



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

May 31, 2017

Mr. Mark E. Brewton  
Corporate Counsel  
San Antonio Water System  
P.O. Box 2449  
San Antonio, Texas 78298-2449

OR2017-11846

Dear Mr. Brewton:

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# 659994.

The San Antonio Water System (the "system") received a request for the geohydrology report pertaining to a specified project. Although you take no position as to whether the submitted information is excepted from disclosure, you state release of this information may implicate the proprietary interests of Garney P3, L.L.C. ("Garney") and Vista Ridge, L.L.C. ("Vista Ridge"). Accordingly, you notified Garney and Vista Ridge of the request for information and of each company's 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 Act in certain circumstances). We have received comments from Husch Blackwell, L.L.P. ("Husch"), which represents both Garney and Vista Ridge. We have considered the submitted arguments and reviewed the submitted information.

You inform us the submitted information was the subject of a previous request for information as a result of which this office issued Open Records Letter No. 2014-18519A (2014). In that ruling, we determined the system must: (1) withhold the information we marked under section 552.110(b) of the Government Code, (2) withhold the insurance policy numbers we marked under section 552.136 of the Government Code, 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 system must rely on Open Records Letter No. 2014-18519A 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).

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

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at [http://www.texasattorneygeneral.gov/open/orl\\_ruling\\_info.shtml](http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml), or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Britni Ramirez  
Assistant Attorney General  
Open Records Division

BR/som

Ref: ID# 659994

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

2 Third Parties  
(w/o enclosures)