



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

July 18, 2022

Ms. Jenny Smith  
General Counsel  
Lubbock Power & Light  
1314 Avenue K, 5th Floor  
Lubbock, Texas 79401

OR2022-20713

Dear Ms. Smith:

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# 959762 (Tracking No. G000502-042822).

The City of Lubbock (the "city") received a request for certain information pertaining to a specified address.<sup>1</sup> You state you have released some information to the requestor. You claim some of the submitted information is excepted from disclosure under sections 552.101 and 552.1331 of the Government Code. We have considered the exceptions 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.

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<sup>1</sup> You state the city sought and received clarification 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).

(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.

(c) A government-operated utility must disclose information described by Subsection (b)(1) to a customer of the utility or a representative of the customer if the information directly relates to utility services provided to the customer and is not confidential under law.

Gov't Code § 552.1331(a)-(c). 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). Upon review, we conclude the city must withhold the information you marked under section 552.1331 of the Government Code.

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. Section 552.101 encompasses section 182.052 of the Utilities Code, which provides, in part, as follows:

(a) Except as provided by Section 182.054, a government-operated utility may not disclose personal information in a customer's account record, or any information relating to the volume or units of utility usage or the amounts billed to or collected from an individual for utility usage, unless the customer requests that the government-operated utility disclose the information.

(b) A customer may request disclosure of information described by Subsection (a) by delivering to the government-operated utility an appropriately marked form provided under Subsection (c)(2) or any other written request for disclosure.

Util. Code § 182.052(a)-(b). “Personal information” under section 182.052(a) means an individual’s address, telephone number, and social security number, but does not include the individual’s name. *See id.* § 182.051(4); *see also* Open Records Decision No. 625 (1994) (construing statutory predecessor). Water, wastewater, sewer, gas, garbage, electricity, and drainage services are included in the scope of utility services covered by section 182.052. *See* Util. Code § 182.051(3). Section 182.054 of the Utilities Code provides six exceptions to the disclosure prohibition found in section 182.052. *See id.* § 182.054.

As noted above, we understand the city is a government-operated utility for purposes of section 182.052. *See id.* § 182.051(3). Upon review, we find some of the remaining information contains personal information of utility customers. The city informs us the customers did not request that the city disclose their information. Thus, the city must withhold the information you marked under section 552.101 of the Government Code in conjunction with section 182.052 of the Utilities Code.

In summary, the city must withhold the information you marked under section 552.1331 of the Government Code. The city must withhold the information you marked under section 552.101 of the Government Code in conjunction with section 182.052 of the Utilities 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/jxd

Ref: ID# 959762

Enc. Submitted documents

c: Requestor  
(w/o enclosures)