



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

October 14, 2022

Mr. Kieran Hillis
Public Information Coordinator
The Office of the Governor of Texas
P.O. Box 12428
Austin, Texas 78711

OR2022-31691

Dear Mr. Hillis:

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# 978531 (OOG ID# 457-22).

The Office of the Governor (the "governor's office") received a request for communications between certain divisions of the governor's office and the Electric Reliability Council of Texas ("ERCOT") during a specified time period.¹ Although the governor's office takes no position as to whether the submitted information is excepted under the Act, the governor's office states release of the submitted information may implicate the interests of ERCOT. Accordingly, the governor's office states it has notified ERCOT of its right to submit comments to this office as to why the submitted information should not be released. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released). We have reviewed the submitted information.

Initially, we note the governor's office has marked some information as not responsive. This ruling does not address the public availability of the non-responsive information and the governor's office need not release it to the requestor.

¹ The governor's office states, and provides documentation showing, it sought and received clarification of the information requested. *See* Gov't Code § 552.222 (providing if request for information is unclear, governmental body may ask requestor to clarify request); *see also* *City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (holding that when a governmental entity, acting in good faith, requests clarification or narrowing of an unclear or overbroad request for information, the ten-day period to request an attorney general ruling is measured from the date the request is clarified or narrowed).

As of the date of this letter, we have not received any comments from ERCOT explaining why any portion of the responsive information should not be released to the requestor. Accordingly, the responsive information may not be withheld based on any interests ERCOT may have in the information at issue, and the governor's office must release it.

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,

Gerald A. Arismendez
Assistant Attorney General
Open Records Division

GAA/pt

Ref: ID# 978531

Enc. Submitted documents

c: Requestor
(w/o enclosures)