

**GOVERNMENT OF THE VIRGIN ISLANDS
OF THE UNITED STATES**

Public Services Commission

IN RE:)	
)	
SUNNY ISLE CONCESSIONS, LLC)	Docket No. 636
(SUBWAY™))	Order No. <u>4</u> /2016
)	
VS.)	
)	
THE VIRGIN ISLANDS WATER AND)	
POWER AUTHORITY)	
_____)	

ORDER

WHEREAS, on September 16, 2014, the Virgin Islands Public Services Commission (hereinafter “the Commission or PSC”) received a written complaint from Sunny Isle Concessions, LLC (hereinafter “Subway”) alleging that the Virgin Islands Water and Power Authority (hereinafter “the Authority” or “WAPA”) unreasonably and unjustly discriminated against Subway, a commercial utility customer of WAPA; and

WHEREAS, on September 19, 2014, pursuant to 30 VI R. & Regs. §11-31, the Commission’s staff submitted written correspondence to the Authority requesting that the Authority either satisfy or reply to the complaint within ten days or that that matter will be addressed at the next Commission meeting; and

WHEREAS, the Authority failed to satisfy or reply to the complaint within the ten day period; and

WHEREAS, on September 29, 2014, the Commission met in regular session in the Commission’s offices on both St. Thomas and St. Croix, United States Virgin Islands and voted to establish a Docket 636, to investigate the Complaint of Sunny Isle Concessions, LLC dated September 16, 2014 and appoint Attorney Andy Simpson as Hearing Examiner to preside over the proceeding in Docket 636.

WHEREAS, on September 21, 2015, the Commission received a Report and Recommendations from its Hearing Examiner, Attorney Andy Simpson; and

WHEREAS, on September 22, 2015, the Commission met in regular session at both its offices on St. Thomas and St. Croix, United States Virgin Islands; and

WHEREAS, the Commission heard witness testimony from its technical consultant, the Hearing Examiner and the Authority; and

WHEREAS, on upon review and deliberation the Commission voted to accept the Hearing Examiner's Report and Recommendations; and

NOWHERE, the Commission orders that the Report and Recommendations of the Hearing Examiner is **ACCEPTED**.

So Ordered.

For the Commission

Date: October 2, 2015



Andrew Rutnik Vice-Chair