



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

February 1, 2012

Ms. Tiffany N. Evans  
Assistant City Attorney  
City of Houston  
P.O. Box 368  
Houston, Texas 77001-0368

OR2012-01654

Dear Ms. Evans:

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# 444881 (Houston GC No. 19127).

The City of Houston (the "city") received a request for the winning bidders' submitted bids for gasoline and diesel fuel #S12-L23945. You state that, although the city takes no position with respect to the requested information, it may implicate the interests of third parties. Accordingly, you state the city notified the third parties of the request for information and of their right to submit arguments stating why their information should not be released.<sup>1</sup> 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 and the arguments submitted by IPC.

Initially, we note you have submitted bid information for third parties other than the awarded vendors, ConocoPhillips and Motiva. This information is not responsive to the request. This ruling does not address the public availability of any information that is not responsive to the request, and the city need not release such information. Consequently, we need not address IPC's arguments against disclosure of its information.

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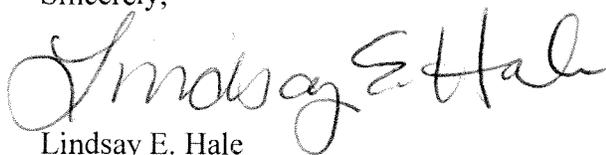
<sup>1</sup>The third parties you state the city notified pursuant to section 552.305 are: Atlantic Petroleum & Mineral Services, Inc.; ConocoPhillips; IPC (USA), Inc. ("IPC"); Mansfield Oil Company of Gainesville; Motiva Enterprises, LLC ("Motiva"); and Susser Petroleum Company, LLC.

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 ConocoPhillips or Motiva. Thus, we have no basis to conclude that the release of any of the responsive information would implicate the interests of these third parties. *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 city may not withhold any of the responsive information on the basis of any interest the third parties may have in the information. As no arguments against disclosure are raised, the city must release the responsive 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](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/ag

Ref: ID# 444881

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Ms. Blanca Hurtado  
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(w/o enclosures)

ConocoPhillips  
c/o Tiffany N. Evans  
Assistant City Attorney  
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Motiva Enterprises, LLC  
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Mansfield Oil Company of Gainesville  
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Susser Petroleum Company, LLC  
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