

D-1-GN-26-010018

NO. \_\_\_\_\_

PUBLIC UTILITY COMMISSION  
OF TEXAS,

*Plaintiff*

v.

KEN PAXTON, STATE OF TEXAS  
ATTORNEY GENERAL,

*Defendant.*

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IN THE DISTRICT COURT

200th District Court

\_\_\_\_\_ JUDICIAL DISTRICT

TRAVIS COUNTY, TEXAS

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### PLAINTIFF'S ORIGINAL PETITION

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Plaintiff Public Utility Commission of Texas (the “Commission”) files its Original Petition against Defendant Ken Paxton, in his official capacity as the Texas Attorney General (the “Attorney General”), challenging two open records rulings issued by the Attorney General. In support thereof, the Commission respectfully shows the Court as follows:

#### I. INTRODUCTION

1. This suit is brought to challenge two letter rulings of the Attorney General: OR2026-038988 issued on September 2, 2026, which the Commission received on September 3, 2026, and OR2026-040171 issued on September 11, 2026, which the Commission received on September 14, 2026 (collectively, the “Letter Rulings”). See TEX. GOV'T CODE § 552.324.

2. The Commission seeks a declaration pursuant to Chapter 37 of the Texas Civil Practice and Remedies Code that two data fields within the facility-level responses to the Commission's Energy and Water Use Survey (“Survey”<sup>1</sup>)—(i) the facility county and (ii) the

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<sup>1</sup> Defined below in paragraph 15.

facility state regional water planning area (SRWPA) reported for each facility, identified as columns C and D in the Survey, respectively (collectively, the “**Privileged Information**”) are confidential and excepted from disclosure under the Texas Public Information Act (the “**PIA**”). TEX. GOV’T CODE §§ 552.001, *et seq.*

3. The Attorney General’s position is not supported by the PIA or the Texas Homeland Security Act. The Commission’s Privileged Information clearly falls within the exceptions to disclosure provided under the PIA, and the Attorney General’s letter rulings impermissibly require disclosure of this privileged information.

4. This action is brought to determine an actual, justiciable controversy between the Commission and Attorney General based on the facts set forth below. The Commission seeks no relief beyond that provided for by TEX. GOV’T CODE § 552.324.

## **II. DISCOVERY CONTROL PLAN**

5. Discovery is intended to be conducted under Level 3 of Rule 190.4 of the Texas Rules of Civil Procedure.

## **III. PARTIES**

6. Plaintiff Public Utility Commission of Texas is a governmental agency with its principal office located in Austin, Texas. The Commission is a statewide regulatory body tasked with regulating Texas’s electric, telecommunication, and water and sewer utilities. Thus, the Commission is subject to the PIA. TEX. GOV’T CODE § 552.003(1)(A).

7. Defendant Ken Paxton is the duly elected Attorney General of the State of Texas. Suit must be brought against the Attorney General in his official capacity to seek relief from and challenge a decision of the attorney general determining that the requested information under the PIA must be disclosed. *See* TEX. GOV’T CODE §§ 552.324, 552.325. The Attorney General may be

served with process at the Office of the Attorney General, 300 W. 15th Street, Austin, Texas 78701. The telephone number for the Office of the Attorney General is (512) 463-2100. The Attorney General's Open Government Hotline is (877) 673-6839.

#### IV. NOTICE TO REQUESTORS

8. The Letter Rulings address six (6) individual requests from five (5) requestors (collectively, the "**Requestors**") seeking the same or similar information from the Commission, including the Privileged Information at issue. The Requestors for each of the requests include:

- Taylor Goldenstein, Texas Tribune: Request 2026-201 and Request 2026-232
- Keaton Peters: Request 2026-205
- Paul Neville: Request 2026-215
- Candice Bernd, Texas Observer: Request 2026-254
- Eleanor Dearman, Fort Worth Star-Telegram: Request 2026-265

9. Each of the Requestors is not named as a defendant but is entitled to notice of this suit. *See* TEX. GOV'T CODE § 552.325. The undersigned delivered notice and provided a copy of this Original Petition to each of the Requestors by certified mail, return receipt requested, and via e-mail. *Id.* § 552.325(b).

10. The Requestors were each provided notice as follows:

- a. This lawsuit has been filed (cause number has not yet been provided by the Court);
- b. Each of the Requestors has the right to intervene in this lawsuit or choose to not participate in the lawsuit;
- c. The Texas Attorney General is named as defendant; and
- d. The name, address, and telephone number of the Attorney General are set forth above.

*Id.*

## **V. JURISDICTION AND VENUE**

11. This Court has jurisdiction to grant all relief requested by the Commission and subject matter jurisdiction over this lawsuit. *See* TEX. GOV'T CODE §§ 552.324, 552.325; TEX. CIV. PRAC. & REM. CODE §§ 37.001, *et seq.*

12. At this time, the Commission seeks only non-monetary relief and no monetary relief of any kind but reserves the right to recover its attorneys' fees and costs of court. *See* TEX. R. CIV. P. 47(c).

13. Venue is proper in Travis County. *See* TEX. GOV'T CODE § 552.324(a)(1); *see also* TEX. CIV. PRAC. & REM. CODE §§ 15.014; 15.016.

## **VI. BACKGROUND**

### **A. The Legislative Directive and the Energy and Water Use Survey**

14. In 2025, the 89th Texas Legislature directed the Commission to collect and report certain data studying the water use of certain industries that have an inverse relationship between energy and water usage.

15. In response, the Commission established the Survey to collect information focusing on data centers and virtual currency mining facilities. Data centers house large numbers of computers and servers requiring a significant amount of electricity, or "load." Virtual currency mining facilities also require significant load, but they are "flexible" loads that can adjust their power consumption quickly and without notice affecting wholesale electricity prices and, ultimately, the stability and reliability of the state's energy grid.

16. The Survey originally took place between April 2, 2026 and May 28, 2026<sup>2</sup>, in which confidential responses were provided to the Commission containing detailed critical

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<sup>2</sup> The Survey was subsequently re-opened to allow for additional confidential submissions.

infrastructure information. That information includes, among other things, each facility’s physical location, regional water planning area, type, contracted and actual electrical load in megawatts, total energy consumption in megawatt-hours, projected future peak load, cooling technologies and infrastructure, total water intake and water sources, water service providers, and interconnecting electric utilities. Interconnecting electric utilities—commonly called transmission and distribution utilities—operate transmission lines that are critical to preserving Texas’ electric grid. Importantly, the relation of this information to the stability and reliability of the state’s energy grid emphasizes the sensitive nature of the Privileged Information.

**B. The Six PIA Requests Seeking Survey Information and the Commission’s Timely Request for Rulings from the Attorney General**

17. On May 28, 2026, Taylor Goldenstein of the Texas Tribune submitted a PIA request to the Commission asking for “[a]ll survey responses to the Energy and Water Use Survey for data centers and virtual currency mining facilities.” See **Exhibit A**, a compilation of the PIA requests submitted by the Requestors in order of submission date.

18. On May 29, 2026, Keaton Peters submitted a PIA request to the Commission asking for a spreadsheet of the Survey. See *id.*.

19. On June 1, 2026, Paul M. Neville submitted a PIA request for “the results/findings of Project 59281; the Energy and Water Use Survey”. See *id.*

20. On June 12, 2026, Ms. Goldenstein submitted a second PIA request. This request sought “[a]ggregated/anonymized survey responses,” grouped by data centers and cryptocurrency miners, preferably as a spreadsheet. See *id.*

21. On June 25, 2026, Candice Bernd of the Texas Observer submitted a PIA request seeking (i) the blank Survey; (ii) all responses, including partial responses, from data center and

cryptocurrency mining companies; and (iii) a list of every company to which the Commission sent the Survey. *See id.*

22. On June 30, 2026, Eleanor Dearman of the Fort Worth Star-Telegram asked for “copies of all responses to the Energy and Water Use Survey for Data Center and Virtual Currency Mining Facilities submitted to the PUCT”. *See id.*

23. For each request, the Commission timely asked and submitted legal briefs to the Attorney General for a decision under Section 552.301(b) – (e) of the Government Code and gave the Attorney General copies of its notices to the affected third parties under Section 552.305. *See **Exhibit B***, compilation of requests and legal briefs from the Commission to the Attorney General.<sup>3</sup>

24. The Commission produced responsive information to the Requestors that it determined to be public and withheld the rest. This information was provided to the Attorney General for review via interagency mail.

**C. The Privileged Information Should Be Excepted From Disclosure Pursuant to Tex. Gov’t Code § 552.101 and Section 418.181 of the Texas Homeland Security Act.**

25. The Privileged Information falls under TEX. GOV’T CODE § 552.101, Section 418.181 of the Texas Homeland Security Act, and should thus be withheld from disclosure.

26. Section 552.101 exempts from disclosure under the PIA information that is considered to be confidential by law, either constitutional, statutory, or by judicial decision. TEX. GOV’T CODE § 552.101; *see Muir v. Univ. of Tex. at Austin*, No. 03-22-00196-CV, 2023 WL 4110843, at \*3 (Tex. App.—Austin June 22, 2023, no pet.) (mem. op.). This section further

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<sup>3</sup> For Ms. Goldenstein’s first request (PUCT ID No. 2026-201), the Commission requested a ruling on June 11, 2026, and filed its brief on June 18, 2026. For Mr. Peters’ request (PUCT ID No. 2026-205), the Commission requested a ruling on June 12, 2026, and filed its brief on June 18, 2026. For Mr. Neville’s request (PUCT ID No. 2026-215), the Commission requested a ruling on June 15, 2026, and filed its brief on June 18, 2026. For Ms. Goldenstein’s second request (PUCT ID No. 2026-232), the Commission requested a ruling on June 29, 2026, and filed its brief on July 7, 2026. For Ms. Bernd’s request (PUCT ID No. 2026-254), the Commission requested a ruling on July 10, 2026, and filed its brief on July 17, 2026. For Ms. Dearman’s request (PUCT ID No. 2026-265), the Commission requested a ruling on July 15, 2026, and filed a corrected brief on July 22, 2026.

encompasses information that is made confidential by other statutes, including the Texas Homeland Security Act (“**HSA**”). *See* TEX. GOV’T CODE §§ 418.175, *et seq*; *see also* TEX. GOV’T CODE §§ 421.001, *et seq*.

27. As codified in TEX. GOV’T CODE § 421.002, the strategy of the HSA is to, in relevant part, “(1) protect against homeland security threats and hazards . . . and (5) prevent significant criminal and terrorist attacks.” TEX. GOV’T CODE § 421.002(a). The strategy further requires, among other things, coordination “among and between local, state, and federal agencies and the private sector and must include specific plans for: . . . (3) reducing the state’s vulnerability to homeland security emergencies; (4) protecting critical infrastructure; . . . (6) detecting, deterring, and defending against terrorism, including cyber-terrorism and biological, chemical, and nuclear terrorism; . . . .” TEX. GOV’T CODE § 421.002(b). Finally, the strategy “must complement and operate in coordination with federal strategic guidance on homeland security.” TEX. GOV’T CODE § 421.002(c). Accordingly, the Commission seeks protection from disclosure of information that, if released, could pose a danger to Texas residents in the event of an act of terrorism. More specifically, Sections 418.176 through 418.182 were added to Chapter 418 of the Government Code as part of the HSA addressing confidentiality.

28. Section 418.181 of the HSA designates documents that identify technical details of particular vulnerabilities of critical infrastructure<sup>4</sup> to an act of terrorism as confidential. TEX. GOV’T CODE § 418.181.

29. Here, the Privileged Information is confidential under TEX. GOV’T CODE § 418.181 and therefore excepted from disclosure under Section 552.101 of the PIA. The surveyed data

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<sup>4</sup> “Critical infrastructure” includes all public or private assets, systems, and functions vital to the security, governance, public health and safety, economy, or morale of the state or the nation. TEX. GOV’T CODE § 421.001(2).

centers and virtual currency mining facilities are “critical infrastructure”: they are private assets and systems vital to the security, economy, and public health and safety of the state. *See* TEX. GOV’T CODE § 421.001(2). Indeed, each facility is a large electric load interconnected directly with Texas’s transmission and distribution system and dependent on regional water supplies. Disruption of these facilities, or use of them as a point of attack, directly affects the stability and reliability of the ERCOT grid and the regional water systems on which Texans depend for power, drinking water, sanitation, firefighting, and emergency medical services.

30. Disclosure of the Privileged Information would identify the technical details of particular vulnerabilities of critical infrastructure to an act of terrorism or a hostile act by a foreign adversary of the United States. TEX. GOV’T CODE § 418.181. The Letter Rulings ordered the release of each facility’s contracted and actual load, projected peak load, cooling infrastructure, water sources, water service provider, and interconnecting transmission and distribution utility, including, in some responses, the specific substations and transmission lines serving the facility. Standing alone, those fields describe an unidentified facility somewhere in Texas. However, paired with the facility’s county and regional water planning area, they identify a specific, locatable facility, the particular transmission and distribution infrastructure through which it connects to the ERCOT grid, the magnitude of load that infrastructure carries, and the regional water systems on which the facility depends. The Privileged Information is thus the element that converts released operational data into a facility-specific map of points at which Texas’s electric and water infrastructure may be targeted.

31. This combined disclosure would give a person intending an act of terrorism or a hostile act by a foreign adversary of the United States what the released fields alone do not: the ability to select specific, high-load facilities and identify the regional transmission and distribution

infrastructure and water systems on which each depends. With that information, a bad actor could plan physical or cyber attacks on the facilities or the infrastructure serving them, target disruptions of large electric loads and regional water supplies, and use the facilities' known dependencies to affect the reliability of the ERCOT grid and the water systems serving surrounding communities. Such an attack would threaten the state's ability to provide reliable electricity and available water to its residents. And because disclosure under the PIA is to the public at large, release of the Privileged Information cannot be undone. The Commission therefore asks the Court to determine the confidentiality of the Privileged Information before it is released.

32. Information similar to the Privileged Information has routinely been held as exempt from disclosure by the Attorney General of Texas. *See* TEX. ATT'Y GEN. OP. OR2014-06313, 2014 WL 1744061, at \*1–2 (2014) (ordering withholding of the information at issue and agreed that “specific details about the network of electrical transmission lines and substations in the State of Texas” could be useful to terrorists in attacking energy infrastructure and may present a risk to the safe and secure provision of electricity satisfying Section 552.101 pursuant to Section 418.181); *see also* TEX. ATT'Y GEN. OP. OR2011-07855 (2011) (ordering nondisclosure and agreeing that “the city's public water supply is critical infrastructure and the requested information identifies the technical details of particular vulnerabilities of the water supply,” and agreeing further that “[a] person with the information requested by [the Requestors] could sabotage the [c]ity’s fresh water supply”).

