

**Opinion No. 44-4586**

September 23, 1944

**BY:** C. C. McCULLOH, Attorney General

**TO:** Mr. E. F. Carter, Accountant-Engineer, Public Service Commission, Santa Fe, New Mexico

We have your letter of August 22, 1944, wherein you request an opinion of this office concerning whether or not various utility companies are exempt from the jurisdiction of the Public Service Commission for the reason that they obtain electricity or gas from pipe lines coming from outside the State of New Mexico. In answer to this question, we wish to state that our statute does not exempt such utility companies from the jurisdiction of the Public Service Commission.

We express no opinion concerning whether or not the various utility companies which you refer to are engaged in interstate commerce. It is clear that such utilities are subject to the jurisdiction of the Commission if they are not engaged in interstate commerce. If it should be held that they are engaged in interstate commerce, it is my opinion that they would still be subject to the jurisdiction of the Public Service Commission. See 15 C. J. S., Commerce, Section 82, P. 423.

By HARRY L. BIGBEE,

Asst. Atty. General