



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

February 2, 2011

Ms. Rebecca Brewer
Abernathy, Roeder, Boyd & Joplin, P.C.
P.O. Box 1210
McKinney, Texas 75070-1210

OR2011-01722

Dear Ms. Brewer:

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# 407940.

The City of Frisco (the "city"), which you represent, received a request for three categories of information pertaining to a specified address, including the names of utility customers associated with the address and the specific dates concerning when deposits for utility services were made, refunded, or transferred, when the responsibility for paying the bills for services was initiated and terminated, and the beginning and ending of residence. 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.

Initially, we note most of the submitted information is not responsive to the request because it does not pertain to the three categories of requested names and dates. This decision does not address the public availability of the non-responsive information, and that information need not be released in response to the present request.

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. This exception encompasses information that other statutes make

confidential, such as section 182.052 of the Utilities Code, which provides in part the following:

(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, if the customer requests that the government-operated utility keep the information confidential. However, a government-operated utility may disclose information related to the customer's volume or units of utility usage or amounts billed to or collected from the individual for utility usage if the primary source of water for such utility was a sole-source designated aquifer.

Util. Code § 182.052(a). "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. *Id.* § 182.051(4); *see also* Open Records Decision No. 625 (1994) (construing statutory predecessor). Water, sewer, garbage collection, and electricity services are included in the scope of utility services covered by section 182.052. Util. Code § 182.051(3). Section 182.054 of the Utilities Code provides six exceptions to the disclosure prohibition found in section 182.052, none of which are applicable in this instance. *See id.* § 182.054.

In this instance, the requestor only seeks the names of utility customers associated with the specified address and the specific dates concerning when deposits for utility services were made, refunded, or transferred, when the responsibility for paying the bills for services was initiated and terminated, and the beginning and ending of residence. Customer's names are not "personal information" as defined by section 182.051 of the Utility Code. *See* Open Records Decision Nos. 658 at 4 (1998) (statutory confidentiality provision must be express, and confidentiality requirement will not be implied from statutory structure), 649 at 3 (1996) (language of confidentiality provision controls scope of its protection). Furthermore, the requested dates are not information relating to the volume or units of utility usage or the amounts billed to or collected from individuals for utility usage. Accordingly, the requested names and dates are not confidential under section 182.052 of the Utility Code. As you raise no further exceptions against disclosure, we conclude the city must release the requested 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 http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free at (888) 672-6787.

Sincerely,



Kenneth Leland Conyer
Assistant Attorney General
Open Records Division

KLC/eeg

Ref: ID# 407940

Enc. Submitted documents

c: Requestor
(w/o enclosures)