



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 26, 2022

Ms. Jasmin Augustus
Public Information Officer
Public Utility Commission of Texas
P.O. Box 13326
Austin, Texas 78711

OR2022-26023

Dear Ms. Augustus:

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# 968746 (Ref. No. 2022-06-009).

The Public Utility Commission of Texas (the "commission") received a request for information pertaining to a specified bond offering. Although you take no position as to whether the submitted information is excepted under the Act, you state release of this information may implicate the proprietary interests of Drexel Hamilton ("Drexel"). Accordingly, you state, and provide documentation showing, you notified the interested third party of the request for information and of its right to submit arguments to this office as to why the information at issue 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 reviewed the submitted information. We have also received and considered comments from the requestor. *See* Gov't Code § 552.304 (permitting interested third party to submit to attorney general reasons why requested information should or should not be released).

You state the submitted information was the subject to a previous request for information, as a result of which this office issued Open Records Letter No. 2022-20045 (2022). In that ruling, we determined, in relevant part, the commission must withhold the information at issue under section 552.110(b) of the Government Code. As we have no indication the law, facts, and circumstances on which the prior ruling was based have changed, the commission must continue to rely on Open Records Letter No. 2022-20045 as a previous determination

and withhold the requested 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 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,

Sarah E. Reese
Attorney
Open Records Division

SER/jm

Ref: ID# 968746

Enc. Submitted documents

c: Requestor
(w/o enclosures)