



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 25, 1996

Ms. Amy L. Whitt
Assistant City Attorney
City of Lubbock
P.O. Box 2000
Lubbock, Texas 79457

OR96-2188

Dear Ms. Whitt:

You ask whether certain information is subject to required public disclosure under the Open Records Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 102043.

The City of Lubbock (the "city") received a request for "a copy of proposal #13077 referred to in Section 1.4 of the Prudential Administrative Services Agreement with the City of Lubbock . . . [and] a prospectus for each of the Prudential Funds." You assert no exception to the required public disclosure of the requested information, but suggest that the release of the requested information implicates the property rights of Prudential Securities, Inc. ("Prudential"). See Gov't Code § 552.305. This office notified Prudential of this request to provide an opportunity for Prudential to raise one of the act's exceptions to public disclosure. Prudential failed to respond to our notification. We, therefore, assume that Prudential does not wish to assert a proprietary interest in the requested information. Accordingly, the city may not withhold the requested information from required public disclosure.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Kay Guajardo".

Kay Guajardo
Assistant Attorney General
Open Records Division

KHG/rho

Ref.: ID# 102043

Enclosures: Submitted documents

cc: Mr. Michael A. Morgan
Total Benefit Services, Inc.
4412 74th, Suite A-101
Lubbock, Texas 79424
(w/o enclosures)

Mr. Ned Ockerman
Prudential Securities, Inc.
5211 Brownfield Highway, Suite 200
Lubbock, Texas 79407
(w/o enclosures)