

The Virgin Islands Consortium

Bill Aimed At Addressing How Much WAPA Can Charge When Estimating Bills Stalls in Committee

WAPA / **Published On June 14, 2021 07:21 PM /**

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The Committee on Government Operations and Consumer Protection heard testimony from the Water and Power Authority and Public Service Commission on a bill that would limit how much WAPA would be able to charge when they estimate a bill but while Senators agreed that it was well intentioned they believed it would open the door to legally allow W.A.P.A to estimate bills.

Senator At-Large Steven Payne sponsored bill Bill No. 34-0048 and explained that the legislation would ensure that WAPA would not be able to charge more the 5% of the

previous bill when estimating power bills but his colleagues thought that it had the potential to open the door to make bill estimation more common.

Noel Hodge, Interim WAPA Executive Director , explained that when WAPA estimates bills, they use one of two criterias to determine the cost. "A system estimation uses the average of the consumption for the previous three billing periods or the average daily consumption of a customer as defined by a three- year period multiplied by the number of days in the billing cycle" he said in his testimony.

Senator Alma Francis-Heyliger asked the P.S.C Executive Director, Donald Cole, "Does this bill open the door for legally now allowing estimations outside of the fact that it does not currently exist in the VI Code?"

Mr. Cole's response was "yes, it absolutely does, the Virgin Islands code right now speaks to the fact that meters should be read."

Ms. Francis-Heyliger then said "So, basically if this bill becomes a law we have now created a doorway for legal estimation which currently does not exist. My question now goes back to W.A.P.A who authorized you? If the law doesn't give you authority or permission to estimate someone's bill, who came up with this bright idea and could you tell me why?"

Mr. Hodge said "I don't know who came up with it but I could say perhaps why it was done after the 2017 storms. The A.M.I system that reads the bill was severely damaged and our efforts to rebuild it have not brought it back to its pre-storm levels."

Ms. Francis-Heyliger then asked again about who authorized the W.A.P.A. to guesstimate bills if it wasn't the legislature and Mr. Hodge repeated that he did not know.

Senate President Donna Frett-Gregory said "Frankly I believe moving legislation of this nature, what it does is it encourages W.A.P.A to continue to estimate. The legislation we need to be moving around this particular situation with estimating bills is to stop estimating bills totally. That's what we need to happen at this point. I just wanna make sure I put my position on the record that we should not be encouraging W.A.P.A to estimate bills but in fact eliminate the estimation because it is killing us. "

Senator Janelle Sarauw said "The Public Service Commission already indicates that, and of course the code indicates that, the electronic power service meters shall be read, not may, shall. So if we grant approval of this legislation today that's a tacit approval for W.A.P.A to continue to guess."

She added "I just wanted to come an express my opposition in a sense to the legislation because we can't continue to make excuses and create legislation that would enable the utilities from doing their job as they are mandated to do."

The bill sponsor tried to back up his legislation after hearing his colleagues' opinions. "The bill clearly states you know, whenever the authority must estimate a subscriber's electric power usage, it says whenever, the bill does not say W.A.P.A from now on you just go on and estimate people's bill. It says in the instance whenever, whether its after a natural disaster, whether it's a faulty meter reading, whether it's after a person's property fenced, they have dogs and they can't get to check the meter. Whenever they have to estimate it just can't be more than 5 percent" he said.

Mr. Payne pleaded, "This measure just seeks to hold W.A.P.A. accountable, residents have been collectively paying thousands of dollars for W.A.P.A. estimating bills, this puts a reign on them, from now going forward the maximum you can charge a resident is 5% over. So no more residents should come and call any senator and say last month W.A.P.A charge me a \$100 this month they charge me \$1,200. The days of that are done or we can say let's just leave it the way it was and has been and continue to let our residents continue to suffer."

At the end of the hearing a motion was made to hold the bill in the Committee which passed unanimously.