



PSC Regular Meeting - General Session - August 12, 2025

Public Services Commission (PSC)

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- 0:00:00 Thank you. All right, we're back in regular session, in executive session. The Commission discussed legal matters and pending litigation.
- 0:00:45 I want to apologize to the public for the late start from our executive session, which is a lot more lengthy than we anticipated. But nonetheless, we're going to try and get to our agenda as much as we can. Commissioner, if you have time limitations, please let me know so that we can determine how to proceed. The first item on the agenda, the second item is the consent agenda. Who speaks today? Go ahead.
- 0:01:17 Take your name and speak up to you. Tamar Khoury, Commission recommends following for transportation services, number 691, 7,500, and for our life insurance, I guess 7,500. Are there any objections to consent agenda for transportation services and barlock grant of \$7,500 each? there are none so thank you um number three fiscal year 2026 annual assessment who speaks to that we have made it a practice over the last few years to present our annual assessment in august it is due by the end of september uh in order to give the commission more time we've been presenting it in August however this year we found out last month that in 2024 the PR legislature passed act 89-19 which amended the provision for the annual assessments imposed by the public services commission to exclude assessments or excuse me to exclude appropriations by legislature from the calculation of gross revenues in doing so it significantly changes the assessment that would be imposed on waste management and significantly increases the assessment that would be imposed on all other utilities it would most dramatically affect wapa raising their assessment by more than two hundred thousand dollars we are looking at that issue at the present time revisiting those calculations and discussing that with parties and we will bring this banner back in september what section of that bill was there i believe it's section 11 that i can think i just want section 11 11. any questions for attorney spade on that matter
- 0:03:26 there are none move on to item number four energy matters docket 702 WACA levelized energy adjustment clause we scheduled for a trial or hearing on WACA's petition for reconsideration of the commission's order reducing the EAT from 22.2246 cents per hour to 17 cents per kilowatt hour. I believe there's been some discussion between the parties, and there is a proposed settlement on that matter.

- 0:04:03 I'm going to ask Attorney Spray to put the terms of that settlement on the record, and then ask WAPA to respond, and then we'll have a vote by the committee commission on that matter. Attorney Spray? Thank you, Chair. The proposed settlement terms are that the LIAC rate of 22.22.46, that is .22.46 per kilowatt hour, or 22 cents a kilowatt hour, be maintained through June 30th, 2026. that the psc staff and wap staff will meet within 60 days to define any acceptable changes and definitions for what is to be included within the deferred fuel calculation if no agreement within 60 days that matter will be returned to the commission that the water power authority will eliminate the current accrued deferred fuel balance as of now and it may accrue additional deferred fuel between now and June 30th but it will be starting from a zero point is that what that amount is well then as of June 30th you're eliminating and only this amount only the amount accrued between now and then will be reflected yes it's essentially the same thing that's the way you see the amount that is being any amount that is accrued between now and June 30th would be remaining on the books the current balance would be eliminated and what is the current balance the current balance is 147
- 0:06:05 million dollars all right parties you've heard the term of the proposed stipulation who speaks for to walk on this matter? So Knight, is that the agreement of the parties? Yes, yes, I'm sorry. Please your right hand to the sword, please. Do you solemnly affirm that the testimony and the evidence you are about to give is the truth, the whole truth, and nothing but the truth? So help with that. Thank you.
- 0:06:45 Again, Mr. May, you've heard the representation of Attorney Spain. Is that the position of WAPA? Yes, I believe it is. We have agreed that... I get a yes or no. Is that the position of WAPA? And speak up, too, because we need to be able to hear it. Sorry. Before I respond, the way it was stated was a little bit... uh i don't think it was stated as clearly as it could be stated so my benefit could be stated again and then i'll answer this i'll restate it the current the prior liac rate of 0.22 i don't think you mean that five so the current then current rate of 22 2246 dollars per kilowatt hour will be maintained through June 30th of 2026. on June 30th of 2026 any remaining sum from the now current balance of 147 million dollars will be zeroed out WAPA may accrue additional deferred fuel account claims between now and June 30th the WAPA and the PSE staff will meet within 60 days to define acceptable changes and calculations to that deferred fuel balance within the next 60 days and return that to the commission yes mr chairman that's that's our music all right uh commissioners you've heard the proposed stipulation is there a motion to accept the settlement agreement discussion now we have a motion first and then we'll grab discussion i i move the uh i move the proposal will be accepted I just have a couple points of clarification for the director that I'd like to understand I'd like to understand first that the agreed-upon calculations going forward to the extent that you're unable to reach agreement
- 0:09:12 with staff this matter will just simply be returned to the psc to continue our consideration of your request yes that's the decision to be made by the public service commission i think we we're willing to sit with in good faith in the interest of transparency with staff to uh review the numbers as as regularly as the psc would like us to um if we for whatever reason are unable to agree then it's up to the commission to determine what possible action you take okay well my understanding the way attorney sprain stated it is that if you guys can't agree on how we're going to define deferred fuel in the next 60 days the matter will come back to the psc i'm operating on that assumption the the other very simple clarification is deferred fuel works both ways i don't really see this going negative as opposed to positive but we should all acknowledge that over the course of the next year that same deferred fuel calculation which is to be determined by agreement with you and our staff isn't just necessarily a positive event it could also be a negative event to be recovered by rate holders i'm fairly sure director you would agree yeah okay thank you thanks chair any other discussion for mr sams mr mcgland mr raymond williams no all right roll call please i'm sorry commissioner i mean senator joseph i have no further questions thank you so much for recognizing me i concur with the agreement all right roll call roll call commissioner mcgras no commissioner nicole sands no commissioner raymond williams yes commissioner hughes yes
- 0:11:13 commissioner pedro williams yes mr chair you have two votes and no three yes the motion is carried Thank you, Commissioners. Thank you. Welcome. On to the next item, Dr. 709, Water Investigation and Fuel Acquisition Process. Who speaks today? I can speak to that, Mr. Chairman. So now you're still under oath. So you may proceed.
- 0:11:49 Yeah. Relax, take your time. I'll have one more. Oh, that was all. Yeah, are we going to pause first? um certainly we can submit that i i don't know um i think about putting it on screen but we can certainly i can walk you through it and i could submit a copy for extra copy staff can make copies while you proceed and then we'll catch up with you Give us the one more audio. Let me know.
- 0:12:53 Please keep your voices up. Some of us are getting older. The court reporter's not in the room, so we have to have a high volume to record this. I have a great record. I'm trying to use my teaching voice that I never had. the um thank you um mr chairman for for uh asking us here to to speak to this issue i know this has been an issue that has been a great curiosity for the commission it has a great impact on everything we've discussed this morning and moving forward as to the success or lack thereof for the water power authority i want to start all the way from the very beginning because that when i when i

took this post on July 29th of last year there was some open questions and I inherited some things that I think um was the subject of inquisition by this commission uh namely what what is taking so long for WAPA to transition or to to uh engage in a new fuel contract for the provision of LPG liquid propane gas the authority and when I entered the authority there was an effort that was in process to bring on a fuel consultant it was a gentleman by the name of Russell Painter that had been identified as the potential fuel consultant for the authority that gentleman at some point in the process before we could finalize the contract expressed an interest in participating more fully in the procurement and therefore he recused himself from participating as our advisor and consultant on this procurement that started a process of identifying another consultant that could fill the role negotiating the agreement with that consultant getting them on board and having them proceed to prepare the solicitation and provide the necessary consultation on that solicitation we did ultimately do that in the

0:15:07 form of a company named Caribbean Utility Services and we began our solicitation for a new LPG provider on April 14th of 2022. We advertised as we typically do in the local periodicals on our website. We also reached out to our partners at the American Public Power Association as well as Carolic to make sure that we cast a broad net for companies that support utilities both regionally as well as nationally in this area. We also perhaps most importantly and when you get a copy from staff. We had a direct bidder's list of companies that we directly sent the RFP package to that included Empire Gas, Peerless Oil, West Indies Petroleum, Boriccan Marine Group, Cobaz Enterprises, Total Energies Marketing, Energy Transfer, Glencore, St. Nogs, Blackline midstream carab LPG trading triton energy flight petroleum geogas trading second base LLC and our current provider vital 16 companies and all were directly solicited to provide proposals in response to our search for an LPG provider pre-bid conferences were held on the 23rd of April site visits were held on the 24th and 25th St. Thomas and St. John respectively there were three subsequent addendums that were issued and on May 21st we received four responses by the deadline to the proposal the we began evaluations the evaluation met and held its first

0:17:01 meeting on May 28th there were clarifications sought of the respondents and the respondents were asked for a best and final offer we had four responsive respondents and we rated them in the areas of experience financial stability regulatory compliance technical capability the logistics of their delivery of course their price and the availability of additional storage We had a criterion of having 70,000 barrels of LPG available to the U.S. Virgin Islands within 72 hours of our request.

0:17:41 The ultimate outcome of the RFP process was the lowest pricing that the Water and Power Authority got in response to its RFP was 55.75 cents. all other respondents were higher. Most respondents declined to provide a best and final that deviated from that response. One respondent that provided a best and final increased their pricing as part of their best and final. And so the Evaluation Committee ultimately made it from the nation that we had not achieved the necessary uh results that we were seeking the objective of the RFP had not been met and that in fact the pricing proposals did not leave us any place differently than we had been nor had the payment terms improved or had there been any other additional value that was gleaned from the RFP process we terminated that process ended it and we started out of the in the interest of public exigency direct engagement with potential providers starting with the respondents trying to see if there was assumptions that were factored interior proposals or other things risk they were trying to mitigate but to see if we could get to the better price point better payment terms or better value from their proposals so we did in fact have conversations with subsequent conversations with VTOL, CARAB LPG and St. John the fourth proposal was deemed to not be in a competitive range we also expanded the scope

0:19:45 to include West Indies Petroleum to include Blackline midstream and Empire Gas and a company by the name of Dasrep a local uh oil and gas firm by the name of Dasrep that was also included we had conversations albeit briefly with some interested parties that represented a few other interests but they did not submit formal proposals we got formal proposals from everyone that I mentioned above with the exception of Dasra we looked at those proposals compared them to the results of the RF we engaged in direct negotiations and we emerged with Empire Gas company as being the primary or the company that provided the best value from a logistics perspective a technical perspective payment terms as well as pricing we are currently in contract negotiations with Empire Gas we've been authorized by our board to proceed with those negotiations and we are finalizing those contract negotiations as I speak That concludes my presentation.

