

GOVERNMENT OF THE UNITED STATES VIRGIN ISLANDS

PUBLIC SERVICES COMMISSION

IN RE:

Order No. 22/2020

CENSURE OF
COMMISSIONER JOHANN CLENDENIN

ORDER

WHEREAS, on December 27, 2019, the Virgin Islands Public Services Commission's (hereinafter "PSC" or "Commission") held an Emergency Special Meeting to address matters related to PSC Docket 676, the Virgin Islands Water and Power Authority's (hereinafter "WAPA" or "Authority") Petition for Approval of the Temporary Leased Generation Surcharge; and

WHEREAS, on December 28, 2019, Commissioner Johann Clendenin submitted his second dissenting opinion to the PSC's Executive Director, Mr. Donald G. Cole, via email to be entered into the record to sustain his verbal dissent made during the Commission's Emergency Meeting; and

WHEREAS, on December 31, 2019, Commissioner Clendenin caused to be published in the St. Croix Avis an article containing numerous derogatory and defamatory statements concerning his fellow Commissioners; and

WHEREAS, on January 9, 2020, the Commission held a Special Meeting at its office located at No. 1003 Estate Ross, Suite 4, Barbel Plaza on the island of St. Thomas, United Virgin Islands and via teleconference at the Virgin Islands Board of Education's office located at No. 6 King Street Christiansted St. Croix, U.S. Virgin Islands; and

WHEREAS, upon review and deliberation during the Commission noted the following specific acts of Commissioner Johann Clendenin:

First, repeated violation of the Commission's policy against individual Commissioner's public communications regarding Public Services Commission actions, whereby the Commissioner invokes Commission authority to degrade, disrupt and diminish the lawful Orders of the Commission with which he is not in agreement;

Second, the continued unauthorized use, and in fact inappropriate creation and possession of, counterfeit official letterhead of the Commission for purposes of improperly

conveying the authenticity and authority of the full Commission in his personal *ex parte* and public correspondence;

Third, the creation and use of an unauthorized, self-aggrandizing and non-existent Public Services Commission honorific title for purposes of conveying personal accomplishment not recognized by his peers, and continued executive authority not possessed;

Fourth, the material public misrepresentation of facts and circumstances in the matter of Docket 676, resulting in false accusations and his public slander of the Commission and its individual members, with disregard for all acceptable means of dispute resolution according to accepted practice and policies. Commissioner Clendenin's actions have tarnished the reputation of the Public Services Commission and its individual members, and resulted in further diminished public confidence in the Commission, with the additional consequence of possible irreparable damage to the Commission's long and critical effort to cause desirable legislative revision to its regulatory powers; and

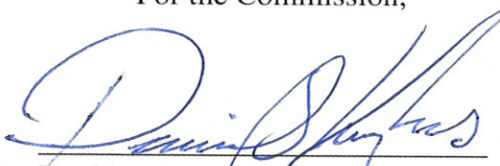
Fifth, repeated demeaning, insulting, disruptive and disrespectful behavior in internal communications towards the duly elected leadership of the Public Services Commission and his peer Commissioners, to include the prior administrations of Chairmen Williams and Rutnik, and the current administration of Chairman Hughes. Commissioner Clendenin's actions inhibit the civil discourse within the membership necessary for the productive functioning of the Commission.

NOW THEREFORE, the Commission censures the aggregate actions and behavior as conduct unbecoming of a member of the Commission; and further;

1. Suspends indefinitely for cause your individual representation of the Commission in any third-party organization in which the Public Services Commission is a member, or to which it authorizes a representative Member;
2. Prohibits your further use of the Commission's letterhead correspondence;
3. Instructs that you discontinue the use of any title describing your affiliation other than the title "Commissioner"; and further,
4. Directs the Executive Director of the Commission to formally recommend to the Governor of the United States Virgin Islands that you be removed from the Commission for Cause.

So Ordered.

For the Commission,



David W. Hughes, Chair

Dated: **January 13, 2020**