

August 31, 1933

Mr. H. C. Sparks
State Registrar of Contractors
State Office Building
Phoenix, Arizona

Dear Sir:

In compliance with your request for an opinion from this office as to whether the Western Gas Company should be construed as a contractor or exempt from the Contractor's Law as provided in subdivision (d) of Section 2, Chapter 104, Session Laws 1933, you are advised as follows:

That it is my understanding that the Western Gas Company is a corporation which will lay gas lines and conduits from Douglas to Phoenix, Arizona, to bring natural gas to Phoenix. I find that the Western Gas Company is a Delaware Corporation; that it is registered as a foreign corporation licensed to do business in the State of Arizona; among its powers and privileges as revealed by its articles and privileges are the following: to store, buy and sell oil, gas, salt brine and other mineral solutions, also sand and clay for the manufacture and sale of clay products * * * to lay down, construct, maintain and operate pipe lines, tubes, tanks, pump stations, connections, fixtures, storage houses, and such machinery, apparatus, devices and arrangements as may be necessary to operate such pipe lines between different points.

This company though licensed to do business in this State is not registered or licensed to act as a public utility and the exemption as provided in subdivision (d), Section 2 of the said Act refers to public utilities constructing, repairing or making operations incidental to the discovery or producing of petroleum or gas.

I am therefore of the opinion that inasmuch as the Western Gas Company is not acting as a public utility but rather as a contracting agency in this particular work,

33-404

H. C. Sparks

page 2

August 31, 1933

that it is not exempt from the provisions of the Contractor's Act and that it accordingly should make application for a license as a contractor.

Yours very truly,

Attorney General

Assistant Attorney General

JPC:SO

GEORGE