



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

August 7, 2014

Mr. Frank J. Garza  
Counsel for Brownsville Public Utility Board  
Davidson, Troilo, Ream & Garza, P.C.  
7550 West Interstate 10, Suite 800  
San Antonio, Texas 78229

OR2014-13725

Dear Mr. Garza:

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# 532590.

The Brownsville Public Utilities Board (the "board"), which you represent, received a request for the current address of a specified customer. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.133 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note the majority of the submitted information is not responsive to the present request. The requestor only seeks the named individual's current address. Accordingly, only the requested address is responsive to this request. This ruling does not address the public availability of non-responsive information and the board need not release the non-responsive information in response to this 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. Section 552.101 encompasses information that other statutes make confidential, such as section 182.052 of the Utilities Code. This section provides, in part:

(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.

(b) A customer may request confidentiality by delivering to the government-operated utility an appropriately marked form provided under Subsection (c)(3) or any other written request for confidentiality.

Util. Code § 182.052(a)-(b). "Personal information" under section 182.052(a) means an individual's address, telephone number, or social security number. *See id.* § 182.051(4); *see also* Open Records Decision No. 625 (1994) (construing statutory predecessor). Water, waste water, and electricity 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.

You raise section 182.052 for the submitted responsive address. Upon review, we note the information is contained in an electric utility customer's account record. You do not indicate any of the exceptions to confidentiality under section 182.054 apply in this instance. Further, you inform us, and provide the board's election form which reflects, the customer at issue requested confidentiality under section 182.052. Based on your representations and our review, we find the board must withhold the responsive address under section 552.101 of the Government Code in conjunction with section 182.052(a) of the Utilities Code.<sup>1</sup>

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.texasattorneygeneral.gov/open/orl\\_ruling\\_info.shtml](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

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

providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,

A handwritten signature in black ink, reading "Rustam Abedinzadeh". The signature is written in a cursive style with a large, sweeping initial 'R'.

Rustam Abedinzadeh  
Assistant Attorney General  
Open Records Division

RA/dls

Ref: ID# 532590

Enc. Submitted documents

c: Requestor  
(w/o enclosures)