



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

November 3, 2022

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

OR2022-34265

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# 979034.

The City Public Service Board of San Antonio d/b/a/ CPS Energy ("CPS Energy") received a request for e-mails between two named employees and the American Gas Association (the "AGA"). Although CPS Energy takes no position as to whether the submitted information is excepted under the Act, CPS Energy states release of the submitted information may implicate the proprietary interests of the AGA. Accordingly, CPS Energy states, and provides documentation showing, it notified the AGA 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 the AGA. We have reviewed the submitted information and the submitted arguments.

Section 552.110(c) of the Government Code excepts 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). The AGA argues some of its information consists of commercial or financial information subject to section 552.110(c). Upon review, we find the AGA has demonstrated the information at issue constitutes commercial or financial information, the release of which would cause substantial competitive harm. Accordingly, CPS Energy must withhold the information

we have marked under section 552.110(c) of the Government Code.¹ CPS Energy must release the remaining information.

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# 979034

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹ As our ruling is dispositive, we need not address the remaining arguments against disclosure of this information.