



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 21, 2010

Mr. Ronald J. Bounds
Assistant City Attorney
City of Corpus Christi
P.O. Box 9277
Corpus Christi, Texas 78469-9277

OR2010-10850

Dear Mr. Bounds:

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# 387421.

The City of Corpus Christi (the "city") received a request for the bid tabulations and the awarded vendor's bid from the city's last bid for gasoline and diesel services and specified invoices and bill of ladings pertaining to the city's gasoline and diesel services. You state some of the responsive information will be made available to the requestor. Although you raise no exceptions to disclosure, you state release of the submitted information may implicate the proprietary interests of third parties. You inform us, and provide documentation showing, that pursuant to section 552.305 of the Government Code, you notified the third parties of the request for information and of their right to submit arguments to this office explaining why the submitted information should not be released.¹ *See Gov't Code § 552.305* (permitting interested third party to submit to attorney general reasons why requested information should not be released); *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 in certain circumstances). We have reviewed the submitted information.

We note 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) of the Government Code to submit its reasons, if any, as to why the 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, none of the interested third parties have submitted to this office reasons explaining why their information

¹The interested third parties are: Oil Patch Fuel & Supply; Thomas Petroleum, Ltd.; and Valero Marketing and Supply Company.

should not be released. Therefore, these third parties have provided us with no basis to conclude that they have protected proprietary interests in the submitted information, and the city may not withhold any portion of the submitted information on that basis. *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. Accordingly, the city may not withhold any of the submitted information based on the proprietary interests of the third parties. As no exceptions to disclosure have been raised, the submitted information must be released.

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,



Sarah Casterline
Assistant Attorney General
Open Records Division

SEC/eeg

Ref: ID# 387421

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Ms. Carla Snowden
Oil Patch Fuel & Supply
1526 North Padre Island Dr
Corpus Christi Tx 78408
(w/o enclosures)