



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

September 19, 2022

Mr. Josh Humphreys  
Assistant City Attorney  
City of Arlington  
P.O. Box 90231  
Arlington, Texas 76004-3231

OR2022-28668

Dear Mr. Humphreys:

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# 973023 (PIR #136791).

The City of Arlington (the "city") received a request for certain information pertaining to specified utilities during a defined period of time. You claim 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 representative sample of information.<sup>1</sup>

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.

---

<sup>1</sup> We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

(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 also states 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.<sup>2</sup>

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/mo

---

<sup>2</sup> As our ruling is dispositive, we need not address the remaining argument against disclosure of the submitted information.

Mr. Josh Humphreys - Page 3

Ref: ID# 973023

Enc. Submitted documents

c: Requestor  
(w/o enclosures)