

**TESTIMONY OF DONALD G. COLE  
EXECUTIVE DIRECTOR  
VIRGIN ISLANDS PUBLIC SERVICES COMMISSION**

**BEFORE THE COMMITTEE ON GOVERNMENT SERVICES,  
CONSUMER AND VETERANS AFFAIRS  
31<sup>ST</sup> LEGISLATURE OF THE UNITED STATES VIRGIN ISLANDS**



**EARLE B. OTTLEY LEGISLATIVE HALL  
ST. THOMAS, U. S. VIRGIN ISLANDS  
FRIDAY, JANUARY 22, 2016 AT 9:00 A.M.**

Good Morning Chairman Justin Harrigan, Sr., Vice Chair Senator Myron Jackson; other distinguished committee members: Senate President Neville James, Vice President Janet MillinYoung, Majority Leader Senator Samuel Sanes, Senator Terrance “Positive” Nelson, Senator Tregenza A. Roach and other members of the 31<sup>st</sup> Legislature, staff of the legislature and listening and viewing public. On behalf of the Virgin Islands Public Services Commission, Chairman Clendenin, Commissioners Rutnik, Jackson and San Martin, I am Donald G. Cole, Executive Director of the Virgin Islands Public Services Commission. Thank you for the opportunity to speak on this very important piece of legislation before this Committee.

The proposed legislation, Bill 31-0298, would require that each public utility must maintain on each island an office at which their customers may pay bills and charges, including cash.

The current governing statutes require simply that each utility must maintain an office in the Virgin Islands Code (Title 30, Section7). There is currently no express requirement in statutes as to how the utilities collect bills or accept payment.

The Virgin Islands Public Services Commission does have broad discretion to address issues of customer service. For example, 30 V.I.C § 20, governing the investigation of rates and services, provides in part:

Upon its own initiative or upon reasonable complaint made against any public utility including the Virgin Islands Water and Power Authority that any of the rates, tolls, charges, or schedules, *or services, or time and conditions of payment,* or any joint rate or rates, schedules, or services, are in any respect unreasonable or unjustly discriminatory, *or any service in connection therewith, is in any respect*

*unreasonable, insufficient, or unjustly discriminatory, or that any service is inadequate or cannot be obtained, or any billing for service inaccurate or erroneous the Commission may, in its discretion, proceed, with or without notice, to make such investigation as it may deem necessary or convenient. But no order affecting said rates, tolls, charges, schedules, regulations, or act complained of shall be entered by the Commission without a formal hearing.*

The public utilities subject to regulation by the Public Services Commission include:

1. The Virgin Islands Water and Power Authority (WAPA)
2. Innovative Telephone
3. Innovative Cable TV St. Thomas/St. John
4. Innovative Cable TV St. Croix
5. Franchised ferries (presently, joint franchisees Transportation Services of St. John, Inc. and Varlack Ventures, Inc. between St. Thomas and St. John)
6. Virgin Islands Waste Management Authority

Current law requires that each utility maintain only one office in the Virgin Islands.

Nevertheless, those utilities providing service on each of the three major islands, WAPA and Innovative, maintain offices on each of these islands. Innovative accepts non-cash payments at all of its offices. WAPA continues to accept cash payments. Both also accept payments on-line.

Both Innovative and WAPA have existing and continuing agreements with the three largest local banks to accept payments on their behalf. At those banks, customers can pay by cash, check, and electronic transfer or credit card, without regard to whether the customer has an account at that bank.

For your information, that means that on St. Thomas, there are twelve (12) bank branches of Nova Scotia, Banco Popular and Firstbank at which payments can be made. On St. John there is one bank branch (Firstbank), in addition to the utilities offices. On St. Croix there are nine (9) bank branch offices. In addition, on St. Croix, Innovative has arrangements with the Bank of St. Croix, providing one additional option.

In addition, for those customers so inclined, WAPA and Innovative provide some on-line/Internet options for payment as well. Consequently, we must note that there are currently at least twenty-two (22) total bank branches that WAPA and Innovative have made available for cash and other payments for their customers to utilize.

With the aforementioned availability of payment options and since the Commission and the public utilities it regulates is a creature of the legislature, the legislature can, if it deems prudent, to also mandate that Section (b) of this proposed legislation be enacted.

We thank you for this opportunity to present testimony before the committee on Bill No. 31-0298. I remain available to answer in more detail any other concerns you may have.