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ATTORNEY GENERAL OF TEXAS

September 11, 2020

Ms. Kasey Feldman-Thomason
General Law Attorney
Public Utility Commission of Texas
P.O. Box 13326
Austin, Texas 78711

OR2020-23043

Dear Ms. Feldman-Thomason:

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# 843156 (PUC ID No. 2020-06-021).

The Public Utility Commission of Texas (the "commission") received a request for all communications between the commission and a named third party regarding specified complaints filed by the requestor. You further state you have provided the requestor access to some of the requested information. Additionally, you state the commission will redact e-mail addresses of members of the public subject to section 552.137 of the Government Code pursuant to Open Records Decision No. 684 (2009).¹ 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 representative sample of information.²

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 section 17.004 of the Utilities Code, which provides, in part, that "[a]ll buyers or telecommunications and retail electric services are entitled to . . . privacy of customer consumption and credit information[.]" Util. Code § 17.004(a)(6). Upon review, we find the information we indicated consists of customers'

¹ Open Records Decision No. 684 is a previous determination to all governmental bodies authorizing them to withhold certain information, including an e-mail address of a member of the public, under section 552.137 of the Government Code, without the necessity of requesting an attorney general decision.

² We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent those records contain substantially different types of information than that submitted to this office.

electric consumption and credit information for purposes of section 17.004. Accordingly, the commission must withhold the information we marked under section 17.004 of the Utilities Code in conjunction with section 552.101 of the Government Code. However, we find you failed to demonstrate the remaining information reveals a customer's electric consumption or credit information. Therefore, the commission may not withhold any of the remaining information at issue under section 552.101 of the Government Code in conjunction with section 17.004 of the Utilities Code.

Section 552.136 of the Government Code provides, “[n]otwithstanding any other provision of [the Act], a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body is confidential.”³ See Gov’t Code § 552.136(b); *see id.* § 552.136(a) (defining “access device”). We understand an electricity service identifier (“ESI”) number identifies an electric service location and can be used in combination with a meter number to gain access to a meter at the electric service location. Upon review, the commission must withhold all ESI and utility account numbers we indicated under section 552.136 of the Government Code.

In summary, the commission must withhold the information we marked under section 17.004 of the Utilities Code in conjunction with section 552.101 of the Government Code. The commission must withhold all ESI and utility account numbers we indicated under section 552.136 of the Government Code. The commission 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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG’s Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,

Pearlie Gault
Attorney
Open Records Division

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³ The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body, but ordinarily will not raise other exceptions. See Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

Ref: ID# 843156

Enc. Submitted documents

c: Requestor
(w/o enclosures)