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ATTORNEY GENERAL OF TEXAS

May 17, 2017

Mr. Ryan D. Pittman
Counsel for the City of Frisco
Abernathy, Roeder, Boyd & Hullett, P.C.
1700 Redbud Boulevard, Suite 300
McKinney, Texas 75070-1210

OR2017-10656

Dear Mr. Pittman:

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# 664518 (Reference # G017035-041217).

The City of Frisco (the "city"), which you represent, received a request for specified utility service and meter records for a specified time period. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This section encompasses information protected by other statutes. Section 182.052 of the Utilities Code provides in relevant part the following:

- (a) Except as provided by Section 182.054, a government-operated utility may not disclose personal information in a customer's account record, or any

information relating to the volume or units of utility usage or the amounts billed to or collected from the individual for utility usage, if the customer requests that the government-operated utility keep the information confidential. However, a government-operated utility may disclose information related to the customer's volume or units of utility usage or amounts billed to or collected from the individual for utility usage if the primary source of water for such utility was a sole-source designated aquifer.

(b) A customer may request confidentiality by delivering to the government-operated utility an appropriately marked form provided under Subsection (c)(3) or any other written request for confidentiality.

Util. Code § 182.052(a)-(b). "Personal information" under section 182.052(a) includes an individual's address, but does not include an individual's name. See *id.* § 182.051(4); see also Open Records Decision No. 625 (1994) (construing statutory predecessor). Water and wastewater are included in the scope of utility services covered by section 182.052. *Id.* § 182.051(3).

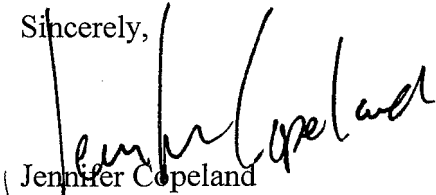
You state the submitted information pertains to a customer who timely requested confidentiality under section 182.052. You do not indicate any of the exceptions to confidentiality under section 182.054 apply in this instance. We understand the primary source of water for the city's utility services is not a sole-source designated aquifer. Based on your representations and our review of the responsive information, we find the city must withhold the submitted volume or units of utility usage, which we have marked, under section 552.101 of the Government Code in conjunction with section 182.052 of the Utilities Code. See ORD 625 at 7 (character of requested information as public or not public must be determined at time request for information is made). Upon review, however, we find no portion of the remaining information consists of personal information of a customer or the volume or units of utility usage and the amounts billed to or collected for that utility usage for purposes of section 182.052 of the Utilities Code. Accordingly, the city may not withhold any of the remaining information under section 552.101 of the Government Code on that basis. The city must release the remaining 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,



Jennifer Copeland
Assistant Attorney General
Open Records Division

JC/sb

Ref: ID# 664518

Enc. Submitted documents

c: Requestor
(w/o enclosures)