

Note: This summary was added after the 2017 publication of “Navigating Legal Pathways to Rate-Funded Customer Assistance Programs: A Guide for Water and Wastewater Utilities.” To access the 2017 report, go to <https://efc.sog.unc.edu/pathways-to-rate-funded-customer-assistance>.



U.S. Virgin Islands^c

Commission-regulated utilities	
Noncommission-regulated utilities	N/A

The United States Virgin Islands is an unincorporated U.S. territory and has yet to adopt a constitution.¹ The most recent constitution proposed was in May 2009 at the Fifth Constitutional Convention.²

The [Virgin Islands Public Services Commission](#) (PSC) is established under Title 3, § 237 of the Virgin Islands Code (V.I.C.) and oversees rates for regulated utilities, which includes water, wastewater, electric, cable, communications and transportation. For water and wastewater, PSC only regulates the Virgin Islands Water and Power Authority (WAPA)³ and the Virgin Islands Waste Management Authority; however, the PSC’s authority for the Waste Management Authority rate setting is limited.

The [Virgin Islands Water and Power Authority](#) make up the largest utility in the territory. It serves about 99%⁴ of the U.S. Virgin Islands population. The remaining population is served by independent community water supply utilities, which most often serve condominiums, hotels, or apartments.

Virgin Islands Water and Power Authority

Under Title 30, §1 of the V.I.C., WAPA is under the jurisdiction of PSC, who is only authorized to fix rates and not provide “general oversight.”⁵ Additionally, Title 30, § 2 of the V.I.C. states that “the charge made by any such public utility for any facility or services furnished, or rendered, or to be furnished, or rendered, shall be reasonable, just and nondiscriminatory.” The statute further states “every

State Population (2010):	106,405
Median Annual Household Income (2010):	\$37,254
Poverty Rate (2010):	22.5%
Typical Annual Household Water and Wastewater Expenditures (2017):	N/R
U.S. Virgin Islands has 70 community water systems (CWS), of which 60 are privately-owned and 68 serve populations of 10,000 or fewer people.	
U.S. Virgin Islands has 1 publicly owned treatment works facilities (POTWs), of which 0 treat 1 MGD or less.	
10,055 are served by privately-owned CWS; and 70,453 are served by government-owned CWS; and 13,282 are served by POTWs..	
Estimated Long-Term Water and Wastewater Infrastructure Needs:	\$0.2 billion
<i>Sources: U.S. Census Bureau 2010, U.S. Environmental Protection Agency's 2016 Safe Drinking Water Information System, 2011 Drinking Water Infrastructure Needs Survey & 2012 Clean Watersheds Needs Survey. See Appendix I for more details.</i>	

unjust or unreasonable or discriminatory charge for such facility or service is prohibited and is hereby declared unlawful.” There is not a specific statute in Title 30 of the V.I.C. that addresses low-income assistance programs funded by rate revenue as applied to WAPA. The only section of the statutes that does reference a rate reduction is Title 30, § 15(a)-(c). However, it only applies to transportation services. Specifically, Title 30 § 15(a) of the V.I.C. allows the PSC to approve “rates or schedules [that] include provisions granting reductions in rates of at least twenty-

C. The Treaty of the Danish West Indies in 1916 declared the islands of Saint Croix, Saint Thomas, and Saint John of the Virgin Islands a U.S. territory.
 1. The government is structured by the Organic Act of the Virgin Islands 1936.
 2. U.S. Congress enacted Pub. L. No. 111-194, § 124 Stat. 1309 (2010), which sent the proposed constitution back to the U.S. Virgin Islands delegates for revision. This created Act No. 7386, which implemented the Fifth Revision Convention. However, the delegates did not meet the deadline to decide what the changes were to the proposed constitution.
 3. V.I. Code Ann. tit. 30, §1.
 4. Information sourced from email correspondence with representatives from WAPA on January 17, 2019.
 5. See *Virgin Islands Public Services Commission v. Virgin Islands Water and Power Authority*, 49 V.I. 478 (V.I. 2008).

five percent (25%) for all residents of the United States Virgin Islands who are sixty (60) years of age or older...”

Considering the language used in Title 30, § 2 of the V.I.C., it is uncertain if WAPA is able to apply a rate reduction for water and wastewater services, similar to the reduction for transportation services, or to implement a customer assistance program using rate-revenue. Nonetheless, approval from the PSC would be necessary before WAPA could implement any such customer assistance program using rate-revenue.