



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 19, 2014

Ms. Kasey Feldman
General Law Attorney
Public Utilities Commission of Texas
P.O. Box 13326
Austin, Texas 78711

OR2014-04669

Dear Ms. Feldman:

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# 515830.

The Public Utilities Commission of Texas (the "commission") received a request for correspondence to or from a named employee with a named individual, the White House, and the U.S. Department of Energy ("DOE"); all documents related to the DOE Electricity Advisory Committee; all documents related to the White House's Office of Science and Technology Policy; specified e-mails, schedules, and financial records relating to the named employee; and all memoranda or orders written by the named employee.¹ You state the commission will release some of the requested information. You state the commission will redact information subject to section 552.117 of the Government Code pursuant to section 552.024(c) of the Government Code, certain information pursuant to section 552.136(c) of the Government Code, e-mail addresses of members of the public under section 552.137 of the Government Code pursuant to Open Records Decision No. 684

¹We note the commission sought and received clarification of the information requested. *See* Gov't Code § 552.222 (providing if request for information is unclear, governmental body may ask requestor to clarify request); *see also* *City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (holding that when a governmental entity, acting in good faith, requests clarification or narrowing of an unclear or over-broad request for public information, the ten-day period to request an attorney general ruling is measured from the date the request is clarified or narrowed).

(2009), and social security numbers under section 552.147(b) of the Government Code.² You claim portions of the submitted information are excepted from disclosure under sections 552.101, 552.107, and 552.111 of the Government Code. You also state release of portions of the submitted information may implicate the interests of third parties. Accordingly, you notified these third parties of the request for information and of their right to submit arguments stating why their information should not be released.³ *See* Gov't Code § 552.305 (permitting interested third party to submit to attorney general reasons why requested information should not be released); Open Records Decision No. 542 (1990) (determining statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in certain circumstances). We have received comments from ERCOT and FCP. We have considered the submitted arguments and reviewed the submitted representative sample of information.⁴

Initially, we note an interested third party is allowed ten business days after the date of its receipt of the governmental body's notice under section 552.305(d) to submit its reasons, if any, as to why information relating to that party should be withheld from public disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, we have not received comments from the remaining third parties explaining why their submitted information should not be released. Therefore, we have no basis to conclude these third parties have a protected proprietary interest in the submitted information. *See id.* § 552.110; Open Records Decision Nos. 661 at 5-6 (1999) (to prevent disclosure of commercial or financial

²Section 552.024(c)(2) of the Government Code authorizes a governmental body to redact information protected by section 552.117(a)(1) of the Government Code without the necessity of requesting a decision under the Act if the current or former employee or official to whom the information pertains timely chooses not to allow public access to the information. *See* Gov't Code § 552.024(c)(2). Section 552.136(c) of the Government Code allows a governmental body to redact the information described in section 552.136(b) without the necessity of seeking a decision from the attorney general. *See id.* § 552.136(c). If a governmental body redacts such information, it must notify the requestor in accordance with section 552.136(e). *See id.* § 552.136(d), (e). Open Records Decision No. 684 serves as a previous determination to all governmental bodies authorizing them to withhold certain categories of information, including personal e-mail addresses under section 552.137 of the Government Code, without the necessity of seeking a decision from the attorney general. *See* ORD 684. Section 552.147(b) of the Government Code authorizes a governmental body to redact a living person's social security number from public release without the necessity of requesting a decision from this office. *See* Gov't Code § 552.147(b).

³The third parties notified pursuant to section 552.305 are: Electric Reliability Council of Texas, Inc. ("ERCOT"); CenterPoint Energy, Inc.; TNMP; Oncor; AEP; AES Deep Water; Calpine Corporation; Navastoa Odessa Energy Partners, LP; Tenaska Gateway Partners, Ltd.; Tenaska; Topaz Power Group, LLC; TPF Rio Nogales Power Project, L.P.; Sempra Energy Solutions; Southwestern Public Service Company; Assurance Energy; CPL Retail Energy, LP; First Choice Power ("FCP"); Gexa; Green Mountain Energy; Reliant Energy; Stream Gas and Electric; and U.S. Department of Energy.