33. Releasing any part of the Privileged Information that publicizes the specific locations of these facilities creates particular vulnerabilities making them susceptible to acts of terrorism that would jeopardize community safety.

34. Accordingly, the Privileged Information is exempt from disclosure under TEX. GOV'T CODE § 552.101.

**D. The Attorney General's Rulings.**

35. On September 2, 2026, the Attorney General issued Open Records Letter Ruling No. OR2026-038988 (ID# 26-031236), covering PUCT ID Nos. 2026-201, 2026-205, and 2026-215. *See Exhibit C*, letter ruling from Texas Attorney General dated September 2, 2026. By the letter ruling, the Attorney General acknowledged that some of the requested information included information that was properly the subject of a pending lawsuit and deferred to the trial court. *See Public Utility Comm'n of Tex. v. Ken Paxton, Atty. Gen. of Tex.*, Cause No. D-1-GN-25-004622 (353rd Dist. Ct., Travis County, Tex.). The Attorney General further concluded, in relevant part, that certain Privileged Information must be disclosed as it did not determine that the Commission or any of the parties who sought protection from disclosure had established that the information identifies the technical details of particular vulnerabilities of critical infrastructure to an act of terrorism.

36. On September 11, 2026, the Attorney General issued the second ruling, Open Records Letter Ruling No. OR2026-040171 (ID# 26-034619), covering PUCT ID Nos. 2026-232, 2026-254, and 2026-265. *See Exhibit D*, letter ruling from Texas Attorney General dated September 11, 2026. That ruling did not address the arguments against disclosure and instead directed the Commission to rely on OR2026-038988 as a previous determination and to withhold or release the identical information under that ruling. *See Id.*

37. Accordingly, the Commission timely files this action seeking a declaration that the Privileged Information is also excepted from disclosure.<sup>5</sup>

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<sup>5</sup> Pursuant to Section 552.324(b), the governmental body seeking to withhold information from a requestor must bring suit not later than the 30th calendar day after the date the governmental body receives the decision of the attorney

## **VII. CAUSES OF ACTION**

### **A. Count One – Declaratory Judgment**

38. The Commission restates and realleges the foregoing paragraphs as if fully stated herein.

39. The Commission asserts a claim for declaratory relief pursuant to Chapter 37 of the Texas Civil Practice and Remedies Code. An actual, justiciable controversy exists between the Commission and the Attorney General concerning the rights of the Commission, and the controversy will be resolved by the judicial declaration sought herein. *Nehls v. Hartman Newspapers, LP*, 522 S.W.3d 23, 29 (Tex. App.—Houston [1st Dist.] 2017, pet. denied); *see also* TEX. GOV'T CODE § 552.324 (permitting agencies to bring declaratory judgment claims against the Attorney General).

40. Pursuant to TEX. GOV'T CODE § 552.324, the Commission requests this Court declare that the Privileged Information is excepted from disclosure under the PIA pursuant to Section 552.101 of the Texas Government Code.

## **VIII. CONDITIONS PRECEDENT**

41. All conditions precedent to the claims and relief sought herein have been waived, have been performed, and/or have occurred. *See* TEX. R. CIV. P. 54.

## **IX. PRAYER**

Plaintiff Public Utility Commission of Texas prays that upon the trial of the merits, this Court renders a judgment declaring that the aforementioned documents—the Privileged

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general determining that the requested information must be disclosed to the requestor. Accordingly, because the first letter ruling was received on September 3, 2026, the deadline for the Commission to file suit falls thirty (30) days later on Saturday, October 3, 2026. *See* TEX. GOV'T CODE § 552.324. However, because the filing deadline fell on a Saturday, it was continued to the next business day pursuant to Rule 4 of the Texas Rules of Civil Procedure. *See* TEX. R. CIV. P. 4 (any deadline that falls on a weekend is to continue to the following business day). Therefore, the Commission's deadline to file suit is Monday, October 5, 2026.

Information—sought by Requestors are excepted from public disclosure under the PIA and may be withheld by the Commission. The Commission further prays for such other and further relief, at law or equity, to which it may be entitled.

DATE: October 5, 2026.

Respectfully submitted,

**HOLLAND & KNIGHT LLP**

/s/ Brandon King

Brandon L. King

State Bar No. 24100613

brandon.king@hklaw.com

Vanessa A. Suarez

State Bar No. 24118548

vanessa.suarez@hklaw.com

98 San Jacinto Blvd., Suite 1900

Austin, Texas 78701

Telephone: (512) 472-1081

Facsimile: (512) 472-7473

**ATTORNEYS FOR PUBLIC UTILITY  
COMMISSION OF TEXAS**

### **CERTIFICATE OF SERVICE**

I hereby certify that timely good faith efforts have been made to notify and deliver a true and correct copy of the foregoing document to each of the Requestors on October 5, 2026 in written form as required by TEX. GOV'T CODE § 552.325(b). Each submission was provided as follows:

- **Taylor Goldenstein** via the following e-mail address with read receipt request and written request for confirmation of receipt: [tgoldenstein@texastribune.org](mailto:tgoldenstein@texastribune.org);
- **Keaton Peters** via certified mail, return receipt requested, to the following address: 8605 Shoal Creek Blvd Apt #210, Austin, Texas 78757;
- **Paul Neville** via certified mail, return receipt requested, to the following address: 961 Number Ten Downing Street, China Spring, TX 76633-3114;
- **Candice Bernd** via the following e-mail address with read receipt request and written request for confirmation of receipt: [bernd@texasobserver.org](mailto:bernd@texasobserver.org);
- **Eleanor Dearman** via the following e-mail address with read receipt request and written request for confirmation of receipt: [edearman@star-telegram.com](mailto:edearman@star-telegram.com).

/s/ Brandon King  
Brandon King

# **Exhibit A**

Paul M. Neville  
961 Number Ten Downing Street  
Chimney Spring, Texas, 76633-3114  
264-265-0495

To Whom it may concern,

My name is Paul Neville, a resident of McLennan County, and I am reaching out as a concerned citizen to request the release of information. The information I am inquiring about is the results/findings of Project 59281, the Energy and Water Use Survey. I believe, as I'm sure all earnest public servants do, that American/Texan citizens are entitled to know what potential risks, dangers, and/or nuisances are being introduced to their home, environment, and community. We deserve to have the opportunity to give or revoke informed consent regarding the disruption and destruction of our home and environment. I am sure I am not the first, only, or last person to reach out regarding the matter, so I urge you on behalf of all Texans to heed the concern and safety of the People, and not that of the bank account. I have chosen a handwritten letter as my communication method to highlight my sincerity and concern. Thank you for your time and consideration.

Best,  
Paul Neville  
*Paul Neville* 05/26/2026

Return: Paul M. Nettle

961 Number Ten Downing Street  
China Spring, Texas, 76633-3114

To: Public Utility Commission of Texas  
P.O. Box 13326  
Austin, TX, 78711-3326

76711-332626



NORTH TEXAS TX P&DC  
DALLAS TX 750  
26 MAY 2006 05:17



76711-332626

PUBLIC UTILITY COMMISSION  
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**From:** [JustFOIA Notification](#)  
**To:** [PIA Requests](#)  
**Subject:** Public Utility Commission of Texas - Public Information Records Request 2026-201: Received  
**Date:** Thursday, May 28, 2026 10:15:38 AM

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**CAUTION - EXTERNAL EMAIL**  
Phishing? **Click the PUC Phish Report** button.

Notification Inbox User New Request,

A new Public Information Records Request request has been submitted. The request was entered on 05/28/2026 and has 10 days left until it is due on 06/11/2026.

**[Request Number: 2026-201](#)**

**Field Name**

Name

MediaRequest

CompanyName

Email

Phone

Address

City

State

Zip

**Response**

Taylor Goldenstein

Yes

Texas Tribune

tgoldenstein@texastribune.org

5122002910

**Description**

Hi there, We are writing to request the following information under the Texas Public Information Act, Chapter 552, Texas Government Code, which guarantees the public's access to information in the custody of governmental agencies: All survey responses to the Energy and Water Use Survey for data centers and virtual currency mining facilities (see link on your website here: <https://www.puc.texas.gov/industry/water/utilities/energy-and-water-use-survey/sign-up>), as required by Tex. Gen. Appropriations Act, art. VIII, Rider 6, 89th Leg., R.S. (2025). We are requesting this information be sent in electronic form, preferably as a spreadsheet. I am a reporter with The Texas Tribune. Disclosure is in the public interest because its intended use is for a news story that contains information that primarily benefits the general public. I therefore request a waiver of all fees and charges pursuant to Section 552.267 of the act. If you choose not to waive the fees and the amount exceeds \$40, please provide me an itemized cost estimate. Please release the information I've requested as it becomes available. If anything needs to be redacted, please cite the TPIA exception as required by the law. Thank you for

your time, Taylor  
Delivery Electronic Copies through the JustFOIA Public Portal  
PublicPortion\_RedactionAgreement No

Thank you,

JustFOIA

**From:** [212324-56344582@requests.muckrock.com](mailto:212324-56344582@requests.muckrock.com)  
**To:** [PIA Requests](#)  
**Subject:** Texas Public Information Act Request: Energy and Water Use Survey for Data Centers and Virtual Currency Mining Facilities  
**Date:** Friday, May 29, 2026 12:40:21 PM

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**CAUTION - EXTERNAL EMAIL**  
**Phishing? Click the PUC Phish Report button.**

Public Utility Commission Of Texas  
Texas Public Information Act Office  
1701 Congress Avenue, PO Box 13326  
Austin, TX 78711-3326

May 29, 2026

To Whom It May Concern:

Pursuant to the Texas Public Information Act, I hereby request the following records:

I am requesting a spreadsheet of the results from the "Energy and Water Use Survey for Data Centers and Virtual Currency Mining Facilities" described in the pdf at this URL:  
[https://interchange.puc.texas.gov/Documents/59281\\_2\\_1615402.PDF](https://interchange.puc.texas.gov/Documents/59281_2_1615402.PDF)

My request is not seeking specific facility-level identifying information such as Facility ID or the County (items 1, 2 from the pdf). My request is for individual results of all other survey fields 3-26 as identified in the PDF.

The preferred format is a .xlsx or .csv file type sent via email. If that format is unavailable, please contact me to arrange an alternate delivery method.

I want to stress that I'm not seeking any records that are prohibited from release either by statute or previous rulings by the Texas Attorney General or the courts. Please let me know if you feel any records in the fields I've requested are confidential, and I'll consider amending my request

Also, please let me know if clarifying the request might speed the release of the data, reduce any programming time and, most importantly, avoid a referral to the Attorney General. I seek this information in the public interest as a journalist, and not for a commercial purpose. Therefore, I'm requesting that you waive any fees, as allowed under the Act.

Contact Information:  
Keaton Peters  
(530) 208-8355  
[kpeters@san.com](mailto:kpeters@san.com) or [keatonpeters@utexas.edu](mailto:keatonpeters@utexas.edu)

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 10 business days, as the statute requires.

Sincerely,

Keaton Peters

View request history, upload responsive documents, and report problems here:  
<https://www.muckrock.com/respond/2303566/>

Filed via MuckRock.com

E-mail (Preferred): 212324-56344582@requests.muckrock.com

**PLEASE NOTE OUR NEW ADDRESS**

For mailed responses, please address (see note):

MuckRock News

DEPT MR 212324

263 Huntington Ave

Boston, MA 02115

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

**From:** [JustFOIA Notification](#)  
**To:** [PIA Requests](#)  
**Subject:** Public Utility Commission of Texas - Public Information Records Request 2026-232: Received  
**Date:** Friday, June 12, 2026 10:59:16 AM

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**CAUTION - EXTERNAL EMAIL**  
Phishing? **Click the PUC Phish Report** button.

Notification Inbox User New Request,

A new Public Information Records Request request has been submitted. The request was entered on 06/12/2026 and has 10 days left until it is due on 06/29/2026.

**[Request Number: 2026-232](#)**

**Field Name**

Name

MediaRequest

CompanyName

Email

Phone

Address

City

State

Zip

**Response**

Taylor Goldenstein

Yes

Texas Tribune

tgoldenstein@texastribune.org

512-200-2910

**Description**

Hi there, We are writing to request the following information under the Texas Public Information Act, Chapter 552, Texas Government Code, which guarantees the public's access to information in the custody of governmental agencies: Aggregated/anonymized survey responses to the Energy and Water Use Survey for data centers and virtual currency mining facilities (see link on your website here: <https://www.puc.texas.gov/industry/water/utilities/energy-and-water-use-survey/sign-up>), as required by Tex. Gen. Appropriations Act, art. VIII, Rider 6, 89th Leg., R.S. (2025). Please group the responses by data centers and cryptocurrency miners. We are requesting this information be sent in electronic form, preferably as a spreadsheet. I am a reporter with The Texas Tribune. Disclosure is in the public interest because its intended use is for a news story that contains information that primarily benefits the general public. I therefore request a waiver of all fees and charges pursuant to Section 552.267 of the act. If you choose not to waive the fees and the amount exceeds \$40, please provide me an itemized cost estimate. Please release the information I've

requested as it becomes available. If anything needs to be redacted, please cite the TPIA exception as required by the law. I selected no redactions below because I want to be notified if that would allow information to be released, not because I am necessarily categorically opposed, just for your information. Thank you for your time, Taylor

Electronic Copies through the JustFOIA Public Portal

Delivery

PublicPortion\_RedactionAgreement No

Thank you,

JustFOIA

**From:** [Candice Bernd](#)  
**To:** [PIA Requests](#)  
**Subject:** TPIA Request: Data Center/Cryptocurrency Mine Water Survey Information  
**Date:** Thursday, June 25, 2026 10:20:08 AM

---

**CAUTION - EXTERNAL EMAIL**  
Phishing? **Click the PUC Phish Report** button.

Dear PUCT Public Information Officer,

I am requesting, pursuant to Texas's Public Information Act, Chapter 552 (§ 552.001, et seq.) of the Texas Government Code, copies of the following records in possession of the Public Utility Commission of Texas:

1. A blank water survey, developed by PUC personnel in collaboration with the Texas Water Development Board, the agency sent to data center and cryptocurrency mine operators for the purpose of ascertaining information about their facilities' water consumption, water sources, cooling systems, electricity demand, and power sources, among other information. Responsive records were generated from January 1, 2023, to the present.
2. Any/all responses, including partial responses, from data center and cryptocurrency mining companies to the PUC's water survey, including responses from the 28 companies representing 92 facilities that the PUC indicated had responded to the survey during a House Natural Resource Committee hearing on June 23. Responsive records were generated from January 1, 2023, to the present.
3. A comprehensive list of all the data center and cryptocurrency mining companies the PUC sent the water survey to. Responsive records were generated from January 1, 2023, to the present.

