



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

September 12, 2016

Mr. Dorwin L. Sargent, III  
Counsel for City of Krum  
Hayes Berry White Vanzant  
512 West Hickory Street, Suite 100  
Denton, Texas 76201

OR2016-20439

Dear Mr. Sargent:

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# 626281 (PIR# 168-16).

The City of Krum (the "city"), which you represent, received a request for a specified contract. You claim the submitted information is excepted from disclosure under section 552.133 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we note only the requested contract is responsive to the instant request for information. This ruling does not address the public availability of any information that is not responsive to the request and the city is not required to release such information in response to this request.

Section 552.133 of the Government Code excepts from disclosure a public power utility's information that is "reasonably related to a competitive matter." Gov't Code § 552.133(b). Section 552.133 provides in relevant part:

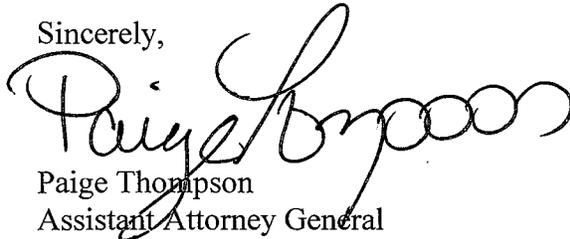
- (a) In this section, "public power utility" means an entity providing electric or gas utility services that is subject to the provisions of this chapter.

*Id.* § 552.133(a). Section 552.133 only protects the competitive interest of a public power utility. *See* Open Records Decision No. 666 at 2 (2000) (statutory predecessor to section 552.133 enacted to protect municipally owned utilities from public disclosure of competitive matters). The submitted information reveals the city contracts with TXU Energy for its electric services. However, the city does not inform us it owns or operates a public power utility. Thus, we find the city has failed to demonstrate the applicability of section 552.133 to the submitted responsive information. Accordingly, the city may not withhold any of the submitted responsive information under section 552.133 of the Government Code. As the city raises no other exceptions to disclosure, the submitted responsive information must be released.

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,



Paige Thompson  
Assistant Attorney General  
Open Records Division

PT/dls

Ref: ID# 626281

Enc. Submitted documents

c: Requestor  
(w/o enclosures)