

GOVERNMENT OF THE UNITED STATES VIRGIN ISLANDS

PUBLIC SERVICES COMMISSION

INTERNATIONAL PLAZA, LLC, as successor-in-interest to Triad Partnership Ltd.,

Appellant,

v.

VIRGIN ISLANDS WATER AND POWER AUTHORITY,

Appellee.

PSC No. W-702-04
Docket No. 568
Order No. 15/2007
APPEAL OF ERRONEOUS
BILLING &
UNREASONABLE TIME &
CONDITIONS OF PAYMENT

ORDER

WHEREAS, on 19 October 2006, the matter of *International Plaza, LLC v. Virgin Islands Water and Power Authority* was heard before Commissioner M. Thomas Jackson, acting as the Hearing Examiner for the Public Services Commission. The proceedings were recorded by Desirce Hill of Hill's Reporting Services; and

WHEREAS, on or about 14 November 2006 the Hearing Examiner submitted his report and recommendations to the Commissioners and the parties; and

WHEREAS, on 16 November 2006, both parties filed their objections and comments with the Commission; and

WHEREAS, at the Commission's meeting on 19 November 2006, the Commissioners considered the Report and Recommendations, and heard from counsel for both parties; and

WHEREAS, the Commissioners continued the matter to the next Commission meeting, held on 14 December 2006, to enable the Commissioners additional time to review the report, evidence and objections; and .

WHEREAS, at the 14 December 2006 meeting the Commission again considered the Hearing Examiner's report and all related materials;

NOW THEREFORE, the Commission accepts the findings and recommendations of the Hearing Examiner as contained in his report of 14 November 2006, and as set forth below:

Public Services Commission
PSC Docket No. 568
Order No.: 15/2007
Page 2

1. That WAPA's work in the vicinity of International Plaza is the likely source of the break.
2. That International Plaza did not have notice of the damage to the underground pipe until it received from WAPA a water bill with a significant increase in consumption.
3. International Plaza had notice of a problem as of January 2004, when WAPA personnel examined the water meter for International Plaza and reported that meter was working accurately.
4. The excess water consumption before January 2004, in the estimated amount of \$31,586.94 is as a result of losses caused by WAPA's actions.
5. Losses in the estimated amount of \$20,410.83 after January 2004 are due to International Plaza's failure to expeditiously remediate the leak.

SO ORDERED.

FOR THE COMMISSION:

Alecia M. Wells

 ALECIA M. WELLS
 Chairwoman

Dated: March 3, 2007