

Opinion No. 43-4208

January 5, 1943

BY: EDWARD P. CHASE, Attorney General

TO: Mr. Ed L. Manson, Commissioner, New Mexico Public Service, Commission Santa Fe, New Mexico

We have your letter of January 4, 1943, wherein you request an official opinion as to whether our statutes determine who shall be Chairman of the Public Service Commission.

I call your attention to Section 72-402. of the 1941 New Mexico Statutes (Laws of 1941, Ch. 84, Sec. 4) which provides

"* * * The Commissioner whose term shall expire on the 15th day of January, 1947, shall be Chairman of the Commission, and thereafter, the Commissioner who has been longest in continuous service upon the Commission shall act as Chairman. * * *",

In view of this provision, it is my opinion, that until 1947, the Chairman of the Commission will be the Commissioner whose term expires on the 15th day of January, 1947.

I further point out that only after the 15th day of January, 1947, will the Chairmanship be determined according to which Commissioner has been longest in continuous service upon the Commission.