

Licenses, Electric Company—City Limits.

Under Section 4071, Political Code, as amended by the Laws of 1897, p. 202, the amount of license to be charged an electric company depends upon the population of the city or town in which it does business and not upon the location of the power house in which the electricity is generated that it is transmitted to such city or town.

Helena, Montana, July 26, 1905.

W. T. McKeown, Esq., County Attorney, Kalispell, Montana.

Dear Sir:—Yours of the 20th instant, requesting an opinion on the law relating to the licensing of electric companies, to hand, the question submitted being: Is an electric company whose power house is situated outside of the limits of a city, to which city it transmits and metes out electric power, doing business in such city so as to require a county license therefor, according to the classification of such city under Section 4071, Political Code, as amended by the laws of 1897, p. 202?

Said section provides that electric companies "must pay a license in each county where such business is transacted as follows:" Then the same section proceeds to fix the amount of such license according to the population of the city or town in which the company is "doing business," not according to the population of the city or town in which its power house or plant may happen to be situated or in which it generates its electric power. "Doing business," as therein used, clearly means the selling or renting of light or power to the public, as distinguished from a private plant generating power or light for a persons own private use. No license could be collected for the mere generating of electric power. It is the business of selling of the same to the public that is licensed and that is what is meant by the term "doing business." Therefore, it makes no difference where the power house or plant of a public electric company is situated. It is the place where it is "doing business," as above defined, that must be considered in determining the license to be paid.

The Big Fork Power and Electric Company should pay the county

license required by said law of electric companies doing business in a city of the population of Kalispell.

Yours very truly,

ALBERT J. GALEN,

Attorney General.