



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 1, 2022

Ms. Megan R. Santee
Counsel for the City of Pflugerville
Denton, Navarro, Rocha, Bernal & Zech, P.C.
2500 West William Cannon Drive, Suite 609
Austin, Texas 78745-5320

OR2022-06247

Dear Ms. Santee:

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# 932829 (ORR No. W012880).

The City of Pflugerville (the "city"), which you represent, received a request for information pertaining to a specified utility during a defined period of time. You claim some of the requested information is subject to a prior ruling. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.1331 of the Government Code. We have considered the submitted arguments and reviewed the submitted information.

Initially, you state some of the requested information was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2022-04909 (2022). In that ruling, we determined the city must withhold the submitted information under section 552.1331 of the Government Code. We have no indication there has been any change in the law, facts, or circumstances on which the previous ruling was based. Accordingly, we conclude the city must continue to rely on Open Records Decision No. 2022-04909 as a previous determination and withhold the information at issue in accordance with that ruling. *See* Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure).

Section 552.1331 of the Government Code provides, in part:

(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). The city states it 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). The city further states the information at issue reveals whether utility services have been discontinued by the city. Based on these representations and our review, we conclude the city must withhold the submitted information under section 552.1331(b)(2)(B) of the Government Code.¹

In summary, the city must continue to rely on Open Records Decision No. 2022-04909 as a previous determination and withhold the information at issue in accordance with that ruling. The city must withhold the submitted information under section 552.1331(b)(2)(B) 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.

¹ As our ruling is dispositive, we need not address the remaining arguments against disclosure of the submitted information.

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,

Kimbell Kesling
Assistant Attorney General
Open Records Division

KK/mo

Ref: ID# 932829

Enc. Submitted documents

c: Requestor
(w/o enclosures)