



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

February 18, 2022

Ms. Stephanie Storm
City Secretary's Office
City of Wylie
300 Country Club Road
Wylie, Texas 75098

OR2022-05105

Dear Ms. Storm:

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# 931353.

The City of Wylie (the "city") received a request for a specified agreement and any amendments to the agreement. Although the city takes no position as to whether the submitted information is excepted under the Act, the city states release of the submitted information may implicate the proprietary interests of Community Waste Disposal, L.P. ("CWD"). Accordingly, the city states, and provides documentation showing, it notified CWD 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 CWD. We have considered the submitted arguments and reviewed the submitted information.

We note the information at issue was the subject of a previous request for a ruling, as a result of which this office issued Open Records Letter No. 2021-00626A (2021). In that ruling, we determined the city must (1) rely on Open Records Letter No. 2020-25477 (2020) as a previous determination and withhold or release the identical information in accordance with that ruling, (2) withhold the information we marked under section 552.110(c) of the Government Code, and (3) release the remaining information. We have no indication the law, facts, or circumstances on which the prior ruling was based have changed. Thus, the city must continue to rely on Open Records Letter No. 2021-00626A as a previous determination and withhold or release the submitted information in accordance with that

ruling. *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 a prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure). As we are able to make this determination, we need not address the submitted arguments.

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,

Chase D. Young
Assistant Attorney General
Open Records Division

CDY/jxd

Ref: ID# 931353

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Third Party
(w/o enclosures)