



April 26, 2000

Ms. Kathleen French Dow
Buener & Associates
3203 Robinson Drive
Waco, Texas 76706

OR2000-1639

Dear Ms. Dow:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 135087.

The Coryell City Water Supply Corporation (the "corporation"), which you represent, received a request for, among other things, information regarding "any added meters to the system in the last two year [sic]."¹ You note that certain corporation customers, when making application for water service, executed a document titled "Confidentiality of Personal Records Request." You inquire as to the extent to which the "Service Application and Agreement" executed by such customers is subject to required public disclosure under the Public Information Act. You have submitted to this office as responsive to the request a single "Service Application and Agreement," which we assume that you consider to be a representative sample of all such records that are responsive to the request.² See Gov't Code § 552.301(e)(1)(D); Open Records Decision No. 497 at 4 (1988).

Under section 552.101 of the Government Code, the corporation is required to withhold "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 182.052(a) of the Utility Code provides that, with certain

¹We assume the corporation has released to the requestors all of the remaining requested information. If it has not, it must do so at this time. See Gov't Code §§ 552.301(b), (e), 552.302.

²We note that you redacted the customer information from the form before submitting it to this office. Such redactions are unnecessary. See Gov't Code § 552.3035 ("The attorney general may not disclose to the requestor or the public any information submitted to the attorney general under Section 552.301(e)(1)(D)"). Furthermore, the prior redaction of requested documents can greatly hamper the decision making process of this office. In the future, we request that you submit non-redacted copies of requested documents when complying with section 552.301(e)(1)(D) of the Government Code.

exceptions not applicable here,³ a government-operated utility must withhold from the public “personal information” contained in a utility customer’s account records if the utility customer has requested that the information be kept confidential. Section 182.051(4) of the Utility Code defines “personal information” as “an individual’s address, telephone number, or social security number.” Accordingly, these three categories of information are the only types of information that the corporation is authorized to withhold under section 182.052(a) regarding an “individual.” All other information contained in the requested records that relates to an individual must be released to the requestors.⁴

Please note, however, that section 182.052 of the Utilities Code does not apply to a utility customer that is a corporation, partnership, or other business association. *See* Open Records Decision No. 625 (1994) (corporations, partnerships, and other business associations do not qualify as “individuals”). Consequently, the corporation may not withhold pursuant to section 182.052 any information contained in a “Service Application and Agreement” that pertains to a business entity.

This letter ruling is limited to the particular records 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 records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov’t Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be

³*See* Util. Code § 182.054.

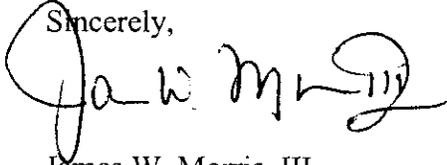
⁴In reaching our conclusion here, we assume that the document you submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision No. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.--Austin 1992, no writ).

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,

A handwritten signature in black ink, appearing to read "James W. Morris, III". The signature is fluid and cursive, with a large initial "J" and "M".

James W. Morris, III
Assistant Attorney General
Open Records Division

JWM/RWP/ljp

Ref: ID# 135087

Encl. Submitted documents

cc: Mr. Ted Uhlander
Ms. Karen Uhlander
703 Fillmore
McGregor, Texas 76657
(w/o enclosures)