⁴We 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 those records contain substantially different types of information than that submitted to this office.

information, party must show by specific factual evidence, not conclusory or generalized allegations, that release of requested information would cause that party substantial competitive harm), 552 at 5 (1990) (party must establish *prima facie* case that information is trade secret), 542 at 3. Accordingly, the commission may not withhold the submitted information on the basis of any proprietary interest the remaining third parties may have in the information.

ERCOT contends portions of the submitted information are not subject to the Act. Section 552.002(a) defines "public information" as information that is written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business:

(1) by a governmental body;

(2) for a governmental body and the governmental body:

(A) owns the information;

(B) has a right of access to the information; or

(C) spends or contributes public money for the purpose of writing, producing, collecting, assembling, or maintaining the information; or

(3) by an individual officer or employee of a governmental body in the officer's or employee's official capacity and the information pertains to official business of the governmental body.

Gov't Code § 552.002. Thus, virtually all the information in a governmental body's physical possession constitutes public information and is subject to the Act. *See id.* § 552.002(a)(1); *see also* Open Records Decision Nos. 549 at 4 (1990), 514 at 1-2 (1988). ERCOT states portions of its information consist of communications that the named employee received in his capacity as a director of ERCOT. Furthermore, ERCOT states its information was sent to the named employee in connection with the business of ERCOT and does not relate to the official business of the commission. Therefore, ERCOT asserts this information does not constitute public information because it was not collected, assembled, or maintained by or for the commission and it was not collected, assembled, or maintained under a law or ordinance or in connection with the commission's official business. However, we note at the time the named employee received the communications at issue, he was serving as the chairman of the commission. We note the chairman of the commission is required by statute to serve as a member of ERCOT's governing body. *See* Util. Code § 39.151(g)(1). Accordingly, we find the information at issue was collected and maintained in connection with the commission's official business, and, thus, constitutes public information subject to

the Act. We will, however, consider ERCOT's arguments against disclosure of this information.

Section 552.107(1) of the Government Code protects information that comes within the attorney-client privilege. When asserting the attorney-client privilege, a governmental body has the burden of providing the necessary facts to demonstrate the elements of the privilege in order to withhold the information at issue. *See* Open Records Decision No. 676 at 6-7 (2002). First, a governmental body must demonstrate the information constitutes or documents a communication. *Id.* at 7. Second, the communication must have been made "for the purpose of facilitating the rendition of professional legal services" to the client governmental body. *See* TEX. R. EVID. 503(b)(1). The privilege does not apply when an attorney or representative is involved in some capacity other than that of providing or facilitating professional legal services to the client governmental body. *See In re Tex. Farmers Ins. Exch.*, 990 S.W.2d 337, 340 (Tex. App.—Texarkana 1999, orig. proceeding) (attorney-client privilege does not apply if attorney acting in capacity other than that of attorney). Governmental attorneys often act in capacities other than that of professional legal counsel, such as administrators, investigators, or managers. Thus, the mere fact that a communication involves an attorney for the government does not demonstrate this element. Third, the privilege applies only to communications between or among clients, client representatives, lawyers, lawyer representatives, and a lawyer representing another party in a pending action and concerning a matter of common interest therein. *See* TEX. R. EVID. 503(b)(1). Thus, a governmental body must inform this office of the identities and capacities of the individuals to whom each communication at issue has been made. Lastly, the attorney-client privilege applies only to a confidential communication, *id.*, meaning it was "not intended to be disclosed to third persons other than those to whom disclosure is made in furtherance of the rendition of professional legal services to the client or those reasonably necessary for the transmission of the communication." *Id.* 503(a)(5). Whether a communication meets this definition depends on the intent of the parties involved at the time the information was communicated. *See Osborne v. Johnson*, 954 S.W.2d 180, 184 (Tex. App.—Waco 1997, orig. proceeding). Moreover, because the client may elect to waive the privilege at any time, a governmental body must explain the confidentiality of a communication has been maintained. Section 552.107(1) generally excepts an entire communication that is demonstrated to be protected by the attorney-client privilege unless otherwise waived by the governmental body. *See Huie v. DeShazo*, 922 S.W.2d 920, 923 (Tex. 1996) (privilege extends to entire communication, including facts contained therein).

