

**Opinion No. 39-3014**

February 2, 1939

**BY:** FILO M. SEDILLO, Attorney General

**TO:** Mr. Robert Valdez, Commission, Santa Fe, New Mexico.

{\*15} Your letter of January 31st requests an opinion as to the rule adopted on November 2nd, 1933, by the Corporation Commission relating to changing or discontinuing of station, agents and/or agencies without approval of the Corporation Commission.

In State Corporation Commission of New Mexico vs. Atchison, Topeka & Santa Fe Railroad Company, 32 N.M. 304, the court held, in effect, that a station agency not established by order of the State Corporation Commission may be discontinued by a Railroad Company without permission of the Commission, and an order of the Commission that the agency be re-established is unenforceable if based on the failure to obtain permission to discontinue it, and not upon a showing that the public interest reasonably and justly demands the service.

The above case is in point and I believe that the rule which was adopted by the Commission in 1933 has the effect and purpose of enlarging the Corporation Commission's jurisdiction over that conferred by the Constitution.