed legislation and its amendment seeks to offer ratepayers some support and give the Public Service Commission PSC jurisdiction over certain agencies and specifically granting the PSC authority over other agencies, including the Virgin Islands Water and Power Authority, and regulating underground utilities and small power producers. However, Mr. Kupfer stated it would do little to ease consumers' difficulty with VIWAPA.

Mr. Kupfer concludes his testimony by stating that the proposed Bill's fundamental false premise is that giving the PSC broad regulatory power over WAPA will increase the likelihood that WAPA will operate more efficiently and at a lower cost. "In fact, just the opposite will occur as the PSC commissioners and WAPA's Governing Board fight over the limits of their power. It bears noting that most of the difficulties that plague WAPA are unrelated to the scope of the PSC's authority. Changing the PSC's scope will not cause improvement," said Mr. Kupfer.

Bill No. 33-0055 not only gives the PSC oversight over the VIWAPA Governing Board, but it also gives them oversight of wireless telecommunication providers, which will be limited to service issues only. For example, when the PSC reasonably suspects a pattern of customer abuses, the Commission may, on its own motion, initiate investigations into the activities of wireless telecommunications providers offering cellular service.

Though VIWAPA strongly believes that this Bill will not help ratepayers, Donald G. Cole, Executive Director of the PSC, had a different view. Mr. Cole stated that the recommended changes are more than 15 years in the making and are long overdue. "This legislation is for the best interest of the people of the territory. However, even though both parties have their reasoning as to why the proposed Bill may or may not benefit the Virgin Islands' residents. The long-standing battle between the PSC and VIWAPA has come nearer to a conclusion, as senators voted favorably on Bill No. 33-0055.

Besides Bill No. 33-0055, the following measures were vetted and unanimously voted on by the Committee on Rules and Judiciary and will be forwarded to the Full Body for further consideration.

Bill No. 33-0435 An Act amending Act No. 8365, relating to the fiscal year 2021 operating budget for the Government of the Virgin Islands to increase the funding for wage adjustments from \$2,623,000; to \$9,760,658, to appropriate \$18,000,000 to the Single Payer Utility Fund, to reduce the operating expenses for the Department of Finance from “\$2,091,757 to \$1,591,757, to reduce the budget for the Department of Education from \$167,807,284 to “\$164,180,173”; to increase the Department of Public Works’ appropriation for the Abandoned Vehicles Programs in St. Croix, and St. Thomas from \$25,000 to \$75,000; to appropriate an additional \$75,000 for a St. John Abandoned Vehicles Program and \$400,000 for addition road work; to increase the appropriation for the Nurse Licensure Board from \$391,026 to \$536,886; to appropriate of \$305,312” as a contribution to the Taxi License Fund; to appropriate \$2,000,000 as a contribution to the V. I. Housing Finance Authority; amending Act No. 8366 relating to the 2021 fiscal year operating budget for the University of the Virgin Islands to provide for a direct appropriation to the University and to add an appropriation of \$180,000 for preparing an agriculture plan, and amending Act No. 8245 relating to fiscal year 2020 operating budget for the Government of the Virgin Islands to make the \$10,000,000 appropriation for Retroactive Payment to Retirees Over 65 non-lapsing; and provided for other related purposes (Sponsored by Senator Kurt A. Vialet)

Bill No 33-0436 An Act appropriating \$1,665,637 from the St. Croix Capital Improvement Fund to the Virgin Islands Port Authority for the completion of the “Henry E. Rohlsen Improvement and Expansion Project” (Sponsored by Senator Kurt A. Vialet, Senator Donna Frett-Gregory, Senator Myron D. Jackson; Co-Sponsored by Senator Javan E. James, Sr.)

Bill No. 33-0360 An Act amending Title 17 Virgin Islands Code, chapter 5 adding a section 41g, implementing and setting the requirements for online learning (Sponsored by Senator Donna FrettGregory)

Bill 33-0312 A Resolution honoring and commending Janet Valencia Prince-Soto for her contributions to the St. Croix community through her years of educating and mentoring others in the field of cosmetology and her entrepreneurship in the same field (Sponsored by Senator Stedman Hodge, Jr.)

Bill No. 33-0430 A Resolution posthumously honoring and commending the late Reverend Vincent Hoover Adams Gordon, Sr., D.D. for his outstanding contributions to the Virgin Islands community (Sponsored by Senator Kurt A. Vialet)

Bill No 33-0345 An Act honoring and commending Judy M. Gomez, Esq., for her contributions to the Virgin Islands community, especially the children of the Virgin Islands (Sponsored by Dwayne M. DeGraff)

Bill No 33-0352 A Resolution honoring and commending Charles Lambert Alvarez Christian for his dedication and accomplishments in the field of martial arts and the Virgin Islands community (Sponsored by Senator Oakland Benta)

Bill No 33-0426 A Resolution recognizing the 100th year anniversary of the Senepol Cattle (Sponsored by Senator Myron D. Jackson)

Bill No 33-0427 A Bill recognizing and honoring the late Mrs. Dorothy Lockhart-Elskoe for her vast contributions to the preservation of the arts and culture of the Virgin Islands

by renaming Raphune Hill the “Dorothy “Dotsy” Lockhart-Elskoe Drive” (Sponsored by Senator Myron D. Jackson, Senator Steven D. Payne, Sr.)

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