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Gittens is All Talk but Has No Solutions for WAPA, Governor Bryan Says as Confrontation on Authority's Future Heats Up

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Janeka Simon **April 12, 2023**

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An aerial shot of the V.I. Water and Power Authority's Richmond Power Plant on St. Croix. By. ERNICE GILBERT, V.I. CONSORTIUM

Even as he seeks the Senate's [help](#) in financing what has been described as a bridge loan to the Water & Power Authority, Governor Albert Bryan Jr. "absolutely" intends to continue his legal challenge to lawmakers' attempts to restructure the governance at the struggling utility company's board.

The governor made clear his intention to appeal a recent [ruling](#) from the Superior Court that Act 8742 was a valid exercise of the legislative branch's authority. The law, which reduced cabinet-

level appointments to WAPA's Governing Board from 3 to 1 and imposed requirements for specific professional expertise among board members, survived Mr. Bryan's veto pen in 2021. However, implementation of the measure was suspended after Government House took the matter to court.

Following the lower court's finding that the law was valid, WAPA [made moves](#) to come into compliance. However, the executive branch announced plans to appeal. Most recently, the Supreme Court [declined to impose](#) the requested stay on Act 8472 being enforced ahead of the appeal being heard.

Despite this apparent setback, Governor Bryan says he's determined to press ahead. "We have a myriad of issues in there," he told the Consortium during Tuesday's Gov't House press briefing. Explaining that he believed the court was referring to only one aspect of the legislation, the governor noted that "there are other issues at hand that we would like to get explained – and we want a decision from the court so that we don't have to go and dispute this at all."

Mr. Bryan argued that the Senate's move was paradoxical. "The irony of this whole thing is here you have a Legislature saying 'Take control of WAPA, Governor.' It's the same Legislature that made the legislation move so that the governor has less control over WAPA."

However, the Senate's attempts to bring greater transparency to the murky operations of the territory's utilities provider have also been repeatedly rebuffed by the governor. During last week's special session where senators considered Governor Bryan's request for a line of credit, \$45 million of which was to have been used immediately in resolving a long running dispute with WAPA's main vendor Vitol, Senator Kenneth Gittens railed against what he called "aggressive behavior" from the executive branch.

"This body passed a measure unanimously to allocate monies to the Office of the Inspector General to have a deep dive or an in-depth investigation into the operations of WAPA to include this Vitol contract. Guess what? The measure was vetoed," said Senator Gittens during last week's special session of the 35th Legislature. He explained that the legislation died because the Senate changed over before Governor Bryan's veto could be overridden, and vowed to bring the measure back. "We have to get to the bottom of this."

Despite this persistence from the senator and his colleagues, Governor Bryan, asked on Tuesday whether a collaborative effort to bring WAPA to heel could be pursued between the executive and legislative branches – similar to the deal that paved the way for the securitization of the territory's debts and long-term stability for the Government Employees' Retirement Fund – downplayed lawmakers' contributions as just a lot of talk.

"The one thing he's good for is concerns and complaints, and the other thing he probably wants is credit," Governor Bryan said about Senator Gittens's recent comments. "But the reality is that he doesn't come up with the right word, the 's' word: solutions."

Without discussing his recent vetoes on legislation passed by the Senate concerning WAPA, Mr. Bryan noted that the body had the ability to amend measures that were suggested by the executive branch.

Ultimately, the governor argued that legislative tinkering would not drive real, lasting changes at the struggling utility. "Only one thing that's going to fix WAPA is money.... If you have a solution to fix WAPA that don't include money, then I'm your guy, because I don't want to spend money either."