0:20:53 Thank you, Director Knight. Questions by the Commission? Commissioner Starr? Yeah. Commissioner McGrath? Just one question. The consultant that you talked to was okay about what company was he associated with afterwards? ultimately submitted a proposal under the name Black Line uh Commissioner William Raymond so um I know you said the uh Director Knight you got authorization from the board on your you have any kind of idea of how long that process is going to take um to to complete we um we should have a final uh markup I would say early next week we're we're aiming to conclude the process this week um but I I would imagine that we should have a signed contract in place by next early

next week we have uh exchange drafts and um we are heading towards final contract language okay thank you very much yes thank you mr chair um when you concluded this process director knight i almost immediately was contacted by several of the respondents on your list um inquiring as to whether or not the psc thought this process was fair the uh uh the suggestion was is that the qualifier that you mentioned effectively excluded all but one party the the 72 hour um provision of storage effectively local storage um either drove up the cost by causing people to maintain inventories that were unnecessary or um excluded everyone but one one entity on the list that entity had uh already established local storage over in Puerto Rico um they thought that was an unfair provision they wanted to know our thoughts um on what could be done about that because they felt it was also a remarkably unnecessary provision given that you know LPG that's inbound on ships is you know to schedule is is what the contract was supposed to be about, not some backup LPG storage provision. They also suggested to me that the market for this, well, first of all, they were not directly solicited, although they did eventually participate, because they heard about it just after the fact. They're qualified in the sense that they have experience and equipment in the region. And they still wanted an opportunity to engage with the utility, which they felt like when it went to a direct negotiation, it effectively went to a direct negotiation to only one entity. You can see from our perspective how if many of those things were true, then the PSC would be concerned that we ran a closed process. this um i'd like to set most of that aside and just suggest this if there are parties out there whose pricing is distinctly favorable for that which you're currently negotiating

0:24:29

would you entertain their proposals right now at this late juncture um i think that that has um that process has ended let me just say commissioner use because you you throw out a lot of things and then you then you move to a different question um i want to make it unequivocally clear but first of all let me clarify the additional storage availability was part of the evaluation criteria of the original rfp and it only represented a 10 weighting out of 100 so it was not by and large a deal breaker if you were unable to meet that provision it did not eliminate you from consideration it simply meant that if you could meet that provision you were able to score a little bit higher some some uh proposers had creative ways of doing it and some didn't um we did not engage in direct negotiation with just one individual and when we did engage in direct negotiation there were no um there were no uh litmus tests uh we did not only negotiate with folks that had storage we negotiated with everyone the storage criteria is a part of the rfp because it does make a difference if my fuel supply is coming from nine days away and if i can make changes in that shipment while it's already en route um those are real logistical factors that we deal with on a regular basis and so having shipments in close proximity especially this time of year in the hurricane season um that is an added bonus and so 10 points were put into the rfp for companies that could come up with a creative solution as you know when we started with the veto project there was a very large gas carrier that used to park off of the coast of st thomas and provided us with the convenience of local storage and we were trying to see if there was a possibility for us to replicate the benefits that we enjoyed back when we had the very large gas carrier at this stage in the game

0:26:23

if contract negotiations fail um i i'm open to to meeting with other parties but i do think that we have an agreement in principle and we intend to finalize that agreement i think it's likely you're going to receive an unsolicited bid for this project uh from someone uh or some entity that i believe you would have a very difficult time suggesting was not qualified um i don't know that we're in a position to turn down additional savings um just as a function of the process um so i would ask that you keep an open mind towards that proposal if you receive it um we we just went through a really interesting discussion on liac and deferred fuel going forward which is very likely to just essentially be a calculation of the the the this fuel price that we're now discussing in this docket item so i don't think we're in a position to actually turn down cheaper fuel if it's available to us um i appreciate that that number probably doesn't seem to have been made available to you in your original process but to the extent that it shows up now i would hope that you would have the ability to to engage um this isn't a single day docket i'd like to understand why each and who as we go through this process to understand your rfp um i'd like to understand exactly what the responses and discussions were with each of the entities that eventually did not participate so i'm just going to leave it at that because i don't think we're going to close the docket today um and just give you a sense of my expectation is if you get a better offer you'll take it so um a comment on empire by the way that the company suggested or you've decided to go forward with this is an entity that has no experience in bulk transportation of lpg they don't own any ships they don't lease any ships they never have they they run a distribution business out of puerto rico and they're supplied by third parties um i don't know that that necessarily makes them one of our stronger candidates although you know you've been through the field um there are roughly 15 or 16 entities in the operating in the caribbean that that operate their own ships or or operate leased vessels just seems strange to me that we're going to depend on someone that has no experience and has never had any experience in that field so thanks chair those are my comments so i i disagree with the with your statements commissioner hughes you know the fact of the matter is as we understand this market

- 0:29:08 there's no one that does bulk lpg there's bottle gas that goes up and down the caribbean primarily for cooking gas purposes it's either bullets or it's bottled um diagio for instance takes on fuel for their power generation it's it's bullets that they use no one does bulk lpg other than vital that builds the market they built the terminal there's not a single other utility in the caribbean that has a propane terminal and takes on ocean born lpg in bulk that doesn't exist the closest utility approximately let me let me respond the closest because there's a lot of misinformation going out into the media and i need to make sure that i take every opportunity to correct the record as virgin islanders we're going to understand the lpg industry the closest power utility that uses lpg for power generation is roton honduras if you go and that's a 21 megawatt plant running three watszilla engines like we have here on st thomas if you go beyond that you'll find a small power plant in chile you'll find two small power plants in chile that's it for this side of the world you got to go to ghana for the next power plant that actually uses lpg for power production all most companies they charter vessels there's probably about four or five companies in the world that have vessels even vital has been chartering vessels for i don't know how long but i inherited the water power authority working with vital and they use chartered vessels their vessels are all chart everyone that has proposed to supply us with fuel with charter vessels to supply us with fuel the fact is empire gas does bring in tankers of fuel into puerto rico they are the number 10 largest distributor of retail propane in the country not puerto rico but in the united states of america they bring in tankers and they supply maybe 75 percent of the puerto rican market they have four terminals in puerto rico by which they bring in imports they have their own facility that they own the former refinery where they have storage as well as a fuel terminal to bring in fuel so they have experience bringing in fuel and like everybody else the charter vessels are available to them to charter just like every other proposal
- 0:31:21 would have chartered vessels so it's it's incorrect to say that they have no experience because you're you're comparing them to who nobody other than vital has experience doing this any parts of in any place this side of the world period first of all no one mentioned having a terminal these uh these stocks ship out of the dominican republic or panama or the u.s gulf coast so this is a transportation issue for bulk carriage which isn't something that empire does not do they have their terminal we have our terminal by the way two of them uh in addition to ocean point but wapa owns two terminals um i didn't mention having the terminal i mentioned the capability of transporting bulk storage lpg um interesting thing about vtol vtol for the last three and a half years hasn't been directly supplying the water and power authority they've simply been facilitating the contract for the carrier that they contracted it to and that carrier is an active entity with ships in the caribbean and and was in the list of those companies which you which you listed as having been solicited for the bid um so vtol doesn't actually do this business anymore either but there are companies that do and i'm just suggesting those companies are clearly qualified to meet this bill and if they were to come with a lower price you should consider it and the final word i'd say mr chairman if i can beg your indulgence is after we made a decision suddenly everyone wanted to talk to us again but there were firms that were very firm with us and said that this price is a price and we can't do any better and then once they realized that we were serious about looking for an alternative supplier suddenly everyone wanted to have a conversation um i i look at that as a positive the next time we put out a solicitation
- 0:33:13 i expect everyone to sharpen their pencils and and they'll be ready to actually meet our needs in a way that makes sense for the waterfall authority but um at the time i think they they felt the market was cornered and this was the pricing that the market would produce and um they thought we didn't have options we found a solution that works for all the people of virgin islands Either that or until you have a signed agreement, you're still capable of negotiating, I'm sure having those discussions, I'm not making a decision, I'm simply putting that out there for your consideration. We did answer this, what is the logistics of getting the LPG to the Virgin Islands? Given that assuming they have no vessels and they own a lease, what's your understanding of how we're going to get that and how reliable is that transportation? So the logistics for the industry period, most of the fuel is taken out of the terminals gulf coast it comes on large tankers into the territory what we do is a tanker usually goes into st thomas because the tanker is too large to go into st croix they fill up the tanks in st thomas and then we take a shuttle from st thomas to get to st croix that shuttle is a chartered vessel um that is subject to availability the difference with this contract as i perceive it working the tankers will do what they do now for empire gas they'll come from the gulf coast as they currently do today they will stop at in puerto rico and offload their cargo as they currently do in the storage there on puerto rico and then there'll be chartered vessels that move from that terminal to st thomas and in a in a improvement over current logistics they'll be able to move from that terminal directly to st croix the need to fill up in st thomas and then immediately turn around and offload to send to st croix would be negated we'd be able to have separate vessels
- 0:35:13 serve St. Croix and St. Thomas from the Puerto Rico location. It's a 10-hour sale from the terminal in Puerto Rico, as opposed to a nine-day sale from the Gulf Coast. And it will be Empire's responsibility to get the fuel to St. Croix? It is Empire's responsibility to get fuel to both of our terminals. Probably the more important question is, is this agreement subject to the PSC's approval? To the extent that ultimately we would need the rates to be covered, we hope that there's some ratification of the contract. We presented and we're willing to present in further details in one executive session or

confidentially on the details related to the procurement, but we feel that we've run a transparent process and we've gotten the best results that the market could bear. um we do ultimately hope that there's some ratification of the agreement we have been we have been operating with a 33 transportation costs as an assumption for prior to me getting here for several years i think we um in conversations that i've had with the body earlier i've said once we do a full procurement we'll have a sense as to where what that transportation costs can get to my current providers were very firm going through this process is what they thought the real transportation cost was I did express as part of my negotiations what ultimately I'm able to recover in rates through the PSC's rate setting and they didn't believe that that was anything that was achievable in the market and they dared me to do better so I think we have a a market set price and i would hope that the psc would ultimately ratify and adapt that as the

0:37:09 pricing for the lpg moving forward i don't understand why you're asking us to ratify it so it would seem to me that you would want to submit that document for hours you prior to signing off on the document so that these you know and everybody know what the psc is prepared to approve and wait or you say i don't know how you determine that later on that's really unfair to us and unfair to the public um you know what the terms of the contract uh um submitted for us i mean you know obviously in a confidential fashion so that at least we can weigh in on this rather than doing it after the fact because If you don't do that, you're going to be in the same position you're in now, where we've approved one rate and you, in your contract, provide for a much higher rate, and you have no obligation to, you know, get reverse based on that higher rate. so mr chairman i um in prior conversations i made it clear that i'm willing to be transparent as to the process that are that brought us to our contract award i've given a public overview of that process and certainly i'm willing to provide further details in appropriate um setting the i've also i have no problem sharing with the the contract um even in its current uh draft form i can certainly share with you the contract that is uh being uh considered um i can show you the

0:38:56 deliberations between the parties although that's an extra step i have no problem in sharing that so you understand how we arrive at what will ultimately be a final product um i hope that you can appreciate my position i don't want to give up any authority that i currently have i i won't see that my i've uh my governing board has given me authorization to negotiate within certain parameters i am hoping that by showing transparency and how we arrived here the efforts we've made to get here the the uh considerations that went into this final decision and ultimately what that final contract looks like and i can certainly provide that to you prior to my final sign off um just in the interest of transparency and i would hope that that is sufficient to suffice the commission that we engage in good faith negotiations and arrives at a prudent contractual arrangement and i appreciate that and i would respectfully request that be done um um based on the contract terms you anticipate actions for waiting fees by this commission no i do not anticipate asking for a rate increase based on the contract terms all right what is the length of the contract when what's the time it's a two-year contract with an option for a one-year extension if uh agreeable to both parts joseph thank you so much mr chairman a pleasant good afternoon uh to you wapa ceo carl might i i do have a couple of questions uh for empire gas they were they did submit their

0:40:44 their proposal based on the RFP on time on time they were not on time okay we had an RFP process they did submit a proposal that by our clock was a few hours later than what was acceptable but we did have the benefit of a proposal that predated any other conversations negotiations or discussions so that proposal was taken segregated it was not evaluated with everything else and we only revisited that proposal once we terminated the rfp process but we had it it was firm and so it was not subject to any discussions that would have taken place after the opening of proposals okay um and you made that determination based on what to do the proposal even though it was a few hours later.

0:41:40 I mean, we had it in our possession. I mean, we received a proposal and- But it was after the time frame, but you still did look at it. We did not evaluate it. The evaluation committee never saw the proposal. They were not asked to evaluate that proposal. So who evaluated the proposal? That proposal- Just state your name for the record, attorney. John Sinclair, General Counsel at the Warrior and Power Authority. And speak up a little louder also, sorry. I have a teacher's voice. I do not, but thank you.

