



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

August 31, 2015

Ms. Kimberly R. Lafferty  
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Lafferty Law Firm, PLLC  
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Plano, Texas 75075

OR2015-18116

Dear Ms. Lafferty:

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# 579239.

The Lake Cities Municipal Utility District (the "district"), which you represent, received a request for the addresses for all residential properties in three specified areas where the water was shut off in May of 2015. The district states it has provided some of the requested information to the requestor, but claims the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the claimed exception and reviewed the submitted information.<sup>1</sup>

Initially, we note some of the submitted information is not responsive to the request for information because it does not consist of the requested addresses. This ruling does not address the public availability of any information that is not responsive to the request, and the district is not required to release this information in response to this request.

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<sup>1</sup>We note the district did not comply with the requirements of section 552.301(b) of the Government Code. *See* Gov't Code § 552.301(b). Nevertheless, section 552.101 of the Government Code is a mandatory exception that can provide a compelling reason to overcome the presumption of openness caused by a failure to comply with section 552.301. *See id.* §§ 552.007, .302. Thus, we will consider the district's claim under that section.

Section 552.101 of the Government Code exempts from disclosure “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.” Gov’t Code § 552.101. This section encompasses 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.

(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) is defined as “an individual’s address, telephone number, or social security number[,]” but does not include the individual’s name. *See id.* § 182.051(4); *see also* Open Records Decision No. 625 (1994) (construing statutory predecessor). Water service is included in the scope of utility services covered by section 182.052. Util. Code § 182.051(3). The exceptions listed in section 182.054 do not appear to be applicable to the submitted information.

The submitted responsive information consists of addresses of water utility customers. The district informs us and has provided documentation showing some of the customers whose information is at issue elected to withhold their personal information. Accordingly, the district must withhold the personal information pertaining to these customer, which we have marked, under section 552.101 of the Government Code in conjunction with section 182.052 of the Utilities Code. *See* ORD 625 at 7 (character of requested information as public or not public must be determined at time request for information is made). However, the district informs us the remaining customers at issue did not request confidentiality for their personal information. Thus, the remaining information is not confidential under section 182.052, and the district may not withhold it under section 552.101 on that ground. Therefore, the district must release the remaining responsive information to the requestor.

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

Sincerely,



James L. Coggeshall  
Assistant Attorney General  
Open Records Division

JLC/cbz

Ref: ID# 579239

Enc. Submitted documents

c: Requestor  
(w/o enclosures)