



## Office of the Attorney General

State of Texas

January 21, 1993

DAN MORALES

ATTORNEY GENERAL

Mr. Tim Ketchersid  
Assistant City Attorney  
City Hall  
Dallas, Texas 75201

OR93-024

Dear Mr. Ketchersid:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 18313.

The City of Dallas (the "city") has received a request for information relating to franchise ordinances authorizing Southwestern Bell Telephone Company (SWBT) to use city streets. The information at issue here includes:

3. A copy of the following documents which either directly or indirectly influenced the passage of [Ordinance] No. 20929:
  - a. Any franchise fee audit including workpapers.

You have submitted to us for review an internal audit report of SWBT's franchise with the city. You claim that it is excepted from required public disclosure by section 3(a)(10) of the Open Records Act. As you do not object to release of the remainder of the requested information, we presume it has been or will be made available to the requestor. *See* Open Records Decision No. 363 (1983).<sup>1</sup>

In Open Records Letter OR92-573 (1992), this office addressed the availability of similar audit information under the Open Records Act. In that ruling, this office determined that certain city specific revenue figures submitted to the City of Houston

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<sup>1</sup>In a subsequent letter, you have submitted to us for review documents prepared by an attorney acting as a consultant for the city. You claim that these documents are excepted from required public disclosure by sections 3(a)(1), 3(a)(6), 3(a)(7), and 3(a)(11) of the Open Records Act. These documents, and your arguments asserting that these documents are excepted from required public disclosure, were not submitted within the 10-day limit prescribed by section 7(a) of the Open Records Act. *See* V.T.C.S. art. 6252-17a, § 7(a). A governmental body may not raise additional exceptions after the 10-day deadline absent a showing of compelling interest. Open Records Decision No. 515 (1988). We conclude that you have not made a compelling demonstration that these documents should not be released to the public. Accordingly, these documents must be released in their entirety.

auditor and included in the franchise audit report were excepted from required public disclosure by section 3(a)(10) of the Open Records Act as information constituting "trade secrets." Because the information at issue here is similar to that at issue in Open Records Letter OR-573, we conclude that our determination in that ruling is controlling here. Accordingly, the city must withhold the city specific revenue figures at issue here pursuant to section 3(a)(10) of the Open Records Act. *See* Open Records Decision No. 552 (1990) at 5. All remaining information in the audit report, however, must be released.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR93-024.

Yours very truly,



Celeste A. Baker  
Assistant Attorney General  
Opinion Committee

CAB/GCK/lmm

Ref.: ID# 18313

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