



**ATTORNEY GENERAL OF TEXAS**  
**GREG ABBOTT**

August 23, 2012

Mr. Sterling T. Burleson, II  
Eichelbaum, Wardell, Hansen, Powell & Mehl, P.C.  
4201 West Parmer Lane, Suite A-100  
Austin, Texas 78727

OR2012-13408

Dear Mr. Burleson:

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# 463325.

The Santa Rosa Independent School District (the "district") received a request for the current signed electric utilities contract. Although the district takes no position on the public availability of the submitted information, you state the release of the submitted information may implicate the interests of U.S. Energy Savings Corp. ("Energy Savings"). Accordingly, you notified Energy Savings of this request for information and of its right to submit arguments to this office as to why the information should not be released. *See Gov't Code* § 552.305(d); 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 requested information relating to that party should be withheld from disclosure. *See Gov't Code* § 552.305(d)(2)(B). As of the date of this letter, Energy Savings has not submitted any comments to this office explaining how release of the submitted information would affect its proprietary interests. Accordingly, the district may not withhold any of the submitted information on the basis of Energy Savings' proprietary interests. *See id.* § 552.110; Open Records Decision Nos. 661 at 5-6 (1999) (stating business enterprise claiming exception for

commercial or financial information under section 552.110(b) must show by specific factual evidence release of requested information would cause that party substantial competitive harm), 552 at 5 (1990) (party must establish *prima facie* case information is trade secret). As no exceptions to disclosure are raised, 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](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,



Ana Carolina Vieira  
Assistant Attorney General  
Open Records Division

ACV/ag

Ref: ID# 463325

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

U.S. Energy Savings  
5333 Westheimer Rd., Ste. 450  
Houston, TX 77056  
(w/o enclosures)