



Control Number: 50879



Item Number: 2

Addendum StartPage: 0



**DOCKET NO. 50879**

**COMPLAINT OF EMILY MCCARTY § PUBLIC UTILITY COMMISSION**  
**AGAINST THE LUXE 380 §**  
**APARTMENTS § OF TEXAS**

**COMMISSION STAFF’S MOTION TO DECLASSIFY CONFIDENTIAL MATERIALS**

**COMES NOW** the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Motion to Declassify Confidential Materials, and in support thereof, shows the following:

**I. BACKGROUND**

On May 26, 2020, Emily McCarty (Ms. McCarty) filed a complaint against the Luxe 380/Century 380 apartments regarding water billing and related charges. At the time of filing of this Motion, no Order has been issued by the administrative law judge setting forth procedural deadlines in this matter. Therefore, this pleading is timely filed.

**II. MOTION TO DECLASSIFY**

Ms. McCarty filed the entirety of the complaint as confidential. After review, Staff did not identify any information contained within her complaint and supporting documentation that is properly classified as confidential. Specifically, it appears the complaint and supporting documentation were submitted as confidential on the basis that a portion of the information might identify individual tenants involved in the complaint, i.e. customer name, home address, RealPage Utility Management Account Number, and Century 380 Resident ID. However, this information does not fall within any applicable exception which would protect it from public disclosure under the Public Information Act (PIA).<sup>1</sup>

Paragraph 4 of the Commission’s Standard Protective Order requires a party producing Protected Materials to file a written statement indicating:

- (a) any exemptions to the Public Information Act claimed to apply to the alleged Protected Materials;
- (b) the reasons supporting the producing party’s claim that the responsive information is exempt from public disclosure under the Public

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<sup>1</sup> See Tex. Gov’t Code Ann. §§ 552.001-.353 (West 2012 & Supp. 2014). For example, the PIA provides that the home addresses of select individuals is confidential, including officials of governmental bodies, peace officers, and others (e.g. § 552.117(a)(1)-(17)), but a home address alone is not protected from disclosure.

Information Act and subject to treatment as protected materials; and (c) that counsel for the producing party has reviewed the information sufficiently to state in good faith that the information is exempt from public disclosure under the Public Information Act and merits the Protected Materials designation.

Ms. McCarty's filing did not contain the required statements. Therefore, Staff moves to declassify the complaint because Ms. McCarty has not shown why it is proper to treat the information supporting her complaint regarding Luxe 380/Century 380's water billing practices as confidential. It is in the public interest that confidential filings remain the exception and not the rule. Thus, it is in the public interest to declassify Ms. McCarty's filing absent additional justification explaining why the information is exempt from the PIA.

### **III. CONCLUSION**

Based on the aforementioned, Staff respectfully requests the entry of an Order granting its Motion to Declassify and requiring Ms. McCarty to re-file the complaint as non-confidential.

Dated June 23, 2020

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF  
TEXAS LEGAL DIVISION**

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**CERTIFICATE OF SERVICE**

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on June 24, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Justin C. Adkins  
Justin C. Adkins