I am making this request in the capacity of a researcher/reporter with the nonprofit magazine the *Texas Observer*. Materials requested are for educational, not-for-profit purposes. As such, I request that any/all applicable records retrieval/production/redaction fees be waived.

I am requesting the responsive materials be emailed to me at [bernd@texasobserver.org](mailto:bernd@texasobserver.org).

Or, if records cannot be electronically delivered via email, I am available to pick up the records in person at PUCT headquarters in Austin.

If for any reason, you elect to withhold any record (or any portion of any record) responsive to this request, provide me with a reason for each withholding/redaction, along with relevant legal citations.

I remind you that, per Texas public records law, failure to comply with this request in a timely fashion may result in civil litigation with an award of attorney's fees to the plaintiff.

Please contact me upon receipt of this request to acknowledge that it has been received and that it is being processed.

---

Best,  
Candice Bernd  
Investigative Correspondent  
The Texas Observer  
214-789-9219

**From:** [JustFOIA Notification](#)  
**To:** [PIA Requests](#)  
**Subject:** Public Utility Commission of Texas - Public Information Records Request 2026-265: Received  
**Date:** Tuesday, June 30, 2026 3:27:00 PM

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**CAUTION - EXTERNAL EMAIL**  
Phishing? **Click the PUC Phish Report** button.

Notification Inbox User New Request,

A new Public Information Records Request request has been submitted. The request was entered on 06/30/2026 and has 10 days left until it is due on 07/15/2026.

**[Request Number: 2026-265](#)**

| Field Name                       | Response                                                                                                                                                 |
|----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| Name                             | Eleanor Dearman                                                                                                                                          |
| MediaRequest                     | Yes                                                                                                                                                      |
| CompanyName                      | Fort Worth Star-Telegram                                                                                                                                 |
| Email                            | edearman@star-telegram.com                                                                                                                               |
| Phone                            | 817-807-3200                                                                                                                                             |
| Address                          |                                                                                                                                                          |
| City                             |                                                                                                                                                          |
| State                            |                                                                                                                                                          |
| Zip                              |                                                                                                                                                          |
| Description                      | I am requesting copies of all responses to the Energy and Water Use Survey for Data Center and Virtual Currency Mining Facilities submitted to the PUCT. |
| Delivery                         | Electronic Copies through the JustFOIA Public Portal                                                                                                     |
| PublicPortion_RedactionAgreement | No                                                                                                                                                       |

Thank you,

JustFOIA

# **Exhibit B**

**Thomas J. Gleeson**  
Chairman

**Kathleen Jackson**  
Commissioner

**Courtney K. Hjaltnan**  
Commissioner

**Morgan Johnson**  
Commissioner

**Patrick Rhode**  
Commissioner



**Greg Abbott**  
Governor

**Connie Corona**  
Executive Director

## *Public Utility Commission of Texas*

July 17, 2026

The Honorable Attorney General Ken Paxton  
Office of the Attorney General  
William P. Clements State Office Building  
300 W. 15th St  
Austin, TX 78701

Attention: Division Chief, Open Records Division

**RE: Public Information Act Request to the Public Utility Commission of Texas**  
**Requestor: Candice Bernd (PUCT ID NO. 2026-254)**

Dear Attorney General Paxton:

On July 10, 2026, the Public Utility Commission of Texas (PUCT) timely submitted a request for opinion in accordance with Section 552.301(b) of the Public Information Act (PIA), Texas Government Code Chapter 552, regarding whether we must release certain information in response to a June 25, 2026<sup>1</sup>, request from Candice Bernd. This letter is submitted within the 15-day deadline prescribed in Section 552.301(e) of the PIA and will describe the information in question and present arguments explaining why the information is subject to exceptions under the PIA.

The request is for the following:

"I am requesting, pursuant to Texas's Public Information Act, Chapter 552 (§ 552.001, et seq.) of the Texas Government Code, copies of the following records in possession of the Public Utility Commission of Texas:

1. A blank water survey, developed by PUC personnel in collaboration with the Texas Water Development Board, the agency sent to data center and cryptocurrency mine operators for the purpose of ascertaining information about their facilities' water consumption, water sources, cooling systems, electricity demand, and power sources,

<sup>1</sup> The PUCT was closed on July 3, 2026, in observance of Independence Day, a federal holiday under Section 662.003(a) of the Texas Government Code. Therefore, the 10th business day after the receipt of the request is July 10, 2026, and the 15th business day is July 17, 2026.



among other information. Responsive records were generated from January 1, 2023, to the present.

2. Any/all responses, including partial responses, from data center and cryptocurrency mining companies to the PUC's water survey, including responses from the 28 companies representing 92 facilities that the PUC indicated had responded to the survey during a House Natural Resource Committee hearing on June 23. Responsive records were generated from January 1, 2023, to the present.
3. A comprehensive list of all the data center and cryptocurrency mining companies the PUC sent the water survey to. Responsive records were generated from January 1, 2023, to the present.”<sup>2</sup>

The PUCT has provided the requestor with the responsive information the PUCT believes to be public information not protected from disclosure under the PIA. The remainder of the information, which the PUCT believes to be excepted from disclosure under the PIA, has not been released to the requestor.

The withheld information has been provided as **Attachment A** to this letter in electronic format via Interagency mail. The withheld information has been encrypted for security purposes, as the information is confidential by law and includes detailed technical information related to the state's critical infrastructure systems and functions. In addition, the responsive information may implicate the privacy interests of multiple third parties. The PUCT has notified all third parties so they may make arguments regarding the release of the responsive information in accordance with § 552.305 of the Texas Government Code.<sup>3</sup>

The information at issue relates to data centers and virtual currency mining facilities operating in the state of Texas. Data centers are facilities that house large numbers of computers and servers used to store, process, and deliver data and digital services, such as websites, cloud computing, and applications. Data centers require a significant amount of electricity, also known as a “load,” to power their equipment and maintain necessary cooling systems. Data centers are generally considered “steady” or “continuous” loads because they are designed to operate consistently with high reliability and minimal interruption. Virtual currency mining is the process of using specialized computers to solve complex equations and add transactions to a blockchain, which also requires a significant amount of load. However, virtual currency mining facilities are considered “flexible” loads. Unlike data centers, virtual currency mining facilities can quickly adjust their power consumption in response to certain factors, like changes in the wholesale price of electricity. The Texas power grid model is based on supply and demand and relies on fluctuations in wholesale electricity prices to incentivize power generators to provide supply during peak demand. The ability of virtual currency mining

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<sup>2</sup> The PUCT provided the Attorney General's Office with copies of request on July 10, 2026, in connection with the PUCT's 10-day letter requesting OAG ruling.

<sup>3</sup> The PUCT provided the Attorney General's Office with copies of the correspondence to the third parties notifying them of this request on June 15, 2026, in connection with the PUCT's 10-day letter requesting an OAG ruling.

facilities to adjust their power consumption quickly, and without notice, impacts wholesale electricity prices and, ultimately, the stability and reliability of the state's energy grid.

In response to the increased amount of energy and water usage by data centers and virtual currency mining facilities in Texas, the 89th Texas Legislature, through a budget rider (Rider 6) in the General Appropriations Act, directed the PUCT to collect data to study the water use of certain industries that have an inverse relationship between energy and water usage.<sup>4</sup> The Legislature also directed the PUCT to submit to the Legislative Budget Board and the Governor a report containing the findings of the energy and water usage study no later than December 31, 2026.<sup>5</sup> The PUCT, in collaboration with the Texas Water Development Board (TWDB), scoped a study to focus on data centers and virtual currency mining facilities and developed a survey to collect data from these facilities. The survey became available to participants on April 2, 2026, and remained open until May 28, 2026.<sup>6</sup> The information responsive to this request includes the survey responses submitted by multiple data centers and virtual currency mining facilities.

### **Reasons for Withholding**

The PUCT believes that the responsive information is excepted from disclosure under Texas Government Code § 552.101.<sup>7</sup> This letter will explain why this exception is applicable and describe the information it excepts from disclosure. Additionally, a portion of the information at issue in this request is similar<sup>8</sup> to the information previously submitted to the OAG for ruling in PUCT IDs 2025-02-002, 2025-02-014, 2025-02-022, 2025-02-028, 2025-03-016, and 2025-04-002. On May 19, 2025, the PUCT received OAG ruling OR2025-016557. OAG ruling OR2025-016557 addressed the information responsive to PUCT IDs 2025-02-002, 2025-02-014, 2025-02-022, 2025-02-028, 2025-03-016, and 2025-04-002. On June 27, 2025, the PUCT filed an appeal of OAG Ruling OR2025-016557.<sup>9</sup> To the extent the information at issue in this request implicates the responsive information subject to OAG ruling OR2025-016557 or the arguments made by the PUCT for withholding the information in that matter, the PUCT maintains its position that the information is excepted from disclosure under the PIA exceptions asserted in its prior request for ruling and makes consistent arguments herein for protection of the responsive information at issue in this request. No arguments included in this briefing should be construed to the contrary.

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<sup>4</sup> See Texas General Appropriations Act, art. VIII, "Study to Address Water and Emerging Technologies" (Rider 6), 89th Leg., R. S. (2025), Senate Bill 1, page 879.

<sup>5</sup> *Id.*

<sup>6</sup> PUCT Docket 59281, Data Collection to Study the Water Use of Data Centers and Virtual Currency Mining Facilities (General Appropriations Act of the 89th Legislative Session at VIII-57 ("Rider 6") (April 2, 2026).

<sup>7</sup> After further consideration, the PUCT has determined exceptions §§ 552.103, 552.104, 552.107, 552.111, 552.117, 552.130, 552.136, 552.137, and 552.147 listed in the 10-day letter requesting an OAG ruling do not apply.

<sup>8</sup> These PIA requests sought registration and application information for virtual currency mining facilities filed with the PUCT. Some of the responsive information is similar in nature and/or overlaps with the responsive information in this request.

<sup>9</sup> *Public Utility Commission of Texas vs. Ken Paxton Attorney General for the State of Texas*, D-1-GN-25-004622 (353rd Dist. Ct., Travis County, Tex., pending).

Section 552.101, in conjunction with Texas Government Code §418.181

Section 552.101 excepts from disclosure under the PIA “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.”

Texas Government Code §418.181 states “[t]hose documents or portions of documents in the possession of a governmental entity are confidential if they identify the technical details of particular vulnerabilities of critical infrastructure to an act of terrorism.” Texas Government Code §421.001 defines “critical infrastructure” to include “all public or private assets, systems, and functions vital to the security, governance, public health and safety, economy, or morale of the state or the nation.”

In 2025, the 89th Texas Legislature directed the PUCT to collect data to study the water use of certain industries that have an inverse relationship between energy and water usage.<sup>10</sup> In response to this directive, the PUCT developed a survey to collect energy and water usage data from data centers and virtual currency mining facilities.<sup>11</sup> The withheld information includes the survey responses submitted by multiple data centers and virtual currency mining facilities. The withheld information was confidentially provided to the PUCT and reveals detailed critical infrastructure information.

Critical infrastructure is necessary to ensure the reliability and adequacy of the electric power grid in Texas, as well as the availability and reliability of water and wastewater systems, which are crucial for the protection and maintenance of public safety, including hospitals, police stations, fire stations, and critical water and wastewater facilities (critical load public safety customers).<sup>12</sup> Electricity and reliable access to water are vital to the public health and safety, economy, and morale of the state and nation. People rely on electricity to power life-saving medical equipment, as well as heating and cooling systems, and depend on the availability of water for drinking, sanitation, and in emergency situations, like firefighting and medical services, which are vital. Texas Government Code §421.001 defines “critical infrastructure” to include public *or* private assets, systems, and functions vital to the security, governance, public health and safety, economy, or morale of the state *or* the nation.

The responsive information reveals certain technical details about private assets, systems, and functions that affect Texas’ energy grid and water supply systems. For example, the responsive information reveals highly detailed operational critical infrastructure information, such as the physical location, regional water planning area, type, contracted and actual electrical load in megawatts (MW), total energy consumption by megawatt-hour (MWh), projected future peak load, cooling technologies and infrastructure, total water intake and water sources, and function of critical infrastructure and critical infrastructure facilities, including water service providers and interconnecting electric utilities. Commonly referred to as transmission and distribution utilities (TDUs), interconnecting electric utilities operate transmission lines (lines used to

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<sup>10</sup> See Texas General Appropriations Act, art. VIII, “Study to Address Water and Emerging Technologies” (Rider 6), 89th Leg., R. S. (2025), Senate Bill 1, page 879.

<sup>11</sup> PUCT Docket 59281, Data Collection to Study the Water Use of Data Centers and Virtual Currency Mining Facilities (General Appropriations Act of the 89th Legislative Session at VIII-57 (“Rider 6”) (April 2, 2026).

<sup>12</sup> See 16 TAC § 25.497.

transport large amounts of electricity over long distances to generation facilities, like generation substations and power plants) that are critical to the preservation of Texas' electric grid.

The responsive information, if released, could be useful to terrorists to launch both physical and cybersecurity attacks against Texas' critical infrastructure. The disclosure of the withheld information would reveal vulnerabilities in Texas' critical infrastructure, which could help terrorists identify weaknesses within the electric grid and water systems to plan targeted disruptions of the electric load and water supply, and map the facilities' interconnecting utilities and water service providers to manipulate the state's electric grid and tamper with the state's water systems and resources. This would not only threaten the functionality of Texas' electric grid and water supply but would impact the state's provision of reliable electricity and available water to its consumers. The responsive information is the kind of information intended to be protected under § 418.181, as it poses a risk to the safe and secure provision of electricity and water to Texas citizens and threatens the public health and safety, economy, and morale of the state.<sup>13</sup>

Alternatively, if the OAG requires release of the responsive information, the PUCT respectfully requests that any required disclosure be limited to de-identified information that does not reveal specific details about the data centers or virtual currency mining facilities that participated in the survey or any categories of information that could be used to identify any specific survey participant, including the location of the facilities, water service providers, and interconnecting electric utilities. Should the OAG require such disclosure, the PUCT requests that the PUCT be permitted to determine the categories of data that could be safely released without identifying any specific survey participant based on agency expertise and experience.

### **Conclusion**

The PUCT respectfully requests that the Attorney General review the arguments presented in this brief and issue a ruling that the information in Attachment A is protected from disclosure in its entirety pursuant to § 552.101, in conjunction with § 418.181. The PUCT further requests that the Attorney General consider any arguments that may be asserted by the affected third parties. Alternatively, the PUCT respectfully requests that the Attorney General require only partial release of the responsive information in de-identified form, as determined by the PUCT.

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<sup>13</sup> See Texas Government Code §421.001.

re: PIA Request from Candice Bernd

July 17, 2026

Page 6 of 6

If you need additional information, please do not hesitate to contact me at (512) 936-7279 or my paralegal at (512) 936-7252.

