



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

April 18, 2012

Mr. Hyattye Simmons  
General Counsel  
Dallas Area Rapid Transit  
P.O. Box 660163  
Dallas, Texas 75266-0163

OR2012-05497

Dear Mr. Simmons:

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# 450812 (DART ORR 8784).

Dallas Area Rapid Transit ("DART") received a request for a copy of the contracts awarded to Clean Energy a/k/a Transtar Energy Company, LP ("Transtar"). Although you indicate DART takes no position with respect to the public availability of the submitted information, you state its release may implicate the proprietary interests of Transtar. Accordingly, you state, and provide documentation showing, DART notified this company of the request and of its right to submit arguments to this office as to why the submitted information should not be released. *See Gov't Code § 552.305(d); see also* 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 the applicability of exception to disclose under Act in certain circumstances). We have reviewed the submitted information. We have also received and considered comments from the requestor. *See Gov't Code § 552.304* (interested party may submit comments stating why information should or should not be released).

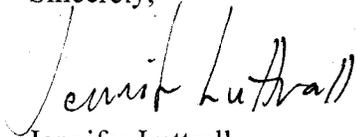
You inform this office the submitted information was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2011-12084 (2011). We note some of the submitted information was also the subject of Open Records Letter No. 2011-10124 (2011). In those rulings, we concluded DART must withhold certain marked information under section 552.136 of the Government Code and release the remaining information at issue in accordance with copyright law. As we have no indication the law, facts, and circumstances on which the prior rulings were based have changed, DART

must continue to rely on Open Records Letter Nos. 2011-12084 and 2011-10124 as previous determinations and withhold or release the submitted information in accordance with those rulings. *See* Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure).

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,



Jennifer Luttrall  
Assistant Attorney General  
Open Records Division

JLU/som .

Ref: ID# 450812

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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