



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

April 6, 2012

Mr. Mike Willatt  
Willatt & Flickinger  
2001 North Lamar  
Austin, Texas 78705

OR2012-04982

Dear Mr. Willatt:

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# 449919.

Travis County Water Control and Improvement District No. 19 (the "district"), which you represent, received a request for the name, address, and water usage of the district's highest 1500 water users for a specified period of time, the district's most recent drought management and water conservation plans, and a copy of any document or record calculating the per capital water use of the district's service area for each of the last three years.<sup>1</sup> We understand the district has released some of the requested information. You claim that portions of the submitted information are excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

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 section encompasses information protected by other statutes, such as section 182.052 of the Utilities Code, which provides, in part:

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<sup>1</sup>We note the district sought and received clarification of the request for information. *See* Gov't Code § 552.222(b) (stating that if information requested is unclear to governmental body or if a large amount of information has been requested, governmental body may ask requestor to clarify or narrow request, but may not inquire into purpose for which information will be used).

(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.

c) A government-operated utility shall include with a bill sent to each customer:

...

(3) a form by which the customer may request confidentiality by marking an appropriate box on the form and returning it to the government-operated utility.

Util. Code § 182.052(a)-(b), (c)(3). Water service is included in the scope of utility services covered by section 182.052. *Id.* § 182.051(3). "Personal information" under section 182.052(a) is defined as "an individual's address, telephone number, or social security number," and does not include the individual's name. *See id.* § 182.051(4); *see also* Open Records Decision No. 625 (1994) (construing statutory predecessor). Section 182.052(b) provides the means by which a customer may request confidentiality for his or her personal information, certain utility usage information, and information relating to the amounts billed to or collected from the customer for utility usage. *See* Util. Code § 182.052(b), (c)(3).

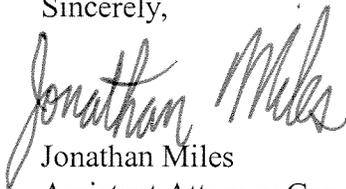
In this instance, there is no indication that any of the exceptions listed in section 182.054 are applicable and we understand the primary source of water for the district is not a sole-source designated aquifer. In addition, you have indicated which of the individuals whose information is at issue timely requested confidentiality under section 182.052. However, although you indicate these individuals have requested confidentiality, you have not submitted any form signed by these individuals. Accordingly, if the confidentiality forms signed by the individuals at issue provided for the confidentiality of their address, telephone number, social security number, and usage information, then the district must withhold this information under section 552.101 in conjunction with section 182.052 of the Utilities Code. However, to the extent that the forms signed by these individuals did not provide for the

confidentiality of their address, telephone number, social security number, or usage information, then the district may not withhold this information under section 552.101 on the basis of section 182.052 of the Utilities Code. To the extent individuals did not request confidentiality, their information must be released. Finally, you assert that by requesting information concerning only the highest 1500 water users, the instant request necessarily requires the district to reveal an individual's water usage information. Thus, we understand you to assert that the responsive names of utility customers are confidential under the statute. However, we find you have not demonstrated how release of the customer names in this instance would reveal the volume or units of utility usage. Accordingly, the responsive names are not confidential under section 182.052 and must be released regardless of whether the individual at issue requested confidentiality.

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](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,



Jonathan Miles  
Assistant Attorney General  
Open Records Division

JM/em

Ref: ID# 449919

Enc. Submitted documents

c: Requestor  
(w/o enclosures)