Sincerely,

[//s// Jasmin Augustus](#)

Jasmin Augustus

Public Information Coordinator

cc: Requestor Candice Bernd

The Texas Observer

P.O. Box #11554

Austin TX 78711

(redacted and w/o enclosures)

**Via Email:** [bernd@texasobserver.org](mailto:bernd@texasobserver.org)

## **Attachment A**

### **Information At Issue**

**Thomas J. Gleeson**  
Chairman

**Kathleen Jackson**  
Commissioner

**Courtney K. Hjaltman**  
Commissioner

**Morgan Johnson**  
Commissioner

**Patrick Rhode**  
Commissioner



**Greg Abbott**  
Governor

**Connie Corona**  
Executive Director

## *Public Utility Commission of Texas*

June 18, 2026

The Honorable Attorney General Ken Paxton  
Office of the Attorney General  
William P. Clements State Office Building  
300 W. 15th St  
Austin, TX 78701

Attention: Division Chief, Open Records Division

**RE: Public Information Act Request to the Public Utility Commission of Texas**  
**Requestor: Taylor Goldenstein (PUCT ID NO. 2026-201)**

Dear Attorney General Paxton:

On June 11, 2026, the Public Utility Commission of Texas (PUCT) timely submitted a request for opinion in accordance with Section 552.301(b) of the Public Information Act (PIA), Texas Government Code Chapter 552, regarding whether we must release certain information in response to a May 28, 2026, request from Taylor Goldenstein. This letter is submitted within the 15-day deadline prescribed in Section 552.301(e) of the PIA and will describe the information in question and present arguments explaining why the information is subject to exceptions under the PIA.

The request is for the following:

“We are writing to request the following information under the Texas Public Information Act, Chapter 552, Texas Government Code, which guarantees the public’s access to information in the custody of governmental agencies: All survey responses to the Energy and Water Use Survey for data centers and virtual currency mining facilities (see link on your website here: <https://www.puc.texas.gov/industry/water/utilities/energy-and-water-use-survey/sign-up>), as required by Tex. Gen. Appropriations Act, art. VIII, Rider 6, 89th Leg., R.S. (2025).”<sup>1</sup>

<sup>1</sup> The PUCT provided the Attorney General’s Office with a copy of the request on June 11, 2026, in connection with the PUCT’s 10-day letter requesting an OAG ruling.



Because the PUCT believes that the responsive information should be protected from disclosure in its entirety, no information has been released to the requestor. The withheld information has been provided as **Attachment A** to this letter in electronic format via Interagency mail. The withheld information has been encrypted for security purposes, as the information is confidential by law and includes detailed technical information related to the state's critical infrastructure systems and functions. In addition, the responsive information may implicate the privacy interests of multiple third parties. The PUCT has notified all third parties so they may make arguments regarding the release of the responsive information in accordance with § 552.305 of the Texas Government Code.<sup>2</sup>

The information at issue relates to data centers and virtual currency mining facilities operating in the state of Texas. Data centers are facilities that house large numbers of computers and servers used to store, process, and deliver data and digital services, such as websites, cloud computing, and applications. Data centers require a significant amount of electricity, also known as a "load," to power their equipment and maintain necessary cooling systems. Data centers are generally considered "steady" or "continuous" loads because they are designed to operate consistently with high reliability and minimal interruption. Virtual currency mining is the process of using specialized computers to solve complex equations and add transactions to a blockchain, which also requires a significant amount of load. However, virtual currency mining facilities are considered "flexible" loads. Unlike data centers, virtual currency mining facilities can quickly adjust their power consumption in response to certain factors, like changes in the wholesale price of electricity. The Texas power grid model is based on supply and demand and relies on fluctuations in wholesale electricity prices to incentivize power generators to provide supply during peak demand. The ability of virtual currency mining facilities to adjust their power consumption quickly, and without notice, impacts wholesale electricity prices and, ultimately, the stability and reliability of the state's energy grid.

In response to the increased amount of energy and water usage by data centers and virtual currency mining facilities in Texas, the 89th Texas Legislature, through a budget rider (Rider 6) in the General Appropriations Act, directed the PUCT to collect data to study the water use of certain industries that have an inverse relationship between energy and water usage.<sup>3</sup> The Legislature also directed the PUCT to submit to the Legislative Budget Board and the Governor a report containing the findings of the energy and water usage study no later than December 31, 2026.<sup>4</sup> The PUCT, in collaboration with the Texas Water Development Board (TWDB), scoped a study to focus on data centers and virtual currency mining facilities and developed a survey to collect data from these facilities. The survey became available to participants on April 2, 2026, and remained open until May 28, 2026.<sup>5</sup> The information

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<sup>2</sup> The PUCT provided the Attorney General's Office with copies of the correspondence to the third parties notifying them of this request on June 11, 2026, in connection with the PUCT's 10-day letter requesting an OAG ruling.

<sup>3</sup> See Texas General Appropriations Act, art. VIII, "Study to Address Water and Emerging Technologies" (Rider 6), 89th Leg., R. S. (2025), Senate Bill 1, page 879.

<sup>4</sup> *Id.*

<sup>5</sup> PUCT Docket 59281, Data Collection to Study the Water Use of Data Centers and Virtual Currency Mining Facilities (General Appropriations Act of the 89th Legislative Session at VIII-57 ("Rider 6") (April 2, 2026).

responsive to this request includes the survey responses submitted by multiple data centers and virtual currency mining facilities.

### **Reasons for Withholding**

The PUCT believes that the responsive information is excepted from disclosure under Texas Government Code § 552.101.<sup>6</sup> This letter will explain why this exception is applicable and describe the information it excepts from disclosure. Additionally, a portion of the information at issue in this request is similar<sup>7</sup> to the information previously submitted to the OAG for ruling in PUCT IDs 2025-02-002, 2025-02-014, 2025-02-022, 2025-02-028, 2025-03-016, and 2025-04-002. On May 19, 2025, the PUCT received OAG ruling OR2025-016557. OAG ruling OR2025-016557 addressed the information responsive to PUCT IDs 2025-02-002, 2025-02-014, 2025-02-022, 2025-02-028, 2025-03-016, and 2025-04-002. On June 27, 2025, the PUCT filed an appeal of OAG Ruling OR2025-016557.<sup>8</sup> To the extent the information at issue in this request implicates the responsive information subject to OAG ruling OR2025-016557 or the arguments made by the PUCT for withholding the information in that matter, the PUCT maintains its position that the information is excepted from disclosure under the PIA exceptions asserted in its prior request for ruling and makes consistent arguments herein for protection of the responsive information at issue in this request. No arguments included in this briefing should be construed to the contrary.

### Section 552.101, in conjunction with Texas Government Code §418.181

Section 552.101 excepts from disclosure under the PIA “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.”

Texas Government Code §418.181 states “[t]hose documents or portions of documents in the possession of a governmental entity are confidential if they identify the technical details of particular vulnerabilities of critical infrastructure to an act of terrorism.” Texas Government Code §421.001 defines “critical infrastructure” to include “all public or private assets, systems, and functions vital to the security, governance, public health and safety, economy, or morale of the state or the nation.”

In 2025, the 89th Texas Legislature directed the PUCT to collect data to study the water use of certain industries that have an inverse relationship between energy and water usage.<sup>9</sup> In response to this directive, the PUCT developed a survey to collect energy and water usage data

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<sup>6</sup> After further consideration, the PUCT has determined exceptions §§ 552.103, 552.104, 552.107, 552.111, 552.117, 552.130, 552.136, 552.137, and 552.147 listed in the 10-day letter requesting an OAG ruling do not apply.

<sup>7</sup> These PIA requests sought registration and application information for virtual currency mining facilities filed with the PUCT. Some of the responsive information is similar in nature and/or overlaps with the responsive information in this request.

<sup>8</sup> *Public Utility Commission of Texas vs. Ken Paxton Attorney General for the State of Texas*, D-1-GN-25-004622 (353rd Dist. Ct., Travis County, Tex., pending).

<sup>9</sup> See Texas General Appropriations Act, art. VIII, "Study to Address Water and Emerging Technologies" (Rider 6), 89th Leg., R. S. (2025), Senate Bill 1, page 879.

from data centers and virtual currency mining facilities.<sup>10</sup> The withheld information includes the survey responses submitted by multiple data centers and virtual currency mining facilities. The withheld information was confidentially provided to the PUCT and reveals detailed critical infrastructure information.

Critical infrastructure is necessary to ensure the reliability and adequacy of the electric power grid in Texas, as well as the availability and reliability of water and wastewater systems, which are crucial for the protection and maintenance of public safety, including hospitals, police stations, fire stations, and critical water and wastewater facilities (critical load public safety customers).<sup>11</sup> Electricity and reliable access to water are vital to the public health and safety, economy, and morale of the state and nation. People rely on electricity to power life-saving medical equipment, as well as heating and cooling systems, and depend on the availability of water for drinking, sanitation, and in emergency situations, like firefighting and medical services, which are vital. Texas Government Code §421.001 defines “critical infrastructure” to include public *or* private assets, systems, and functions vital to the security, governance, public health and safety, economy, or morale of the state *or* the nation.

The responsive information reveals certain technical details about private assets, systems, and functions that affect Texas’ energy grid and water supply systems. For example, the responsive information reveals highly detailed operational critical infrastructure information, such as the physical location, regional water planning area, type, contracted and actual electrical load in megawatts (MW), total energy consumption by megawatt-hour (MWh), projected future peak load, cooling technologies and infrastructure, total water intake and water sources, and function of critical infrastructure and critical infrastructure facilities, including water service providers and interconnecting electric utilities. Commonly referred to as transmission and distribution utilities (TDUs), interconnecting electric utilities operate transmission lines (lines used to transport large amounts of electricity over long distances to generation facilities, like generation substations and power plants) that are critical to the preservation of Texas’ electric grid.

The responsive information, if released, could be useful to terrorists to launch both physical and cybersecurity attacks against Texas’ critical infrastructure. The disclosure of the withheld information would reveal vulnerabilities in Texas’ critical infrastructure, which could help terrorists identify weaknesses within the electric grid and water systems to plan targeted disruptions of the electric load and water supply, and map the facilities’ interconnecting utilities and water service providers to manipulate the state’s electric grid and tamper with the state’s water systems and resources. This would not only threaten the functionality of Texas’ electric grid and water supply but would impact the state’s provision of reliable electricity and available water to its consumers. The responsive information is the kind of information intended to be protected under § 418.181, as it poses a risk to the safe and secure provision of

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<sup>10</sup> PUCT Docket 59281, Data Collection to Study the Water Use of Data Centers and Virtual Currency Mining Facilities (General Appropriations Act of the 89th Legislative Session at VIII-57 ("Rider 6") (April 2, 2026).

<sup>11</sup> See 16 TAC § 25.497.

re: PIA Request from Taylor Goldenstein

June 18, 2026

Page 5 of 5

electricity and water to Texas citizens and threatens the public health and safety, economy, and morale of the state.<sup>12</sup>

Alternatively, if the OAG requires release of the responsive information, the PUCT respectfully requests that any required disclosure be limited to de-identified information that does not reveal specific details about the data centers or virtual currency mining facilities that participated in the survey or any categories of information that could be used to identify any specific survey participant, including the location of the facilities, water service providers, and interconnecting electric utilities. Should the OAG require such disclosure, the PUCT requests that the PUCT be permitted to determine the categories of data that could be safely released without identifying any specific survey participant based on agency expertise and experience.

### **Conclusion**

The PUCT respectfully requests that the Attorney General review the arguments presented in this brief and issue a ruling that the information in Attachment A is protected from disclosure in its entirety pursuant to § 552.101, in conjunction with § 418.181. The PUCT further requests that the Attorney General consider any arguments that may be asserted by the affected third parties. Alternatively, the PUCT respectfully requests that the Attorney General require only partial release of the responsive information in de-identified form, as determined by the PUCT.

If you need additional information, please do not hesitate to contact me at (512) 936-7279 or my paralegal at (512) 936-7252.

Sincerely,

[//s// Jasmin Augustus](#)

Jasmin Augustus

Public Information Coordinator

cc: Requestor Taylor Goldenstein  
Texas Tribune  
919 Congress Ave.  
Sixth Floor  
Austin, TX 78701  
(redacted and w/o enclosures)

**Via Email:** [tgoldenstein@texastribune.org](mailto:tgoldenstein@texastribune.org)

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<sup>12</sup> See Texas Government Code §421.001.

**Attachment A**  
**Responsive Information – Withheld in its  
entirety**

**Thomas J. Gleeson**  
Chairman

**Kathleen Jackson**  
Commissioner

**Courtney K. Hjaltman**  
Commissioner

**Morgan Johnson**  
Commissioner

**Patrick Rhode**  
Commissioner



**Greg Abbott**  
Governor

**Connie Corona**  
Executive Director

## *Public Utility Commission of Texas*

June 18, 2026

The Honorable Attorney General Ken Paxton  
Office of the Attorney General  
William P. Clements State Office Building  
300 W. 15th St  
Austin, TX 78701

Attention: Division Chief, Open Records Division

**RE: Public Information Act Request to the Public Utility Commission of Texas**  
**Requestor: Keaton Peters (PUCT ID NO. 2026-205)**

Dear Attorney General Paxton:

On June 12, 2026, the Public Utility Commission of Texas (PUCT) timely submitted a request for opinion in accordance with Section 552.301(b) of the Public Information Act (PIA), Texas Government Code Chapter 552, regarding whether we must release certain information in response to a May 29, 2026<sup>1</sup> request from Keaton Peters. This letter is submitted within the 15-day deadline prescribed in Section 552.301(e) of the PIA and will describe the information in question and present arguments explaining why the information is subject to exceptions under the PIA.

The request is for the following:

“Pursuant to the Texas Public Information Act, I hereby request the following records:

I am requesting a spreadsheet of the results from the “Energy and Water Use Survey for Data Centers and Virtual Currency Mining Facilities” described in the pdf at this URL:  
[https://interchange.puc.texas.gov/Documents/59281\\_2\\_1615402.PDF](https://interchange.puc.texas.gov/Documents/59281_2_1615402.PDF)

<sup>1</sup> The PUCT operated with skeleton crew on June 19, 2026, in observance of Emancipation Day, a state holiday under Section 662.003 of the Texas Government Code. Therefore, the 10th business day after the receipt of the request is June 12, 2026, and the 15th business day is June 22, 2026.



