



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 2, 2011

Mr. Kipling D. Giles
Senior Counsel
Legal Services Division
CPS Energy
P.O. Box 1771
San Antonio, Texas 78296

OR2011-05946

Dear Mr. Giles:

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# 415985.

The City Public Service Board of the City of San Antonio d/b/a CPS Energy ("CPS") received a request for a list of vendors that submitted a proposal for and the signed contracts resulting from RFP No. 7000096486 for collection services. You state CPS has released the requested list of vendors to the requestor. Although you take no position as to the public availability of the submitted contracts, you state their release may implicate the proprietary interests of Harris & Harris, Ltd. ("Harris") and Credit Systems International, Inc. ("CSI"). Thus, pursuant to section 552.305 of the Government Code, you notified Harris and CSI of the request and of those companies' right to submit arguments to this office as to why their information should not be released. 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 in certain circumstances). We have reviewed the submitted information.

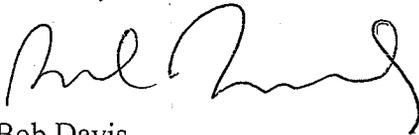
An interested third party is allowed ten business days after the date of its receipt of the governmental body's notice under section 552.305(d) to submit its reasons, if any, as to why information relating to that party should be withheld from public disclosure. *See* Gov't Code

§ 552.305(d)(2)(B). As of the date of this letter, we have not received comments from Harris or CSI explaining why any portion of their submitted information should not be released. Therefore, we have no basis to conclude Harris or CSI has a protected proprietary interest in the submitted information. *See id.* § 552.110; Open Records Decision Nos. 661 at 5-6 (1999) (to prevent disclosure of commercial or financial information, third 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 (1990). Consequently, CPS may not withhold any of the submitted information on the basis of any proprietary interest Harris or CSI may have in the information. Therefore, as you raise no exceptions to its disclosure, the submitted contracts 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,



Bob Davis
Assistant Attorney General
Open Records Division

RSD/tf

Ref: ID# 415985

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Ms. Laura Emmons-Beam
Account Executive
Credit Systems International, Inc.
1277 Country Club Lane
Fort Worth, Texas 76112
(w/o enclosures)

Mr. Brent Brown
Director of Business Development
Harris & Harris, Ltd.
222 Merchandise Mart Plaza, Suite 1900
Chicago, Illinois 60654
(w/o enclosures)