



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 21, 2017

Mr. James Powell
Assistant General Counsel
North Central Texas Council of Governments
P.O. Box 5888
Arlington, Texas 76005-5888

OR2017-21636

Dear Mr. Powell:

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# 676683.

The North Central Texas Council of Governments ("NCTCOG") received a request for information pertaining to a specified request for proposals. NCTCOG states it has release some of the requested information. NCTCOG does not take a position as to whether the submitted information is excepted from disclosure under the Act. However, NCTCOG represents it notified Solacom Technologies ("Solacom") of NCTCOG's receipt of the request for information and of Solacom's right to submit arguments to this office as to why the requested information should not be released. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 at 3 (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 reviewed the submitted information.

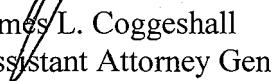
An interested third party is allowed ten business days after the date of its receipt of the governmental body's notice under section 552.305(d) to submit its reasons, if any, as to why requested information relating to it should be withheld from disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, Solacom has not submitted to this office any reasons explaining why the requested information should not be released. Accordingly, we have no basis for concluding the submitted information constitutes proprietary information

of that third party, and NCTCOG may not withhold any portion of it on that basis. *See* Open Records Decision Nos. 661 at 5-6 (1999) (to prevent disclosure of commercial or financial information, party must show by specific factual evidence, not conclusory or generalized allegations, that release of requested information would cause that party substantial competitive harm), 552 at 5 (1990) (party must establish *prima facie* case that information is trade secret), 542 at 3. Therefore, NCTCOG must release the submitted 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 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,



James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/bw

Ref: ID# 676683

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Third Party
(w/o enclosures)

Information at issue: information pertaining to RFP NCT-2016-31 (customer premises equipment replacement)

Third party: Solacom Technologies

GB: North Central Texas Council of Governments

Requestor: Grover Jones (Frontier Communications)

Thanks for looking.