



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 27, 2011

Mr. Craig Verley
Director of Public Relations
Mission Consolidated Independent School District
1201 Bryce Drive
Mission, Texas 78572-4399

OR2011-10822

Dear Mr. Verley:

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# 425105.

The Mission Consolidated Independent School District (the "district") received a request for eight categories of information relating to the district's Schools & Libraries Division "2011-2012 funding year, Block 2, Section 9 'Internet Access'" bid. You indicate you have released some of the requested information. You state that, although you take no position with respect to the remaining requested information, it may implicate the interests of AT&T—Texas ("AT&T"). Accordingly, you state and provide documentation demonstrating you notified AT&T of the request for information and of its right to submit arguments stating why its information should not be released. *See* Gov't Code § 552.305 (permitting interested third party to submit to attorney general reasons why requested information should not be released); Open Records Decision No. 542 (1990) (determining statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in certain circumstances). We have reviewed the submitted information.

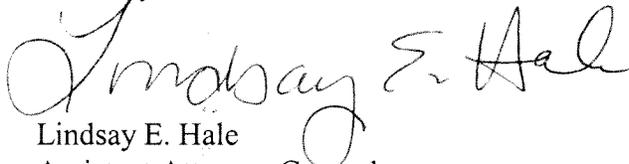
An interested third party is allowed ten business days after the date of its receipt of the governmental body's notice under section 552.305(d) to submit its reasons, if any, as to why requested information relating to it should be withheld from disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, this office has not received comments from AT&T explaining why its information should not be released to the requestor. Thus, we have no basis to conclude that the release of any portion of the submitted information would

implicate the third party's interests. *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, we conclude that the district may not withhold any of the submitted information on the basis of any interest AT&T may have in the information. As you raise no arguments against disclosure, we find the district must release the submitted information.

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,



Lindsay E. Hale
Assistant Attorney General
Open Records Division

LEH/em

Ref: ID# 425105

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Ms. Brenda Monteith
Government/Education Accounts
AT&T-Texas
721 Beech Avenue
McAllen, Texas 78501
(w/o enclosures)