

# ACT NO. 8375

BILL NO. 33-0272

## THIRTY-THIRD LEGISLATURE OF THE VIRGIN ISLANDS

Regular Session

2020

An Act amending the Virgin Islands Code title 30, chapter 1, 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

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*Be it enacted by the Legislature of the Virgin Islands:*

**SECTION 1.** Title 30, chapter 1, subchapter I is amended by inserting a section 1a. that reads as follows:

**“§1a. Virgin Islands Ratepayers' Bill of Rights**

(a) **Declaration of Findings.** The Legislature finds and declares that:

(1) The regulated services provided by public utilities are basic necessities that the residents of the Virgin Islands must receive in order to function in modern life, and because residents have very little choice in purchasing these basic necessities, they are held captive to the rates and rate increases of the public utilities.

(2) Any rate increase diminishes the amount of hard-earned wages residents have to spend on other basic necessities, such as food, shelter and clothing, as well as the amount of hard-earned wages they have to set aside for retirement, college, emergencies or a family business.

(3) While an increase in utility rates is inevitable, any such rate increases must be made out of absolute necessity, and only after every prudent cost-cutting effort has been made and every other available option has been exhausted while not diminishing the quality of the services provided.

(4) The rights of ratepayers are fundamental rights and will be known as the "Virgin Islands Ratepayers' Bill of Rights," which rights provide safeguards for utility ratepayers in the territory. Virgin Islands Ratepayers enjoy the following rights as they pertain to regulated services they receive from public utilities.

(b) Virgin Islands Ratepayers' Bill of Rights

(1) A public utility may not submit a proposal for a rate increase without first providing a copy of the proposal to the ratepayers by including a copy of the proposal in the public utility's billing statements at least 60 days before the public utility submits the proposal and by causing a copy of the petition to be published in a newspaper of general circulation within the Territory at least four weeks successively, once a week, next preceding the time for the filing of the proposal for the rate increase.

(2) Ratepayers have the right to be fully informed about and to fully evaluate any proposed rate increase.

(3) Ratepayers have the right to give input and participate in any proposed rate increase and to view, listen to, and attend the Public Services Commission hearings and meetings.

(4) Ratepayers have the right to designate another person to receive all information regarding their services, including notices regarding past due bills and disconnection of service.

(5) Ratepayers have the right to be given accurate and understandable, itemization of billing, as well as the price and terms of service.

(6) Ratepayers have the right to negotiate with a public utility a delayed payment plan to avoid discontinuation of service for a delinquent account in accordance with the utility's terms and conditions.

(7) Ratepayers have a right to avoid discontinuation of service for failure to pay a disputed bill once the ratepayer is current with prior and subsequent bills that are not in dispute. If the ratepayer is disputing bills for two or more consecutive months, the ratepayer must deposit with the public utility 50 percent of the average of the prior 12 months' bills. Upon resolution of the dispute, if the ratepayer owes the public utility more money than the deposited amount, the ratepayer must pay the additional money not later than 10 days after the dispute was resolved.

(8) Ratepayers have the right to avoid discontinuation of service for a period of 60 days for nonpayment when the utility receives written notice from a medical doctor licensed to practice in the Virgin Islands certifying that discontinuance of service would create a life-threatening situation for the customer or other permanent resident of the customer's household.

(9) A ratepayer's service may not discontinue because of the late payment by the Energy Crisis Assistance Program or any other type of low-income home energy assistance program offered by the local or federal government.

(10) Ratepayers have the right to avoid discontinuation of service or refusal of service because a former occupant, not of the same household, failed to pay prior bill.

(11) Ratepayers whose service has been discontinued for non-payment have the right to have their service restored in a prompt and efficient manner on the same business day the balance due is paid. But when the payment is made after 4 pm, the service must be restored in not more than 24 hours after the receipt of the payment.

(12) Ratepayers have the right to have a written explanation if the utility company refuses to initially serve a consumer. When the ratepayer has provided the utility company with a valid mailing address, the explanation must be mailed to the ratepayer within seven business days and must include the reason service is being refused and the actions the consumer must take in order to receive service.

(13) Ratepayers shall have access to, through the Virgin Islands Public Services Commission, and the Public Services Commission shall provide an independent administrative process that provides a simple, quick and effective means of resolving complaints about service and billing from all public utilities over which the Virgin Islands Public Services Commission has jurisdiction, including the Virgin Islands Water and Power Authority."

**SECTION 2.** Title 30, chapter 1, subchapter I, section 23 of the Virgin Islands Code is amended by adding subsection (c) to read as follows:

"(c) In addition to the powers granted in subsection (a), the Commission shall have the power to investigate and resolve all customer disputes over billing and complaints about service, including complaints filed pursuant to the Virgin Islands Ratepayers' Bill of Rights established in section 1a of this title, filed against any public utility, including the Virgin Islands Water and Power Authority. Ratepayers must first attempt to resolve the dispute directly with the public utility. A ratepayer may present a dispute to the Public Services Commission for resolution only after the public utility and the ratepayer have failed to resolve the dispute in a manner satisfactory to the ratepayer.

**SECTION 3.** Title 30, chapter 5, subchapter II, section 105 is amended as follows:

- (a) Strike "and" at the end of paragraph (19).
- (b) Strike the period "." at the end of paragraph (20) and insert a semicolon ";" in its place.
- (c) Strike the period "." at the end of paragraph (23) and insert "; and" in its place.
- (d) Insert paragraph (24) to read as follows:

“(24) to do all acts or things necessary to carry out the applicable provisions of The Virgin Islands Ratepayers’ Bill of Rights in section 1a of this title.”

Thus passed by the Legislature of the Virgin Islands on September 25, 2020.

Witness our Hands and Seal of the Legislature of the Virgin Islands this 10<sup>th</sup> day of October , A.D., 2020.



A handwritten signature in blue ink, appearing to read "Novelle E. Francis, Jr.".

Novelle E. Francis, Jr.  
President

A handwritten signature in blue ink, appearing to read "Alicia V. Barnes".

Alicia V. Barnes  
Legislative Secretary



**Bill No. 33-0272 is hereby approved.**

**Witness my hand and the seal of the Government of the United States Virgin Islands at Charlotte Amalie, St. Thomas, this 26<sup>th</sup> day of October, 2020 A.D.**

A handwritten signature in blue ink, appearing to read "Albert Bryan, Jr.".

Albert Bryan, Jr.  
Governor