



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

October 16, 2015

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

OR2015-21734

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# 583385.

The Lower Colorado River Authority (the "authority") received a request for the electricity rates the authority charges to the City of Llano (the "city"). 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. Accordingly, you state, and provide documentation showing, you notified the city of the request for information and of its right to submit arguments to this office explaining why the submitted information should not be released. *See Gov't Code* § 552.304 (providing that 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." *Id.* § 552.133(b). Section 552.133 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)(1)(F). Section 552.133(a-1)(2) provides fifteen categories of information that are not competitive matters. *Id.* § 552.133(a-1)(2).

The authority explains it is a public power utility for purposes of section 552.133. The authority states 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. The authority explains the release of the submitted information would jeopardize the authority’s position in the competitive electric market and provide an advantage to its competitors in that market by providing them with specific terms and provisions they can use to their competitive advantage. Thus, the release of the submitted information would put the authority at a competitive disadvantage. 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 the authority’s representations and our review, we find the submitted information relates to competitive matters as defined by section 552.133(a-1). Accordingly, we conclude the authority must withhold the submitted information under section 552.133 of the Government 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/>

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

[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,

A handwritten signature in black ink, appearing to read 'Thana Hussaini', with a horizontal line extending to the right across the end of the signature.

Thana Hussaini  
Assistant Attorney General  
Open Records Division

TSH/cbz

Ref: ID# 583385

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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(w/o enclosures)