



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

May 7, 2009

Ms. Candice De La Garza  
Assistant City Attorney  
City of Houston  
P.O. Box 368  
Houston, Texas 77001-0368

OR2009-06089

Dear Ms. De La Garza:

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# 342682.

The City of Houston (the "city") received a request for fuel volume usage information for Hobby Airport from November and December 2008. Although you raise no exceptions to disclosure of the submitted fuel volume usage data, you state release of this information may implicate several third parties' proprietary interests. Thus, pursuant to section 552.305 of the Government Code, you have notified these third parties of the request and of each company's right to submit arguments to this office as to why its information should not be released.<sup>1</sup> See Gov't Code § 552.305(d); see also Open Records Decision No. 542 (1990) (determining that statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception to disclosure under in certain circumstances). We have reviewed the submitted information.

An interested third party is allowed ten business days after the date of its receipt of the governmental body's notice under section 552.305(d) to submit its reasons, if any, as to why requested information relating to it should be withheld from disclosure. See Gov't Code § 552.305(d)(2)(B). As of the date of this letter, we have not received arguments from any of the third parties you notified. We thus have no basis for concluding that any portion of the submitted information constitutes proprietary information of these companies, and the city may not withhold any portion of the submitted information on that basis. See Open Records Decision Nos. 661 at 5-6 (1999) (to prevent disclosure of commercial or financial information, party must show by specific factual evidence, not conclusory or generalized allegations, that release of requested information would cause that party substantial competitive harm), 552 at 5 (1990) (party must establish *prima facie* case that information

---

<sup>1</sup>You provide documentation showing the city notified the following third parties of this request: Atlantic Aviation - Hobby, Raytheon, Enterprise Air Center, Inc., Landmark Aviation Services, Southwest Airport Services, Inc., Trajen Flight Support, Millionair, and Wilson Air Center.

is trade secret), 542 at 3 (1990). As you raise no exceptions regarding the submitted information, it must be released to the requestor.

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 [http://www.oag.state.tx.us/open/index\\_orl.php](http://www.oag.state.tx.us/open/index_orl.php), or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,



Jordan Hale  
Assistant Attorney General  
Open Records Division

JH/jb

Ref: ID# 342682

Enc. Submitted documents

cc: Requestor  
(w/o enclosures)

Mr. Mark Smith  
Atlantic Aviation Hobby  
7930 Airport  
Houston, Texas 77061  
(w/o enclosures)

Mr. Lloyd Turner  
Enterprise Air Center, Inc.  
8850 Monroe  
Houston, Texas 77061  
(w/o enclosures)

Mr. Dennis Braner  
Raytheon  
8402 Nelms  
Houston, Texas 77061  
(w/o enclosures)

Mr. Roger E. Woolsey  
Millionair  
8501 Telephone  
Houston, Texas 77061  
(w/o enclosures)

Mr. Cecil Carney, III.  
Wilson Air Center  
900 Randolph  
Houston, Texas 77061  
(w/o enclosures)

Mr. Bob Marino  
Trajen Flight Support  
17725 John F. Kennedy Boulevard  
Houston, Texas 77032  
(w/o enclosures)

Mr. Gary Furst  
Southwest Airport Services, Inc.  
11811 North Brantley Street  
Houston, Texas 77034  
(w/o enclosures)

Mr. Jerry Torrance  
Landmark Aviation Services  
17250 Chanute Road  
Houston, Texas 77032  
(w/o enclosures)