allowances made by the judge of any of the courts of the county." The claim of the county agent for his salary and expenses which may include compensation for office help is not such a claim.

PUBLIC SERVICE COMMISSION: Rural Electrification Corporation may not amend charter so as to include more territory.

October 14, 1936.

Samuel L. Trabue, Commissioner,
Division of Public Service Commission,
State House,
Indianapolis, Indiana.

Dear Sir:

This is in response to your request for an opinion as to the right of a local rural electrification corporation, to amend its articles of incorporation so as to enable it to operate in a territory not included in its articles of incorporation. The organization was perfected under the "Rural Electric Membership Corporation Act of 1935." (Acts 1935, Chapter 175, p. 838.)

The corporation has asked the Public Service Commission "to take such steps as are necessary legally to approve * * * Articles of Amendment to the Articles of Incorporation of Rush County Rural Electric Membership Corporation and to extend the, or grant a new, certificate of convenience and necessity to said corporation to operate in the territory as extended or enlarged by the proposed amendment."

You submit the following questions:

"1. Does the REMC Act authorize an amendment to Articles of Incorporation, by which amendment the territory to be served by the corporation is extended?

"2. If the answer to question No. 1 be in the negative, can such amendment to the Articles of Incorporation be made under any other statute, and if so what statute?

"3. If the answer to question No. 1 be in the affirmative, can the amendment be approved by the Secre-
tary of State without having been first submitted to and approved by the Public Service Commission?

"4. If the answer to question No. 3 be in the negative, what jurisdiction and authority, if any, does the Commission have in the matter?"

The Rural Electrification Act provides for certain amendments to the Articles of Incorporation, but not in the matter of including additional territory. Section 20 of the Act deals with amendments and the concluding sentence of the Section is as follows:

"Nothing herein contained shall be construed to authorize a corporation to amend its articles of incorporation so as to extend or enlarge the territory proposed to be served by it in its original articles of incorporation."

Part of Section 20, Chapter 175, Acts of 1935, p. 850.

This is a mandatory provision and does not permit the amendment desired by the Rush County Corporation. The reasons for this inhibition against an amendment enlarging the territory to be served are obvious when we consider other provisions of the Act, and especially the Sections providing for supervision by the Public Service Commission. Moreover, a corporation organized by virtue of one law cannot enlarge its powers by borrowing authority from some other incorporation law.

In my opinion, therefore, the answer to your question No. 1 is in the negative.

In answer to your question No. 2, my opinion is that the amendment may not be made under any other statute. Question No. 3 requires no separate answer, and in answer to No. 4, the Public Service Commission has no jurisdiction or authority in the matter of amendment as presented by the Rush County Corporation. The Commission can only proceed on the basis of articles of association and petitions submitted to the Commission for its action.