American Samoa

American Samoa is an unincorporated U.S. territory. The American Samoa Power Authority (ASPA) is an agency under the American Samoa Government and provides electric energy, water, wastewater, and solid waste service to most of the territory’s population.

Currently, there is no public utility commission that regulates utility rates in American Samoa. Although there have been several attempts to do so, the American Samoa legislature has yet to pass any legislation that forms a commission.

The ASPA is established under American Samoa Code Annotated (ASCA) § 15.0101. ASP’s “powers and duties” are listed in A.S.C.A § 15.0102 (10), and include a requirement that ASP “shall develop and publish tariffs and schedule of rates, charges, and services and other rules of providing potable water and for wastewater disposal in accordance with the Administrative Procedures Act, 4.1001 et seq.”

The board that governs ASPA consists of five directors, which are “appointed by the Governor and confirmed by the Legislature.” A.S.C.A § 15.0104 (3-4) states the powers and duties designated to the board include that they may “adopt, amend, and repeal bylaws” and “develop policies and programs for the administration, management, and operation of the Authority.”

Title 15 does not address low-income rate assistance programs funded by rate revenue. Thus, it is uncertain if ASPA can implement a low-income rate assistance using rate revenue without any legal challenges. However, considering the fact that ASPA has the authority to set their rates without any specific requirements in how they set that rate schedule, and additionally given that the Board may develop policies and programs to operate their system. ASPA may have an opportunity to establish a low-income customer assistance program using rate revenue.