0:42:14 So the proposals were done pursuant to the contract guidelines, right? Under the guidelines, the cutoff time was posted in the advertisement on the website and on the Catholic website. the empire proposal came in a few hours behind the deadline so it was deemed non-responsive there was nothing we can do it was outside the front so it was received but it was not open it wasn't considered and it was not given to the evaluation committee it was only at the time that the evaluation was closed um because it did not further the goals of the stated um rfp that then the decision was made to do direct solicitations this is also presented to our contract guidelines and then that proposal was open and let me just let me just amend that to say that was after it was only reviewed after the original four respondents were asked to give a best and final offer to the solicitation only upon not getting the results that we were seeking through a best and final offer request that we start exploring other options including looking at the proposal that had come in a few hours later and contrary to

some of the public statements that i've seen in the media no one at the evaluation committee no one was privy to that proposal prior to that point in the process when a best and final offer was asked and received at that point that proposal was then uh considered and it goes and if he's into um comments made by commissioner accused that you also in this negotiation of this contract based on what you just represented keep an open mind um i also wanted to ask you uh is there any type of experience your chosen contractor has with shipping uh lpg to this region as far as st thomas between puerto rico to st thomas you know we have some little bit of uh waters that can be really rough at times have they looked at that yes they're familiar so they are the supplier when

0:44:35 diagio came off of wampus grid they went into a self-generation solution that is supplied and fueled by empire gas they also supply fuel to our local bottle gas suppliers as well so they are one of the suppliers um you know the day when the conversation got into the media someone showed me a picture out at sub base with a large empire gas uh bullet uh tanker sitting out there because they are a supply of bubble gas to the territory as well so they have experience traversing um in these waters of course they are a u.s jurisdiction so they're very familiar with uh the requirements of the u.s coast guard etc because it's applicable to them as well okay and my final question because it's appropriate we are in hurricane season did they give you any type of hurricane preparedness plan how they would address that uh in the event that we do have a disaster and i'm not just only talking about hurricanes we are subject as well to earthquakes and tsunamis or any other or man-made disaster have they submitted anything uh to you that has met uh are you still reviewing that any type of plans so they do have those type of plans and several others as a supplier already in the chain they actually have plans submitted i believe they're submitted to by team but they have plans that were already reviewed by by team our plans have some additional requirements but that was all part of the rfp um ask and then an ask of the direct solicitation as well so it's included in the contract um documents as well their proposal included those plans okay i just

0:46:26 wanted to be clear thank you so much mr chun thank you senator frederick any questions no questions all right thank you staff any questions stop all right thank you very much for your presentation um chair i do have a couple follow-on questions for for the director so director you mentioned that the this this lpg bulk storage ultimately will be coming out of Puerto Rico. Did I hear that correctly? That is certainly an option. We have not limited them from serving us from Puerto Rico, but certainly that to me would be the most logistically practical option. So Puerto Rico being a U.S. territory and the Gulf Coast being the United States, whereas the Virgin Islands has an exemption from the Jones Act, Puerto Rico does not.

0:47:34 any gas coming out of Puerto Rico can't have been transported, purchased and transported directly from the Gulf Coast due to Jones Act's restrictions. It means this vendor has to be bringing their gas out of, I don't know, the Dominican Republic or some of the other terminals around the Caribbean. Have they addressed their inability to touch the largest market for LPG in terms of you know ultimately getting best pricing for you because i know your price is based on a mount bellevue index which is a u.s index gas commodity gas can't gas can't come from there to puerto rico so i i don't know if that is a true statement but what i what i will say though is um the the market index that we use for pricing is the mount bellevue the other component of our pricing is the transportation cost the pricing is just two components market price and an adder that includes transportation profit overhead and everything else remember once again they uh they do supply uh the local uh cooking gas companies they also supply the diageo facility on st croix um and they do have multiple suppliers that they've worked with um they don't have they have a particular supplier that's probably their largest supplier but they have multiple suppliers that they do ultimately work with there are traders that move fuel up and down the region and they have relationships with existing traders yeah they're doing that out of ocean point terminal and they have a uh a bulk bulk supplier that puts propane for them in ocean points storage um because it's in the u.s virgin islands of course that can come down from the gulf coast there are no u.s flagged bolt carriers so there is no ability to send gas between the gulf coast and puerto rico other than on a foreign flagged vessel and that would violate the jones act but but the the territorial stuff to the extent that it's coming into the virgin islands that would be legal just not out of puerto rico um i i'd just like to reiterate my concern to you you know however we got here um

0:49:54 we've effectively been bankrupted by the last field contract the the utility has been bankrupted by the vtol repricing and that's why we are where we are right now with your financial condition all the things being equal it was pretty much this your average day until the fuel went out of out of control um i'm not anxious to get there again so i don't know that we can afford directors to however you've gotten to this point look at a not look at a better offer i i that makes no sense to me if you've brought everybody to the table i don't really care how you got them there but if you get a better offer i at the psc would expect you to entertain it and and and take it um it took us 10 months to publish a rfp for essentially buying both lpg for for cat it was a pretty simple transaction at the end of the day um taking an extra couple weeks to entertain a late stage however you got them to make it i think is well worth the time if there are significant savings i i will you know if there's somebody if you have an offer that you want me to take a look at i'll take a look at an offer let me let the commission be clear though my last shipment from vtol is on august 31st um we're debating what happens after august

31st because it usually takes me three days to upload that ship um i don't have the luxury of time um most anybody that's really serious in the business they want cargoes nominated at least 60 days in advance that window has all but effectively shut if there's some hail mary pass that's that blows everything out of the water hey i'll take a look at it but i can't make any commitments that i'm going to commit to anything other than the path that we're already

0:51:51 on we're out of time um i think we have um done well for what the market could bear and where we initially where the market initially was we spent the last 45 days really pushing the envelope and um i don't want to push the envelope and get someone that is unreliable um and certainly there's a lot of folks that realize that this is a lucrative business and would like to get in on the action um it'll be another time well as you know you know the ships required to bring the stuff to the virgin islands by virtue of the logistics are the the coaster class and handy class bulk storage LPG vessels. And they are few and far between in the Caribbean these days. Most of them left for the Russian region after the Ukraine war broke out. But there are very few people that have those vessels still around. There are a few. Empire is not one of them, and they don't currently have anything under contract. So I'm going to predict that you're going to extend the VTOL contract by probably another three months, while Empire tries to find a ship that they haven't currently contracted for. So I think you'll have a little bit of time to look at an offer. I hope you do. I hope you get a good one. I'm not generating it, by the way, and I'm not involved. I've been made aware by some of your participants that they think they can do much, much better. If they come to the table, great. If they don't, then I wasted your time and i apologize but um but i think you're going to have a little bit of time because i don't think empire is ready to go just yet so all right thank you appreciate that i will make one comment that in the the document you gave was a little mention of empire in here yeah i think

0:53:43 there's a um subsequent document that i can share with the commission sorry i've been a lot of source this morning but uh this document reflects the request for proposal and the that request for proposal effort there is uh some documents that i can share after the fact that does include what happened after the request for proposal uh those are sensitive documents as well as the pricing that i think is not in your document as well and i can certainly share those right so you can submit that and access to keep it confidential we're used to doing that i'm sorry so you can submit them and access to keep it confidential yes there's a there's a few more documents that i think might be of benefit and use to the commission that we can certainly share at the end of the day so i'll stop to take note of that and today's tuesday so i suspect we should have it by the end of the week if not they'll follow up together as well as the proposed contract thank you very much um you may want to stay for the next one dr seven i'm sorry dr 672 water customer service good afternoon to all the report that i'm about to read into the record was shared with the commission and offer prior to today so i'll begin in 2023 the virgin islands public services commission psc re-evaluated its complaint process following the enactment of act 8 375 which is the

0:55:40 ratepayers the virgin islands ratepayers bill of rights and the implementation implementation of the customer service complaint policies and procedures as adopted by psc order 3723 act 8375 grants the psc the authority to resolve rate payer complaints to better assist the complaint process and the revisions for rate payers the psc staff reviewed the volume and the nature of the complaints received and listened to the challenges both by the ratepayers and the virgin islands public i'm sorry the virgin islands water and power authority known as wapa as a result the complaint process was streamlined into five steps following following the launch of the revised process the psc conducted several outreach initiatives to increase awareness of the agency and its services the p however the psc continues to receive a high volume of customer complaints and inquiries daily with the majority coming from ratepayers of the water and power authority there were key issues identified in the psc's october 2024 meeting staff reported that ratepayers raised a variety of concerns which included estimated billing unusually high bills malfunctioning or non-responding meters and solar or net energy billing account issues these issues persist and continue into 2023 they include over billing back billing reoccurring estimated billing billings estimated or actual exceeding a 30-day period delayed credit adjustments refund delays and just general billing uncertainties customers continue to express frustration

0:57:59 confusion and a lack of confidence regarding billing practices in 2025 the commission was served with served with a subpoena in a class action lawsuit that was filed against the authority the issues outlined the lawsuit mirror the concerns regularly reported by ratepayers through the psc's complaint intake process between january and july of this year 2025 the psc has received a total of 148 complaints from customers of the water and power authority 63 of those complaints are from the district of st croix and 85 from the st thomas st john district in response the psc's complaint team mixed weekly with waka's customer service team to address long-standing complaints and service-related issues this collaboration has led to a constructive and results driven relationship focus on improving the overall customer experience while a significant increase in complaint resolutions have been observed many challenges remain these include unresolved complaints frequent estimated billing billing discrepancies malfunctioning meters delays in the net energy billing conversions untimely and unexplained billing adjustments and slow processing of refunds and credit adjustments in accordance with psc order 3723 the psc staff is prepared to present four long-standing complaints with formal

recommendations to the commission for further action staff conducted thorough investigations and held ongoing decisions with the authority and are now ready to move forward with these matters to bring resolution executive director sandra satori will present the recommendations on behalf of the following complainants phil dare webster electric complaint christopher and lisa echo electric complaint ruth leonard water complaint and terence bostic a net energy billing complaint which would fall under the electric category the psd remains committed to upholding the principles outlined in the virgin islands repairs bill of rights by ensuring transparency accountability and fairness in utility service

1:00:58 services. As staff continues to address customer service issues, the Commission will closely monitor the outcomes of the complaints presented and take further action as necessary. Moving forward, the PSC will continue working collaboratively with the authority and ratepayers to address systematic issues, enhance service delivery, and to restore public trust in the billing process and complaint resolution framework i am tashaun hendrix the assistant executive director for the public services commission and that concludes my report ms hendrix you said you received 148 complaints what period of time was that covered that was just for this year from january to july of this year from january of july of 2025 that's correct and how many of those i can tell you that in a few minutes i can get back to you with that number chairman well do we have any statistics as how many complaints regarding 2024 we have all of that information i can prepare that and have that um ready for you does wapo wish to respond to anything that ms andrick has said uh just um a general uh statement um i think we have some specifics that we can delve into and i have some folks that can get you more specific responses but just in general we have acknowledged those those issues as miss hendrick points out we work on a regular basis to resolve customer complaints

1:02:56 we do have something in the order of about 70 000 customers and so there are issues that pop up we've had some chronic issues related to the failures of um structure that's well documented in fact it's uh fema has acknowledged the storm damage to our system and has allowed us the ability to replace that system in its entirety that's the process that we are now undertaking um we do ultimately try our best to avoid estimations we had a very robust conversation with the senate about some of these circumstances that lead to estimates that we think we can mitigate within our control and we continue to do our best to try and get some accuracy back to the building and to the metering process so there's a number of different directions we also have embarked on a large meter replacement program but on the water as well as the electric side this year alone we've replaced maybe about 3 000 meters on the electric side and we also replacing meters on the water side so we are doing our level best to restore some reliability and trust of metering and billing system and there are some specific inquiries i think the commission has and i do have folks that can speak to whether AMI specific customer issues or the other issues that you know on the documents for all right there are four specific cases that's on our agenda for today um taking each of them does wafer concur with the recommendation i'm assuming you've read the report yes all right let's take them and turn on the web still matter does wafer agree or disagree with the recommendation sorry disagree sir the echo also disagrees well that's short something that does include all of them yes all right um mr cohen is there anything you want to

1:05:04 hear about those four matters uh other um than to uh just reiterate the recommendations um if necessary i know the commission has received copies of the recommendations i don't have anything else to add it to the recommendations or the reporting hi all right well let's again take each of them on the webster matter what is walker's disagreement with that recommendation mr chairman um in light of the limited space here that justifies table let me give a couple members of my team a chance to they have much more uh in-depth information to share with you than i do so i'll sit in a gallery Okay.

1:05:54 Get up while the game is good. Whoever is going to speak for a while, can we get someone in? Hello? The whole truth and nothing but the truth, so thank you guys. Thank you very much.

