



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 18, 2009

Mr. Claud H. Drinnen
Deputy City Attorney
City of Amarillo
P.O. Box 1971
Amarillo, Texas 79105-1971

OR2009-06704

Dear Mr. Drinnen:

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# 343784.

The City of Amarillo (the "city") received a request for "the public information of the companies that replied to [a request for proposals for long-distance telephone services] and the per minute bids that were offered and won." You state that some responsive information has been released to the requestor. Although you take no position with respect to the remaining requested information, you indicate that it may contain proprietary information. You state, and provide documentation showing, that you have notified AT&T Texas GEM Accounts ("AT&T") and AMA TechTel ("AMA") of the request and of their opportunity to submit comments to this office as to why the submitted information should not be released to the requestor. *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 the applicability of exception to disclose under Act 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 a governmental body's notice under section 552.305(d) of the Government Code to submit its reasons, if any, as to why requested information relating to that party should be withheld from disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, AT&T and AMA have not submitted comments to this office explaining why any portion of the submitted information relating to these companies should not be released to the requestor. Thus, we have no basis to conclude that the release of any portion of the submitted information relating to these companies would implicate their proprietary interests. *See id.* § 552.110; 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 is trade secret), 542 at 3 (1990). As no exceptions to disclosure have been raised, the city must release the submitted information 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, 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,



Cindy Nettles
Assistant Attorney General
Open Records Division

CN/dls

Ref: ID# 343784

Enc. Submitted documents

c: Requestor
(w/o enclosures)

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3120 Eddy, Room 3
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(w/o enclosures)

Mr. Mark Bennett
AMA TechTel
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(w/o enclosures)