



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

February 8, 2022

Mr. Cody L. Robinson
Assistant City Attorney
City of Irving
825 West Irving Boulevard
Irving, Texas 75060

OR2022-03344

Dear Mr. Robinson:

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# 927464 (Reference Nos. PI-22-222, PI-22-231, PI-22-234, PI-22-247, PI-22-251, and PI-22-255).

The City of Irving (the "city") received six requests from different requestors for various types of information regarding certain commercial and residential properties during stated time periods. You claim the submitted information is excepted from disclosure under section 552.1331 of the Government Code. We have considered the claimed exception and reviewed the submitted information.

Initially, we note you have only submitted information pertaining to vacant service locations for commercial and residential properties. Although you state you have submitted a representative sample of the requested information, we find the submitted information is not representative of all the types of information to which the requestors seek access. Please be advised, this open records letter ruling applies only to the types of information you have submitted for our review. This ruling does not authorize the city to withhold any information that is substantially different from the type of information you submitted to this office. *See* Gov't Code § 552.302 (where request for attorney general decision does not comply with the requirements of Gov't Code § 552.301, information at issue is presumed to be public). Therefore, to the extent any additional information responsive to the requests existed on the date the city received the requests for information, we assume the city has released such information to the requestors. If the city has not released any such

information, it must do so at this time. *See id.* §§ 552.301(a), .302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes no exceptions apply to requested information, it must release information as soon as possible).

Section 552.1331 of the Government Code provides, in relevant part, the following:

(a) In this section:

(1) “Advanced metering system” means a utility metering system that collects data at regular intervals through the use of an automated wireless or radio network.

(2) “Government-operated utility” has the meaning assigned by Section 182.051, Utilities Code.

(b) Except as provided by Subsection (c) of this section and Section 182.052, Utilities Code, information maintained by a government-operated utility is excepted from the requirements of Section 552.021 if it is information that:

(1) is collected as part of an advanced metering system for usage, services, and billing, including amounts billed or collected for utility usage; or

(2) reveals whether:

(A) an account is delinquent or eligible for disconnection; or

(B) services have been discontinued by the government-operated utility.

Gov’t Code § 552.1331(a)–(b). We understand the city is a government-operated utility for purposes of section 552.1331. *See* Util. Code § 182.051(3) (providing a “government-operated utility” is a governmental body or entity that, for compensation, provides water, wastewater, sewer, gas, garbage, electricity, or drainage service). You state the submitted information was collected as part of an advanced metering system for usage, services, and billing. Based upon these representations, we conclude the city must withhold the submitted information under section 552.1331(b)(1) of the Government Code.

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,

James M. Graham
Assistant Attorney General
Open Records Division

JMG/mo

Ref: ID# 927464

c: Requestors