

GOVERNMENT OF THE VIRGIN ISLANDS
OF THE UNITED STATES

Public Services Commission

APPLICATION FOR CERTIFICATION OF
TUTU PARK MALL PARCEL 26 ESTATE
CHARLOTTE AMALIE AS A QUALIFYING
SMALL POWER PRODUCTION FACILITY

ORDER NO. 1/2009

ORDER GRANTING CERTIFICATION AS A QUALIFIED FACILITY

WHEREAS, on October 24, 2008, the Virgin Islands Public Services Commission (hereinafter "PSC" or "the Commission") met on St. John, Virgin Islands, and

WHEREAS, on or about September 8, 2008, the Commission received an application from Earth, Wind & Power, Inc. for certification as a qualified small power production facility pursuant to the Small Power Production and Cogeneration Act of the Virgin Islands (30 V.I.C. § 46 et seq.); and


WHEREAS, upon deliberation and consideration of the aforementioned application and the information contained which meet the requirements of 30 V.I.C. §46(o) and meet the definition set forth in 30 V.I.C. §46(j)(1) and (2) and the rules and regulations promulgated thereunder, the Commission voted to approve the certification of Earth, Wind & Power, Inc.'s facilities at Tutu Park Mall; and

WHEREAS, the applicant also seeks an order of interconnection, the Commission further directed Earth, Wind & Power should pursue the completion of a voluntary agreement with the Virgin Islands Water and Power Authority within the next sixty (60) days, and report back to this Commission within that time period on the status of such negotiations and any outstanding issues preventing the completion of any such agreement.

NOW THEREFORE, it is hereby **ORDERED** that the application for certification is **GRANTED**.

SO ORDERED.

Dated: December 10, 2008


JOSEPH B. BOSCHULTE
Chair