



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

July 13, 2022

Mr. Albert E. Tovar  
Attorney  
Office of General Counsel  
VIA Metropolitan Transit  
123 North Medina Street  
San Antonio, Texas 78207

OR2022-20132

Dear Mr. Tovar:

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# 958314.

VIA Metropolitan Transit ("VIA") received a request for certain information pertaining to a specified entity, including certain types of correspondences, information pertaining to a specified internal review, and information pertaining to certain types of funding pertaining to a specified transit center.<sup>1</sup> You state VIA has released some information to the requestor. Although you take no position regarding whether the submitted information is excepted from disclosure, you state release of the information at issue may implicate the proprietary interests of Coach USA, Inc. ("Coach"). Accordingly, you state, and provide documentation demonstrating, VIA notified Coach 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 Coach. We have considered the submitted arguments and reviewed the submitted information.

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<sup>1</sup> You state, and provide documentation demonstrating, VIA sought and received clarification of the information requested. *See* Gov't Code § 552.222(b) (stating if information requested is unclear to governmental body or if large amount of information has been requested, governmental body may ask requestor to clarify or narrow request, but may not inquire into purpose for which information will be used); *City of Dallas v. Abbott*, 304 S.W.3d 380 (Tex. 2010) (holding when governmental entity, acting in good faith, requests clarification of unclear or overbroad request for public information, ten-business-day period to request attorney general opinion is measured from date request is clarified or narrowed).

Section 552.110(c) of the Government Code exempts from disclosure “commercial or financial information for which it is demonstrated based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the information was obtained[.]” Gov’t Code § 552.110(c). Coach argues the information at issue consists of commercial or financial information subject to section 552.110(c). Upon review, we find Coach has demonstrated the information at issue constitutes commercial or financial information, the release of which would cause substantial competitive harm. Accordingly, VIA must withhold the submitted information under section 552.110(c) of the Government Code.<sup>2</sup>

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,

Blake Brennan  
Assistant Attorney General  
Open Records Division

BBX/be

Ref: ID# 958314

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

c: 1 Third Party  
(w/o enclosures)

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<sup>2</sup> As our ruling is dispositive, we need not address Coach’s remaining arguments against disclosure of the submitted information.