



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 8, 2010

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

OR2010-15406

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# 398007.

The Office of the Governor (the "governor") received a request for Ryan, Inc.'s ("Ryan") application for the Texas Enterprise Zone. Although you take no position as to whether the submitted information is excepted under the Act, you state that release of the submitted information may implicate the proprietary interests of Ryan. Accordingly, pursuant to section 552.305 of the Government Code, you state you have notified Ryan of the request and of the company's right to submit arguments to this office as to why its information should not be released. *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 Act in certain circumstances). We have received comments from Ryan. We have considered the submitted arguments and reviewed the submitted information.

We note the requested information was the subject of a previous request, as a result of which this office issued Open Records Letter No. 2010-03151 (2010). In that ruling, we determined the governor must withhold portions of Ryan's application under section 552.110(b) of the Government Code and must release the remaining information. We have no indication there has been any change in the law, facts, or circumstances on which the previous ruling was

based. Accordingly, we conclude the governor must rely on Open Records Letter No. 2010-03151 as a previous determination and withhold or release Ryan's information in accordance with that ruling. *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). As our ruling is dispositive, we need not address Ryan's arguments against 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, 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# 398007

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. John Christian
Ryan
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Austin, Texas 78701
(w/o enclosures)