



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

December 20, 2022

Ms. Aliceson Cotton  
Counsel for the City of Frisco  
Abernathy, Roeder, Boyd & Hullett, P.C.  
1700 Redbud Boulevard, Suite 300  
McKinney, Texas 75069

OR2022-39685

Dear Ms. Cotton:

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# 991795 (GovQA No. G061419).

The City of Frisco (the "city"), which you represent, received a request for certain information pertaining to a specified utility during a defined period of time. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

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 the 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* Util. Code § 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.

We understand the city is a government-operated utility for purposes of section 182.052. *See id.* § 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 find some of the submitted information at issue contains personal information of a utility customer as well as information relating the amounts billed to a utility customer. Accordingly, to the extent the customer did not request that the city disclose information described by subsection (a) of section 182.052, the city must withhold the information we marked under section 552.101 of the Government Code in conjunction with section 182.052 of the Utilities Code. However, upon review, we find any remaining information is not confidential under section 182.052, and may not be withheld under section 552.101 of the Government Code 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.”<sup>1</sup> Gov’t Code § 552.136(b). Section 552.136(a) defines “access device” as “a card, plate, code, account number, personal identification number, electronic serial number, mobile identification number, or other telecommunications services, equipment, or instrument identifier or means of account access that alone or in connection with another access device may be used to . . . obtain money, goods, services, or another thing of value [or] initiate a transfer of funds other than a transfer originated solely by paper instrument.” *Id.* § 552.136(a). Accordingly, the city must withhold the submitted account and meter numbers in the remaining information under section 552.136 of the Government Code.

In summary, to the extent the customer did not request that the city disclose information described by subsection (a) of section 182.052, the city must withhold the information we marked under section 552.101 of the Government Code in conjunction with section 182.052 of the Utilities Code. The city must withhold the submitted account and meter numbers in the remaining information under section 552.136 of the Government Code. The city must release the remaining information.

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<sup>1</sup> The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body, but ordinarily will not raise other exceptions. *See* Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

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

Ref: ID# 991795

Enc. Submitted documents

c: Requestor  
(w/o enclosures)