My request is not seeking specific facility-level identifying information such as Facility ID or the County (items 1, 2 from the pdf). My request is for individual results of all other survey fields 3-26 as identified in the PDF.”<sup>2</sup>

Because the PUCT believes that the responsive information should be protected from disclosure in its entirety, no information has been released to the requestor. The withheld information has been provided as **Attachment A** to this letter in electronic format via Interagency mail. The withheld information has been encrypted for security purposes, as the information is confidential by law and includes detailed technical information related to the state’s critical infrastructure systems and functions. In addition, the responsive information may implicate the privacy interests of multiple third parties. The PUCT has notified all third parties so they may make arguments regarding the release of the responsive information in accordance with § 552.305 of the Texas Government Code.<sup>3</sup>

The information at issue relates to data centers and virtual currency mining facilities operating in the state of Texas. Data centers are facilities that house large numbers of computers and servers used to store, process, and deliver data and digital services, such as websites, cloud computing, and applications. Data centers require a significant amount of electricity, also known as a “load,” to power their equipment and maintain necessary cooling systems. Data centers are generally considered “steady” or “continuous” loads because they are designed to operate consistently with high reliability and minimal interruption. Virtual currency mining is the process of using specialized computers to solve complex equations and add transactions to a blockchain, which also requires a significant amount of load. However, virtual currency mining facilities are considered “flexible” loads. Unlike data centers, virtual currency mining facilities can quickly adjust their power consumption in response to certain factors, like changes in the wholesale price of electricity. The Texas power grid model is based on supply and demand and relies on fluctuations in wholesale electricity prices to incentivize power generators to provide supply during peak demand. The ability of virtual currency mining facilities to adjust their power consumption quickly, and without notice, impacts wholesale electricity prices and, ultimately, the stability and reliability of the state’s energy grid.

In response to the increased amount of energy and water usage by data centers and virtual currency mining facilities in Texas, the 89th Texas Legislature, through a budget rider (Rider 6) in the General Appropriations Act, directed the PUCT to collect data to study the water use of certain industries that have an inverse relationship between energy and water usage.<sup>4</sup> The Legislature also directed the PUCT to submit to the Legislative Budget Board and the Governor a report containing the findings of the energy and water usage study no later than

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<sup>2</sup> The PUCT provided the Attorney General’s Office with a copy of the request on June 12, 2026, in connection with the PUCT’s 10-day letter requesting an OAG ruling.

<sup>3</sup> The PUCT provided the Attorney General’s Office with copies of the correspondence to the third parties notifying them of this request on June 12, 2026, in connection with the PUCT’s 10-day letter requesting an OAG ruling.

<sup>4</sup> See Texas General Appropriations Act, art. VIII, "Study to Address Water and Emerging Technologies" (Rider 6), 89th Leg., R. S. (2025), Senate Bill 1, page 879.

December 31, 2026.<sup>5</sup> The PUCT, in collaboration with the Texas Water Development Board (TWDB), scoped a study to focus on data centers and virtual currency mining facilities and developed a survey to collect data from these facilities. The survey became available to participants on April 2, 2026, and remained open until May 28, 2026.<sup>6</sup> The information responsive to this request includes the survey responses submitted by multiple data centers and virtual currency mining facilities.

### **Reasons for Withholding**

The PUCT believes that the responsive information is excepted from disclosure under Texas Government Code § 552.101.<sup>7</sup> This letter will explain why this exception is applicable and describe the information it excepts from disclosure. Additionally, a portion of the information at issue in this request is similar<sup>8</sup> to the information previously submitted to the OAG for ruling in PUCT IDs 2025-02-002, 2025-02-014, 2025-02-022, 2025-02-028, 2025-03-016, and 2025-04-002. On May 19, 2025, the PUCT received OAG ruling OR2025-016557. OAG ruling OR2025-016557 addressed the information responsive to PUCT IDs 2025-02-002, 2025-02-014, 2025-02-022, 2025-02-028, 2025-03-016, and 2025-04-002. On June 27, 2025, the PUCT filed an appeal of OAG Ruling OR2025-016557.<sup>9</sup> To the extent the information at issue in this request implicates the responsive information subject to OAG ruling OR2025-016557 or the arguments made by the PUCT for withholding the information in that matter, the PUCT maintains its position that the information is excepted from disclosure under the PIA exceptions asserted in its prior request for ruling and makes consistent arguments herein for protection of the responsive information at issue in this request. No arguments included in this briefing should be construed to the contrary.

### Section 552.101, in conjunction with Texas Government Code §418.181

Section 552.101 excepts from disclosure under the PIA “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.”

Texas Government Code §418.181 states “[t]hose documents or portions of documents in the possession of a governmental entity are confidential if they identify the technical details of particular vulnerabilities of critical infrastructure to an act of terrorism.” Texas Government Code §421.001 defines “critical infrastructure” to include “all public or private assets, systems, and functions vital to the security, governance, public health and safety, economy, or morale of the state or the nation.”

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<sup>5</sup> *Id.*

<sup>6</sup> PUCT Docket 59281, Data Collection to Study the Water Use of Data Centers and Virtual Currency Mining Facilities (General Appropriations Act of the 89th Legislative Session at VIII-57 ("Rider 6") (April 2, 2026).

<sup>7</sup> After further consideration, the PUCT has determined exceptions §§ 552.103, 552.104, 552.107, 552.111, 552.117, 552.130, 552.136, 552.137, and 552.147 listed in the 10-day letter requesting an OAG ruling do not apply.

<sup>8</sup> These PIA requests sought registration and application information for virtual currency mining facilities filed with the PUCT. Some of the responsive information is similar in nature and/or overlaps with the responsive information in this request.

<sup>9</sup> *Public Utility Commission of Texas vs. Ken Paxton Attorney General for the State of Texas*, D-1-GN-25-004622 (353rd Dist. Ct., Travis County, Tex., pending).

In 2025, the 89th Texas Legislature directed the PUCT to collect data to study the water use of certain industries that have an inverse relationship between energy and water usage.<sup>10</sup> In response to this directive, the PUCT developed a survey to collect energy and water usage data from data centers and virtual currency mining facilities.<sup>11</sup> The withheld information includes the survey responses submitted by multiple data centers and virtual currency mining facilities. The withheld information was confidentially provided to the PUCT and reveals detailed critical infrastructure information.

Critical infrastructure is necessary to ensure the reliability and adequacy of the electric power grid in Texas, as well as the availability and reliability of water and wastewater systems, which are crucial for the protection and maintenance of public safety, including hospitals, police stations, fire stations, and critical water and wastewater facilities (critical load public safety customers).<sup>12</sup> Electricity and reliable access to water are vital to the public health and safety, economy, and morale of the state and nation. People rely on electricity to power life-saving medical equipment, as well as heating and cooling systems, and depend on the availability of water for drinking, sanitation, and in emergency situations, like firefighting and medical services, which are vital. Texas Government Code §421.001 defines “critical infrastructure” to include public *or* private assets, systems, and functions vital to the security, governance, public health and safety, economy, or morale of the state *or* the nation.

Even if narrowed as directed by the requestor, the responsive information still reveals certain technical details about private assets, systems, and functions that affect Texas’ energy grid and water supply systems. For example, the responsive information reveals highly detailed operational critical infrastructure information, such as the physical location, regional water planning area, type, contracted and actual electrical load in megawatts (MW), total energy consumption by megawatt-hour (MWh), projected future peak load, cooling technologies and infrastructure, total water intake and water sources, and function of critical infrastructure and critical infrastructure facilities, including water service providers and interconnecting electric utilities. Commonly referred to as transmission and distribution utilities (TDUs), interconnecting electric utilities operate transmission lines (lines used to transport large amounts of electricity over long distances to generation facilities, like generation substations and power plants) that are critical to the preservation of Texas’ electric grid.

The responsive information<sup>13</sup>, if released, could be useful to terrorists to launch both physical and cybersecurity attacks against Texas’ critical infrastructure. The disclosure of the withheld information would reveal vulnerabilities in Texas’ critical infrastructure, which could help terrorists identify weaknesses within the electric grid and water systems to plan targeted

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<sup>10</sup> See Texas General Appropriations Act, art. VIII, "Study to Address Water and Emerging Technologies" (Rider 6), 89th Leg., R. S. (2025), Senate Bill 1, page 879.

<sup>11</sup> PUCT Docket 59281, Data Collection to Study the Water Use of Data Centers and Virtual Currency Mining Facilities (General Appropriations Act of the 89th Legislative Session at VIII-57 ("Rider 6") (April 2, 2026).

<sup>12</sup> See 16 TAC § 25.497.

<sup>13</sup> The remaining responsive categories of information, when evaluated as a whole, could still be used to identify specific survey participants, including the location of their facilities, water service providers, and interconnecting electric utilities.

disruptions of the electric load and water supply, and map the facilities' interconnecting utilities and water service providers to manipulate the state's electric grid and tamper with the state's water systems and resources. This would not only threaten the functionality of Texas' electric grid and water supply but would impact the state's provision of reliable electricity and available water to its consumers. The responsive information is the kind of information intended to be protected under § 418.181, as it poses a risk to the safe and secure provision of electricity and water to Texas citizens and threatens the public health and safety, economy, and morale of the state.<sup>14</sup>

Alternatively, if the OAG requires release of the responsive information, the PUCT respectfully requests that any required disclosure be limited to de-identified information that does not reveal specific details about the data centers or virtual currency mining facilities that participated in the survey or any categories of information that could be used to identify any specific survey participant, including the location of the facilities, water service providers, and interconnecting electric utilities. Should the OAG require such disclosure, the PUCT requests that the PUCT be permitted to determine the categories of data that could be safely released without identifying any specific survey participant based on agency expertise and experience.

### **Conclusion**

The PUCT respectfully requests that the Attorney General review the arguments presented in this brief and issue a ruling that the information in Attachment A is protected from disclosure in its entirety pursuant to § 552.101, in conjunction with § 418.181. The PUCT further requests that the Attorney General consider any arguments that may be asserted by the affected third parties. Alternatively, the PUCT respectfully requests that the Attorney General require only partial release of the responsive information in de-identified form, as determined by the PUCT.

If you need additional information, please do not hesitate to contact me at (512) 936-7279 or my paralegal at (512) 936-7252.

Sincerely,

[//s// Jasmin Augustus](#)

Jasmin Augustus

Public Information Coordinator

cc: Requestor Keaton Peters  
MuckRock News  
DEPT MR 212324  
263 Huntington Ave  
Boston, MA 02115  
(redacted and w/o enclosures)

**Via Email:** [keatonpeters@utexas.edu](mailto:keatonpeters@utexas.edu)

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<sup>14</sup> See Texas Government Code §421.001.

**Attachment A**  
**Responsive Information – Withheld in its  
entirety**

**Thomas J. Gleeson**  
Chairman

**Kathleen Jackson**  
Commissioner

**Courtney K. Hjaltman**  
Commissioner

**Morgan Johnson**  
Commissioner

**Patrick Rhode**  
Commissioner



**Greg Abbott**  
Governor

**Connie Corona**  
Executive Director

## *Public Utility Commission of Texas*

June 18, 2026

The Honorable Attorney General Ken Paxton  
Office of the Attorney General  
William P. Clements State Office Building  
300 W. 15th St  
Austin, TX 78701

Attention: Division Chief, Open Records Division

**RE: Public Information Act Request to the Public Utility Commission of Texas**  
**Requestor: Paul M. Neville (PUCT ID NO. 2026-215)**

Dear Attorney General Paxton:

On June 15, 2026, the Public Utility Commission of Texas (PUCT) timely submitted a request for opinion in accordance with Section 552.301(b) of the Public Information Act (PIA), Texas Government Code Chapter 552, regarding whether we must release certain information in response to a June 1, 2026<sup>1</sup> request from Paul M. Neville. This letter is submitted within the 15-day deadline prescribed in Section 552.301(e) of the PIA and will describe the information in question and present arguments explaining why the information is subject to exceptions under the PIA.

The request is for the following:

“The information I am requesting is the results/findings of Project 59281; the Energy and Water Use Survey.”<sup>2</sup>

Because the PUCT believes that the responsive information should be protected from disclosure in its entirety, no information has been released to the requestor. The withheld information has been provided as **Attachment A** to this letter in electronic format via

<sup>1</sup> The PUCT operated with skeleton crew on June 19, 2026, in observance of Emancipation Day, a state holiday under Section 662.003 of the Texas Government Code. Therefore, the 10th business day after the receipt of the request is June 15, 2026, and the 15th business day is June 23, 2026.

<sup>2</sup> The PUCT provided the Attorney General’s Office with a copy of the request on June 15, 2026, in connection with the PUCT’s 10-day letter requesting an OAG ruling.



Interagency mail. The withheld information has been encrypted for security purposes, as the information is confidential by law and includes detailed technical information related to the state's critical infrastructure systems and functions. In addition, the responsive information may implicate the privacy interests of multiple third parties. The PUCT has notified all third parties so they may make arguments regarding the release of the responsive information in accordance with § 552.305 of the Texas Government Code.<sup>3</sup>

The information at issue relates to data centers and virtual currency mining facilities operating in the state of Texas. Data centers are facilities that house large numbers of computers and servers used to store, process, and deliver data and digital services, such as websites, cloud computing, and applications. Data centers require a significant amount of electricity, also known as a "load," to power their equipment and maintain necessary cooling systems. Data centers are generally considered "steady" or "continuous" loads because they are designed to operate consistently with high reliability and minimal interruption. Virtual currency mining is the process of using specialized computers to solve complex equations and add transactions to a blockchain, which also requires a significant amount of load. However, virtual currency mining facilities are considered "flexible" loads. Unlike data centers, virtual currency mining facilities can quickly adjust their power consumption in response to certain factors, like changes in the wholesale price of electricity. The Texas power grid model is based on supply and demand and relies on fluctuations in wholesale electricity prices to incentivize power generators to provide supply during peak demand. The ability of virtual currency mining facilities to adjust their power consumption quickly, and without notice, impacts wholesale electricity prices and, ultimately, the stability and reliability of the state's energy grid.

In response to the increased amount of energy and water usage by data centers and virtual currency mining facilities in Texas, the 89th Texas Legislature, through a budget rider (Rider 6) in the General Appropriations Act, directed the PUCT to collect data to study the water use of certain industries that have an inverse relationship between energy and water usage.<sup>4</sup> The Legislature also directed the PUCT to submit to the Legislative Budget Board and the Governor a report containing the findings of the energy and water usage study no later than December 31, 2026.<sup>5</sup> The PUCT, in collaboration with the Texas Water Development Board (TWDB), scoped a study to focus on data centers and virtual currency mining facilities and developed a survey to collect data from these facilities. The survey became available to participants on April 2, 2026, and remained open until May 28, 2026.<sup>6</sup> The information responsive to this request includes the survey responses submitted by multiple data centers and virtual currency mining facilities.

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<sup>3</sup> The PUCT provided the Attorney General's Office with copies of the correspondence to the third parties notifying them of this request on June 15, 2026, in connection with the PUCT's 10-day letter requesting an OAG ruling.

