

**Opinion No. 31-260**

September 2, 1931

**BY:** E. K. Neumann, Attorney General

**TO:** Mr. Ralph E. Davy, Labor Commissioner, Santa Fe, New Mexico.

{\*101} Your letter of September 1st, inquires as to the status of Telegraph Companies in connection with the hours of labor of females within their employ, and you specifically ask what is their status in connection with Article 2 of Chapter 80, and Section 80-208.

Section 80-208 is as follows:

"The provisions of this act shall not apply to any female engaged in interstate commerce where the working hours of any such female so engaged are regulated by any act of Congress of the United States."

In this connection, we presume that you refer to Section 80-203:

"No female shall be employed in this state by any person, firm or corporation engaged in any express or transportation or public utility business or by any common carrier more than nine hours during any one day or more than fifty-six hours during any one week. The hours of work may be so arranged as to permit the employment of females at any time so that they shall not work more than nine hours during the twenty-four hours of any day and meal time shall not be included as a part of the working hours of the day."

A Telegraph Company is a public utility business and consequently a Telegraph Company comes within the definition set forth in the section {\*102} just noted. In this connection we wish to call your attention to the definition of a public utility, as set forth in 51 Corpus Juris at page 4,

"A public utility has been described as a business organization, which regularly supplies the public with some commodity or service, as electricity, gas, water, transportation or telephone or telegraph service."

Consequently, it is our opinion that a Telegraph Company is a public utility company and comes within the meaning of the act quoted. In so far as we are able to determine there is no United States law regulating the hours of labor of a female employed by a telegraph company, and, consequently, the State has jurisdiction to enforce its laws relating to the hours of labor by females employed by telegraph companies in this instance.