1:06:47 Thank you very much. Marnie Francis, customer service director. Deanne Sinclair, general counsel. Okay. Ms. Francis, tell us what is your office concern or objection to the recommendation in the Webster matter? Okay. May I read the prepared response? May I read the prepared response? Yes. You may. Thank you. and our authority submits this filing in response to the Public Services Commission final complaint report dated July 28th. The billing is- Did you submit that to us, what you needed?

1:07:27 Yes, it should have been, yeah. We received that at 9.34 registration. Yes, unfortunately- At 9.34 this morning, yes sir. Clearly WAPA could not have anticipated that the commission members were gonna review your response. We were already in session at 9.34 this morning. I had a judge tried a colleague the other day for submitting something at 8.41 in the morning for the 11 o'clock hearing. Can somebody copy those responses for us, please?

1:07:58 Is it lengthy? Several of them. I'll email it to us, because it will be easier. all right but go ahead miss francis well the authority recognizes the importance of addressing customer concerns promptly and accurately it respectfully submits that the psc staff's recommendation does not fully reflect the corrective measures already taken the verified uses that obtained

following meter replacement or the substantial account adjustments already applied to Ms. Webster's account since being made aware of the issues in this matter the authority had to place the customer's meter ensured regular meter meter readings obtained and credited the accounts with more than three thousand two hundred dollars in adjustments based on actual consumption records the authority is that thirty two hundred dollars more that the commission staff is recommended yes the authority is committed to maintaining transparency and accuracy in its billing practices i believe these efforts along with the documented account history should be considered before ordering any additional credits or refunds what's the difference i can't i don't have that The recommendation calls for how much money to be refunded to Ms. Webster.

- 1:09:36 just trying to answer my question how much money is miss webster being recommended to be funded 6,466.82 \$466.82 and you're saying all of that about since this report you credited her another \$3,200 no prior to the report that's not what i asked you earlier so this is the problem i asked was that in response to the staff recommendation you told me yes all right so how much is miss webster over six thousand four hundred sixty six thousand eighty two cents do you agree with that no you agree that that's her claim that's her claim okay and you have not refunded any of that as we speak here today correct all right so what is your proposal what do you intend to do about that if anything um based on our record that her consumption patterns are no further adjustments due on that account okay well you've replaced the meter yes we replaced the meter and she received an adjustment of three thousand two hundred dollars once we've replaced the review you keep saying that don't tell me that if that's already been determined or calculated in the six thousand 466 dollars that's all you're simply confusing the record if you keep saying that all right so does psc agree that the meter has been replaced the meter has been replaced all right
- 1:11:35 my name is rasha davis the utility staff assistant for the island of st thomas and st john yeah you yes what are your other issues with the recommendation miss francis from january 2021 through december 2021 miss webster's average monthly bill was 397.20 beginning early 2022 a number of bills were issued on an estimated basis due to the challenges obtaining regular reader readings in february 2023 miss webster installed a gate on her property in accordance with weapons access policy customers with gated properties must provide either a locked mechanism or a unique gate code miss webster provided a dedicated gate code through customer service which was confirmed as submitted despite this extended periods of estimation billing persisted In August 2024, the meter's LCD display went blank, making it impossible for a field staff to obtain a reading. The meter was replaced in January 2025, and an actual reading of 14,439 was obtained at that time. This reading formed the basis for several adjustments to prior estimated bills. Discussion.
- 1:13:11 Is it the customer's fault that the meter went blank? No. Is that Walker's responsibility? Yes, it is. So why would that be critical to your report, to tell us that that happened? Because even though a meter goes blank, but still able to obtain an actual reading, once we bring it to our meter bank in the office, so the estimations was because the meter was blank, but we're able to obtain and verify readings at a later time. Are you able to do that in this case? Yes, we will.
- 1:13:43 The authority has reviewed Ms. Webster's account history and applied substantial credits to address periods where estimated billings overstated actual consumptions. These adjustments were not arbitrary. Each was tied to actual media readings and reconciliations of prior estimates. In October 2024, following an actual reading obtained on November the 6th, 2023, WAPA issued an adjustment of \$1,138.84. excuse me this kind of reflected the difference between the cumulative usage recorded at that time and the amounts previously billed during the months in which estimate had occurred the reconciliation process took into account the applicable applicable kilowatt hours rates and the specific billing periods affected a second more significant adjustment applied on June 4, 2025, reducing the February 6, 2025 bill from \$3,018.45 to \$911.15. This \$2,177.29 adjustment incorporated the \$1,978.24 referred to in WAPA's May 23, 2025 letter, along with an additional \$125.05 to remove late fees that had approved during the disputed period this correction was based on the verified meter reading taken when the faulty meter whose lcd display had been blank since august 2024 was replaced in january 2025. that reading of about 14 439 kilowatt hours allowed wapa to allocate actual consumption across the months covered by the estimated bills and apply appropriate credits to the customer's account in total these adjustment amount to three thousand two hundred and forty six dollars and thirteen cents significantly reducing any
- 1:15:46 alleged over billing during the 43 month complaint period when these credits are factored into the psc staff calculation the recommended six thousand four hundred and sixty six dollars and eighty two cents figure is substantially overstated. The authority will provide supporting documentation including consumption history, billing statements, and calculation worksheets so that the PSC can verify the methodology used. WAPA respectfully submits that when the verified usage data and applied adjustments are fully considered, there is no factual basis to award the full credit proposed in the staff's recommendation. Conclusion, the authority has taken concrete steps to address the issues raised in these matters, including replacing the meter, ensuring regular meter readings are obtained, and applying more than \$3,200 in credits to reconcile estimated bills with verified consumption. These measures reflect WAPA's commitment to accurate billing and

transparent resolution of customer concerns given the verified usage data obtained following the middle replacement the substantial credits already applied and the operational measures now in place to prevent reoccurrence the authority respectfully requests that the commission modify or reject the psc staff recommendation for an additional six thousand four hundred and sixty 6.082 cents in credits or refunds the documented account history and corrective action demonstrate further adjustment beyond those already provided are not monitored thank you so you actually must to modify it to what? Zero. Staff, any response? Yes, I'll let Ms. Davis respond, but before that, I would like to refer to staff recommendation on page 505, item number B, second paragraph.

1:17:52 B basis for recommendation, the second paragraph explicitly states that the staff determines that the utility has provided no reliable calculation or analysis to explain or justify the variation in billing amounts or billing patterns. And so therefore the recommendation that staff was able to come up with is based on the documentation, the support and documentation that was submitted to the utility staff assistant at the PDIC.

1:18:31 Ms. Davis, you want to come up with me a little bit? Ms. Rasha Davis, utility staff, assistant for the island of St. Thomas and St. Jerome District. In WAPA's response, they stated that in October, 2024, Lauri Hennessey- Following an actual reading obtained on November 6 2023 WAPA issued an adjustment of \$1,138.84 based on all the bills acquired by the customer, the customer did not get an adjustment of \$1,138.84 or in October 2024. um the basis for the psd's recommendation given the most of the subject bills have been based on estimated readings it is difficult to start to determine the true consumption and charges the last reliable and consistent billing in 2021 and what was raised have not changed overall total since that time the customer denies any change of the property that it could explain either the significant overall increase or the dramatic fluctuations in billing therefore staff finds that 2021 is the last year in which billing was both accurate and reasonable staff determines that the utility has provided no reliable calculation or analysis to explain or justify the variation in billing amounts or billing patterns in the same billing should have applied throughout the period of january 22 to july 2025 utilizing the average 2021 billing of 380 dollars and 82 cents per month over a 43 month period the total bill should have been sixteen thousand three hundred seventy five dollars twenty six cents the amount that wapa billed was twenty six thousand eight hundred seventy one dollars seventy four cents wapa has issued credits

1:20:22 in the amount of four thousand twenty nine dollars sixty six cents resulting in a net billing by wapa of twenty two thousand eight hundred forty two dollars and eight cents staff recommends that the commission order wapa to ensure a complaint account is accurately metered metered as the customer is still experiencing estimated readings as of today as of today even with the new meter chairman williams um commissioner hughes and commissioner williams have the rate um the customer's account is not read regularly and not and is being estimated moving forward we are asking for the customer to get actual readings moving forward thank you commissioner yeah um several questions um i think um marlene you stated that i'll let a meter may quote-unquote be blank at the site at the home of the resident already you can still you have the ability to read the meter from the office can you explain that process to us please right um thank you commissioner williams marlene francis um what happens is we remove the meter and we take it to our location and it's put on a board and that board is able to illuminate the um display the display on the meter has gone blank but the meter continues to calculate the usage for so the readings are available similar to like um i guess on your car if um something goes bad once you take it to the dealer he's able to see the usage that you've um

1:22:11 used in the vehicle another way so it's the same with meters and so um i don't know if you specifically get answered because this is more of a technical question in terms of um calibration of that process that you just described, how does WAPA calibrate that device or apparatus that you use in the office? Well, I'm not certain as to that, because again, I'm not the technical, but I know that we have in-house personnel that have the required resources. They have the machines, they have the equipment that we also carry on the field to check the calibrations the psc staff has also been present when we've done that on the field at site visits okay um so i think uh miss davis highlighted that the estimation for this customer has gone on for some 43 months is that correct miss davis three years they've been estimated for about three years on and off that that is true um it's it's unknown um it's no secret that we have been having metering challenges right um only last year we be going to replace to replace the meters that were on the field that were um we have an effort now to do that and that's what we're doing but once we get that actual read then we know how much the customer has actually used at the site um yes you know customers do indicate that they have not change their consumption patterns but we know that even in the summer months you would use more energy than you would use let's say the winter just because of the temperature

1:24:08 and maybe we may not recognize that but we see it often in the consumption history of customers so the customers may not be thinking that far back but the meter tells a story the meter tells exactly how much you're using once we're able to get that verified reading and in this case we did Is there at any point in the discussions with the customers or in general in doing your marketing or educational awareness to the customers, to the repairs, is there a process or a guide that says to

customers, you may want to conserve energy these ways or these other ways or just ideas of what things that customers can do? yes um we've routinely done that and also our communications team has a campaign that they do that i i say it all the time when i'm with the tsc consultants i mean staff assistants how customers can um reduce their energy consumption i use my my own experience as an example um the the representatives at the office also do that as well we do as much as we can in the you know time permitting to educate the customers but our communication teams sends tips out regularly and i guess my last question um to staff in a scenario like this is there um do you receive like pictures or um some like maybe a video from the customer showing the performance of the meter or do we do any field visits to see these meters at any point? This is for the PSC staff.

1:25:58 I'm Sasha Davis, utility staff assistant. Once a complaint is, once we receive a complaint, the first thing that I do is I do a site visit. That way I can know if the meter is blank, if the meter is functionable. I am not a meter technician, but based on the last reading that the bill received i match it to the meter um that way i can when i put my complaint into miss francis it is clear there this is a blank meter so prior to turning in the complaint over to wapa we do a site visit therefore we take direct pictures of the meter thank you very much yeah miss francis i have two questions for you and at each juncture i'm going to ask attorney sprain to uh to to offer whether he agrees with you um what does the law say about your ability to bill for repeated estimated billings um i'm not sure what the law says but i know we're not supposed to back bill for more than a one month period so my second question is how for how long a period can you back bill a customer uh for usage you know in the past I believe the law is 30 days, which is pretty harsh, but it used to be 90.

