



KEN PAXTON  
ATTORNEY GENERAL OF TEXAS

August 20, 2019

Mr. Adam Aldrete  
Legal Counsel  
Legal Services Division  
145 Navarro  
San Antonio, Texas 78205

OR2019-23120

Dear Mr. Aldrete:

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# 781412.

The City of San Antonio, acting by and through the City Public Service Board ("CPS Energy") received a request for bid tabulation and award information pertaining to a specified project. Although CPS Energy takes no position as to whether the submitted information is excepted under the Act, CPS Energy states the release of the requested information may implicate the proprietary interests of Telecom Electric Supply Company ("Telecom"); KBS Electrical Distributors ("KBS"), Inc.; Texas Electrical Cooperatives ("TEC"); and Wesco Distribution, Inc. ("Wesco"). Accordingly, CPS Energy states, and provides documentation showing, it notified these third parties of the request for information and of the 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 (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 considered the submitted information.

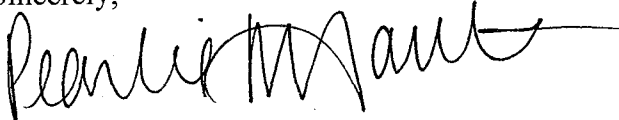
An interested third party is allowed ten business days after the date of its receipt of the governmental body's notice under section 552.305(d) to submit its reasons, if any, as to why information relating to that party should be withheld from public disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, we have not received comments from Telecom, KBS, TEC, and Wesco explaining why the requested information should

not be released. Therefore, we have no basis to conclude Telecom, KBS, TEC, and Wesco have a protected proprietary interest in the requested information. *See id.* § 552.110; 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. Accordingly, CPS Energy may not withhold the requested information on the basis of any proprietary interest Telecom, KBS, Cooperatives, and Wesco may have in the information. As no exceptions to disclosure have been raised, CPS Energy 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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,



Pearlie Gault  
Attorney  
Open Records Division

PG/eb

Ref: ID# 781412

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

4 Third Parties  
(w/o enclosures)