



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

February 8, 2010

Mr. John B. Dahill
General Counsel
North Texas Tollway Authority
P.O. Box 260729
Plano, Texas 75026

OR2010-01865

Dear Mr. Dahill:

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# 369953.

The North Texas Tollway Authority (the "authority") received two requests for a copy of the toll revenue study for the Southwest Parkway/Chisholm Trail project.¹ You claim the requested information is excepted from disclosure under sections 552.101, 552.104, and 552.111 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.²

Initially, we note you have submitted toll revenue studies for two different projects. The requestors only seek the study pertaining to the Southwest Parkway/Chisholm Trail project. Accordingly, only this study is responsive to the requests. This ruling does not address the

¹As you have not submitted a copy of the second request, we take our description for that request from your brief.

²We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

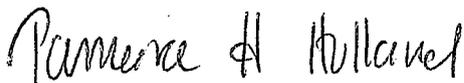
public availability of nonresponsive information, and the authority is not required to release nonresponsive information in response to this request.

Next, we note the responsive information was the subject of a previous ruling issued by this office, Open Records Letter No. 2010-01096 (2010). In that ruling, this office concluded that the authority may withhold the requested draft study in its entirety under section 552.111 of the Government Code. As we have no indication that the law, facts, and circumstances on which this prior ruling was based have changed, you may continue to rely on this prior ruling as a previous determination and withhold the draft study. *See* Open Records Decision No. 673 (2001) (so long as law, facts, circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure). As we are able to make this determination, we do not address your arguments.

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, toll free at (888) 672-6787.

Sincerely,



Tamara H. Holland
Assistant Attorney General
Open Records Division

THH/jb

Ref: ID# 369953

Enc. Submitted documents

c: 2 Requestors
(w/o enclosures)