The commission claims the information it has indicated is protected by section 552.107(1) of the Government Code. The commission states the information at issue consists of communications involving a commission chairman, commission attorneys, and assistant attorneys general representing the commission. The commission states the communications were made in confidence for the purpose of facilitating the rendition of professional legal services to the commission and that these communications have remained confidential. Based on your representations and our review, we find the commission may generally withhold most of the information it has indicated under section 552.107(1) of the

Government Code. However, the remaining communications you have indicated include individuals the commission has not demonstrated are privileged. Accordingly, the commission may not withhold these communications, which we have marked for release, under section 552.107(1). Additionally, we note some of the otherwise privileged e-mail strings include e-mails sent to or received from non-privileged parties. Furthermore, if these e-mails are removed from the e-mail strings and stand alone, they are responsive to the request for information. Therefore, if these non-privileged e-mails, which we have marked, are maintained by the commission separate and apart from the otherwise privileged e-mail strings in which they appear, then the commission may not withhold these non-privileged communications under section 552.107(1) of the Government Code.

Section 552.111 of the Government Code excepts from disclosure “[a]n interagency or intraagency memorandum or letter that would not be available by law to a party in litigation with the agency[.]” Gov’t Code § 552.111. This exception encompasses the deliberative process privilege. *See* Open Records Decision No. 615 at 2 (1993). The purpose of section 552.111 is to protect advice, opinion, and recommendation in the decisional process and to encourage open and frank discussion in the deliberative process. *See Austin v. City of San Antonio*, 630 S.W.2d 391, 394 (Tex. App.—San Antonio 1982, writ ref’d n.r.e.); Open Records Decision No. 538 at 1-2 (1990).

In Open Records Decision No. 615, this office re-examined the statutory predecessor to section 552.111 in light of the decision in *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408 (Tex. App.—Austin 1992, no writ). We determined section 552.111 excepts from disclosure only those internal communications that consist of advice, recommendations, opinions, and other material reflecting the policymaking processes of the governmental body. *See* ORD 615 at 5. A governmental body’s policymaking functions do not encompass routine internal administrative or personnel matters, and disclosure of information about such matters will not inhibit free discussion of policy issues among agency personnel. *Id.*; *see also City of Garland v. Dallas Morning News*, 22 S.W.3d 351 (Tex. 2000) (section 552.111 not applicable to personnel-related communications that did not involve policymaking). A governmental body’s policymaking functions do include administrative and personnel matters of broad scope that affect the governmental body’s policy mission. *See* Open Records Decision No. 631 at 3 (1995).

Further, section 552.111 does not protect facts and written observations of facts and events severable from advice, opinions, and recommendations. *Arlington Indep. Sch. Dist. v. Tex. Attorney Gen.*, 37 S.W.3d 152 (Tex. App.—Austin 2001, no pet.); *see* ORD 615 at 5. But if factual information is so inextricably intertwined with material involving advice, opinion, or recommendation as to make severance of the factual data impractical, the factual information also may be withheld under section 552.111. *See* Open Records Decision No. 313 at 3 (1982).

This office has also concluded a preliminary draft of a document intended for public release in its final form necessarily represents the drafter’s advice, opinion, and recommendation

with regard to the form and content of the final document, so as to be excepted from disclosure under section 552.111. *See* Open Records Decision No. 559 at 2 (1990) (applying statutory predecessor). Section 552.111 protects factual information in the draft that also will be included in the final version of the document. *See id.* at 2-3. Thus, section 552.111 encompasses the entire contents, including comments, underlining, deletions, and proofreading marks, of a preliminary draft of a policymaking document that will be released to the public in its final form. *See id.* at 2.

