



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

August 6, 2010

Mr. Mark Adams  
Office of the General Counsel  
Office of the Governor  
P.O. Box 12428  
Austin, Texas 78711

OR2010-11967

Dear Mr. Adams:

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# 390098.

The Office of the Governor (the "governor") received a request for job-compliance status of all entities receiving Texas Enterprise Fund support. You raise no exception to disclosure on behalf of the governor, but you state the submitted information may implicate the proprietary interests of interested third parties. Accordingly, pursuant to section 552.305 of the Government Code, you state you have notified these third parties of the request and of each party'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)

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<sup>1</sup>The third parties that were notified pursuant to section 552.305 are the following: ADP Tax Credit Services ("ADP"); Associated Hygienic Products L.L.C. ("AHP"); Albany Engineered Composites ("Albany"); Allied Production Solutions L.P. ("Allied"); Authentix, Inc. ("Authentix"); Caterpillar, Inc. ("Caterpillar"); CITGO Petroleum Corp. ("CITGO"); Comerica, Inc. ("Comerica"); Fidelity Global Brokerage Group, Inc. ("Fidelity"); Grifols, Inc. ("Grifols"); FlightSafety International, Inc. ("FlightSafety"); HelioVolt Corp. ("HelioVolt"); Hilmar Cheese Co. ("Hilmar"); Home Depot, Inc. ("Home Depot"); Huntsman Corp. ("Huntsman"); INEOS USA L.L.C. ("INEOS"); JPMorgan Chase Bank, N.A., as successor in interest to Washington Mutual Bank ("Chase"); JTEKT Automotive Texas, L.P.; KLN Steel Products Co., L.L.C. ("KLN"); East Texas Lee Container, L.P. ("Lee"); Lexicon Pharmaceuticals ("Lexicon"); Lockheed Martin Space Systems Co. ("Lockheed"); Martifer-Hirschfeld Energy Systems, L.L.C., as successor in interest to Martifer Energy Systems, L.L.C. ("Martifer"); Maxim Integrated Products ("Maxim"); McLane Advanced Technologies, L.L.C. ("McLane"); MiniMed Distribution Corp.-Medtronic Diabetes ("Medtronic"); Motiva Enterprises, L.L.C. ("Motiva"); Newly Weds Foods, Inc. ("Newly Weds"); Rackspace US, Inc.

(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 Act in certain circumstances). We have reviewed the submitted information.

You state you are withdrawing your request for a ruling on information pertaining to ADP; AHP; Albany; Allied; Authentix; Caterpillar; Chase; Comerica; Fidelity; Grifols; HelioVolt; Home Depot; Huntsman; JTEKT; KLN; Lexicon; Martifer; McLane; Medtronic; Motiva; Newly Weds; Rackspace; Ruiz; Samsung; Sanderson; Santana; Scott & White; Superior; TIGM; T-Mobile; Torchmark; Trace; Tyson; USBC; UTHSC; Vought; and Zarges. You state the requestor has narrowed the request for information and you have released the information subject to the more narrowly tailored request. Accordingly, this ruling does not address the information relating to these third parties.

We note the remaining requested information is the subject of previous rulings issued by this office.<sup>2</sup> See Open Records Letter Nos. 2010-10000 (2010), 2010-07377A (2010), and 2010-11641 (2010). We understand that the pertinent facts and circumstances have not changed since the issuance of those prior rulings. Thus, we determine that the governor must continue to rely on our rulings in Open Records Letter Nos. 2010-10000, 2010-07377A, and 2010-11641 as previous determinations and withhold or release the information at issue in accordance with those decisions. See Open Records Decision No. 673 (2001) (so long as law, facts, and 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).

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

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("Rackspace"); Raytheon Co. ("Raytheon"); Rockwell Collins, Inc. ("Rockwell"); Ruiz Food Products, Inc. ("Ruiz"); Samsung Austin Semiconductor ("Samsung"); Sanderson Farms, Inc. ("Sanderson"); Santana Textiles, L.L.C. ("Santana"); Scott & White; Superior Essex Communications L.P. ("Superior"); Texas Energy Center ("TEC"); Texas Institute for Genomic Medicine/Texas A&M System ("TIGM"); T-Mobile USA, Inc. ("T-Mobile"); Torchmark Corp. ("Torchmark"); Trace Engines, L.P. ("Trace"); Tyson Foods, Inc. ("Tyson"); United States Bowling Congress ("USBC"); University of Texas System - Health Science Center Houston ("UTHSC"); Vought Aircraft Industries, Inc. ("Vought"); and Zarges Aluminum Systems, L.L.C. ("Zarges").

