



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 4, 2022

Ms. Stacey Cormican
Attorney
CPS Energy
500 McCullough
San Antonio, Texas 78215

OR2022-06487

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# 931725.

The City Public Service Board of San Antonio d/b/a CPS Energy ("CPS") received a request for the bid tabulation pertaining to a specified request for proposals. CPS claims the requested information is excepted from disclosure under sections 552.104, 552.111, and 552.133 of the Government Code. Additionally, CPS states release of the requested information may implicate the proprietary interests of Evers and Sons, Inc.; J3 Company; Jerdon; and Spawglass. Accordingly, CPS states, and provides documentation showing, it notified the third parties of the request for information and of their 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 considered the submitted arguments.

You state the requested information was the subject of a previous request for a ruling, as a result of which this office issued Open Records Letter No. 2021-35922 (2021). In that ruling, we determined CPS may withhold the submitted information under section 552.111 of the Government Code. You state the law, facts, or circumstances on which the prior ruling was based have not changed. Thus, CPS may continue to rely on Open Records Letter No. 2021-35922 as a previous determination and withhold the information at issue

in accordance with that ruling.¹ 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).

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,

Emily Kunst
Assistant Attorney General
Open Records Division

EK/jxd

Ref: ID# 931725

c: Requestor

5 Third Parties

¹ As we are able to make this determination, we need not address your remaining arguments.