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STATE OF ALABAMA

OCT 26 1990

91-00045

Honorable Jean Starkey
Town Clerk
P. O. Box 2
Pisgah, AL 35765

Municipalities - Utilities -
Private Enterprise

The Town of Pisgah has no
authority to collect utility
bills for a telephone or
electric cooperative.

Dear Ms. Starkey:

This opinion is issued in response to your request for an
opinion from the Attorney General.

QUESTION

Can the Town of Pisgah, Pisgah Town Hall,
collect utility bills for the Farmers
Telephone Co-op and the Sand Mountain
Electric Co-op and be paid on a per-bill
basis?

FACTS AND ANALYSIS

A municipality can exercise only those powers given to it
by statute or the Constitution. A municipality has no
authority to engage in private enterprise. Opinion to
Honorable George P. Thames, Mayor, City of Robertsdale, under
date of August 29, 1986, and opinion to Honorable Rudolph W.
McCarley, Mayor, Town of Courtland, under date of May 4, 1989.
My research does not reveal any authority for a town to collect
bills for electric and/or telephone cooperatives.

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CONCLUSION

The Town of Pisgah has no authority to collect utility bills for a telephone or electric cooperative.

I hope this sufficiently answers your question. If our office can be of further assistance, please do not hesitate to contact us.

Sincerely,

DON SIEGELMAN
Attorney General

By:

Brenda Flowers Smith

BRENDA FLOWERS SMITH
Assistant Attorney General

DS/BFS/jho

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