



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 6, 2022

Mr. David Aken
City Attorney
Ms. Jennifer Pineda
City Secretary
City of Taft
#4 Northwood Road
Sinton, Texas 78387

OR2022-10048

Dear Mr. Aken and Ms. Pineda:

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# 940406.

The City of Taft (the "city") received two requests from the same requestor for (1) a specified water bill; (2) routing numbers pertaining to specified checks and transactions; (3) specified checks; and (4) information pertaining to certain water disconnections during a defined period of time.¹ You claim the submitted information is excepted from disclosure under sections 552.1331 and 552.136 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note you have not submitted information responsive to all of the requested categories of information. Accordingly, to the extent any information responsive to these portions of the requests existed on the date the city received the requests, we assume the city has released it. If the city has not released any such information, it must do so at this time. *See Gov't Code §§ 552.301(a), .302; see also Open Records Decision No. 664 (2000)*

¹ You state the city sought and received clarification of a portion of the information requested. *See Gov't Code § 552.222* (if request for information is unclear, governmental body may ask requestor to clarify request); *see also City of Dallas v. Abbott*, 304 S.W.2d 380, 387 (Tex. 2010) (if governmental entity, acting in good faith, requests clarification of unclear or over-broad request, ten-day period to request attorney general ruling is measured from date request is clarified).

(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 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). 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 information at issue reveals whether utility services have been discontinued by the city. However, upon review, we find you have failed to demonstrate the applicability of section 552.1331 to the information at issue and it may not be withheld on that basis.

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.” Gov’t Code § 552.136(b); *see id.* § 552.136(a) (defining “access device”). Accordingly, the city must withhold the bank account and routing numbers we marked under section 552.136 of the Government Code. 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 <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/jm

Ref: ID# 940406

Enc. Submitted documents

c: Requestor
(w/o enclosures)