Section 552.111 can also encompass communications between a governmental body and a third party, including a consultant or other party with a privity of interest. *See* Open Records Decision No. 561 at 9 (1990) (section 552.111 encompasses communications with party with which governmental body has privity of interest or common deliberative process). For section 552.111 to apply, the governmental body must identify the third party and explain the nature of its relationship with the governmental body. Section 552.111 is not applicable to a communication between the governmental body and a third party unless the governmental body establishes it has a privity of interest or common deliberative process with the third party. *See* ORD 561.

You state portions of the remaining information are communications that contain advice, opinions, and recommendations relating to policymaking matters of the commission. Further, you state these communications are between commission employees and officials and include other parties sharing a privity of interest with the commission. Additionally, you inform us the information at issue contains draft documents; but do not state whether the draft documents were intended to be released to the public in final form. Based on your representations and our review, we find the commission may withhold most of the information at issue under section 552.111; however, the draft documents may be withheld only if they were intended to be released to the public in their final form. We find the remaining information at issue, which we have marked for release, is general administrative and factual information or has been shared with individuals with whom you have not demonstrated the commission shares a privity of interest. Therefore, we find you have failed to demonstrate how this information is excepted under section 552.111. Accordingly, the information we have marked for release may not be withheld under section 552.111 of the Government Code.

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 6103(a) of title 26 of the United States Code, which makes tax return information confidential. Attorney General Opinion H-1274 (1978) (tax returns); Open Records Decision No. 600 (1992) (W-4 forms). Section 6103(b) defines the term "return information" as a taxpayer's "identity, the nature, source, or amount of his income[.]" *See* 26 U.S.C. § 6103(b)(2)(A). Federal courts have construed the term "return information" expansively to include any information gathered by the Internal Revenue Service regarding a taxpayer's liability under title 26 of the United States Code. *See Mallas v. Kolak*, 721 F. Supp. 748, 754 (M.D.N.C. 1989), *aff'd in part*, 993

F.2d 1111 (4th Cir. 1993). Upon review, we find you have failed to demonstrate the information you have marked is subject to section 6103(a). Accordingly, the commission may not withhold this information under section 552.101 of the Government Code in conjunction with section 6103 of title 26 of the United States Code.

The commission states portions of the remaining information are subject to section 17.004 of the Utilities Code. Section 552.101 also encompasses section 17.004 of the Utilities Code. Section 17.004 provides in part that “[a]ll buyers of telecommunications and retail electric services are entitled to . . . privacy of customer consumption and credit information[.]” Util. Code § 17.004(a)(6). “Customer” means “any person in whose name telephone or retail electric service is billed, including individuals, governmental units at all levels of government, corporate entities, and any other entity with legal capacity to be billed for telephone or retail electric service.” *Id.* § 17.002(4). Upon review, we find the information we have marked consists of customer electronic consumption and credit information for section 17.004 purposes, and must be withheld under section 552.101 of the Government Code on that basis. However, we find none of the remaining information at issue reveals a customer’s electronic consumption and credit information. Accordingly, none of the remaining information may be withheld under section 552.101 of the Government Code on this basis.

The commission claims portions of the remaining information are subject to section 815.503(a) of the Government Code. Section 552.101 of the Government Code also encompasses section 815.503(a) of the Government Code, which provides as follows:

Records of members, annuitants, retirees, beneficiaries, and alternate payees under retirement plans administered by the [Employees] retirement system [(the “ERS”)] that are in the custody of the [ERS] or of an administering firm, carrier, or other governmental agency acting in cooperation with or on behalf of the [ERS] are confidential and not subject to public disclosure, and the [ERS], administering firm, carrier, or governmental agency is not required to accept or comply with a request for a record or information about a record or to seek an opinion from the attorney general, because the records are exempt from the provisions of [the Act], except as otherwise provided by this section.