1:27:16 Attorney Sprain, what does the law say about the ability for Wofford to bill for power that it is repeatedly estimated to overcome? There is a requirement that the Water and Power Authority read meters monthly. um i believe there's a second provision and perhaps attorney sinclair knows which section is it that makes a reference to estimation and i'd be happy to pull that so i guess the law requires the meter to be read period so so hypothetically if wapo estimates a meter for let's say three months can they bill for that that third month way back no commissioner hughes this is lorraine kelly cfo commissioner hughes this is lorraine kelly cfo and the current guidelines and the law allow us to be able to backfill for a 35-day period um but i i do want to um reference here that we have a recognized condom at wapa ma'am i don't want to hear about that we're talking about the law okay let's talk about the law Ms. Sinclair would you like to talk about the law yes um and thank you for your question um attorney's brain is is correct in that there you know like statute does provide a provision where the meters are to be read monthly um actually says that they're to be manually read um so so there's some you know nuance in in in the law and what in the way that utilities run currently um there is no specific um provision that talks about estimation um it does talk about backfilling cycles things of that nature backfilling is

1:29:21 currently limited to a one month um period um in this situation in most cases with estimated bills a bill is actually issued so this is not the same as a backfilling scenario so we we can we could we could argue the point as to whether or not an estimated bill is really a bill but that's okay thank you um so what i don't understand in this conversation is you're going to go to your next question just at that point you're saying that you could backfill for 30 days no no no sorry okay well that that's why i was asking for clarification because the cfo said 35 i understood you to say 30 so we're now saying what was the position is that we go back there for 35 days let me get the exact language i may even say a month it's a bit of a it's a bit of a moot point in a case where someone has been backfilled for three or four years um what i don't understand is that even though the law the law seems to be fairly clear about how far back you can go and bill the customer when you haven't actually been billing them correctly or you haven't been billing them at all and yet you have a reconciliation process that very clearly violates the law you you you're taking readings that essentially go back i don't know in this case 11 12 13 14 months and without disputing whether or not the energy was actually used or that the reading was correct the law does not allow you to go back into those periods of time the law allows you to go back 35 days or 30 or some other number used to be 90. i think that's a very harsh standard frankly before director knight thinks i don't take his side on anything i'd be happy to stand next to him and suggest that that's a 30 or 90 day period

1:31:21 given the challenges that the utilities got i'm sorry 60 or 90 day period the fact is the law is very clear you can't go back and build this customer and you and you are you're going back creating a reconciliation based on data that wasn't available and then you're attempting to assert an old bill why why do we even have to talk about that that's not legal you can't bill the customer for anything other than its current bill under the law and that bill has to be a real reading not an estimate why do we keep having these conversations about you guys and your reconciliation process your process is illegal well respectfully um commissioner hughes um the reading of the law is not that an estimated bill is not a bill it is in fact a bill um in terms of back billing it is one billing cycle so currently the law for a billing cycle is 30 days all right thank you mr sams yeah thank you commissioner lorraine kelly sams so uh just speaking specifically of miss bilder's situation um how many times have you all replaced her meter we're talking about like a three-year period right or how long how long did this whole issue the company was spending for 43 months 43 months okay it was replaced once it was only replaced once yes so each time there was some complaint you actually physically took her meter took it to your you

did not no what happened is the complaint was actually resolved once we replaced the meter when we got inventory is replaced and that was recently i can't remember

1:33:08 because i remember we're getting on these meters okay in january so when you when you took the meter to to your place to to wapa to find out um what the actual bill was you able to print out like what her each month her consumption it gives you the total consumption that was on the meter and then we use that consumption so only back bill the customer for one month so that's where the credit comes in so we only back bill a customer for one month and then the remaining amount is credited back to the customer so we're talking about an issue that was how many months 43 months that she was getting estimated billing and there's no way for you to go back to those 43 months i'm a little confused of how she has this large balance all right if what do i go ahead sorry so what miss francis is indicating when when you have periods of estimation you're trying to look for when the actual read was done okay thank you when you have periods of estimation you're trying to target the times when you did an actual read right because you don't want an estimation on the estimation on the estimation so in this case in january of 2025 they were able to bring the meter in and get an actual read from that meter you also had an actual read i believe from november of 2023 right so from let me answer rp for a second so the last time the meter worked was winning like when it was actually giving readings what year like so in

1:34:55 january of 2025 the reader was the meter was red the display before that because she's been having this problem for a while when was the last time you got the last actual read is in is it november 2023 it's 2023 so you have you have the actual read in 2023 and you have an actual read in january 25 and from that you can get consumption you can't get the exact consumption monthly for you know 2024 but you know from this time period the consumption was what it is from that you can backfill for one month and everything else has to be credited because we can only go back one month so all the other months when you since you got the last read you you know she had a credit she she had a credit she had additional monies that were billed that now are credited to her account go ahead if i might miss davis in her preparation of the report has prepared a spreadsheet we provided that spreadsheet along with the report it lists every bill throughout the entire time period including showing where credits were received we did an average each year for what the amounts were we showed where bills were labeled as estimated and where they were not we don't assume that all bills that are labeled as not estimated are in fact reader reads that's proven to not be true in the past but we've we've left that as as however it was labeled we note that in 2025 we show in january that the meter was replaced over the course the remainder of 2025 bills have ranged from 180 to 3 000 a month there have been wild disparities from month to month that indicates a credibility issue with

1:36:49 the meter readings since the meter has been replaced miss webster retained an electrician to come and inspect her place because it was told she may have a short or some other problem that was not found she did that at her expense we believe she's been diligent she's been responsive she's provided information as much as possible this has been open for 14 15 18 months and she's due for resolution and i can i add even after the meter was replaced in january 2025 the meter didn't reflect on the customer's account until march 11 bill date march 11 2025 and that was an estimated reading so even when the new meter was it was not it was it was not being read even when the new meter was reflected on the account it was an estimated reading followed by the bill date april 3rd 2025 bill which was also an estimated reading so when when has the bill so they said when i say the new meter is not working the new meter has not been read electronically but it's whether physically and electronically that is we still receive an estimated billing What do you say about that? There are many...

1:38:04 Yes, Commissioner Warren. Question relative to this process. Once the staff provides us with their report and WAPA responds to it, it is in our purview to act on it one way or the other? Yes. That's my intention that the Commission will make a decision today. Okay, so I just want to ask you that procedurally, are we dealing with these complaints one individually, one at a time, or collectively? Because I think there are four. Yes, I intend to do them one at a time. I want to make a motion. Go ahead. I move that. What was the amount? What is the amount that is owed as a credit to 6,46682?

1:39:07 So I move that amount be credited back to the customer. What's the customer's name? The customer's name is Ms. Webster. So my motion is to have the \$6,000 plus either credited to, or if that was made, if that was paid, that amount be refunded to the customer. So move. I second the motion.

1:39:41 Ms. Croshen. I have a question. I have one question. Do you want to have discussion on the motion? I would like to have discussion on the motion. Thank you. Go ahead. Is WAPA prepared to read the meters for this client, but his customer? Good afternoon, my name is Frances.

1:40:13 Yes. we read meters there will be periods where customers receive estimation i also want to note that on the on the balance there's a three thousand dollar balance on their account and then final question uh has the customer made payments since the meter was installed yeah she makes payment but she doesn't make the full payment that's why she has the three thousand 400 close balance on her account in a customer defense how is she able to make the full payment when she's receiving estimated billions what is she supposed to pay are we supposed to go back 43 months to tell her like

389 11 that she's making 400 payments the same argument can be used as to why she would get a six thousand dollar credit that's the same argument could be used with but there's the motion has been seconded by discussion and for the discussion yeah i still have one more um you're looking at estimating and we and i think that's the premise because it's an estimated bill and it's not read by the meter uh wapa you need to go out and read the meters that's all i'm saying okay and that's just that's the point proceed with the yeah my question relates to the estimated billing um you stated that the estimated billing is based on the last meter reading you have and why are estimated bills structuring changing if it's unestimated it should be made the same right it's going to be on the last two two last bills so that causes a change why would it why would it fluctuate

1:42:07 what do you mean why would they estimate the reading change from billing to billing because if it's based on a figure you're using the last two readings each time so if you're 1500 this month and then the next month it's 1600 you're going to do an estimate based on those two and the figure is going to change yeah because each bill doesn't have the same amount of days so the days might change in the in the billing period, which causes the amount to change.

1:42:46 Like it's 28 months in February and the 30th, maybe that's what it is. All right, we'll call on a motion. The motion is to credit or refund the customer Mr. Chair, before you go to the roll count, for clarification, my motion stated either refund or credit to clarify so that we're sure what's going to happen. Did the customer pay that \$6,000 to run? No, the customer did not.

1:43:33 How much has the customer paid? I believe the balance on the bill is in the neighborhood of \$2,100 at the moment. She's paid the other \$4,000. The balance on the bill is \$2,738.35. No, that number again. two thousand seven hundred thirty eight dollars and thirty five cents that is what is owed to the customer i'm trying to know that's what that's what the customer bill from wapa says if you apply the six thousand dollars credit to that six thousand four hundred and \$66.82, then WAPA would owe her a refund of about \$3,400. \$2,000.

1:44:32 Okay, but for WAPA to refund it, it would have had to have been paid, correct? It was paid. Everything above the \$2,700 was paid. Okay, thank you. I'm good with it, Mr. Chair, for the refund. On the motion to stay the same that the WAPA will need a refund or credit \$6,466.82, correct? That's correct. That will not cause WAPA. That's not going to cause WAPA to issue a refund. Okay, so we need to restate the motion to strike the word credit and only use the word refund. Raymond, I think what you're trying to accomplish is to credit the account, its current balance, and provide the remainder of the \$6,000 as a refund, because those amounts have been paid.

1:45:28 Correct. Absolutely. Do you want to restate the motion? That Walker will issue a credit to the trust of \$2,738.35, and we fund the balance between \$6,466.82 and \$2,738.35. Thank you. All right, roll call. Roll call. Commissioner McGrath? Yes.

1:46:03 Yes. Commissioner Nicholson. Yes. Commissioner Raymond Williams. Yes. Commissioner Hughes. Yes. Commissioner Pedro Williams. Upstate. Mr. Chair, you have one abstention for voting. The motion is carried. Right. If I may, if that could be reduced to write it. It will be. Okay. And signed. What's the next case, Echo?

1:46:37 Is that the correct name? How do you spell that? E-K-P-O. E-K-P-O. All right. Seeing the recommendation, Wapa, you don't have to read the entire statement. I'm sure 50% of it is the same as the entire one. Just give us a highlight as to what your objections are. Respectfully, I would like to move the whole so it's on the record. Well, you can submit the document for the record. Just give them the highlight.

1:47:12 We don't have all afternoon. Okay. Well, let's start. What is the recommendation from the staff? What is Mr. or Ms. Is that you, sir? the business photo recommendation is fasha davis utility stock assistant Okay, complaint staff recommends that WAPA issue a billing adjustment of \$3,659.17, either as a credit or refund, due to prolonged and excessive estimated billing.

1:48:12 basis for recommendation after meter replacement monthly bills decreased decreased by over 60 usage patterns post replacement support claims that prior estimated billing bills were inflated wapa has not provided sufficient evidence to justify the previously estimated charging Staff recommends that WAPA be required to ensure the ECHO's meter is read regularly and not estimated moving forward to comply with the PSD billing regulations and prevent recurrence of inaccurate billing. The customer is also here.

