

Public Utilities, Services and Carriers

Dispensing with thirty days' notice of rate change 58-9-530

The Public Service Commission may allow changes of rates in telephone companies without requiring a thirty day's notice is given. The notice of these proposed changes shall be placed once a week for two consecutive weeks in newspapers of general circulation in each territory involved. An exception to this is made when changes are made in general schedules of rates and charges.

Section When	Notice	Where	
58-9-530	A notice of changes made to rates of telephone companies decided upon by The Public Commission	Newspapers of general circulation that are located in that territory	Once a week for two consecutive weeks

Exact wording:

“The Commission, for good cause shown, may allow changes in rates without requiring the thirty days' notice under such conditions as it may prescribe, except that when changes in general schedules of rates and charges are involved, before they may become effective, notice to the public of such proposed changes shall be given by publication thereof once a week for two consecutive weeks in newspapers of general circulation in the territory involved and a hearing held thereon. All such changes shall be immediately indicated upon its schedules by such telephone utility.”

Railroad, street railway, steamboat and canal companies

Publication of the notice of application 58-15-20

If a corporation has the power to condemn land for the purpose of the incorporation of these companies and a charter is granted than a party may make an application. A notice of the application shall be published in some newspaper in each county where this is to take place. The notice shall be placed four weeks prior the making of the application stating the time and place of this application.

Section When	Notice	Where	
58-15-20	Notice of application by a party for the condemnation of land for the purpose of incorporation	Some newspaper in each county where the condemnation of land is to take place	Four weeks prior to an application being made

Exact wording:

“If the corporation will have the power to condemn lands for rights of way, if the charter is granted, the parties proposing to ask for it shall give notice for four weeks before the application is made that such application will be made, stating the time and the place of the application. Such notice shall be published in each county in which the right to condemn lands will be acquired under such charter, in some newspaper published in each such county once each week, for four weeks, before such application is made.”

**Publication of a notice
58-15-40**

Three or more people may petition the Secretary of State to form a corporation for the purpose of building and operating a railroad or for the purpose of carrying on a street railway, steamboat or canal business as long as the correct procedures are followed (58-15-10.) A public notice needs to be published of the issuance of the petitioners a commission to the board of incorporators and the authorization to the shares of the proposed company. The notice shall be placed in a newspaper in each of the counties that the proposed passage goes through.

Section When	Notice	Where	
58-15-40	A notice of the formation and authorization of petitioners to a board of incorporators for the purpose of carrying on the building and operating a railroad or for the purpose of carrying on a street railway, steamboat or canal business	A newspaper in each of the counties that the proposed passage will go through	Once the Secretary of State has filed and indexed the declaration and a commission has been assigned to the petitioners

Exact Wording:

“Upon the filing of the declaration of the petitioners and the payment of a fee of three dollars for filing and indexing it, the Secretary of State shall file the declaration under a proper number and index it and shall issue to any two or more of the petitioners a commission constituting them a board of incorporators and authorizing them to open books of subscription to the capital stock of such proposed company, after such public notice, not less than thirty days, as he may require in such commission. Such notice to be published in some newspaper in each of the counties through which the proposed road shall pass and, in the case of steamboat companies, such notice shall be given at the termini only.”

Consolidation of Acquisition of Railroad Companies

**Notice of a meeting of stockholders for the consolidation of railroad companies
58-17-620**

The directors of corporations may enter into a joint agreement for the purpose of the consolidation of railroad companies as long as certain procedures are followed. One of the procedures is the publication of a notice for the submission of this agreement to the stockholders of each of the companies. The notice shall be placed in a newspaper in the city, town, or county where each company has its principal office or place of business. The time, place and reason for the holding of such meeting should be included in the notice.

Section When	Notice	Where	Where
58-17-620	A notice of a meeting of stockholders for the consolidation of railroad companies	A newspaper located in the city, town or county where each company has its principal office or place of business	Once a joint agreement by the directors of each company has been made and prior to the stockholder's meeting

Exact wording:

“Any consolidation of railroad companies must be made under the conditions, provisions, and restrictions and with the powers in this article mentioned and contained, that is to say:

(1) The directors of the several corporations proposing to consolidate may enter into a joint agreement, under the corporate seal of each company, for the consolidation of such companies and railroads and prescribing the terms and conditions of them, the mode of carrying it into effect, the name of the new corporation, the number and names of the directors and other officers of it who shall be the first directors and officers and their places of residence, the number of shares of the capital stock, the amount of par value of each share, the manner of converting the capital stock of each of the companies into that of the new corporation and how and when directors and officers must be chosen, with such other details as they shall consider necessary to perfect such new organization and the consolidation of such companies;

(2) Such agreement must be submitted to the stockholders of each of the companies at a meeting thereof, called separately, for the purpose of taking it into consideration; due notice of the time and place of holding such meeting and the object of it must be given by a general notice published in some newspaper in the city, town, or county in which the company has its principal office or place of business; at the meeting of stockholders the agreement of the directors must be considered and a vote, by ballot, taken for the adoption or rejection of it, each share entitling the holder of it to one vote; the ballots must be cast in person or by proxy; if a majority of all the votes of all the stockholders are for the adoption of the agreement that fact must be certified thereon by the secretary of the respective companies, under the seal of it; and the agreement so adopted, or a certified copy of it, must be filed in the office of the Secretary of State, and must from thence be deemed and taken to be the agreement and the act of consolidation of the companies and a copy of the agreement and act of consolidation, duly certified by the Secretary of State under the seal of it, must be evidence of the existence of such new corporation.”

**Publication of offices of the consolidated corporation
58-17-690**

A new consolidated railroad company must establish offices as soon as it is convenient. One of the offices needs to be in this state and along the line of the road. A notice of this particular office needs to be placed in a newspaper on the line of the road.

Section When	Notice	Where	Where
58-17-690	A notice of the establishment of an	A newspaper published on the line	Once an office has been established and

	office of the newly consolidated company on the line of road in this State	of the road	as soon as convenient after the company has been consolidated
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Exact wording:

“Such new company shall, as soon as convenient after such consolidation, establish such offices as may be desirable, one of which shall be at some point in this State, on the line of its road, and may change them at pleasure, giving public notice thereof in some newspaper published on the line of the road.”

**Application of certificate and notice to municipalities, government agencies and other persons of applications
58-33-120**

A public notice shall be given for the application of a certificate for the building of a major utility facility. The notice shall be placed in a newspaper of general circulation in the municipalities that affected persons reside. The publication shall contain a summary of the application and the date that the certificate is filed.

Section When	Notice	Where
58-33-120	A public notice for the filing of a certificate for the building of a major utility facility	A newspaper of general circulation in the municipalities where the affected person reside

Exact wording:

“(2) Each application shall be accompanied by proof of service of a copy of the application on the Office of Regulatory Staff, the chief executive officer of each municipality, and the head of each state and local government agency, charged with the duty of protecting the environment or of planning land use, in the area in the county in which any portion of the facility is to be located. The copy of the application shall be accompanied by a notice specifying the date on or about which the application is to be filed.

(3) Each application also must be accompanied by proof that public notice was given to persons residing in the municipalities entitled to receive notice under subsection (2) of this section, by the publication of a summary of the application, and the date on or about which it is to be filed, in newspapers of general circulation as will serve substantially to inform such persons of the application.”