Gov’t Code § 815.503(a). You do not indicate the commission maintains any of the remaining information as “an administering firm, carrier, or other governmental agency acting in cooperation with or on behalf of the [ERS].” *Id.* Thus, we are unable to conclude any of the information at issue constitutes “[r]ecords . . . that are in the custody of the [ERS] or of an administering firm, carrier, or other governmental agency acting in cooperation with or on behalf of the [ERS].” *Id.* Therefore, section 815.503 does not make any of the remaining information confidential, and none of it may be withheld under section 552.101 of the Government Code on this basis.

We note portions of the remaining information are subject to common-law privacy. Section 552.101 of the Government Code also encompasses the doctrine of common-law privacy, which protects information that is (1) highly intimate or embarrassing, the publication of which would be highly objectionable to a reasonable person, and (2) not of legitimate concern to the public. *Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976). To demonstrate the applicability of common-law privacy, both prongs of this test must be satisfied. *Id.* at 681-82. Types of information considered intimate and embarrassing by the Texas Supreme Court are delineated in *Industrial Foundation*. *Id.* at 683. Additionally, this office has concluded some kinds of medical information are generally highly intimate or embarrassing. *See* Open Records Decision No. 455 (1987). This office has found personal financial information not relating to a financial transaction between an individual and a governmental body is generally highly intimate or embarrassing. *See* Open Records Decision Nos. 600, 545 (1990). This office has also determined a public employee's net pay is protected by common-law privacy even though it involves a financial transaction between the employee and the governmental body. *See* Attorney General Opinion GA-0572 at 3-5 (2007) (stating that net salary necessarily involves disclosure of information about personal financial decisions and is background financial information about a given individual that is not of legitimate concern to the public). Upon review, we find the information we have indicated satisfies the standard articulated by the Texas Supreme Court in *Industrial Foundation*. Accordingly, the commission must withhold the information we indicated under section 552.101 of the Government Code in conjunction with common-law privacy.

Having considered all of the arguments submitted by the commission, we next address the arguments submitted by FCP and ERCOT for the remaining information. FCP argues portions of its information are excepted from disclosure under section 552.110(b). Section 552.110(b) protects "[c]ommercial or financial information for which it is demonstrated based on specific factual evidence disclosure would cause substantial competitive harm to the person from whom the information was obtained[.]" Gov't Code § 552.110(b). This exception to disclosure requires a specific factual or evidentiary showing, not conclusory or generalized allegations, substantial competitive injury would likely result from release of the information at issue. *Id.*; *see also* ORD 661 at 5 (to prevent disclosure of commercial or financial information, party must show by specific factual evidence, not conclusory or generalized allegations, release of requested information would cause that party substantial competitive harm). Upon review, we find FCP has demonstrated the information we have marked consists of commercial information the release of which would cause substantial competitive harm. Accordingly, the commission must withhold the information we have marked under section 552.110(b).

ERCOT claims some of its communications are protected by the attorney-client privilege, the elements of which we previously discussed, enacted by Texas Rule of Evidence 503. *See* TEX. R. EVID. 503. ERCOT informs us its information consists of communications between the named employee in his capacity as a member of ERCOT's governing body, other members of ERCOT's governing board, and ERCOT attorneys made in confidence for the

purpose of facilitating the rendition of professional legal service to ERCOT. Based on our review of ERCOT's representations and the information at issue, we find that the information we have indicated constitutes communications made between privileged parties for the purpose of facilitating the rendition of professional legal services to ERCOT. Accordingly, ERCOT's information, which we have indicated, is protected by the attorney-client privilege and may be withheld pursuant to rule 503 of the Texas Rules of Evidence.⁵

We note some of the materials at issue may be protected by copyright. A custodian of public records must comply with the copyright law and is not required to furnish copies of records that are copyrighted. Open Records Decision No. 180 at 3 (1977). A governmental body must allow inspection of copyrighted materials unless an exception applies to the information. *Id.*; see Open Records Decision No. 109 (1975). If a member of the public wishes to make copies of copyrighted materials, the person must do so unassisted by the governmental body. In making copies, the member of the public assumes the duty of compliance with the copyright law and the risk of a copyright infringement suit.

