



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

May 20, 2022

Mr. Robert E. Hager  
Counsel for the City of Rowlett  
Nichols, Jackson, Dillard, Hager & Smith, L.L.P.  
500 North Akard Street, Suite 1800  
Dallas, Texas 75201

OR2022-14557

Dear Mr. Hager:

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# 948813 (File Reference Nos. 128407 and 129197).

The City of Rowlett (the "city"), which you represent, received two requests from the same requestor for two specified lists during defined periods of time. You state you have released some information to the requestor. You claim the submitted information is excepted from disclosure under section 552.1331 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

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. Based on this representation and our review, we conclude the city must withhold the information we marked under section 552.1331(b)(2)(B) of the Government Code. However, we find the city has failed to demonstrate the applicability of section 552.1331 to the remaining information and it may not be withheld on that basis. As no further exceptions to disclosure have been raised, the city must release the remaining information.

Finally, you also ask this office to issue a previous determination that would permit the city to withhold information under section 552.1331 of the Government Code without requesting a ruling from this office. *See* Gov't Code § 552.301(a) (allowing governmental body to withhold information subject to previous determination); Open Records Decision No. 673 (2001) (listing elements of second type of previous determination under section 552.301(a) of the Government Code). We decline to issue such a previous determination at this time. Accordingly, 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

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Enc. Submitted documents

c: Requestor  
(w/o enclosures)