



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

July 21, 2020

Ms. Stacey Cormican
Attorney (Contractor)
CPS Energy
145 Navarro
San Antonio, Texas 78205

OR2020-18201

Dear Ms. Cormican:

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# 835808.

The City Public Service Board of San Antonio, d/b/a CPS Energy ("CPS Energy") received a request for the awarded contractor, awarded amount, and start date pertaining to a specified project. Although you take no position regarding whether the submitted information is excepted from disclosure, you state its release may implicate the proprietary interests of AMCO Steel Fabrication, LLC ("AMCO"). Accordingly, you state, and provide documentation showing, you notified AMCO of the request and its right to submit arguments to this office. *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 reviewed the submitted information.

Initially, we note the requestor seeks only the awarded contractor, awarded amount, and start date pertaining to a specified project. Thus, the portions of the submitted information that do not consist of this information are not responsive to the present request. This ruling does not address the public availability of any information that is not responsive to the request, and CPS Energy is not required to release that information in response to the request.

An interested third party is allowed ten business days after the date of its receipt of the governmental body's notice to submit its reasons, if any, as to why information relating to that party should not be released. *See* Gov't Code § 552.305(d)(2)(B). As of the date of

this ruling, we have not received comments from AMCO. Thus, we have no basis to conclude AMCO has a protected proprietary interest in the responsive information. *See, e.g., id.* § 552.110 (requiring the provision of specific factual evidence demonstrating the applicability of the exception). Accordingly, CPS Energy may not withhold any of the responsive information on the basis of any proprietary interest AMCO may have in the information. CPS Energy must release the responsive 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,

Meredith L. Coffman
Assistant Attorney General
Open Records Division

MLC/mo

Ref: ID# 835808

Enc. Submitted documents

c: Requestor
(w/o enclosures)