<sup>4</sup> See Texas General Appropriations Act, art. VIII, "Study to Address Water and Emerging Technologies" (Rider 6), 89th Leg., R. S. (2025), Senate Bill 1, page 879.

<sup>5</sup> *Id.*

<sup>6</sup> PUCT Docket 59281, Data Collection to Study the Water Use of Data Centers and Virtual Currency Mining Facilities (General Appropriations Act of the 89th Legislative Session at VIII-57 ("Rider 6") (April 2, 2026).

### **Reasons for Withholding**

The PUCT believes that the responsive information is excepted from disclosure under Texas Government Code § 552.101.<sup>7</sup> This letter will explain why this exception is applicable and describe the information it excepts from disclosure. Additionally, a portion of the information at issue in this request is similar<sup>8</sup> to the information previously submitted to the OAG for ruling in PUCT IDs 2025-02-002, 2025-02-014, 2025-02-022, 2025-02-028, 2025-03-016, and 2025-04-002. On May 19, 2025, the PUCT received OAG ruling OR2025-016557. OAG ruling OR2025-016557 addressed the information responsive to PUCT IDs 2025-02-002, 2025-02-014, 2025-02-022, 2025-02-028, 2025-03-016, and 2025-04-002. On June 27, 2025, the PUCT filed an appeal of OAG Ruling OR2025-016557.<sup>9</sup> To the extent the information at issue in this request implicates the responsive information subject to OAG ruling OR2025-016557 or the arguments made by the PUCT for withholding the information in that matter, the PUCT maintains its position that the information is excepted from disclosure under the PIA exceptions asserted in its prior request for ruling and makes consistent arguments herein for protection of the responsive information at issue in this request. No arguments included in this briefing should be construed to the contrary.

### Section 552.101, in conjunction with Texas Government Code §418.181

Section 552.101 excepts from disclosure under the PIA “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.”

Texas Government Code §418.181 states “[t]hose documents or portions of documents in the possession of a governmental entity are confidential if they identify the technical details of particular vulnerabilities of critical infrastructure to an act of terrorism.” Texas Government Code §421.001 defines “critical infrastructure” to include “all public or private assets, systems, and functions vital to the security, governance, public health and safety, economy, or morale of the state or the nation.”

In 2025, the 89th Texas Legislature directed the PUCT to collect data to study the water use of certain industries that have an inverse relationship between energy and water usage.<sup>10</sup> In response to this directive, the PUCT developed a survey to collect energy and water usage data from data centers and virtual currency mining facilities.<sup>11</sup> The withheld information includes the survey responses submitted by multiple data centers and virtual currency mining facilities.

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<sup>7</sup> After further consideration, the PUCT has determined exceptions §§ 552.103, 552.104, 552.107, 552.111, 552.117, 552.130, 552.136, 552.137, and 552.147 listed in the 10-day letter requesting an OAG ruling do not apply.

<sup>8</sup> These PIA requests sought registration and application information for virtual currency mining facilities filed with the PUCT. Some of the responsive information is similar in nature and/or overlaps with the responsive information in this request.

<sup>9</sup> *Public Utility Commission of Texas vs. Ken Paxton Attorney General for the State of Texas*, D-1-GN-25-004622 (353rd Dist. Ct., Travis County, Tex., pending).

<sup>10</sup> See Texas General Appropriations Act, art. VIII, "Study to Address Water and Emerging Technologies" (Rider 6), 89th Leg., R. S. (2025), Senate Bill 1, page 879.

<sup>11</sup> PUCT Docket 59281, Data Collection to Study the Water Use of Data Centers and Virtual Currency Mining Facilities (General Appropriations Act of the 89th Legislative Session at VIII-57 ("Rider 6") (April 2, 2026).

The withheld information was confidentially provided to the PUCT and reveals detailed critical infrastructure information.

Critical infrastructure is necessary to ensure the reliability and adequacy of the electric power grid in Texas, as well as the availability and reliability of water and wastewater systems, which are crucial for the protection and maintenance of public safety, including hospitals, police stations, fire stations, and critical water and wastewater facilities (critical load public safety customers).<sup>12</sup> Electricity and reliable access to water are vital to the public health and safety, economy, and morale of the state and nation. People rely on electricity to power life-saving medical equipment, as well as heating and cooling systems, and depend on the availability of water for drinking, sanitation, and in emergency situations, like firefighting and medical services, which are vital. Texas Government Code §421.001 defines “critical infrastructure” to include public *or* private assets, systems, and functions vital to the security, governance, public health and safety, economy, or morale of the state *or* the nation.

The responsive information reveals certain technical details about private assets, systems, and functions that affect Texas’ energy grid and water supply systems. For example, the responsive information reveals highly detailed operational critical infrastructure information, such as the physical location, regional water planning area, type, contracted and actual electrical load in megawatts (MW), total energy consumption by megawatt-hour (MWh), projected future peak load, cooling technologies and infrastructure, total water intake and water sources, and function of critical infrastructure and critical infrastructure facilities, including water service providers and interconnecting electric utilities. Commonly referred to as transmission and distribution utilities (TDUs), interconnecting electric utilities operate transmission lines (lines used to transport large amounts of electricity over long distances to generation facilities, like generation substations and power plants) that are critical to the preservation of Texas’ electric grid.

The responsive information, if released, could be useful to terrorists to launch both physical and cybersecurity attacks against Texas’ critical infrastructure. The disclosure of the withheld information would reveal vulnerabilities in Texas’ critical infrastructure, which could help terrorists identify weaknesses within the electric grid and water systems to plan targeted disruptions of the electric load and water supply, and map the facilities’ interconnecting utilities and water service providers to manipulate the state’s electric grid and tamper with the state’s water systems and resources. This would not only threaten the functionality of Texas’ electric grid and water supply but would impact the state’s provision of reliable electricity and available water to its consumers. The responsive information is the kind of information intended to be protected under § 418.181, as it poses a risk to the safe and secure provision of electricity and water to Texas citizens and threatens the public health and safety, economy, and morale of the state.<sup>13</sup>

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<sup>12</sup> See 16 TAC § 25.497.

<sup>13</sup> See Texas Government Code §421.001.

re: PIA Request from Paul M. Neville

June 18, 2026

Page 5 of 5

Alternatively, if the OAG requires release of the responsive information, the PUCT respectfully requests that any required disclosure be limited to de-identified information that does not reveal specific details about the data centers or virtual currency mining facilities that participated in the survey or any categories of information that could be used to identify any specific survey participant, including the location of the facilities, water service providers, and interconnecting electric utilities. Should the OAG require such disclosure, the PUCT requests that the PUCT be permitted to determine the categories of data that could be safely released without identifying any specific survey participant based on agency expertise and experience.

### **Conclusion**

The PUCT respectfully requests that the Attorney General review the arguments presented in this brief and issue a ruling that the information in Attachment A is protected from disclosure in its entirety pursuant to § 552.101, in conjunction with § 418.181. The PUCT further requests that the Attorney General consider any arguments that may be asserted by the affected third parties. Alternatively, the PUCT respectfully requests that the Attorney General require only partial release of the responsive information in de-identified form, as determined by the PUCT.

If you need additional information, please do not hesitate to contact me at (512) 936-7279 or my paralegal at (512) 936-7252.

Sincerely,

[//s// Jasmin Augustus](#)

Jasmin Augustus  
Public Information Coordinator

cc: Requestor Paul M. Neville  
961 Number Ten Downing Street  
China Spring, TX 76633  
(redacted and w/o enclosures)

**Via US Mail**

**Attachment A**  
**Responsive Information – Withheld in its  
entirety**

**Thomas J. Gleeson**  
Chairman

**Kathleen Jackson**  
Commissioner

**Courtney K. Hjaltnan**  
Commissioner

**Morgan Johnson**  
Commissioner

**Patrick Rhode**  
Commissioner



**Greg Abbott**  
Governor

**Connie Corona**  
Executive Director

## *Public Utility Commission of Texas*

July 7, 2026

The Honorable Attorney General Ken Paxton  
Office of the Attorney General  
William P. Clements State Office Building  
300 W. 15th St  
Austin, TX 78701

Attention: Division Chief, Open Records Division

**RE: Public Information Act Request to the Public Utility Commission of Texas**  
**Requestor: Taylor Goldenstein (PUCT ID NO. 2026-232)**

Dear Attorney General Paxton:

On June 29, 2026, the Public Utility Commission of Texas (PUCT) timely submitted a request for opinion in accordance with Section 552.301(b) of the Public Information Act (PIA), Texas Government Code Chapter 552, regarding whether we must release certain information in response to a June 12, 2026<sup>1</sup>, request from Taylor Goldenstein. This letter is submitted within the 15 day deadline prescribed in Section 552.301(e) of the PIA and will describe the information in question and present arguments explaining why the information is subject to exceptions under the PIA.

The request is for the following:

“We are writing to request the following information [...]: Aggregated/anonymized survey responses to the Energy and Water Use Survey for data centers and virtual currency mining facilities (see link on your website here: <https://www.puc.texas.gov/industry/water/utilities/energy-and-water-use-survey/sign-up>), as required by Tex. Gen. Appropriations Act, art. VIII, Rider 6, 89th Leg., R.S. (2025).

<sup>1</sup> The PUCT operated with skeleton crew on June 19, 2026, in observance of Emancipation Day, a state holiday under Section 662.003 of the Texas Government Code. Additionally, the PUCT was closed on July 3, 2026, in observance of Independence Day, a federal holiday under Section 552.031 of the Texas Government Code. Therefore, the 10th business day after the receipt of the request is June 29, 2026, and the 15th business day is July 7, 2026.



Please group the responses by data centers and cryptocurrency miners. We are requesting this information be sent in electronic form, preferably as a spreadsheet.”<sup>2</sup>

Because the PUCT believes that the responsive information should be protected from disclosure in its entirety, no information has been released to the requestor. The withheld information has been provided as **Attachment A** to this letter in electronic format via Interagency mail. The withheld information has been encrypted for security purposes, as the information is confidential by law and includes detailed technical information related to the state’s critical infrastructure systems and functions. In addition, the responsive information may implicate the privacy interests of multiple third parties. The PUCT has notified all third parties so they may make arguments regarding the release of the responsive information in accordance with § 552.305 of the Texas Government Code.<sup>3</sup>

The information at issue relates to data centers and virtual currency mining facilities operating in the state of Texas. Data centers are facilities that house large numbers of computers and servers used to store, process, and deliver data and digital services, such as websites, cloud computing, and applications. Data centers require a significant amount of electricity, also known as a “load,” to power their equipment and maintain necessary cooling systems. Data centers are generally considered “steady” or “continuous” loads because they are designed to operate consistently with high reliability and minimal interruption. Virtual currency mining is the process of using specialized computers to solve complex equations and add transactions to a blockchain, which also requires a significant amount of load. However, virtual currency mining facilities are considered “flexible” loads. Unlike data centers, virtual currency mining facilities can quickly adjust their power consumption in response to certain factors, like changes in the wholesale price of electricity. The Texas power grid model is based on supply and demand and relies on fluctuations in wholesale electricity prices to incentivize power generators to provide supply during peak demand. The ability of virtual currency mining facilities to adjust their power consumption quickly, and without notice, impacts wholesale electricity prices and, ultimately, the stability and reliability of the state’s energy grid.

In response to the increased amount of energy and water usage by data centers and virtual currency mining facilities in Texas, the 89th Texas Legislature, through a budget rider (Rider 6) in the General Appropriations Act, directed the PUCT to collect data to study the water use of certain industries that have an inverse relationship between energy and water usage.<sup>4</sup> The Legislature also directed the PUCT to submit to the Legislative Budget Board and the Governor a report containing the findings of the energy and water usage study no later than December 31, 2026.<sup>5</sup> The PUCT, in collaboration with the Texas Water Development Board (TWDB), scoped a study to focus on data centers and virtual currency mining facilities and

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<sup>2</sup> The PUCT provided the Attorney General’s Office with copies of request on June 29, 2026, in connection with the PUCT’s 10-day letter requesting OAG ruling.

<sup>3</sup> The PUCT provided the Attorney General’s Office with copies of the correspondence to the third parties notifying them of this request on June 29, 2026, in connection with the PUCT’s 10-day letter requesting an OAG ruling.

<sup>4</sup> See Texas General Appropriations Act, art. VIII, “Study to Address Water and Emerging Technologies” (Rider 6), 89th Leg., R. S. (2025), Senate Bill 1, page 879.

<sup>5</sup> *Id.*

developed a survey to collect data from these facilities. The survey became available to participants on April 2, 2026, and remained open until May 28, 2026.<sup>6</sup> The information responsive to this request includes the survey responses submitted by multiple data centers and virtual currency mining facilities.

### **Reasons for Withholding**

The PUCT believes that the responsive information is excepted from disclosure under Texas Government Code § 552.101.<sup>7</sup> This letter will explain why this exception is applicable and describe the information it excepts from disclosure. Additionally, a portion of the information at issue in this request is similar<sup>8</sup> to the information previously submitted to the OAG for ruling in PUCT IDs 2025-02-002, 2025-02-014, 2025-02-022, 2025-02-028, 2025-03-016, and 2025-04-002. On May 19, 2025, the PUCT received OAG ruling OR2025-016557. OAG ruling OR2025-016557 addressed the information responsive to PUCT IDs 2025-02-002, 2025-02-014, 2025-02-022, 2025-02-028, 2025-03-016, and 2025-04-002. On June 27, 2025, the PUCT filed an appeal of OAG Ruling OR2025-016557.<sup>9</sup> To the extent the information at issue in this request implicates the responsive information subject to OAG ruling OR2025-016557 or the arguments made by the PUCT for withholding the information in that matter, the PUCT maintains its position that the information is excepted from disclosure under the PIA exceptions asserted in its prior request for ruling and makes consistent arguments herein for protection of the responsive information at issue in this request. No arguments included in this briefing should be construed to the contrary.

### Section 552.101, in conjunction with Texas Government Code §418.181

Section 552.101 excepts from disclosure under the PIA “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.”

Texas Government Code §418.181 states “[t]hose documents or portions of documents in the possession of a governmental entity are confidential if they identify the technical details of particular vulnerabilities of critical infrastructure to an act of terrorism.” Texas Government Code §421.001 defines “critical infrastructure” to include “all public or private assets, systems, and functions vital to the security, governance, public health and safety, economy, or morale of the state or the nation.”

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<sup>6</sup> PUCT Docket 59281, Data Collection to Study the Water Use of Data Centers and Virtual Currency Mining Facilities (General Appropriations Act of the 89th Legislative Session at VIII-57 ("Rider 6") (April 2, 2026).

<sup>7</sup> After further consideration, the PUCT has determined exceptions §§ 552.103, 552.104, 552.107, 552.111, 552.117, 552.130, 552.136, 552.137, and 552.147 listed in the 10-day letter requesting an OAG ruling do not apply.

