



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

October 21, 2015

Mr. Richard T. Miller  
Law Office of Richard T. Miller  
P.O. Box 99  
San Saba, Texas 76877

OR2015-22055

Dear Mr. Miller:

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# 585755.

The North San Saba Water Supply Corporation ("NSSWSC"), which you represent, received a request for the names and addresses of all NSSWSC members on a specified date. NSSWSC claims the requested information is excepted from disclosure under section 552.101 of the Government Code. We have considered the claimed exception and reviewed the submitted information. We have also considered comments submitted by the requestor and another interested party. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

Initially, we note only the names and addresses of NSSWSC members in the submitted documents are responsive to the request for information. This ruling does not address the public availability of any information that is not responsive to the request, and NSSWSC is not required to release this 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." *Id.* § 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.

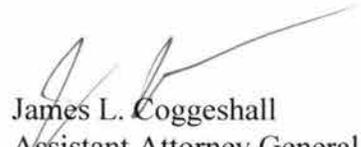
Util. Code § 182.052(a)-(b). "Personal information" under section 182.052(a) is defined as "an individual's address, telephone number, or social security number[,]" but does not include the individual's name. *See id.* § 182.051(4); *see also* Open Records Decision No. 625 (1994) (construing statutory predecessor). Water service is included in the scope of utility services covered by section 182.052. Util. Code § 182.051(3).

The submitted responsive information consists of the names and addresses of water utility customers. Because the name of a utility customer is not included in the definition of personal information under section 182.051(4), the responsive names of NSSWSC customers are not confidential under section 182.052 of the Utilities Code. *See id.* § 182.051(4). In regard to the responsive customer addresses, NSSWSC informs us, "[s]ince the time of our request for a ruling, . . . all of NSSWSC's members have been notified of [the] request for their information and have received the confidentiality form *for the first time.*" (emphasis added). Thus, NSSWSC represents it had not received a customer election of confidentiality of any NSSWSC customer on the date it received the request for information. Accordingly, because the customers at issue did not elect to withhold their personal information prior to the date NSSWSC received the request for information, the responsive addresses are not confidential under section 182.052 of the Utilities Code. *See id.* § 182.052; ORD 625 at 7 (character of requested information as public or not public must be determined at time request for information is made). Therefore, NSSWSC may not withhold any of the responsive information under section 552.101 of the Government Code in conjunction with section 182.052. Accordingly, NSSWSC must release the 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# 585755

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Mr. Harley J. Gary  
198 Lincoln Drive  
Streetman, Texas 75859  
(w/o enclosures)