

## Opinion No. 67-93

July 26, 1967

**BY:** OPINION OF BOSTON E. WITT, Attorney General

**TO:** Mrs. Fern W. Riddle, Supervisor Centrex Division Department of Finance & Administration Santa Fe, New Mexico

### QUESTION

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Are toll calls made directly through the Mountain States Telephone Company exchange, rather than through the state central telephone exchange to be charged directly to state agencies by Mountain States Telephone Company rather than to the Department of Finance and Administration?

#### CONCLUSION

See analysis.

### OPINION

#### {\*136} ANALYSIS

Section 6-1-26, N.M.S.A., 1953 Compilation provides that:

Departments, institutions and agencies participating in central telephone services shall be charged a pro rata and equitable share of the total monthly costs of the service. This determination is to be made by the department of finance and administration. **Toll calls not covered by the wide area telephone service and supplemental equipment shall be segregated and paid for by agencies, institutions and departments making the calls.** (Emphasis added)

Section 6-1-25, N.M.S.A., 1953 Compilation provides that the Department of Finance and Administration and state agencies and institutions located in other parts of the state shall provide a staff and material necessary to properly and adequately operate their **central telephone services**. Section 6-1-27, N.M.S.A., 1953 Compilation provides for the deposit of funds received from state agencies and institutions utilizing the **central telephone services**. Sections 6-1-24 through 6-1-29, N.M.S.A., 1953 Compilation do not provide for the administration of services in connection with toll calls made through telephone exchanges other than through the state central telephone exchange. Section 6-1-26, supra specifically excludes administration of such services.

Section 6-1-24, N.M.S.A., 1953 Compilation, however, provides that:

In order to provide more efficient and economic telephone service to state departments, institutions, and agencies, and more convenient service to the public, the director of the department of finance and administration may enter into necessary agreements to provide centrally operated mechanized private branch exchange service, wide area telephone service and related facilities to all executive, legislative, judicial, institutional and other state governmental office located in the state of New Mexico.

Section 6-1-26, supra merely provides that toll calls not covered by the wide area telephone service and supplemental equipment be segregated for payment and that the agencies making such calls pay for them. Section 6-1-26, supra does not, however, prescribe the procedure by which this must be done. The procedure would normally be established by agreement between the Department of Finance and Administration and the Mountain States Telephone Company. Section 6-1-24, supra. Absent an agreement, it is our opinion that toll calls should be billed directly to the agencies making them.

By: Edward R. Pearson

Assistant Attorney General