



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 30, 2010

Ms. Leticia E. Flores
Director of General Law
Public Utility Commission of Texas
P.O. Box 13326
Austin, Texas 78711

OR2010-09665

Dear Ms. Flores:

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# 385002 (PUC Open Records Request No. 2010-04-029).

The Public Utility Commission of Texas (the "commission") received a request for the control numbers for Texas Permit Applications to Operate Automatic Dial and renewals for 2009 and 2010, and the telephone numbers from which automatic dial calls are made for five specified companies since 2006. We understand you have released some responsive information to the requestor.¹ Although you take no position as to the disclosure of the submitted information, you state release of this information may implicate the proprietary interests of Midland Credit Management ("MCM") and Asset Acceptance, Inc. ("AAI"). Accordingly, you notified MCM and AAI of the request and of their opportunity to submit comments to this office as to why the information at issue 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 applicability of exception to disclosure under the Act in certain circumstances). We have reviewed the submitted information.

¹To the extent any additional responsive information existed on the date the commission received this request, we assume you have released it. If you have not released any such records, you must do so at this time. *See* Gov't Code §§ 552.301(a), .302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes that no exceptions apply to requested information, it must release information as soon as possible).

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 decision, this office has not received any correspondence from MCM or AAI. Thus, we have no basis to conclude the release of any portion of the submitted information would implicate the proprietary interests of these companies. *See id.* § 552.110; Open Records Decision Nos. 661 at 5-6 (1999) (stating that business enterprise that claims exception for commercial or financial information under section 552.110(b) must show by specific factual evidence 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). Accordingly, the commission may not withhold any portion of the submitted information on the basis of any proprietary interest MCM or AAI may have in the information. As you raise no exceptions to disclosure, the submitted information 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, 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,



Amy L.S. Shipp
Assistant Attorney General
Open Records Division

ALS/sdk/tp

Ref: ID# 385002

Enc. Submitted documents

c: Requestor
(w/o enclosures)

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