<sup>2</sup>The third parties whose information was addressed in the prior rulings are the following: FlightSafety; CITGO; Hilmar; INEOS; Lee; Lockheed; Maxim; Raytheon; Rockwell; and TEC.

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,



Chris Schulz  
Assistant Attorney General  
Open Records Division

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CS/em

Ref: ID# 3890098

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Mr. Robert Kostelnik  
CITGO Petroleum Corporation  
1293 Eldridge Parkway  
Houston, Texas 77077  
(w/o enclosures)

Mr. Gary Swann  
Hilmar Cheese Company  
9001 North Lander Avenue  
Hilmar, California 95324  
(w/o enclosures)

Mr. Charles Saunders  
INEOS  
2600 South Shore  
League City, Texas 77573  
(w/o enclosures)

Mr. Don Lee  
Lee Container Corporation  
P.O. Box 575  
Homerville, Georgia 31634  
(w/o enclosures)

Mr. Charles Rigg  
Maxim Integrated Products  
120 San Gabriel Drive  
Sunnyvale, California 94086  
(w/o enclosures)

Ms. Terry Ahern  
Orion Finance-Investments  
Lockheed Martin Space Systems Company  
P.O. Box 179  
Denver, Colorado 80201  
(w/o enclosures)

Mr. Jeff Hunt  
Raytheon Company  
2501 West University Drive  
McKinney, Texas 75071  
(w/o enclosures)

Ms. Cheryl Woods  
Rockwell Collins  
400 Collins Road NE  
Cedar Rapids, Iowa 52498  
(w/o enclosures)

Mr. Herbert Appel  
Texas Energy Center  
1650 Highway 6, Suite 300  
Sugar Land, Texas 77478  
(w/o enclosures)

Mr. David F. Chappell  
Cantey Hanger  
For FlightSafety International, Inc.  
600 West 6<sup>th</sup> Street, Suite 300  
Fort Worth, Texas 76102  
(w/o enclosures)

Mr. Ryan Liles  
Allied  
14800 Saint Mary's Lane, Suite 130  
Houston, Texas 77079  
(w/o enclosures)

Mr. Michael Gredlein  
ADP Tax Credit  
1720 Peachtree Street  
Atlanta, Georgia 30309  
(w/o enclosures)

Mr. Brian Coffenberry  
Albany Engineered Composites  
112 Airport Drive  
Rochester, New Hampshire 03867  
(w/o enclosures)

Mr. Craig Stamm  
Authentix  
4355 Excel Parkway  
Addison, Texas 75001  
(w/o enclosures)

Mr. Gary Stroup  
Caterpillar, Inc.  
P.O.Box 610 - AC6101  
Mossville, Illinois 61552  
(w/o enclosures)

Mr. Michael Michalak  
Comerica, Inc.  
1717 Main Street  
Dallas, Texas 75210  
(w/o enclosures)

Ms. Fran Eichorst  
Fidelity  
One Destiny Way  
Westlake, Texas 76262  
(w/o enclosures)

Mr. J. Gregory  
Fidelity Global Brokerage Group, Inc.  
82 Devonshire Street, V6D  
Boston, Massachusetts 02109  
(w/o enclosures)

Mr. Max de Brouwer  
Grifols, Inc.  
2410 Lillyvale Avenue  
Los Angeles, California 90032  
(w/o enclosures)

Mr. Steve Darnell  
HelioVolt Corporation  
8201 East Riverside Drive, Suite 650  
Austin, Texas 78744  
(w/o enclosures)

Mr. Russ Stolle  
Huntsman Corporation  
10003 Woodloch Forest, 8<sup>th</sup> Floor  
The Woodlands, Texas 77380  
(w/o enclosures)

Mr. Jesse DeLeon  
JTEKT  
4400 Sterilite Drive  
Ennis, Texas 75119  
(w/o enclosures)