<sup>8</sup> These PIA requests sought registration and application information for virtual currency mining facilities filed with the PUCT. Some of the responsive information is similar in nature and/or overlaps with the responsive information in this request.

<sup>9</sup> *Public Utility Commission of Texas vs. Ken Paxton Attorney General for the State of Texas*, D-1-GN-25-004622 (353rd Dist. Ct., Travis County, Tex., pending).

In 2025, the 89th Texas Legislature directed the PUCT to collect data to study the water use of certain industries that have an inverse relationship between energy and water usage.<sup>10</sup> In response to this directive, the PUCT developed a survey to collect energy and water usage data from data centers and virtual currency mining facilities.<sup>11</sup> The withheld information includes the survey responses submitted by multiple data centers and virtual currency mining facilities. The withheld information was confidentially provided to the PUCT and reveals detailed critical infrastructure information.

Critical infrastructure is necessary to ensure the reliability and adequacy of the electric power grid in Texas, as well as the availability and reliability of water and wastewater systems, which are crucial for the protection and maintenance of public safety, including hospitals, police stations, fire stations, and critical water and wastewater facilities (critical load public safety customers).<sup>12</sup> Electricity and reliable access to water are vital to the public health and safety, economy, and morale of the state and nation. People rely on electricity to power life-saving medical equipment, as well as heating and cooling systems, and depend on the availability of water for drinking, sanitation, and in emergency situations, like firefighting and medical services, which are vital. Texas Government Code §421.001 defines “critical infrastructure” to include public *or* private assets, systems, and functions vital to the security, governance, public health and safety, economy, or morale of the state *or* the nation.

Even if anonymized or aggregated as directed by the requestor, the responsive information still reveals certain technical details about private assets, systems, and functions that affect Texas’ energy grid and water supply systems. For example, the responsive information reveals highly detailed operational critical infrastructure information, such as the physical location, regional water planning area, type, contracted and actual electrical load in megawatts (MW), total energy consumption by megawatt-hour (MWh), projected future peak load, cooling technologies and infrastructure, total water intake and water sources, and function of critical infrastructure and critical infrastructure facilities, including water service providers and interconnecting electric utilities. This information would be responsive even if it were anonymized as to the entity submitting the survey results or aggregated among several entities submitting the survey results.<sup>13</sup> Commonly referred to as transmission and distribution utilities (TDUs), interconnecting electric utilities operate transmission lines (lines used to transport large amounts of electricity over long distances to generation facilities, like generation substations and power plants) that are critical to the preservation of Texas’ electric grid.

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<sup>10</sup> See Texas General Appropriations Act, art. VIII, "Study to Address Water and Emerging Technologies" (Rider 6), 89th Leg., R. S. (2025), Senate Bill 1, page 879.

<sup>11</sup> PUCT Docket 59281, Data Collection to Study the Water Use of Data Centers and Virtual Currency Mining Facilities (General Appropriations Act of the 89th Legislative Session at VIII-57 ("Rider 6") (April 2, 2026).

<sup>12</sup> See 16 TAC § 25.497.

<sup>13</sup> In accordance with Texas Government Code § 552.231, the PUCT outlined the reasons why anonymized or aggregated data was not feasible for disclosure. The PUCT provided the Attorney General’s Office with copies of the PUCT’s letter to the requestor on June 29, 2026, in connection with the PUCT’s 10-day letter requesting OAG ruling.

The responsive information<sup>14</sup>, if released, could be useful to terrorists to launch both physical and cybersecurity attacks against Texas' critical infrastructure. The disclosure of the withheld information would reveal vulnerabilities in Texas' critical infrastructure, which could help terrorists identify weaknesses within the electric grid and water systems to plan targeted disruptions of the electric load and water supply, and map the facilities' interconnecting utilities and water service providers to manipulate the state's electric grid and tamper with the state's water systems and resources. This would not only threaten the functionality of Texas' electric grid and water supply but would impact the state's provision of reliable electricity and available water to its consumers. The responsive information is the kind of information intended to be protected under § 418.181, as it poses a risk to the safe and secure provision of electricity and water to Texas citizens and threatens the public health and safety, economy, and morale of the state.<sup>15</sup>

Alternatively, if the OAG requires release of the responsive information, the PUCT respectfully requests that any required disclosure be limited to only that de-identified information that would not reveal specific details about the data centers or virtual currency mining facilities that participated in the survey *or* any categories of information that could be used to identify any specific survey participant, including the location of the facilities, water service providers, and interconnecting electric utilities. Should the OAG require such disclosure, the PUCT requests that the PUCT be permitted to determine the categories of data that could be safely released without identifying any specific survey participant based on agency expertise and experience.

### **Conclusion**

The PUCT respectfully requests that the Attorney General review the arguments presented in this brief and issue a ruling that the information in Attachment A is protected from disclosure in its entirety pursuant to § 552.101, in conjunction with § 418.181. The PUCT further requests that the Attorney General consider any arguments that may be asserted by the affected third parties. Alternatively, the PUCT respectfully requests that the Attorney General require only partial release of the responsive information in limited, de-identified form, as determined by the PUCT.

If you need additional information, please do not hesitate to contact me at (512) 936-7279 or my paralegal at (512) 936-7252.

Sincerely,

[//s// Jasmin Augustus](#)

Jasmin Augustus  
Public Information Coordinator

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<sup>14</sup> The remaining responsive categories of information, when evaluated as a whole, could still be used to identify specific survey participants, including the location of their facilities, water service providers, and interconnecting electric utilities.

<sup>15</sup> See Texas Government Code §421.001.

re: PIA Request from Taylor Goldenstein  
July 7, 2026  
Page 6 of 6

cc: Requestor Taylor Goldenstein  
The Texas Tribune  
919 Congress Ave. Sixth Floor  
Austin, TX 78701  
(redacted and w/o enclosures)

**Via Email:** [tgoldenstein@texastribune.org](mailto:tgoldenstein@texastribune.org)

## **Attachment A**

### **Information At Issue**

**Thomas J. Gleeson**  
Chairman

**Kathleen Jackson**  
Commissioner

**Courtney K. Hjaltnan**  
Commissioner

**Morgan Johnson**  
Commissioner

**Patrick Rhode**  
Commissioner



**Greg Abbott**  
Governor

**Connie Corona**  
Executive Director

## *Public Utility Commission of Texas*

July 22, 2026

The Honorable Attorney General Ken Paxton  
Office of the Attorney General  
William P. Clements State Office Building  
300 W. 15th St  
Austin, TX 78701

Attention: Division Chief, Open Records Division

**RE: Public Information Act Request to the Public Utility Commission of Texas**  
**Requestor: Eleanor Dearman (PUCT ID NO. 2026-265)**

Dear Attorney General Paxton:

On July 15, 2026, the Public Utility Commission of Texas (PUCT) timely submitted a request for opinion in accordance with Section 552.301(b) of the Public Information Act (PIA), Texas Government Code Chapter 552, regarding whether we must release certain information in response to a June 30, 2026<sup>1</sup>, request from Eleanor Dearman. This letter is submitted within the 15-day deadline prescribed in Section 552.301(e) of the PIA and will describe the information in question and present arguments explaining why the information is subject to exceptions under the PIA.

The request is for the following:

"I am requesting copies of all responses to the Energy and Water Use Survey for Data Center and Virtual Currency Mining Facilities submitted to the PUCT."<sup>2</sup>

Because the PUCT believes that all of the responsive information should be protected from disclosure under the PIA, no responsive information has been released to the requestor.

<sup>1</sup> The PUCT was closed on July 3, 2026, in observance of Independence Day, a federal holiday under Section 662.003(a) of the Texas Government Code. Therefore, the 10th business day after the receipt of the request is July 15, 2026, and the 15th business day is July 22, 2026.

<sup>2</sup> The PUCT provided the Attorney General's Office with copies of request on July 15, 2026, in connection with the PUCT's 10-day letter requesting OAG ruling.



The withheld information has been provided as **Attachment A** to this letter in electronic format via Interagency mail. The withheld information has been encrypted for security purposes, as the information is confidential by law and includes detailed technical information related to the state's critical infrastructure systems and functions. In addition, the responsive information may implicate the privacy interests of multiple third parties. The PUCT has notified all third parties so they may make arguments regarding the release of the responsive information in accordance with § 552.305 of the Texas Government Code.<sup>3</sup>

The information at issue relates to data centers and virtual currency mining facilities operating in the state of Texas. Data centers are facilities that house large numbers of computers and servers used to store, process, and deliver data and digital services, such as websites, cloud computing, and applications. Data centers require a significant amount of electricity, also known as a "load," to power their equipment and maintain necessary cooling systems. Data centers are generally considered "steady" or "continuous" loads because they are designed to operate consistently with high reliability and minimal interruption. Virtual currency mining is the process of using specialized computers to solve complex equations and add transactions to a blockchain, which also requires a significant amount of load. However, virtual currency mining facilities are considered "flexible" loads. Unlike data centers, virtual currency mining facilities can quickly adjust their power consumption in response to certain factors, like changes in the wholesale price of electricity. The Texas power grid model is based on supply and demand and relies on fluctuations in wholesale electricity prices to incentivize power generators to provide supply during peak demand. The ability of virtual currency mining facilities to adjust their power consumption quickly, and without notice, impacts wholesale electricity prices and, ultimately, the stability and reliability of the state's energy grid.

In response to the increased amount of energy and water usage by data centers and virtual currency mining facilities in Texas, the 89th Texas Legislature, through a budget rider (Rider 6) in the General Appropriations Act, directed the PUCT to collect data to study the water use of certain industries that have an inverse relationship between energy and water usage.<sup>4</sup> The Legislature also directed the PUCT to submit to the Legislative Budget Board and the Governor a report containing the findings of the energy and water usage study no later than December 31, 2026.<sup>5</sup> The PUCT, in collaboration with the Texas Water Development Board (TWDB), scoped a study to focus on data centers and virtual currency mining facilities and developed a survey to collect data from these facilities. The survey became available to participants on April 2, 2026, and remained open until May 28, 2026.<sup>6</sup> The information

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<sup>3</sup> The PUCT provided the Attorney General's Office with copies of the correspondence to the third parties notifying them of this request on July 15, 2026, in connection with the PUCT's 10-day letter requesting an OAG ruling.

<sup>4</sup> See Texas General Appropriations Act, art. VIII, "Study to Address Water and Emerging Technologies" (Rider 6), 89th Leg., R. S. (2025), Senate Bill 1, page 879.

<sup>5</sup> *Id.*

<sup>6</sup> PUCT Docket 59281, Data Collection to Study the Water Use of Data Centers and Virtual Currency Mining Facilities (General Appropriations Act of the 89th Legislative Session at VIII-57 ("Rider 6") (April 2, 2026).

responsive to this request includes the survey responses submitted by multiple data centers and virtual currency mining facilities.

### **Reasons for Withholding**

The PUCT believes that the responsive information is excepted from disclosure under Texas Government Code § 552.101.<sup>7</sup> This letter will explain why this exception is applicable and describe the information it excepts from disclosure. Additionally, a portion of the information at issue in this request is similar<sup>8</sup> to the information previously submitted to the OAG for ruling in PUCT IDs 2025-02-002, 2025-02-014, 2025-02-022, 2025-02-028, 2025-03-016, and 2025-04-002. On May 19, 2025, the PUCT received OAG ruling OR2025-016557. OAG ruling OR2025-016557 addressed the information responsive to PUCT IDs 2025-02-002, 2025-02-014, 2025-02-022, 2025-02-028, 2025-03-016, and 2025-04-002. On June 27, 2025, the PUCT filed an appeal of OAG Ruling OR2025-016557.<sup>9</sup> To the extent the information at issue in this request implicates the responsive information subject to OAG ruling OR2025-016557 or the arguments made by the PUCT for withholding the information in that matter, the PUCT maintains its position that the information is excepted from disclosure under the PIA exceptions asserted in its prior request for ruling and makes consistent arguments herein for protection of the responsive information at issue in this request. No arguments included in this briefing should be construed to the contrary.

### Section 552.101, in conjunction with Texas Government Code §418.181

Section 552.101 excepts from disclosure under the PIA “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.”

Texas Government Code §418.181 states “[t]hose documents or portions of documents in the possession of a governmental entity are confidential if they identify the technical details of particular vulnerabilities of critical infrastructure to an act of terrorism.” Texas Government Code §421.001 defines “critical infrastructure” to include “all public or private assets, systems, and functions vital to the security, governance, public health and safety, economy, or morale of the state or the nation.”

In 2025, the 89th Texas Legislature directed the PUCT to collect data to study the water use of certain industries that have an inverse relationship between energy and water usage.<sup>10</sup> In response to this directive, the PUCT developed a survey to collect energy and water usage data

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<sup>7</sup> After further consideration, the PUCT has determined exceptions §§ 552.103, 552.104, 552.107, 552.111, 552.117, 552.130, 552.136, 552.137, and 552.147 listed in the 10-day letter requesting an OAG ruling do not apply.

<sup>8</sup> These PIA requests sought registration and application information for virtual currency mining facilities filed with the PUCT. Some of the responsive information is similar in nature and/or overlaps with the responsive information in this request.

<sup>9</sup> *Public Utility Commission of Texas vs. Ken Paxton Attorney General for the State of Texas*, D-1-GN-25-004622 (353rd Dist. Ct., Travis County, Tex., pending).

<sup>10</sup> See Texas General Appropriations Act, art. VIII, "Study to Address Water and Emerging Technologies" (Rider 6), 89th Leg., R. S. (2025), Senate Bill 1, page 879.

from data centers and virtual currency mining facilities.<sup>11</sup> The withheld information includes the survey responses submitted by multiple data centers and virtual currency mining facilities. The withheld information was confidentially provided to the PUCT and reveals detailed critical infrastructure information.

Critical infrastructure is necessary to ensure the reliability and adequacy of the electric power grid in Texas, as well as the availability and reliability of water and wastewater systems, which are crucial for the protection and maintenance of public safety, including hospitals, police stations, fire stations, and critical water and wastewater facilities (critical load public safety customers).<sup>12</sup> Electricity and reliable access to water are vital to the public health and safety, economy, and morale of the state and nation. People rely on electricity to power life-saving medical equipment, as well as heating and cooling systems, and depend on the availability of water for drinking, sanitation, and in emergency situations, like firefighting and medical services, which are vital. Texas Government Code §421.001 defines “critical infrastructure” to include public *or* private assets, systems, and functions vital to the security, governance, public health and safety, economy, or morale of the state *or* the nation.

