

GOVERNMENT OF THE VIRGIN ISLANDS  
OF THE UNITED STATES

*Public Services Commission*

In Re: )  
Virgin Islands Public Services Commission )  
Appellant/Respondent/Defendant )  
v. )  
Virgin Islands Water and Power Authority )  
Appellee/Petitioner/Plaintiff )  
\_\_\_\_\_ )

**ORDER NO. 52/2008**

Order

**WHEREAS**, on March 14, 2008, the matter of *Virgin Islands Public Services Commission v. Virgin Islands Water and Power Authority Civil Case No.2007-027* was heard before the Supreme Court of the United States Virgin Islands in the district of St. Croix; and

**WHEREAS**, on June 9, 2008, the Supreme Court of the Virgin Islands affirmed the Superior Court of the Virgin Islands' decision that the Virgin Islands Public Services Commission's (hereinafter "PSC" or "Commission") power to regulate the Virgin Islands Water and Power Authority (hereinafter, "the Authority") is limited solely to rate-setting and does not include the power of general oversight; and

**WHEREAS**, the Commission has thirty days to appeal such decision to the United States Court of Appeals for the Third Circuit; and

**WHEREAS**, the Commission met in regular session in the PSC offices in Barbel Plaza on St. Thomas, Virgin Islands on June 10, 2008; and

**WHEREAS**, upon deliberation and consideration, the Commission voted unanimously to direct its legal counsel, Tanisha Bailey-Roka, Esq. and the Department of Justice -- Office of the Attorney General to seek review of the Supreme Court's decision by the United States Court of Appeals for the Third Circuit; and

**NOW THEREFORE**, it is hereby **ORDERED** that the Public Services Commission Legal Counsel, Tanisha Bailey-Roka, Esq. and the Department of Justice -- Office of the Attorney General, appeal the decision of the Virgin Islands Supreme Court to the United States Court of Appeals for the Third Circuit.

Dated 06/18, 2008

For the Commission



Joseph B. Boschulte  
Chair