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## State Ethics Commission of Georgia

### ADVISORY OPINION NO. 2006-01 October 23, 2007

#### REAL OR HYPOTHETICAL SET OF CIRCUMSTANCES

Whether railroad companies are considered public utility corporations regulated by the Public Service Commission and therefore prohibited from contributing to political campaigns under O.C.G.A. § 21-5-30(f).

#### ADVISORY OPINION

O.C.G.A. § 21-5-30(f) of the State Ethics in Government Act states that “[a] person acting on behalf of a public utility corporation regulated by the Public Service Commission shall not make, directly or indirectly, any contribution to a political campaign.” Under Georgia law, the Public Service Commission enjoys jurisdiction over railroad companies “except as otherwise authorized by law”. O.C.G.A. § 46-2-20(a).

In 1995 Congress passed the ICC Termination Act which preempted State jurisdiction over railroads. 49 U.S.C. § 10501(b). The Public Service Commission therefore no longer holds jurisdiction over railroad companies except for certain vestigial functions.

Therefore, the campaign contribution prohibition found under O.C.G.A. § 21-5-30(f) no longer applies to railroad companies.

Prepared by Tom Plank