



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 28, 2012

Mr. Sol M. Cortez
Assistant City Attorney
City of El Paso
2 Civic Center Plaza 9th Floor
El Paso, Texas 79901

OR2012-13595

Dear Mr. Cortez:

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# 463378.

The City of El Paso (the "city") received a request for the responses to a solicitation for air service development consulting services. Although you take no position on its public availability, you believe the submitted information may implicate the proprietary interests of InterVISTAS Consulting LLC ("InterVISTAS"). You inform us InterVISTAS was notified of the request for the submitted information and of the company's right to submit arguments to this office as to why the information should not be released.¹ We have reviewed the information you submitted.

We first note the city sent the requestor a written estimate of the cost of providing the requested information. *See* Gov't Code § 552.2615(a). You do not indicate whether the requestor has responded to the cost estimate. *See id.* § 552.2615(b). In any event, we have examined the submitted cost estimate and determined it does not comply with section 552.2615 of the Government Code. Thus, because the requestor has not received an estimate of the cost of providing the information that complies with section 552.2615, her request for information has not been withdrawn by operation of law, and the city must release the submitted information unless it falls within the scope of an exception to disclosure.

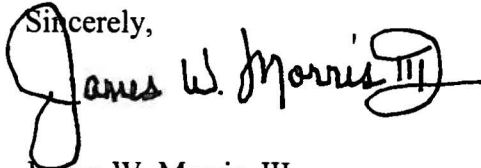
¹*See* Gov't Code § 552.305(d); Open Records Decision No. 542 (1990) (statutory predecessor to Gov't Code § 552.305 permitted governmental body to rely on interested third party to raise and explain applicability of exception to disclosure under certain circumstances).

We next note an interested third party is allowed ten business days from the date of its receipt of the governmental body's notice under section 552.305 of the Government Code to submit its reasons, if any, as to why information relating to the party should not be released. *See id.* § 552.305(d)(2)(B). As of the date of this decision, this office has received no correspondence from InterVISTAS. Thus, because InterVISTAS has not demonstrated any of the information at issue is proprietary for purposes of the Act, the city may not withhold any of the submitted information on the basis of any interest InterVISTAS may have in the information. *See id.* § 552.110(a)-(b); Open Records Decision Nos. 552 at 5 (1990), 661 at 5-6 (1999). Therefore, as the city does not claim an exception to disclosure, the submitted information must be released.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



James W. Morris, III
Assistant Attorney General
Open Records Division

JWM/bhf

Ref: ID# 463378

Enc: Submitted documents

c: Requestor
(w/o enclosures)

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(w/o enclosures)