

APR 3 1944

The Director of Retirement Claims

The General Counsel

Illinois Iowa Power Company

I herewith submit my opinion on the following:

QUESTION

Has the Illinois Iowa Power Company (prior to May 1, 1937, known as Illinois Power & Light Corporation) ever been an express company, sleeping-car company or carrier by railroad subject to Part I of the Interstate Commerce Act?

OPINION

It is my opinion that the Illinois Iowa Power Company (prior to May 1, 1937, known as Illinois Power & Light Corporation) has never been an express company, sleeping-car company, or carrier by railroad subject to Part I of the Interstate Commerce Act.

DISCUSSION

Information contained in Poor's and Moody's manuals is that the Illinois Iowa Power Company was incorporated on May 25, 1923, under the laws of Illinois as the Illinois Power & Light Corporation and that its name was changed to its present title on May 1, 1937. The company was the result of a plan of reorganization or rearrangement of the so-called McKinley properties, represented by a large number of companies operating power and light, street railway, interurban and steam railroad properties, mostly within the State of Illinois. The power and light and street railway properties were acquired by the Illinois Power & Light Corporation and title to the interurban and steam railroad properties was vested in corporations controlled by Illinois Power & Light Corporation. Through consolidation the properties of the following companies were acquired by the Illinois Power & Light Corporation at the date of its incorporation:

St. Louis Electric Bridge Company
Bloomington & Normal Railway & Light Company
Citizens Lighting Company

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Citizens Pure Ice Company
Clinton Gas & Electric Company
Consumers Water & Light Company of Marseilles
Danville Consumers Coal Company
Danville Street Railway & Light Company
Danville & Eastern Illinois Railway Company
Danville & Northern Railroad Company
Danville & South Eastern Railway Company
Decatur Railway & Light Company
Galesburg Railway, Lighting & Power Company
Galva Electric Light Company
Jacksonville Railway & Light Company
Kerens-Downswald Coal Company
Madison County Light & Power Company
Monmouth Public Service Company
Monticello Electric Light Company
Mound City Light & Water Company
Northern Illinois Light & Traction Company
Peoples Traction Company
Peoria Railway Company
Quincy Railway Company
Urbana & Champaign Railway, Gas & Electric Company
Urbana Light, Heat & Power Company
Utility Gas Coal Company
Southern Illinois Light & Power Company

The property acquired from the St. Louis Electric Bridge Company consisted of a bridge across the Mississippi River between St. Louis, Missouri and Venice, Illinois, containing a double track railway. The railway was leased to the St. Louis Electric Terminal Railway Company until October 25, 1937, when that company was consolidated with others to form the Illinois Terminal Railroad Company and the bridge property was sold by the Illinois Iowa Power Company to the Illinois Terminal Railroad Company. Prior to February 28, 1934, bridge tolls covering the vehicular lanes were collected by the Illinois Power & Light Corporation but on that date the entire bridge was leased to the St. Louis Electric Terminal Railway Company.

It appears that the St. Louis Bridge Company had filed annual reports with the Interstate Commerce Commission in consequence of which when the bridge was acquired by the Illinois Power & Light Corporation the question of whether or not the Illinois Power & Light Corporation should file annual reports with the Commission because of its ownership of the bridge was the subject of considerable correspondence between the Commission and the company. The company pointed out that it had nothing to do with the electric railway operation over the bridge, its only operation being the collection of vehicular and pedestrian tolls, and that less than one per cent of the total gross revenues of the company was derived from the lease of the railway on the bridge. The correspondence dealt

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also with the property of the Peoples Traction Company^{1/} which operated a so-called interurban line approximately 13 miles in length and had, prior to its consolidation with the Illinois Power & Light Corporation, filed annual reports with the Interstate Commerce Commission. The company said that while the Peoples Traction Company had "handled a few cars of oil and occasionally a car of other commodities in switching service to industries located on its line * * * Such operations have been entirely discontinued and the switching service formerly afforded by the Peoples Traction Company is now being rendered by other carriers, in no way connected with the Illinois Power and Light Corporation." A memorandum dated December 5, 1923, to the Director, Bureau of Statistics, Interstate Commerce Commission, reads as follows: "Commissioners Meyer, Eastman and Potter decide that no report will be required of Illinois Power and Light Corporation."

An examination of the records of the Interstate Commerce Commission does not indicate that the Illinois Iowa Power Company, either under that name or the name of Illinois Power & Light Corporation, filed with that Commission any tariffs, concurrences, powers of attorney, annual or other reports. It does not appear to have been a party to any proceedings before the Commission and its name does not appear in the Official Guide of Railways or the Official Railway Equipment Register.

According to Moody's manuals electric street railway operations were gradually replaced by busses. In fact, from an examination of the current manuals it appears that all transportation operations have been abandoned or delegated to subsidiary companies for it is said that its physical properties "consist principally of transmission and distribution facilities, including over 4,100 miles of transmission lines, of which about 380 pole miles are of 66,000 volts, mostly of steel tower construction." It is registered as a holding company under the Public Utility Holding Company Act of 1935.

In view of all the foregoing, it is my opinion that the Illinois Iowa Power Company (prior to May 1, 1937, known as the Illinois Power & Light Corporation) has never been an express company, sleeping-car company or carrier by railroad subject to Part I of the Interstate Commerce Act. It did not file with the Interstate Commerce Commission any tariffs, concurrences, powers of attorney, annual or other reports. With the exception of a line of electric railway some 13 miles in length extending from Galesburg to Abingdon, Illinois, the transportation activities of the company were confined to the operation of electric street railways and busses. The line between Galesburg and Abingdon and referred to by the company as

^{1/} Not an "employer" under the Railroad Retirement Act. See Item No. 5556 in the Status Book.

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an "interurban" was acquired in the consolidation from the Peoples Traction Company. Because of certain switching operations, the Peoples Traction Company had filed annual reports with the Interstate Commerce Commission but as explained in correspondence between the Interstate Commerce Commission and the Illinois Power & Light Corporation and referred to earlier in this memorandum, the switching operations were not performed by the Illinois Power & Light Corporation after it acquired the line, and no reports were required by the Commission.

From information available it appears that the company may have been under common control with one or more "carrier employers," but no opinion is herein expressed as to whether or not it has ever performed any service in connection with the transportation of passengers or property by railroad within the meaning of Section 1(a) of the Railroad Retirement Act or Railroad Unemployment Insurance Act.

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