The responsive information reveals certain technical details about private assets, systems, and functions that affect Texas’ energy grid and water supply systems. For example, the responsive information reveals highly detailed operational critical infrastructure information, such as the physical location, regional water planning area, type, contracted and actual electrical load in megawatts (MW), total energy consumption by megawatt-hour (MWh), projected future peak load, cooling technologies and infrastructure, total water intake and water sources, and function of critical infrastructure and critical infrastructure facilities, including water service providers and interconnecting electric utilities. Commonly referred to as transmission and distribution utilities (TDUs), interconnecting electric utilities operate transmission lines (lines used to transport large amounts of electricity over long distances to generation facilities, like generation substations and power plants) that are critical to the preservation of Texas’ electric grid.

The responsive information, if released, could be useful to terrorists to launch both physical and cybersecurity attacks against Texas’ critical infrastructure. The disclosure of the withheld information would reveal vulnerabilities in Texas’ critical infrastructure, which could help terrorists identify weaknesses within the electric grid and water systems to plan targeted disruptions of the electric load and water supply, and map the facilities’ interconnecting utilities and water service providers to manipulate the state’s electric grid and tamper with the state’s water systems and resources. This would not only threaten the functionality of Texas’ electric grid and water supply but would impact the state’s provision of reliable electricity and available water to its consumers. The responsive information is the kind of information intended to be protected under § 418.181, as it poses a risk to the safe and secure provision of

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<sup>11</sup> PUCT Docket 59281, Data Collection to Study the Water Use of Data Centers and Virtual Currency Mining Facilities (General Appropriations Act of the 89th Legislative Session at VIII-57 ("Rider 6") (April 2, 2026).

<sup>12</sup> See 16 TAC § 25.497.

re: PIA Request from Eleanor Dearman

July 22, 2026

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electricity and water to Texas citizens and threatens the public health and safety, economy, and morale of the state.<sup>13</sup>

Alternatively, if the OAG requires release of the responsive information, the PUCT respectfully requests that any required disclosure be limited to de-identified information that does not reveal specific details about the data centers or virtual currency mining facilities that participated in the survey or any categories of information that could be used to identify any specific survey participant, including the location of the facilities, water service providers, and interconnecting electric utilities. Should the OAG require such disclosure, the PUCT requests that the PUCT be permitted to determine the categories of data that could be safely released without identifying any specific survey participant based on agency expertise and experience.

### **Conclusion**

The PUCT respectfully requests that the Attorney General review the arguments presented in this brief and issue a ruling that the information in Attachment A is protected from disclosure in its entirety pursuant to § 552.101, in conjunction with § 418.181. The PUCT further requests that the Attorney General consider any arguments that may be asserted by the affected third parties. Alternatively, the PUCT respectfully requests that the Attorney General require only partial release of the responsive information in de-identified form, as determined by the PUCT.

If you need additional information, please do not hesitate to contact me at (512) 936-7279 or my paralegal at (512) 936-7252.

Sincerely,

[//s// Jasmin Augustus](#)

Jasmin Augustus

Public Information Coordinator

cc: Requestor Eleanor Dearman  
Fort Worth Star-Telegram  
2833 Crockett St., Suite 173  
Fort Worth TX 76107  
(redacted and w/o enclosures)

**Via Email:** [edearman@star-telegram.com](mailto:edearman@star-telegram.com)

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<sup>13</sup> See Texas Government Code §421.001.

## **Attachment A**

### **Information At Issue**

# **Exhibit C**



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

September 2, 2026

Ms. Jasmine Augustus  
Public Information Coordinator  
Public Utility Commission of Texas  
P.O. Box 13326  
Austin, Texas 78711

OR2026-038988

Dear Ms. Augustus:

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# 26-031236 (PUC ID Nos. 2026-201, 2026-205, 2026-215).

The Public Utility Commission of Texas (the "commission") received a request for information pertaining to a specified survey. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. Additionally, you state release of the submitted information may implicate the proprietary interests of numerous third parties. Accordingly, you state, and provide documentation showing, you notified these third parties of the request for information and of their right to submit arguments to this office as to why the submitted information should not be released. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in the Act in certain circumstances). We have received comments from Aligned Data Centers ("ADC"); Compass Datacenters DFW III, LLC ("Compass"); CyrusOne, LP ("Cyrus"); DDH, Inc. ("DDH"); IE US Development Holdings 3, Inc. ("IEUSDH"); Oracle America, Inc. ("Oracle"); Riot Platforms, Inc. ("Riot"); and Rowan Temple LLC ("Rowan"). We have reviewed the submitted information and the submitted arguments.

Initially, you state some of the submitted information was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2025-16557 (2025). In response to Open Records Letter No. 2025-16557, the commission filed a lawsuit against our office challenging the ruling, which is pending. *See Public Utility Comm'n of Texas v. Ken Paxton, Attorney Gen. of Tex.*, Cause No. D-1-GN-25-004622, (353rd Dist. Ct., Travis County, Tex.). Accordingly, we will allow the trial court to resolve the issue of whether the information at issue must be released to the public. However, we will consider the public availability of the submitted information that is not subject to the pending litigation.

Next, we note an interested third party is allowed ten business days after the date of its receipt of the governmental body's notice under section 552.305(d) to submit its reasons, if any, as to why information relating to that party should be withheld from public disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, we have not received comments from any of the remaining third parties explaining why the information at issue should not be released. Thus, we have no basis to conclude any of the remaining third parties have a protected proprietary interest in the information at issue. *See, e.g., id.* § 552.110 (requiring the provision of specific factual evidence demonstrating the applicability of the exception). Therefore, the commission may not withhold any portion of the submitted information on the basis of any proprietary interest the remaining third parties may have in it.

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 information that is made confidential by other statutes, such as section 418.181 of the Government Code, which was added to chapter 418 of the Government Code as part of the Texas Homeland Security Act (the "HSA"). Section 418.181 provides "[t]hose documents or portions of documents in the possession of a governmental entity are confidential if they identify the technical details of particular vulnerabilities of critical infrastructure to an act of terrorism." *Id.* § 418.181; *see also id.* § 421.001(2) (defining "critical infrastructure" to include "all public or private assets, systems, and functions vital to the security, governance, public health and safety, economy, or morale of the state or the nation"). The fact that information may relate to a governmental body's security concerns does not make the information *per se* confidential under the HSA. *See* Open Records Decision No. 649 at 3 (1996) (language of confidentiality provision controls scope of its protection). Furthermore, the mere recitation by a governmental body of a statute's key terms is not sufficient to demonstrate the applicability of a claimed provision. As with any confidentiality provision, a governmental body asserting one of the confidentiality provisions of the HSA must adequately explain how the responsive information falls within the scope of the claimed provision. *See* Gov't Code § 552.301(e)(1)(A) (governmental body must explain how claimed exception to disclosure applies).

The commission, ADC, Compass, Cyrus, and Rowan claim some of the submitted information is confidential under section 552.101 of the Government Code in conjunction with section 418.181 of the Government Code. Upon review, however, we find the commission, ADC, Compass, Cyrus, and Rowan have failed to demonstrate the information at issue identifies the technical details of particular vulnerabilities of critical infrastructure to an act of terrorism. Therefore, we conclude the commission may not withhold any portion of the submitted information under section 552.101 of the Government Code in conjunction with section 418.181 of the Government Code.

We understand ADC and Compass to assert their information at issue is confidential because it was supplied with the expectation of confidentiality. We note information is not confidential under the Act simply because the party that submits the information anticipates or requests that it be kept confidential. *See Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 677 (Tex. 1976). In other words, a governmental body cannot overrule or repeal provisions of the Act through an agreement or contract. *See* Attorney General Opinion JM-672 (1987); Open Records Decision Nos. 541 at 3 (1990) ("[T]he obligations

of a governmental body under [the Act] cannot be compromised simply by its decision to enter into a contract.”), 203 at 1 (1978) (mere expectation of confidentiality by person supplying information does not satisfy requirements of statutory predecessor to section 552.110). Consequently, unless the information at issue falls within an exception to disclosure, it must be released, notwithstanding any expectation or agreement to the contrary.

Section 552.110(b) of the Government Code states, “information is [excepted from required disclosure] if it is demonstrated based on specific factual evidence that the information is a trade secret.” *See* Gov’t Code § 552.110(b). Section 552.110(a) defines a trade secret as all forms and types of information if:

- (1) the owner of the trade secret has taken reasonable measures under the circumstances to keep the information secret; and
- (2) the information derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable through proper means by, another person who can obtain economic value from the disclosure or use of the information.

*Id.* § 552.110(a). Section 552.110(c) excepts from disclosure “commercial or financial information for which it is demonstrated based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the information was obtained[.]” *Id.* § 552.110(c). Upon review, we find ADC, Compass, Cyrus, DDH, IEUS, Oracle, Riot, and Rowan have demonstrated portions of their information at issue constitute trade secrets or commercial or financial information, the release of which would cause substantial competitive harm. Accordingly, the commission must withhold the information we have marked under section 552.110 of the Government Code.<sup>1</sup> However, we find ADC, Compass, Cyrus, DDH, IEUS, Riot, and Rowan have failed to provide specific factual evidence demonstrating any portion of the remaining information at issue is a trade secret or constitutes commercial or financial information, the release of which would result in substantial competitive harm. Therefore, the commission may not withhold any portion of the remaining information under section 552.110 of the Government Code.

DDH and Riot also raise section 552.1101 of the Government Code for some the remaining information at issue. Section 552.1101(a) excepts from disclosure “information *submitted to a governmental body* by a vendor, contractor, potential vendor, or potential contractor *in response to a request for a bid, proposal, or qualification*[.]” *Id.* § 552.1101(a) (emphasis added). Additionally, we note section 552.1101(b) lists certain types of information to which section 552.1101(a) does not apply. *See id.* § 552.1101(b). Upon review, we find DDH and Riot have failed to demonstrate the applicability of section 552.1101(a) to their remaining information at issue. Therefore, the commission may not withhold any portion of the remaining information under section 552.1101(a) of the Government Code.

Riot also raises section 552.102 of the Government Code for some of its remaining information at issue. Section 552.102(a) excepts from disclosure “information in a

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<sup>1</sup> As our ruling is dispositive, we need not address the remaining arguments against disclosure of this information.

personnel file, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” *Id.* § 552.102(a). The Texas Supreme Court held section 552.102(a) excepts from disclosure the dates of birth of state employees in the payroll database of the Texas Comptroller of Public Accounts. *Tex. Comptroller of Pub. Accounts v. Attorney Gen. of Tex.*, 354 S.W.3d 336 (Tex. 2010). Upon review, we find Riot has failed to demonstrate the applicability of section 552.102(a) of the Government Code to its remaining information at issue, and the commission may not withhold any portion of it on that basis.

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.

(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:

(A) generation unit specific and portfolio fixed and variable costs, including forecasts of those costs, capital improvement plans for generation units, and generation unit operating characteristics and outage scheduling;

(B) bidding and pricing information for purchased power, generation and fuel, and [ERCOT] bids, prices, offers, and related services and strategies;

(C) effective fuel and purchased power agreements and fuel transportation arrangements and contracts;

(D) risk management information, contracts, and strategies, including fuel hedging and storage;

(E) plans, studies, proposals, and analyses for system improvements, additions, or sales, other than transmission and distribution system improvements inside the service area for which the public power utility is the sole certificated retail provider; and

(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). Section 552.133(a-1)(2) provides fifteen categories of information that are not competitive matters. *See id.* § 552.133(a-1)(2). 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). ADC claims its information is excepted from disclosure under section 552.133. However, we find ADC has failed to demonstrate the applicability of section 552.133 to its information, and the commission may not withhold the information at issue on that basis.

Section 552.137 of the Government Code excepts from disclosure “an e-mail address of a member of the public that is provided for the purpose of communicating electronically with a governmental body” unless the member of the public consents to its release or the e-mail address is of a type specifically excluded by subsection (c). *See id.* § 552.137(a)-(c). The e-mail addresses at issue are not excluded by subsection (c). Therefore, the commission must withhold the personal e-mail addresses in the remaining information under section 552.137 of the Government Code, unless the owners affirmatively consent to their public disclosure.

In summary, the commission must withhold the information we have marked under section 552.110(c) of the Government Code. The commission must withhold the personal e-mail addresses in the remaining information under section 552.137 of the Government Code, unless the owners affirmatively consent to their public disclosure. The commission must release the remaining information.

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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG’s Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,

Nick Ybarra  
Assistant Attorney General  
Open Records Division

NY/tb

Ref: ID# 26-031236

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

# Exhibit D



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

September 11, 2026

Ms. Jasmin Augustus  
Public Information Coordinator  
Public Utility Commission of Texas  
P.O. Box 13326  
Austin, Texas 78711

OR2026-040171

Dear Ms. Augustus:

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# 26-034619 (PUCT ID Nos. 2026-232, 2026-254, 2026-265).

The Public Utility Commission of Texas (the "commission") received three requests for information pertaining to a specified survey. You state you have released some of the requested information. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. Additionally, you state release of the submitted information may implicate the proprietary interests of numerous third parties. Accordingly, you state, and provide documentation showing, you notified these third parties of the request for information and of their right to submit arguments to this office as to why the submitted information should not be released. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in the Act in certain circumstances). We have received comments from Aligned Data Centers; Compass Datacenters DFW III, LLC; CyrusOne, LP; DDH, Inc.; IE US Development Holdings 3, Inc.; Oracle America, Inc.; Riot Platforms, Inc.; and Rowan Temple LLC. We have reviewed the submitted information and the submitted arguments.

We note the submitted information was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2026-38988 (2026). In that ruling, we determined the commission must (1) withhold the information we marked under section 552.110(c) of the Government Code; (2) withhold the personal e-mail addresses in the remaining information under section 552.137 of the Government Code, unless the owners affirmatively consent to their public disclosure; and (3) release the remaining

information. We have no indication there has been any change in the law, facts, or circumstances on which the previous ruling was based. Accordingly, we conclude the commission must rely on Open Records Letter No. 2026-38988 as a previous determination and withhold or release the identical information in accordance with that ruling. *See* Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure). As we are able to make this determination, we need not address the arguments against disclosure.

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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,

Nick Ybarra  
Assistant Attorney General  
Open Records Division

NY/jxd

Ref: ID# 26-034619

c: 3 Requestors

8 Third Parties

### **Automated Certificate of eService**

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Jorge Gonzalez on behalf of Brandon King  
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| Jorge Gonzalez    |           | jorge.gonzalez3@hklaw.com   | 10/5/2026 5:37:53 PM | SENT   |
| Tamara Herrington |           | Tamara.Herrington@hklaw.com | 10/5/2026 5:37:53 PM | SENT   |
| Vanessa Suarez    | 24118548  | vanessa.suarez@hklaw.com    | 10/5/2026 5:37:53 PM | SENT   |
| Brandon King      | 24100613  | Brandon.King@hklaw.com      | 10/5/2026 5:37:53 PM | SENT   |