

**Opinion No. 49-5255**

November 21, 1949

**BY:** JOE L. MARTINEZ, Attorney General

**TO:** Mr. Tom Cox, Chief Clerk State Corporation Commission Santa Fe, New Mexico

{\*97} Reference is made to your letter wherein you forwarded the protest of Attorney Vaught in regard to the payment of a \$ 25.00 fee charged by the Corporation Commission for the approval of a lease agreement entered into between L. C. Hatton and Jay Ward Certificate No. 866-1.

Under Section 68-1311 of the New Mexico 1941 Compilation, it is stated:

"No certificate issued under this act shall be assigned, leased or otherwise transferred without approval of the Commission."

Section 68-1349 of the 1941 Compilation states:

"The Corporation Commission shall charge and collect the following miscellaneous fees . . . . for filing application for transfer of any such certificate, \$ 25.00 . . . ."

It is my opinion from the above quotations that the charge of \$ 25.00 for approval of lease agreement is proper. Although the statute does not mention filing of lease specifically, it does state in Section 68-1311 that no certificate shall be assigned, leased or otherwise transferred without approval. The words, "otherwise transferred" ties in assignment and lease as a transfer under the act, and, therefore, a fee is required.