1:48:53 Thank you. We'll get to you, sir. The highlights are the ECHO's established service in June 28, 2023. At that time, they had fluctuating usage with as low as 555 kilowatt hours and as high as 2,039 kilowatt hours per month. during this period ranged from 239.55 to 884.62 per month from november 2023 through april 2024 the count was built using estimated readings based on the prior usage that was going up and down fluctuating with bills ranging from seven hundred and twenty seven dollars and sixty nine cents to eight hundred and one dollars and fifty nine cents he sent our revenue assurance team out on february the 5th to test the meter of one year 2024. although the meter lacked the seal there was no

evidence of tampering or malfunction we have the pictures um the revenue team got of the reading on that day as well an actual reading was obtained for may 13 20 25 resulting in a credit of 842 dollars and 73 cents to the account in august 2024 the meter's lcd display failed requiring estimated readings until january 2025 the meter was replaced in february at which point a verified reading of 19042 was obtained we have the pictures of that reading as well the customer is not due a further adjustment during the estimated period the echoes did not consistently pay their bills in full while we acknowledge the challenges associated with estimated billing this does not absolve the customer of their payment obligations as a result the account currently

1:50:55 carries a balance of four thousand one hundred and sixteen dollars and fifteen cents applying a further adjustment as requested would not fail to reflect the customer's documented usage based on the out reading prior to the period of estimations the meter's performance or the results of the field investigation and the verified readings that we have the four thousand Do you solemnly affirm that the testimony and the evidence that you are about to give the truth the whole truth and nothing but the truth so i hope you guys thank you please state your phone name christopher ekpo ekpo all right no problem um thank you guys uh for giving me the time to speak to you guys um i was given this information by shasha from wapit this morning miss davis i'm sorry uh it looks like wapit provided this this morning i didn't get a chance to look over this um this week but it was fine um i wanted to fill in some of the blanks during this factual background because it looks like they conveniently omitted a lot of things that took place during this time um mr anthony vialing i'm not sure if i'm pronouncing his name correctly um he is the media reader reading supervisor he confirmed to us that our meter was inaccurate

1:52:43 and inconsistent during this entire estimated billing process and that date was august 8 2024 now i started this entire process january 31st 2024 i visited the haven site location spoke with hazel benjamin also spoke with sherelle stapleton and the customer service supervisor sharice burrows i have a very long detailed email chain ready to provide to anybody who has uh who wants it um i'm not saying this just to say this this is all document already um have you submitted that to the psc pc has everything she did a phenomenal job summarizing everything so everything she provided to you guys is simply everything that i've given to them um going back to my first visit i tried to attempt to get this resolved through the haven site office i did get one credit adjustment of 840 back in may 2024 um ever since that time they made it very clear at that location that no further credits were going to be given which prompted me to reach out to psc for further assistance as a consumer as a customer i didn't feel that wap in that moment was advocating on on our behalf it was almost as if we were being punished we purchased our first home in st thomas july 2023 we moved into this property this property has been in existence since 1996 the uh there's a gate that shows that wapa has access already to the property so there's no reason for them not to read our meters on a regular basis if it's low what i'm hearing for you guys to actually come to the property and read the meter it wasn't being done

1:54:35 over this 23 month period nobody there was four times they came out there i literally had to beg them each and every time to come to our property it's 2025 i have a ring camera i can provide those videos where they actually came and when they didn't come because they didn't come if you look at this monthly bill um attorney attorney springs said this in the previous um previous matter. She did a great job showing you guys how much we were charged and what was also estimated. These bills fluctuated from \$239 as high as \$1,500. I don't run a small business. This is a single family home. Why am I receiving a bill for \$1,500? Why am I receiving a bill for \$1,000? Why am I receiving a bill from \$987, and the majority of all of these are estimated. So then now when you guys make a statement that during this estimation period, customers did not consistently pay their bills in full and carries a balance of \$4,000, your staff told us to not pay the full bills. We didn't wake up and say we're not going to pay the full bills. I'm not here for a handout. I'm here. Right is right, wrong is wrong. The meter was faulty. Your staff already told us this. We finally got a brand new meter, and thank God, ever since it's been reading correctly. I haven't had a reading past 400 since February.

1:56:11 And here's the thing. They still haven't come to read my meter. I don't know how they're doing it, but they're reading it remote nobody's came to my property after i've gotten a brand new meter so they if they have to manually or physically be there they haven't so i don't know if this may potentially become another issue but i want to be on the record right now that ever since i got this brand new meter it's been working perfectly fine but nobody has read the meter in person If they're supposed to do that, they need to start doing it.

1:56:46 Hold on, Commissioner Hughes. Yes, sorry. I'm sorry. I think I'm done for the moment, but I wanted to articulate that while this home purchase was amazing for us, this faulty meter has been a thorn in my side this entire time and it only recently got resolved in february so we've had some confidence in this brand new meter but it was clearly stated the previous meter was faulty on several different occasions and for you guys to tell me i'm responsible for a faulty meter come on guys let's use our brains here we're not looking for a handout the meter was full to you guys communicated that to us on several different occasions there's no reason why we are responsible for our current outstanding deal we're not

looking for handouts we're not trying to dodge making any payments to anybody that's not in our character that's not we are as individuals to the young man you mentioned you got the new meter and you you seem to have been very diligent in reading it yourself um you say wapa has not been to the property but they are asserting meter readings are their readings consistent with yours yes correct okay so not spot on but generally speaking so they're not really estimating you're just getting a remote reading um which is great that's what the mi system is supposed to do um going back to the initiation of this account there was some discussion of wildly fluctuating bills like two three hundred one month and then nine hundred thousand dollars the next month and you know two thousand kilowatts versus 300 killed 500 kilowatts were those and this is a question for i guess the wapa person because she asserted the numbers were those meet were those readings estimated or were they actual did you assert those as actual readings the initial so you're asserting you're asserting that those initial readings that wildly fluctuated were actual

1:59:00 readings not estimates yes um and they were undisputed and paid okay well that's that's remarkable because it is extraordinarily difficult in a residential property to increase your usage by that amount those are those are that's just a remarkable fluctuation month to month um actually i see quite well i imagine you do and you've got your problems to prove it so thank you those are my only questions professor williams i guess you know this continues to seem to be consistent um i don't have any questions i just think it shows a consistent line and um i wanted to highlight to the executive director that you know um clearly part of the issue here that we're here the right has left yeah i know i noticed i'm saying that this the other the attorneys here and the uh cfo is here that you know in in terms of those readings quote unquote that are being done you know they got to be careful that their meter readers are accurately reading meters as well outside of just estimating them because this is where these problems come in no further no questions questions i'm sorry senator joseph i am very, i am satisfied where i am. i wanted to ask Mr. Echo. Yes, sir. Yes.

2:00:48 Are you aware that WAPA can also do meter reading remotely? I became a believer when I got my first bill. so so you are confident i just want to make sure i'm only ready okay i'm just making sure that you're confident with your uh meter reading going forward because your meter has been fixed one two and you know now that wapa does have the capacity because you've checked correct okay to read your meters going forward remotely yes okay but still go ahead and monitor okay i'm not going to discourage you from doing that okay that was my only issue let's get enrolling with the motion you have to do it not me he's a chair Is he still there?

2:01:48 Yes, he's still on. He's still on. He had on two devices among team one. He's probably there. He was having some challenges. All right. I see change and is there a motion? What is the recommendation of staff specifically? The recommendation is that the complaint staff recommends that WAPA issue a billing adjustment of 3,659 dollars 17 cents either as a credit or refund due to prolonged and excessive estimated billing what is the current balance in the account four thousand one hundred sixteen dollars and fifteen cents i move that the staff's recommendations be adopted second motion has been made and seconded is there any discussion yes i i wanted to and i and i should have jumped in immediately in the previous motion that you should set a time frame for that credit to be given to mr echo um and the previous uh complainant miss Webster because WAPA could take five years to give that credit. Put in some time frames. That would be my only recommendation. Within 10 days. Who made the motion? I made the motion. I'll take the friendly amendment. Thank you. All right. Second. All right. Roll call. What is the type for it we didn't start our time

2:03:41 roll call commissioner mcgras yes commissioner nicholson yes commissioner rayman williams commissioner hewlett yes commissioner pedro williams yes I'm sure you have five votes in you. The motion is carried on. Commissioner, if I may, a billing cycle is 30 days, so there's no way to do a credit in 10 days. They won't see it. They won't see it on the bill. So should we just say on the next billing cycle? We can do the credit in 10 days, specifically on the next billing cycle. No, you could say...

2:04:16 Too many people are speaking at the same time for the record. we can do the credit within 10 days but it'll be on the next billing cycle for example if the next billing cycle is tomorrow and we do it in 10 days it may not be tomorrow's billing cycle it depends where that billing cycle falls you go to 10 days and it'll be reflected in the next billing cycle all right miss kelly do you put dates on your uh your accounting entries for credits each of the forms that we have for a billing adjustment does have a date and we have a yes then then we have a means of uh of verification thank you the letter letter what is the staff's recommendation your order has the issue Staff recommendation from Ms. Ruth Leonard campaign staff recommends that the commission order a full adjustment of 469.99 to eliminate the outstanding balance either as a credit or refund what's your most 469.99 the basis the basis for our recommendation miss glennard has consistently claimed non-occupancy which aligns her with with her low water usage wapa has not disputed the

2:06:04 vacancy or provided a final explanation for the original charges field visit confirmed meter inaccessibility without verified consumption data or timely explanation from wapa staff find it reasonable and just to resolve the matter in ms leonard's favor future meter reading requirements staff further recommends that wapa ensure future water meter readings

for the Charlotte apartments are regularly taken and not estimated and that property access is maintained or properly documented in the event of inaccessibility what was response thank you um the customer's water account was estimated for us so what 2020 well you know there's some facts that were stated that um none of us can prove one of them is occupancy we cannot say whether the customer was in the unit or not what i did is i looked at her electrical usage and that was consistent i didn't see it drop i didn't see it escalate it was consistent with what her normal usage would be despite the customer saying they were not in the apartment but for purpose of the water account of course i rely on the meter as i've said previously we have photos documenting the usage we have photos documenting that we did visit the site and what it looked like in order to get the reading it actually had to be um the dirt had to be um dug out in order to access the meter so there was a period of estimations due to to inaccessibility.

2:07:49 The PSC confirmed that. But an adjustment was applied on July 9th in the credit amount of \$415.87, representing 11,510 gallons that we showed that was used on the meter. And we have pictures of that. Our revenue department visited the site June 24th. And although, like I said, we cannot say was vacant or not they saw that the meter had advanced from 19,119 in 2023 to when they went out in 2024 to 23,489 gallons we have the photo of that as well so um i believe that the analysis given doesn't take into account that either party cannot confirm if a customer is in the unit and we rely on the meter and i also took a look at the electrical account which the consumption was very very similar throughout this entire period that's what i i assume i can confirm or deny but looking at the electrical account and the water was estimated at zero we did get a reading we did adjusted i just think it's unfair now to um actually say to adjust it again when i've looked at the electrical account and seen steady usage okay i have a question because i know this person i'm sorry let me just do it in water okay i'm sorry um is there um the potential for diversions in this matter a potential diversion um potential for what leader diversion somebody's stealing the water somebody else other than the resident there's always that potential but our revenue insurance went out and at the time they

2:09:54 didn't detect any diversion our revenue team they looked for for the gamut of things that could happen out of sight and they didn't take any diversion thank you thank you yeah ma'am the there was a period of prolonged estimation buried meter in the dirt i get that you finally got a reading um are you asserting the entire value of the water that that meter reading i'm just it's unclear to me what you're asserting as a bill.

2:10:28 The entire amount between the two readings? Yes, I am. The 19,000 to the 23,489. So we come back to this idea of following the law. My understanding was, is what you would do in that case is you'd go back and take the last 35 days, which- Which we did. Well, which is it? You took the last 35 days or you took the entire amount? We gave the credit consistent with Act 8297 of \$415.87.