In summary, with the exception of the information we marked for release, the commission may generally withhold the information it has indicated under section 552.107(1) of the Government Code. However, if the non-privileged e-mails, which we marked, are maintained by the commission separate and apart from the otherwise privileged e-mail strings in which they appear, then the commission may not withhold these non-privileged communications under section 552.107(1) of the Government Code. With the exception of the information we marked for release, the commission may generally withhold the information it has indicated under section 552.111 of the Government Code. However, the draft documents may be withheld only if they were intended to be released to the public in their final form. The commission must withhold the information we marked under section 552.101 of the Government Code in conjunction with to section 17.004 of the Utilities Code. The commission must withhold the information we indicated under section 552.101 of the Government Code in conjunction with common-law privacy. The commission must withhold the information we marked under section 552.110(b) of the Government Code. The commission may withhold ERCOT's information pursuant to rule 503 of the Texas Rules of Evidence. The remaining information must be released; however, any information that is subject to copyright may be released only in accordance with copyright law.

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.

⁵As our ruling is dispositive for this information, we need not address ERCOT's remaining arguments.

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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Megan G. Holloway
Assistant Attorney General
Open Records Division

MGH/akg

Ref: ID# 515830

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Ms. Christina Vines
For First Choice Power
Direct Energy
12 Greenway Plaza, Suite 250
Houston, Texas 77046
(w/o enclosure)

Mr. Chad Seely
ERCOT
7620 Metro Center Drive
Austin, Texas 78744
(w/o enclosure)

CenterPoint Energy, Inc.
P.O. Box 4567
Houston, Texas 77210-4567
(w/o enclosure)

Tenaska Gateway Partners
P.O. Box 697
Mt. Enterprise, Texas 75681
(w/o enclosure)

Oncor
1616 Woodall Rodgers Freeway
Dallas, Texas 75202
(w/o enclosure)

AEP
1 Riverside Plaza
Columbus, Ohio 43215
(w/o enclosure)

AES Deep Water
701 Light Company Road
Pasadena, Texas 77506
(w/o enclosure)

Calpine Corporation
717 Texas Avenue, Suite 1000
Houston, Texas 77002
(w/o enclosure)

Navasota Odessa Energy Partners
403 Corporate Woods Drive
Magnolia, Texas 77354
(w/o enclosure)

Tenaska
1044 North 115th Street, Suite 400
Omaha, Nebraska 68154
(w/o enclosure)

Topaz Power Group
c/o Topaz Power Management
2705 Bee Caves Road, Suite 340
Austin, Texas 78746
(w/o enclosure)

TPF Rio Nogales Power Project
711 Rio Nogales Drive
Seguin, Texas 78155
(w/o enclosure)

Sempra Energy Solutions
101 Ash Street
San Diego, California 92101
(w/o enclosure)

Southwestern Public Service
Company
600 South Tyler
Amarillo, Texas 79101
(w/o enclosure)

Assurance Energy
6555 Sierra Drive 1N-38E
Irving, Texas 75039
(w/o enclosure)

CPL Retail Energy
12 Greenway Plaza, Suite 600
Houston, Texas 75039
(w/o enclosure)

Green Mountain Energy
3815 Capital of Texas Hwy S., Suite 100
Austin, Texas 78704
(w/o enclosure)

Reliant Energy
1005 Congress Avenue, Suite 1000
Austin, Texas 78701
(w/o enclosure)

Stream Gas and Electric
1950 N. Stemmons Freeway, Suite 6053
Dallas, Texas 75247
(w/o enclosure)

Department of Energy Electric Advisory
Committee
Office of Electric Delivery & Energy
Reliability
U.S. Department of Energy
1000 Independence Ave SW
Washington, DC 20585
(w/o enclosure)

TNMP
577 North Garden Ridge Blvd
Lewisville, Texas 75067
(w/o enclosure)

Gexa
12 Greenway Plaza, Suite 600
Houston, Texas 75039
(w/o enclosure)