

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

*Public Services Commission*

IN RE:

Virgin Islands Water and Power Authority )  
Application for Emergency Street Lighting )  
Surcharge and Tariff )  
\_\_\_\_\_ )

Docket No. 542  
Order No. 23/2009

**Order**

**WHEREAS**, on August 31, 2003, Peppertree Hill Landowners Association (“PHLA”) filed a complaint with the Public Services Commission (“PSC” or “Commission”) against the Virgin Islands Water and Power Authority (“WAPA” or the “Authority”) regarding the billing of street lights on private property; and

**WHEREAS**, on February 6, 2004, the Commission voted that the complainants of PHLA deposit payment funds into an escrow account under the control of the Commission until the dispute is resolved; and

**WHEREAS**, on January 26, 2009 the Commission met in regular session at the Port Authority conference room at the Henry E. Rohlsen Airport on St. Croix; and

**WHEREAS**, the Commission finds that based upon the advice of counsel and the information presented by both parties after due and proper notice, that Peppertree Hill Landowners Association’s complaint is denied and the funds currently in escrow be forwarded immediately to the Authority for the following reasons:

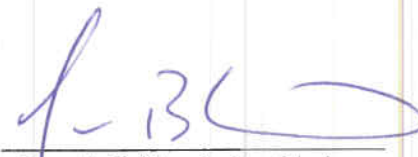
1. The lights at PHLA are private security lights located along private roads within the PHLA property.
2. These security lights do not meet the definition of a public street light subject to the provisions of Title 30 of the Virgin Islands Code Section 105(19) and Title 33 of the Virgin Islands Code Section 3002a that would require the Authority to provide free installation and operation.
3. The previously collected street light surcharge was for the purposes of funding public street lights, not private lights.
4. The members of PHLA, like all other ratepayers, share the benefits of repair; maintenance and operation of public lighting system and through the surcharge were charged at the same rate as all other ratepayers.

**NOW THEREFORE**, it is hereby **ORDERED** that the complaint filed by Peppertree Hill Landowners Association is denied and funds currently in escrow be forwarded immediately to the Authority.

So Ordered.

For the Commission

Dated 02/10/09

  
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Joseph B. Boschulte, Chair