Mr. Thomas Hennessey  
JPMorgan Chase & Company  
Mail Code OH1-0152  
1111 Polaris Parkway  
Columbus, Ohio 43240  
(w/o enclosures)

Dr. Arthur Sands  
Lexicon Genetics  
8800 Technology Forest Place  
The Woodlands, Texas 77381  
(w/o enclosures)

Mr. Chris O'Connell  
Medronic Diabetes  
18000 Devonshire Street  
Northridge, California 91325  
(w/o enclosures)

Mr. Alan Schoenbaum  
Rackspace  
9725 Datapoint Drive, Suite 1001  
San Antonio, Texas 78229  
(w/o enclosures)

Ms. Catherine Morse  
Samsung  
12100 Samsung Semiconductor  
Austin, Texas 78754  
(w/o enclosures)

Mr. Antonio Mendoza  
Santana Textiles  
135 Paseo Del Prada, Suite 8  
Edinburg, Texas 78539  
(w/o enclosures)

Mr. Guy Diedrich  
Texas A&M System  
Campus Mailstop 3369  
1700 Research Parkway, Suite 250  
College Station, Texas 77845  
(w/o enclosures)

Mr. Douglas Herber  
KLN Steel Products Company  
2 Winnco Drive  
San Antonio, Texas 78218  
(w/o enclosures)

Mr. Silvio Teixeira  
Martifer Energy Systems  
3520 Knickerbocker Road, Suite B  
San Angelo, Texas 76904  
(w/o enclosures)

Mr. Brian Toth  
NewlyWeds Foods  
4140 Fullerton Avenue  
Chicago, Illinois 60639  
(w/o enclosures)

Mr. F. Bryce Ruiz  
Ruiz Food Products  
P.O. Box 37  
Dinuba, California 93618  
(w/o enclosures)

Mr. Bob Billingsley  
Sanderson Farms  
P.O. Box 988  
Laurel, Mississippi 39411  
(w/o enclosures)

Mr. Jimmy Carroll  
Scott & White  
2401 South 31<sup>st</sup> Street  
Temple, Texas 76508  
(w/o enclosures)

Ms. Tina Vieceli  
T-Mobile USA  
12920 SE 39<sup>th</sup> Street  
Bellevue, Washington 98006  
(w/o enclosures)

Ms. Arvelia Bowie  
Torchmark Corporation  
P.O. Box 8080  
McKinney, Texas 75070  
(w/o enclosures)

Mr. David Czarnecki  
Trace Engines  
3000 West Interstate  
Midland, Texas 79701  
(w/o enclosures)

Mr. Lloyd Janiczek  
Tyson Foods  
2210 West Oaklawn Drive, CP-131  
Springdale, Texas 72765  
(w/o enclosures)

Mr. James Sturm  
United States Bowling Congress  
5301 South 76<sup>th</sup> Street  
Greendale, Wisconsin 53129  
(w/o enclosures)

Mr. Tom Stubbins  
Vought Aircraft Industries  
P.O. Box 655907  
Dallas, Texas 75265  
(w/o enclosures)

Mr. Kenneth Shine  
University of Texas Health Science Center  
601 Colorado Street, Suite 205  
Austin, Texas 78701  
(w/o enclosures)

Mr. Larry Jones  
Plant Manager  
Superior Essex  
2900 Morris Sheppard Drive  
Brownwood, Texas 76801  
(w/o enclosures)

Mr. Robert Reeves  
President/COO  
McLane Advanced Technologies, L.L.C.  
P.O. Box 549  
Temple, Texas 76503  
(w/o enclosures)

Associated Hygienic Products, L.L.C. (Attn: Ms. Joeleen Patterson)  
The Home Depot, Inc. (Attn: Mr. Duane A. Portwood)  
Motiva Enterprises, L.L.C. (Attn: Mr. Joe Baker)  
Zarges Aluminum Systems, L.L.C. (Attn: Mr. Tim Dannels)  
**c/o Mr. Mark Adams**  
**Office of the General Counsel**  
**Office of the Governor**  
**P.O. Box 12428**  
**Austin, Texas 78711**  
(w/o enclosures)