

33rd Legislature of the Virgin Islands

Office of Senator Gittens



The Honorable
Kenneth L. Gittens
Senator

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COMMITTEE MEMBER:

Committee on Rules and Judiciary

Committee on Government
Operations, Consumer Affairs,
Energy, Environment, and Planning

Committee on Education and
Workforce Development

Committee on Health, Hospitals and
Human Services

Committee on Homeland Security,
Justice, Public Safety
and Veterans' Affairs

Committee of the Whole

August 20, 2019

Honorable Novelle E. Francis, Jr.
Senate President
33rd Legislature of the Virgin Islands
1110 Strand Street
St. Croix, USVI 00820

Dear Mr. President,

I hope this correspondence meets you well. I write today pursuant to the motion I made during our last Legislative Session on August 13, 2019, to subpoena officials from the Virgin Islands Water & Power Authority and the Virgin Islands Public Services Commission to appear before this body.

While WAPA operates as a semi-autonomous agency, it is a public utility subject to the oversight and scrutiny of the First Branch of Government. It has become increasingly apparent that WAPA is being mismanaged and that the 33rd Legislature must take a much more assertive role in determining a path forward. High rates and unreliable service threaten our economy and overall quality of life. We must do whatever it takes to ensure that WAPA generates clean, efficient and consistent power for this Territory and I thank you in advance for moving ahead with the subpoena process. This said, I am requesting that WAPA and the PSC provide the following information prior to appearing before us so that we may have adequate time to review these materials. Please include the request for this data in the forthcoming subpoenas.

Information to be subpoenaed:

WAPA Executive Leadership –

- Internal Audit outcomes (January 2015 to present)
- Copies of all current professional contracts, to include but not limited to: Agrekko, APR, ASPLUNDH, Fortress Electric and Procurement Advertisement/Bids, HaugLand, Wartsila, VITOL. Contract information should include funding sources and change orders.
- All leases executed from January 2015 to present.
- Copy of the complaint filed by or on behalf of Julio Fung and Dwight Nicholson.
- Charter Flights/Flight Manifests for the period of January 2015 to present.
- Monthly statements for all credit cards, to include, but not limited to, American Express, Home Depot, MasterCard and Visa from January 2015 – to the present.

- A list of all those issued or authorized to use said credit cards.
- Written requests to Board for sale of equipment – January 2015 to present (including receipts).
- Protocols for wire transfers, to include who has been authorized to make such transfers from January 2015 to the present time.
- Records of all funds transferred or wired to private accounts (period of January 2015 to present).
- Correspondence from the Federal Bureau of Investigation indicating status of current investigation into funds wired to offshore accounts.

WAPA Governing Board –

- Transcribed minutes of the Planning and Finance meetings (period of January 2015 to present).
- Transcribed minutes of Board meetings (period of January 2015 to present).
- Copies of all professional contracts that exceed \$10,000 per annum. (2010 to present)
- Written requests/authorization for WAPA equipment to be sold – January 2015 to present (include receipts)
- Copies of all approved contracts and leases. (2010 to present)

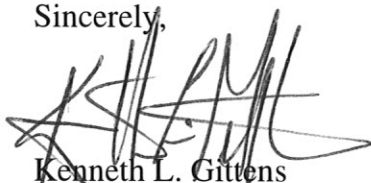
Public Service Commission –

- Any documentation of court decisions regarding WAPA from 2010 to present.
- Any requests of the Commission to the Legislature of the VI dating from 2010 to present.
- Any copies of contracts for WAPA and the PSC's approval (to include change orders). (2010 to present)
- Consultants' Reports on LEAC filings and Reports on Base Rate filings. (2010 to present)
- Copies of any reports on privatization, the cooperative model or conversion to clean/alternative energy.. (2010 to present)

Further, I ask that we meet to discuss what specific legal and economic analyses it may be possible for the 33rd Legislature to generate prior to WAPA and the PSC's appearance. We must also direct staff to look to our own archives for any information that may be useful or can be compared to what is provided by testifiers.

It has been often said that clean air and clean water are basic human rights. I would argue that in 2019 affordable electricity is also a basic right we must assure our people. Virgin Islanders are truly counting on us to take aggressive and decisive action on their behalf in regard to WAPA and I thank you for all efforts to ensure that this is a most productive hearing.

Sincerely,



Kenneth L. Gittens
Senator