



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 15, 2013

Mr. Vic Ramirez
Associate General Counsel
Lower Colorado River Authority
P.O. Box 220
Austin, Texas 78767-0220

OR2013-04372

Dear Mr. Ramirez :

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# 481963.

The Lower Colorado River Authority (the "LCRA") received a request for the amount of energy or usage billed to the City of Brady during a specified time period. You claim the submitted information is excepted from disclosure under sections 552.104 and 552.133 of the Government Code. Additionally, you state the release of the submitted information may implicate the interests of the City of Brady. Accordingly, you state, and provide documentation showing, you notified the City of Brady of the request for information and of their right to submit arguments to this office explaining why the submitted information should not be released. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released). We have considered the exceptions you claim and reviewed the submitted information.

Section 552.133 of the Government Code excepts from disclosure a public power utility's information that is "reasonably related to a competitive matter." Gov't Code § 552.133(b). The Texas Legislature recently amended section 552.133, which now provides in relevant part:

(a) In this section, “public power utility” means an entity providing electric or gas utility services that is subject to the provisions of this chapter.

(a-1) For purposes of this section, “competitive matter” means a utility-related matter that is related to the public power utility’s competitive activity, including commercial information, and would, if disclosed, give advantage to competitors or prospective competitors. The term:

(1) means a matter that is reasonably related to the following categories of information:

...

(F) customer billing, contract, and usage information, electric power pricing information, system load characteristics, and electric power marketing analyses and strategies[.]

Id. § 552.133(a), (a-1)(F). Section 552.133(a-1)(2) provides fifteen categories of information that are not competitive matters. *Id.* § 552.133(a-1)(2).

You explain the LCRA is a public power utility for purposes of section 552.133. You state the submitted information relates to customer billing, contract, and usage information, electric power pricing information, system load characteristics, and electric power marketing analyses and strategies information. You explain the submitted information can be used to determine the electric rate the LCRA charges its wholesale electric customers. The information at issue is not among the fifteen categories of information expressly excluded from the definition of “competitive matter” by section 552.133(a-1)(2). Based on your representations, we find the submitted information relates to competitive matters as defined by section 552.133(a-1). Thus, we conclude the LCRA must withhold the submitted information under section 552.133 of the Government Code.¹

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

¹As our ruling is dispositive, we need not address your remaining argument against disclosure.

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,



David L. Wheelus
Assistant Attorney General
Open Records Division

DLW/dls

Ref: ID# 481963

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. Dale Brown
Interim City Manager
City of Brady
P.O. Box 351
Brady, Texas 76825
(third-party w/o enclosures)