

GOVERNMENT OF THE UNITED STATES VIRGIN ISLANDS

PUBLIC SERVICES COMMISSION

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| IN RE: |) | PSC Docket No. 593 |
| |) | Order No. <u>23</u> /2011 |
| Aquatic Management, LLC |) | |
| d/b/a VI SeaTrans Imposition of |) | |
| Penalties and Referral to Department |) | |
| of Justice Pursuant to 30 V.I.C. § 39 |) | |
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ORDER

WHEREAS, on December 14, 2010, the Virgin Islands Public Services Commission (hereinafter “PSC” or the “Commission”) met on St. Thomas, Virgins Islands in the PSC office located in Barbel Plaza; and

WHEREAS, after deliberation and review, pursuant to 30 V.I.C. §§ 13, 39, and 40,¹ the Commission voted to impose penalties on Aquatic Management, LLC d/b/a V.I. SeaTrans

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The Commission shall have power, after hearing and notice by order in writing, to require and compel every public utility to comply with the provisions of this chapter, and with all other laws of the United States Virgin Islands applicable, and any ordinance or regulation relating to said public utility, and to conform to the duties upon it thereby imposed or by the provisions of its own charter, if any charter has or shall be granted it: provided, that nothing herein contained shall be held to relieve any public utility, its officers, agents, or servants, from any punishment, fine, forfeiture, or penalty for violation of any such law, ordinance, regulation, or duty imposed by its charter, nor to limit, take away, or restrict the jurisdiction of any court or other authority which now has, or which may hereafter have power to impose any such punishment, fine, forfeiture, or penalty.

30 V.I.C. §13.

(a) If any public utility shall violate any provision of this chapter, or shall do any act herein prohibited, or shall fail or refuse to perform any duty enjoined upon it, or shall fail, neglect, or refuse to obey any lawful subpoena, requirement or order made by the Commission, or any judgment or decree made by any court upon its application, for every such violation, failure, or refusal, such public utility shall forfeit and pay to the Government of the United States Virgin Islands the sum of \$100 for each such offense. In construing and enforcing the provisions of this section, the act, omission, or failure of any officer, agent, or other person acting for or employed by any public utility acting within the scope of his employment and instructions shall in every case be deemed to be the act, omission, or failure of such public utility.

(b) The Attorney General of the United States Virgin Islands, at the request of the Public Services Commission, or its designated agent therefore, shall forthwith bring appropriate action to compel adherence to, or enjoin violations of, any lawful orders of the Commission

(Hereinafter, "SeaTrans") for failure to comply with the Commission's annual assessment orders specifically Order Numbers: 57/2010, 17/2010, and 8/2009.

WHEREAS pursuant to 30 V.I.C. §§ 13, 39, and 40, the Commission voted to impose penalties for failure to comply with the Commission's annual assessment orders;

WHEREAS, the Commission also voted to refer this matter immediately to the Department of Justice for appropriate action, pursuant to 30 V.I.C. § 39(b);

NOW THEREFORE, it is hereby **ORDERED** that penalties be imposed on SeaTrans for failure to comply with Order Numbers: 57/2010, 17/2010, and 8/2009; and

FINALLY, it is hereby **ORDERED**, that this matter be referred to the Department of Justice for appropriate action.

So Ordered.

Date: January 27TH, 2011



Donald G. Cole
Vice Chairman

issued pursuant to this chapter, and to recover in the name of the Government of the United States Virgin Islands the penalties herein provided, and the Court shall give priority to any such actions.

(c) The provisions of this section shall not apply to departments or agencies of the Government of the United States Virgin Islands furnishing public utility services, however, this provision shall not exempt the Government of the United States Virgin Islands from claims made pursuant to Title 3, chapter 118 of the Code.

30 V.I.C. §39.

That every day during which any public utility, or any officer, agent, or employee thereof, shall fail knowingly or willfully to observe and comply with any order or direction of the Commission, or perform any duty enjoined by this chapter, shall constitute a separate and distinct violation of such order, or direction, or of this chapter as the case may be.

30 V.I.C. § 40.