



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

October 6, 2017

Ms. Barbara Martinez
Manager of Corporate Records
Records Management and Public Information Officer
San Antonio Water System
P.O. Box 2449
San Antonio, Texas 78298-2449

OR2017-22874

Dear Ms. Martinez:

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# 678907 (SAWS File No. 6224).

The San Antonio Water System (the "system") received a request for the data from the Vista Ridge Financial Close Financial Model. Although the system takes no position as to whether the submitted information is excepted under the Act, the system states release of the submitted information may implicate the proprietary interests of Garney P3, LLC ("Garney"). Accordingly, the system states, and provides documentation showing, it notified Garney of the request for information and of its 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 Garney. We have also received comments from the requestor. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released). We have considered the submitted arguments and reviewed the submitted information.

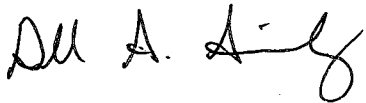
Garney states, and we agree, the submitted information was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2017-08019 (2017). In that ruling, we determined the system may withhold the information at issue under section 552.104(a) of the Government Code. 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 may rely on Open Records Letter No. 2017-08019 as a previous determination and withhold the submitted information in accordance with that ruling.¹ 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, 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,



Gerald A. Arismendez
Assistant Attorney General
Open Records Division

GAA/tdw

Ref: ID# 678907

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Third Party
(w/o enclosures)

¹As we are able to make this determination, we need not address Garney's arguments against disclosure of the submitted information.