



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

January 23, 2019

Ms. Stefanie Albright
Counsel for the North Texas Municipal Water District
Lloyd Gosselink Rochelle & Townsend P.C.
816 Congress Avenue, Suite 1900
Austin, Texas 78701

OR2019-02019

Dear Ms. Albright:

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# 747226.

The North Texas Municipal Water District (the "district"), which you represent, received a request for the names and addresses of individuals who sold land to the district for a specified project. The district claims the requested information is excepted from disclosure under sections 552.104 and 552.105 of the Government Code. We have considered the claimed exceptions and reviewed the submitted information.

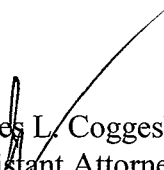
Section 552.104(a) of the Government Code excepts from disclosure "information that, if released, would give advantage to a competitor or bidder." Gov't Code § 552.104(a). The "test under section 552.104 is whether knowing another bidder's [or competitor's information] would be an advantage, not whether it would be a decisive advantage." *Boeing Co. v. Paxton*, 466 S.W.3d 831, 841 (Tex. 2015). The district explains the submitted information relates to the acquisition of property that it is attempting to acquire for the project at issue. The district argues release of this information would have a negative impact on its planning and negotiating position in the ongoing real-estate transactions. After review of the information at issue and consideration of the arguments, we find the district has established the release of the information at issue would give advantage to a competitor or bidder. Thus, we conclude the district may withhold the submitted information under section 552.104(a) of the Government Code.¹

¹As our ruling is dispositive, we do not address the other argument of the district to withhold this 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/gw

Ref: ID# 747226

Enc. Submitted documents

c: Requestor
(w/o enclosures)