



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

January 3, 2017

Mr. Frank J. Garza
Counsel for Brownsville Public Utility Board
Davidson Troilo Ream & Garza, PC
601 Northwest Loop 410, Suite 100
San Antonio, Texas 78216-5511

OR2017-00059

Dear Mr. Garza:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 640107.

The Brownsville Public Utility Board (the "board"), which you represent, received a request for the identifying information of the individual or individuals who paid electric or water bills at a specified address for a specified time period. You claim the submitted information is excepted from disclosure under section 552.133 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we note the requestor seeks only the identifying information of a specified individual or individuals. You have submitted documents that contain information beyond this specific information. Thus, the portions of the submitted information that do not consist of the information requested are not responsive to the present request. This ruling does not address the public availability of any information that is not responsive to the request and the board is not required to release that information in response to the request.

Section 552.133 of the Government Code exempts from disclosure a public power utility's information that is "reasonably related to a competitive matter." Gov't Code § 552.133(b). Section 552.133 provides in relevant part:

(a) In this section, "public power utility" means an entity providing electric or gas utility services that is subject to the provisions of this chapter.

(a-1) For purposes of this section, "competitive matter" means a utility-related matter that is related to the public power utility's competitive activity, including commercial information, and would, if disclosed, give advantage to competitors or prospective competitors. The term:

(1) means a matter that is reasonably related to the following categories of information:

...

(F) customer billing, contract, and usage information, electric power pricing information, system load characteristics, and electric power marketing analyses and strategies[.]

Id. § 552.133(a), (a-1)(1)(F). Section 552.133(a-1)(2) provides fifteen categories of information that are not competitive matters. *Id.* § 552.133(a-1)(2). The board states it is a public power utility subject to section 552.133. It asserts the submitted information pertains to the public power utility's "competitive customer information." Additionally, the information at issue is not among the fifteen categories of information expressly excluded from the definition of "competitive matter" by section 552.133(a-1)(2). Based on these representations and our review, we find some of the responsive information relates to competitive matters as defined by section 552.133(a-1). Therefore, the board must withhold the responsive information we marked under section 552.133 of the Government Code. However, we find the remaining responsive information relates to water service. Section 552.133 applies to electric or gas utility services only, not water services. *Id.* § 552.133(a). Thus, this information is not subject to section 552.133 and the board may not withhold it on that basis. As you raise no further exceptions to disclosure, the board must release the remaining responsive information.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at <http://www.texasattorneygeneral.gov/open/>

[orl_ruling_info.shtml](#), or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,

A handwritten signature in black ink that reads "Kaelan A. Henze". The signature is written in a cursive style with a large initial "K" and a stylized "H".

Kaelan A. Henze
Assistant Attorney General
Open Records Division

KAH/eb

Ref: ID# 640107

Enc. Submitted documents

c: Requestor
(w/o enclosures)