



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

January 28, 2011

Mr. Frank J. Garza
Law Offices of Davidson & Troilo
For the Brownsville Public Utility Board
7550 West IH-10, Suite 800
San Antonio, Texas 78229-5815

OR2011-01494

Dear Mr. Garza:

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# 408339.

The Brownsville Public Utility Board (the "board"), which you represent, received a request for responses from specified vendors for a specified request for proposals. You state you will release some of the requested information. You raise no exceptions to disclosure on behalf of the board, 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 have notified Paymentus Corporation ("Paymentus") and CSG Systems, Inc. ("CSG") of the request and of each party'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 reviewed the submitted information.

You inform us the submitted information is the subject of a previous ruling issued by this office. In Open Records Letter No. 2009-16566 (2009), this office determined the board must withhold the trade secret information we marked in Paymentus's proposal and the trade secret and pricing information we marked in CSG's proposal under section 552.110 of the Government Code. We found, however, their remaining information and the information of U.S. Payments, L.L.C. and J.P. Morgan Chase Bank must be released in accordance with copyright law. We understand the pertinent law, facts, and circumstances have not changed since the issuance of that prior ruling. Thus, we determine the board must continue to rely on our ruling in Open Records Letter No. 2009-16566 as a previous determination and

withhold or release the requested information in accordance with that decision. *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, 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,



Sean Nottingham
Assistant Attorney General
Open Records Division

SN/eeg

Ref: ID# 408339

Enc. Submitted documents

c: Requestor
(w/o enclosures)

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Englewood, Colorado 80122
(w/o enclosures)

Mr. Albert Yi
Paymentus Corporation
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