



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

June 10, 2011

Mr. Vic Ramirez
Associate General Counsel
Lower Colorado River Authority
P.O. Box 220
Austin, Texas 78767-0220

OR2011-08257

Dear Mr. Ramirez:

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# 420957.

The Lower Colorado River Authority (the "authority") received a request for a specified bid tabulation. As you have not submitted any arguments against disclosure, we understand you to take no position as to whether the submitted information is excepted under the Act. You state release of the submitted information may implicate the proprietary interests of Doyenne Constructors ("Doyenne") and SpawGlass. Accordingly, you have notified Doyenne and SpawGlass of the request and of their right to submit arguments to this office as to why their information should not be released. *See* Gov't Code § 552.305(d) (permitting interested third party to submit to attorney general reasons why requested information should not be released); Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permitted governmental body to rely on interested third party to raise and explain applicability of exception to disclosure under 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 Doyenne or SpawGlass explaining why the submitted information should not be released. Therefore, we have no basis to conclude Doyenne or SpawGlass have 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, 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 authority may not withhold the submitted information based upon the proprietary interests of Doyenne or SpawGlass. As no exceptions against the disclosure of the submitted information have been raised, it 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/eb

Ref: ID# 420957

Enc. Submitted documents

c: Requestor
(w/o enclosures)

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Doyenne Constructors
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Bastrop, Texas 78602
(w/o enclosures)

Mr. Mason Finley
SpawGlass
1111 Smith Road
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(w/o enclosures)