



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

September 7, 2011

Mr. Lewis L. Isaaks  
For the North Texas Municipal Water District  
Gay, McCall, Isaacks, Gordon & Roberts  
777 East 15<sup>th</sup> Street  
Plano, Texas 75074

OR2011-12882

Dear Mr. Isaaks:

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# 429073.

The North Texas Municipal Water District (the "district"), which you represent, received a request for information pertaining to a specified pipeline project. You state the district has released some information to the requestor. You claim the submitted information is excepted from disclosure under sections 552.105 and 552.111 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.105 excepts from disclosure information relating to:

- (1) the location of real or personal property for a public purpose prior to public announcement of the project; or
- (2) appraisals or purchase price of real or personal property for a public purpose prior to the formal award of contracts for the property.

Gov't Code § 552.105. We note this provision is designed to protect a governmental body's planning and negotiating position with regard to particular transactions. *See* Open Records Decision Nos. 564 (1990), 357 (1982), 310 (1982). Information that is excepted from disclosure under section 552.105 that pertains to such negotiations may be excepted from

disclosure so long as the transaction relating to that information is not complete. *See* ORD 310. A governmental body may withhold information “which, if released, would impair or tend to impair [its] ‘planning and negotiating position in regard to particular transactions.’” Open Records Decision Nos. 357 at 3, 222 (1979). The question of whether specific information, if publicly released, would impair a governmental body’s planning and negotiating position with regard to particular transactions is a question of fact. Accordingly, this office will accept a governmental body’s good-faith determination in this regard, unless the contrary is clearly shown as a matter of law. *See* ORD 564.

You state the submitted information relates to the district’s evaluation of potential routes for a pipeline project that has not been announced to the public. You assert the district has made a good-faith determination that the release of information related to the potential routes or proposed location of the pipeline, including the identification of the properties, the property owners’ names, and the mailing addresses for the owners of these properties located along the proposed routes, would harm the district’s ability to acquire these properties and impair the district’s negotiating position. Based on your representations, we conclude the district may withhold the submitted information under section 552.105 of the Government Code.<sup>1</sup>

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](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/agn

---

<sup>1</sup>As our ruling is dispositive, we need not address your remaining argument against disclosure.

Ref: ID# 429073

Enc. Submitted documents

c: Requestor  
(w/o enclosures)