2:11:02 And in the last month, they used another \$489 worth of water? No, not in the last month. The period I was talking about was June 24, 2024, when the Revenue Assurance came out and took a look at the meter. And they saw that it had advanced, despite the customer saying that they were not in the unit. i understand that but that's after a prolonged period of estimation yes yes okay so again the law says you cannot back bill and you you you use your process seems to have built into it this idea that you're going to take your readings assume they're correct and back bill for them and and i don't understand why you why we think that that's legal you should maybe you should be able to maybe you should be able to average out the monthly usage and apply it to the most recent month but that would be the most liberal reading of the law this idea that you're going to just use a reconciliation process and still recover the full amount is another way to say you're back billing the customer i don't see how that's legal we do it if i may not that i'm saying now was done here but um sorry commissioner hughes the provision within the statute has several exemptions one of the exemptions is for inaccessible meters so if a meter is buried if your gate is locked and we somehow don't have access if there's a dog in the yard etc those are all instances where you are permitted then to go beyond the 30 days this was not one of those was it i'm sorry i can't this was not one of those exemptions what it was a buried meter

2:12:56 that's not really the customer's fault i don't think you guys just you weren't trying to read it and you didn't know it was buried i mean i i think that's true because i know the site very well i mean i understand the other exemptions they made someone like someone locks you out that's that's fair someone doesn't give you gate access that's fair someone actually has a dog not just your people say they have a dog like they did with me for nine months that's fair uh this isn't decade this is just you guys backfilling a customer on on old estimates and i i don't see how that's leaked but then we adjust that that amount you did you did not yes we adjusted it by 415.87 it may be in the future we can get a system that can automatically do it so the customer doesn't get the shock of the high bill here's a system once we recognize that there is a bill that requires that adjustment we do adjust the bill and this has happened at this location by Ms. Leonard not being able to read the meter, Ms. Leonard saying she's not there and the electrical usage says different. Here's a system you get to build for the last 35 days because that's what the law says. That's a system. So that's what we do when we do the adjustment. All right guys we're back and forth on that issue. Any other questions Commissioner Hughes? no thank you

all right um why is the meter buried did somebody actually bury it or is it just over time erosion is that the case this is what the digging out of the to get to the region okay why is it why

2:14:43 was it there was it just natural erosion yeah whose responsibility is it to keep that meter is that robin's responsibility no actually homeowners are under the law supposed to keep access in the premises surrounding the utilities um infrastructure clear okay so the owners are responsible for making sure that meter does not keep it is not fair or inaccessible when you all did this whole credit thing or when the complaint happened did you just go back to 30 days or did you go back for a longer period just consistent with act 8297 i can't hear you just consistent with act 8297 all of our adjustments are done pursuant to the act with the law requires so you only know her for the 35 days not what happened before then no we we eat that in the room I think Attorney St. Clair established that it's 30 days, correct?

2:15:51 Okay, that's all I have next. Yeah, just one question. During the period that you were checking the electrical bills, I guess, and you said it remained pretty steady. Is it consistent with current readings, as if someone is living there now? It's very, her usage is very low, very, very low, but it's been consistent throughout that period. No, I'm saying she said she was not there. So I'm wondering if the period that you looked at was a period when she was not there.

2:16:25 I looked from the beginning of the account to when it was terminated in June. to the whole gallery and it's yeah um i was very much impatient um i know this area i know this uh complainant very well i go up by her home a number of occasions she is not a homeowner so whatever the homeowner that structure is the virgin islands housing finance authority and they would be the entity that would be responsible for clearing out that area so you could read the meter this is a 79 year old lady who is making 80 next month so i'm very familiar with miss ruth leonard so you've been by her home many a times right so i i know miss ruth leonard and i know of the times that she was not in her home okay because i've had to go pick her up from the other place and she has since um i think it's me uh vacated i just wanted to follow up on that so i don't see how it's going to be her responsibility um since attorney st claire mentioned that the homeowner she's not a homeowner in that estate that responsibility lies with the virgin islands housing finance authority and this letter is not the moment to clear that so you could have access to it um the other thing is there was period of time that she wasn't there you're saying based on the question that was answered by uh to commissioner for brass that

2:18:22 you see a low electrical usage right that could be attributed to her having her uh her refrigerator on but she is not in the unit okay that's what it is she's not in the unit living there so i there's something did you check did you check at any time her um to see if the meter itself was operating properly you did your quality control yes yes okay so you went in there did your quality control and see that the meter is operable right well something else must be happening there uh which i am not sure of but i am very familiar with this complete death very thank you all right All right, Senator Frederick, we're sure Ms. Gumbs?

2:19:19 All right, is there a motion? Ms. Gumbs has her hand up. Ms. Gumbs? Yes, I wanted to put on the record, though a meter may be inaccessible, inaccessible, the customer needs to be notified. can't continue to just dismiss the fact that the meter can't be read wapa needs to put a system in place so that they would be able to notify the customer or the landlord in the case of miss ruth leonard that the meter is inaccessible had that meter been read on a monthly basis we would have known that it was not accessible and the customer or the landlord should have been notified to prevent the issue from continuing please identify who's speaking so sean hendrix assistant executive director speaking from fincroy thank you all right thank Thank you, Mr. Shawn, Ms. Hendricks. Motion?

2:20:31 Motion? I move that staff's recommendation be adopted for, I don't know if it'll be refund or credit, depends on whether or not the client paid the bill. Did the client pay the bill? 460, 999. Still outstanding? Yes. Then I move that they may not be credited for the customer's account, so moved. Is that a second? Second. Roll call. What time frame?

2:21:02 Same time frame. Roll call. Commissioner McGrath. Yes. Commissioner Nichols-Tams. Yes. Commissioner Raymond Williams. Yes. Commissioner Hughes. Yes. Commissioner Pedro Williams. All right, last letter, who's that, Bostick? All right, what's the staff recommendation? The staff further recommends that the commission order WAPA to install the required bi-directional net feeling meter at mr bostic's property within 20 days of the commission's order basis for recommendation the delay in net metering activation has persisted for 39 months since dpnr inspection and over 11 months since complaint has been pending before the psd the customer has met all known requirements wapa has acknowledged the lack of meter availability but has not provided a resolution timeline the customer has demonstrated power exports and negative balances consistent with energy production these actions are necessary to ensure that mr basket receives equitable access to the net billing program and that public utility customer service standards are upheld Wafa, you want to respond or you just want to agree to install a meet in 20 days? With the BASIC, I do agree that the process has been lengthy.

- 2:22:45 Our new director of VI Energize, he is looking into this matter to see how quickly we can get the customer on the program. We have found out recently that there is a glitch in the database in MyGov, BI Energy's office, and it's preventing the process. Mr. Walden is working on that, and once that's resolved, along with our internal design team verifying what's on the field, Mr. Bostic will be made whole. It's our intention to do so as soon as possible.
- 2:23:23 with the assessments to water on the staff by giving them 20 days to get it done is there a motion to that effect 20 days yeah I think we've got a real opportunity here to clear the deck on a lot of these because this is a great example and a great resolution um you can imagine how I'm going to vote on the motion um these systems these net billing systems are almost all either nphase or tesla app based and they have very reliable export information associated with them problem has always been that a customer makes a perfectly good faith application to the net billing program it sits there to sit there for a long time because wapa doesn't respond to it but at some point they at least get into the dec process and they get an electrical permit issued and essentially that they're done with what they were supposed to do wapa then doesn't respond either because they don't have meters or they don't have people to install meters but in the meantime the the clock's ticking on this customer who legally should be able to export his power and get paid in this case i think it's a great example of what can be done i don't really care how long it takes wapa to install the meter i care that the customer gets credit for the power that he's sending to them in the interim and it's easily verifiable i think that this is a great model to offer to our staff which is to say that a customer that has achieved his electrical final permit for net billing systems and has made a good faith application in the program should be able to approach the psc and have an adjustment made to his bill to the extent that that he can demonstrate export to WAPA. It's as simple as that. At some point, WAPA will install the meters and the customer won't have to take that extra step because there'll be a meter that actually meters the export. But in the interim, we have a solution.
- 2:25:25 The customer can demonstrate his export. He should approach the PSC and the PSC should automatically order adjustments to the customer's account based on demonstrated export through one of the accepted apps. Um, I, I'll be happy to make the motion that that is what should occur in this case as well. If no one else wants to discuss that, I move that the WAPA be ordered to install the meter in 20 days. And without respect to that, that an amount adjustment to the customer's account you made in the full amount, uh, to accommodate the export demonstrated to the WAPA system.
- 2:26:08 It has been moved and seconded by Commissioner Hughes and Commissioner McGrath. Roll call. No discussion. Roll call. Commissioner McGrath. Yes. Commissioner Nicholson. Yes. Commissioner Raymond Williams. Yes. Commissioner Bees. Yes. Commissioner Pedro Williams. Yes.
- 2:26:34 Mr. Chair, you have five votes in May, the motion is coming to the United States. All right. Thank you, Walter, for your contribution. Thank you. Is there anything else on that DACA 672? Everyone talk about AMI meter. May I make a comment? Lorraine Kelly's here. Do you comment in on this issue or something else? I'd like to make a comment in regards to all the different customer complaints that come to us. we fully recognize that there have been issues i would like to give the commission a very brief update um we have installed approximately 6 000 meters and since about october of last year and in addition to that when i came to the authority i recognized a very significant Amanda of overestimating and Commissioner Hughes has mentioned also that there were long-standing customers that have had multiple months some in excess of a year that were estimated I would like to report that our latest monthly statement has shown that despite the fact that we had estimations in the 30 range and about three four months ago in the 20 range and most recent report has shown that our estimate billings are 18.7 percent that is still too too much and too high um but we are making strides to make improvements there um and i do want to let you know that we are in the process of making another order for more meters um and taking some additional steps so while we're not where we want to be i i do want to recognize that we understand that this is a consistent issue for our customers we're trying to resolve it and we're taking great strides we're not where we need to be but we are improving and we will get a very low percentage all right how many how many bi-directional meters we ordered 500 bi-directional
- 2:28:47 meters installed um i don't specifically have the details of the 6 000 how many were bi-directional but by the end of the day tomorrow i should be able to get you that i i apologize i don't step on that number off the top of my head so you have 500 bi-directional we ordered 500 and they came in approximately march or april time frame and i can get you the specifics as to how many we have installed okay thank you mr how many disconnection does walker do in a month We do approximately \$2.50 a month when we are doing electric and water, no \$2.50 a day, Monday through Thursday in both districts. So St. Harmon and St. John will be \$2.50, St. Gloria will be approximately \$2.50, and it's for those, I guess, 16 days.
- 2:29:44 So I didn't do the math, but it's actually \$250 and \$500 a day. \$250 in St. Thomas. \$250 a month. \$2,000 a month. \$2,000 a month. \$2,000 a month. \$2,000 a month. \$2,000 a week, so \$8,000 a month. Yeah, approximately.

- 2:30:11 depending on repayment that would be a little over ten percent of your customer i'm sorry was the question for disconnect we're disconnecting 8 000 people a month yes the disconnections print approximately 8 000 customers a month not all the customers are disconnected because they make a payment before we actually actually execute and and and the great and the great majority of those are for non-payment not just because someone wants to cancel their account right okay wow i just want to clarify that's that remarkable i i just understood the statement for miss francis that not all of the disconnections is it 8 000 disconnection notices are said yes how many are actually disconnected i would have to get that number for you um because it varies from day to day so we print about 8 000 notices and what is the reconnection charge 25 dollars all right thank you chair before we close the docket item um miss hendrix was going to give us some statistics on the amount of uh complaints we had opened and closed of that did we get those numbers i was i was able to get how much we closed from january to july that's a total of 19 i will have to do a separate report to give you for 2024 that was the second part of the question but but you said they were like 189 opened and we only closed 19.
- 2:32:00 that's correct between january january and july we were able to resolve a total of 19. Thank you, Chair. Next item, Dr. 692, Advanced Sustainable Technology. Excuse me, Chair, are we going to do the AMI update? yes um chair before we go there i just want to extend a little courtesy or vendor um do we think we're going to get to mr or andrew today or can we just can we table that the next meeting he's he's been uh okay because he's been waiting for hours and he's got a father apparently a death's door so he's at a hospital right now he's asking if we can push this can i tell him that we will next time he needs to talk to me as the executive director okay is it the pleasure the commission that we cable the other three items don't move all right thank you so we'll consider this our last item for today oh attorney sinclair i've noticed that a lot of your documents um on your certificate service you need to correct that your staff continues to refer to Mr. Victoria's interim executive director please make sure that that's corrected for future violence thank you all right proceed on the MIMB hi good afternoon students will be in chief information server john's water and power
- 2:34:01 authority no you spoke too fast you need to be sworn and you need to be slow so that we can understand what you have testified to do you solemnly swear that the testimony and the evidence that you're about to give is the truth and the full truth and nothing but the truth hi good afternoon um julius obeying chief information officer virgin islands water and power authority i'm here to give a uh i'll keep it quick update on the current um implementation of the AMI system. I'll run through a couple of highlights. We have finished the negotiations with the vendor for the AMI system with ITRON. We are currently just waiting to sign contract on their side. Hopefully we will have that this week. So it's just pending signature so we can begin the project. We have signed our contract with the Witte Bryant for project management for that um to assist us with that project um we have two contracts that we have been approved by the board that's um just waiting uh to be processed with uh winning execution um two addendums to existing contracts with hovland one for the pool installation in st croix one for the pool installation in the st thomas st john district um we have same thing as uh we have a denim approved by the board pending execution for triad pools for the pools that will be used for the ami system and we also have a similar item with barclay technologies and have them approved by the board pending execution for barclay to do they do the design engineering for the installations of composite tools we have some small odds and ends that we are going to start to procure now that we are about to sign the contract including ring seals uh meter farm
- 2:35:58 um those will be done under purchase order um and then we have two spokes of work that are pending with our um mdm which is our media data management system which is our smart works and our cis system central um those spokes are being finalized now um and that's basically the status of where we are with the ami project in itself thank you sir yeah um commissioner hughes questions yeah mr albain how how does this roll out now um does it go you know you know pick like one island first or just throw everything at it what how's the project roll out so the project roll out um we will do a pilot on st john or the i don't want to say pilot but the testing will be done on st john so we will do the install the network on st john first um we will install all the meters in st john um and once the install of the meters is completed in st john we will stop deployment for a month um to do a system acceptance testing initial system acceptance testing which will allow us to ensure that all the data is being moved correctly all working as designed and then after that um we have not finalized whether we will go to um st thomas individually or st croix or do that'll be done once we finish the final plan after the contract is signed but we will definitely be doing a uh john first um to test everything make sure all the communications are working the interfaces are working and those things anything of the existing system remain when you're when you're all done with this no all the meters are gone just all the meters are gone all the meters are gone all the collectors are gone although um the base stations are gone on the itron system um that's we're replacing with does not use base stations um they use individual collectors
- 2:37:54 so is this system sorry yeah i'm sitting up in uh yeah i'm sitting up in new york and we had a perfectly functional ami system that was cellular based i'm sorry i think it was radio based And then they flew in here and made it cellular-based so that the meters can talk like a cell phone. What system are we getting, video-based or cellular-based? So it's a combination of the collectors, for lack of a better word, the base. Those will be cellular-based, or actually a better term is

