



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 29, 2020

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

OR2020-24373

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# 846348.

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 Bandy; CGC; FMO; Jamco; Mapco; and RL Rhode. Accordingly, you state, and provide documentation showing, you notified these third parties of the request and the 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.

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 the notified third parties. Thus, we have no basis to conclude any of the third parties has a protected proprietary interest in the submitted 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 submitted information on the basis of any proprietary interest the notified third parties may have in the information. 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,

Michelle Garza
Assistant Attorney General
Open Records Division

MRG/rm

Ref: ID# 846348

Enc. Submitted documents

c: Requestor

6 Third Parties