



October 2, 2009

Mr. Joseph Boschulte, Chairman
Mr. Donald Cole, Vice Chairman
Virgin Islands Public Services Commission (PSC)
Barbel Plaza
No. 8 Estate Ross, Charlotte Amalie
P.O. Box 40
St. Thomas, USVI 00804

Submitted via email to Michael Moore, PSC Legal Assistant at msmvi@hotmail.com and via fax to the PSC office St. Thomas, 340-774-4971 and St. Croix, 340-778-0302

Dear Chairman Boschulte and Vice Chairman Cole,

This letter is to:

1. Inform you that the public hearings scheduled for October 5-6, 2009, to discuss the Alpine Energy Power Purchase Agreement (PPA's) are being held in violation of the public notice hearings provisions outlined in Title 29 of the Virgin Islands Code;
2. Request that the hearings be rescheduled in accordance with the law to allow members of the public adequate time to review relevant documents, and;
3. Request that said documents be posted on the Public Services Commission (PSC) Website to give residents access to the information prior to the hearing

Per Sec. 239 of Chapter 29 of the Virgin Islands Code, "a notice setting forth the general purpose of any such hearing and the time and place thereof shall have been published in a newspaper of substantial circulation in the area at least twice at intervals of not less than two (2) days; the first not more than fifteen (15) days nor less than ten (10) days and the last not less than two (2) days before such hearing."

We have been unable to locate any notices that fall within the legally mandated timeframe. Additionally, the notice that was published on October 1 in the Virgin Islands Daily News is incomplete and inaccurate. The Daily News information does not state specifically that the agreements in question are related to the Alpine Energy Proposal. Additionally, the Daily News states that the St. Thomas meeting location is the VI Port Authority Conference Room in Barbel Plaza; whereas the Press Release obtained by Crucians In Focus and that was circulated this week to local media lists the St. Thomas location as the Offices of the Public Services Commission in that same location.

There is still time to correct the notifications violation. Our review of documents show that the "Conditions Precedent" of the proposed agreement requires that the PPA and Interconnections Agreements submitted by Alpine must be approved by the PSC by **November 8, 2009**, to avoid

termination of the agreement. This timeline allows ample time to give the required 15 day public notification and still meet the stated deadline for consideration and/or approval.

We are also troubled by the fact that the only public access to the relevant documents is, according to the PSC press release, in your offices on St. Thomas and St. Croix, and that residents who wish to have copies of the information must pay for the information. This information should be posted immediately on the PSC website so that all residents have an opportunity to review and evaluate.

Should the Commission choose to go forward with the hearings as scheduled, it will be in willful violation of the provisions of the Virgin Islands Code. We strongly urge the Commission to reschedule these hearings to provide the residents of the Virgin Islands adequate, legally mandated time to review and evaluate the information and fully participate in these critical hearings.

Your serious consideration of this letter will be in the best interest of the people of the Virgin Islands.

Sincerely,

Michael J. Springer, Jr.
President, Crucians In Focus

Cc: Commissioners
Keithley R. Joseph, Executive Director
Sen. Craig Barshinger