IT-based. So whether it's a cell modem, a connection to the internet, you know, there may be coverage issues when we decide that we go with a connection through our existing network with NGN.

2:38:41 So it's IT-based system is what it was, and then it talks to the meters via RF, which is radio. Okay. Thank you. No further questions. Mr. Williams? No questions. Mr. Stamps? Hi. Thank you. Hi, thank you. So when you do this update on St. John, initially, you know, you replace these on St. John, and then there's going to be testing involved to make sure the system is working properly. And we won't have the old system. What happens to the history that's in that system? Because we already have several issues with people's meters right now. If that history is wiped away, I don't know. Okay, so there's a few things that will happen. So we'll have the system, the information in our CIS, that's not changing, the CIS is staying the same for now. The metered database management system, although we are spinning off a new one until the end of the project, we will be keeping the old one, and before we decommission it, we'll keep our backup of that.

2:39:42 Okay, so we're maintaining the old system, the old history of the system. Lauri Hennessey- The morning, let me just make sure this is right in my brain okay we're maintaining the old system with the history in it you're going to install the new ones that's going to be a separate system until you're sure that everything is functioning properly properly. Lauri Hennessey- You won't what will happen to the history, is it going to be attached to that or. Lauri Hennessey- it's not going to be attached it's going to be completely separate, but we will keep it back up with that. system so it'll sit um side by side until the project is done and once we're done we'll decommission the or one completely but we will keep the export of that and we'll be able to access that history because we're talking about issues that go way back so the history is really important there's two different systems so in the cis in um central square which is our cis system that's not being touched that will that history will be there until forever and ever until we're we're no longer access no that's still that's still life yes okay so the billing system will have the whole information in there okay that's not changing and um i think the question that dave said it's the data is going to be transferred via like so the internet or like yeah basically it's a cellular connection um at that point most of the right now most of them are cellular oh sorry um and then um i think there's three or four that will be ip-based that sit on our like one of our substations for example um but it's all network ip-based okay so whether it's a cellular network or a physical network thank you chairman william sinker i have their hand up okay so is that a new meter this is an old meter and i that's an old meter yeah i have when we finish the line of question as a new meter address all the conspiracy theories and that's why i brought this meter for us about that please okay so i will take apart a meter for us today um and what i'm doing is i am removing the communication module this is the issue that

2:41:58 that we had, the problem that we had. The ITRON meter is still functions. And I think Ms. Francis mentioned that we can take it back to the office and get a read for it. The metrology or what does the readings is still on the meter portion. This portion we have not had any problems with. There is some misinformation going around that we went and we chose the same vendor. We did not, it's a completely separate vendor. Our initial contract was with the communication vendor that made the communication modules. and they will put modules in an ITRON meter. This could have been a Landis and Gary meter, could have been a census meter. So they actually are meter, they don't make meters, they make communication systems. So now what we're doing is we're going with ITRON with this singular vendor is doing the meter, the communication, everything in one. And I just wanted to break it apart so people can understand that it's two completely separate components. And no, we don't have any of the new meters yet. We have to sign the contract first and meters need to go in production.

2:42:59 But what about these emissions that people are talking about? Emissions as far as what? Radio emissions? Radio. No different from your cell phone, your microwave, everything electronic. So it's no greater than that? No. Julius, is that meter field adjustable by a tech? Can he go out, put a cable on it and maybe change power factor or something that would make it read differently? As far as, for example, if you want to check CT ratios on things like that, you mean?

2:43:33 Is there any potential that field personnel could alter a meter in such a way that either over-reads or under-reads actual power? No, that's the metrology board that's built into the meter that reads it. Okay, well, that was, I mean, it's old technology, but that was a huge problem in Puerto Rico. it was a \$600 million fraud case based on that. I would also mention that Puerto Rico is also going with this exact same system. Okay, good, thanks.

2:44:04 Mr. Williams, you have a question or comment? No question, Senator Rosa. Okay, in my understanding, Mr. Arvain, you're gonna start to use the model. St. John is gonna be your model for your installation of these meters? Okay. And they haven't, you haven't signed off and executed a contract. I'm waiting patiently. Okay. So, you know, I'm, I'm huge on timeframes because if you don't set timeframes, it doesn't happen. When are you looking at actually getting this contract executed and contract executed? I'm not going to ask you to cause because I don't know if you're still in negotiation. I don't want it to be. wanted to be out there. No, I mean, that was public information. We already have...

- 2:44:52 Okay, so you already negotiated it. How much is it going to cost, Walker? The contract is set right now not to exceed \$30,311,000. \$30,000,000? Yep. And what funding source are you using? It's federally. It's FEMA? Yes. FEMA? Yes. \$30,000,000. \$30,000,000. \$30,000,000. Let me just say 30.1. 30.3. What? 30.3 30.3 okay and to be clear though that's for the iron system itself we have items for example we have to install the poles we're responsible for purchasing the poles for that so we do the main yeah okay but you have poles are these no we are doing separate pools for our collectors so that the system is hardened um that way you don't have transformers you don't have primary lines the pools for these collectors will be a single pool the collector and that's it and the connection for the secondary for it okay that way in the event um we're trying to pardon the system so that when a storm comes through it's easy we don't lose the collectors and we can just once we restore power to them we can start to get data right away where we're able to you know see restoration in real time okay so your point is the cost of water 34 3 million dollars of complete this explanation yes how much more are we talking about right now with all the contracts that we have approved it's at 43.5 and we still have um as i said we have the some like we have to buy meter rings meter seals and those things i don't have that cost built in yet um and then the two major the two major things that's outstanding is the scopes of work for the Okay, so this is my time. When do you think that you're going to be able to give us the full picture that you need to be able to start the implementation and install these meters?
- 2:46:51 After we sign the contract, we'll, the first thing we're going to do is define the full schedule of that. the estimated time attorney for the contract signing yes we are hoping for this week if not next week as i said it's with them already we've already signed off for legal efficiency sufficiency just walking through their internal process okay and then how long you think uh did they give you a time limit um a time frame when for you to get these uh new meters um that's all so there's two we have to go through several things before we start to install meters the The first thing we have to do is do the interfaces for the systems, so we have to define a meter program we have to make sure that when we.
- 2:47:36 Not to I don't want to really take a long time i'm sorry and i'm going to just put on my project management hat. Do you do you have a project timeline a project schedule in handling this major. Yes, we do have a full while, but this major project that is based on you actually being able to comply with law conducting actual readings, not estimating. Okay, so i'll start up and say, for the record, the contract is a four year contract. That includes some time on the back end for monitoring system and tweaking the system.
- 2:48:15 So what we'll do, we'll do the interfaces first to make sure that we can use the data. We'll do the test in St. John. And then after that, I think it's somewhere between 12 and 18 months. Okay, so when I manage, hold up, hold up, it's my time, please, right? When you're managing multi-million dollar contracts, this is, and I have managed more money than this in a contract, okay? you should have a project schedule that have definitive time that have timelines associated no things can move right we have i can provide you the schedule so kind of apply it to the chair person uh or to the staff uh with the timeline i don't need to get one this is not the finalized timeline because that would be finalized once we sign the contract i know that okay okay yeah that's the proposed timeline but we also may need to see uh the contract to get the finalized project i i sense that the commission is trying to hold wapa accountable with the action it's taken today and to assure that we are moving forward and so in order to hold you accountable and to monitor you and regulate you as they're supposed to do we're going to need to see that No problem.
- 2:49:38 Okay. Thank you, Senator Joseph. St. Cory. I'm sorry? St. Cory. How's it happening? St. Cory. Yes, I wanted to put on record the delay of this particular project is impacting the customers of St. John specifically. We noticed an increase of complaints regarding estimations on the island of St. John. All right, thank you, Ms. Andrews.
- 2:50:08 All right, Dr. Ntuli, your testimony. Thank you all for your presentation. Appreciate it. We apologize for the next three items on the agenda for a long day we didn't get to you, and we'll put you on the next agenda. And hopefully your project will be accepted by then. It would be September 9th. Any other comments on any of the commissioners?
- 2:50:49 I'm not going to be available on September 9th. So neither will I. going to be available on september 9th

People named in this transcript

SUSPECTED, and a finding aid only. Names were matched by machine against the spellings used across all 426 of our transcripts, and the title is the one used in the room. Being named here is NOT evidence that a person attended or spoke - only that the name was said. Speech recognition mishears names, so a spelling may be wrong even where no alternative is offered.

7x **Commissioner David Hughes**
heard in this transcript as: Hughes

- 6x **Commissioner Clement McGrath**
heard in this transcript as: McGrath
- 4x **Commissioner Pedro Williams**
- 4x **Commissioner Raymond Williams**
- 3x **Commissioner Lara Nicholson**
heard in this transcript as: Nicholson
- 2x **Senator Carla Joseph**
the surname alone also matches: Clifford Joseph; Karla J. Joseph
heard in this transcript as: Joseph
- 2x **Senator Hubert Frederick**
heard in this transcript as: Frederick
- 2x **Commissioner Laura Nichols-Sams**
heard in this transcript as: Nichols-Tams

Bills and acts referred to

Matched by number against our own acts corpus. The number is what the recognition heard, so it may be wrong; where it resolved, the title is the one the Legislature gave the act.

- Act 8375** Act 8375 · September 25, 2020 · An Act amending the Virgin Islands Code title 30, chapter I, subchapter I relating to public utilities adding section 1a to enact The Virgin Islands Ratepayers' Bill of Rights; amending section 23 relating to powers of the Public Services Commission adding subsection (c) to authorize the Public Services Commission to resolve ratepayers' complaints; and amending chapter 5, subchapter II, section 105 relating to powers of the Virgin Islands Water and Power Authority to require the Authority to comply with the Virgin Islands Ratepayers' Bill of Rights ---0
- Act 8297** Act 8297 · March 27, 2020 · An Act amending title 30 Virgin Islands Code, chapter 5, subchapter V, section 127 by reducing the amount of time that the Virgin Islands Water and Power Authority can hack-bill customers, and by defining the teim ·billing cycle· ---0