



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

September 7, 2012

Mr. David Palacios  
West Oso Independent School District  
5050 Rockford Drive  
Corpus Christi, Texas 78413

OR2012-14227

Dear Mr. Palacios:

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# 464647.

The West Oso Independent School District (the "district") received a request for a specified contract. Although you take no position on whether the requested information is excepted from disclosure, you state release of this information may implicate the proprietary interests of Cavallo Energy Texas, LLC ("Cavallo") and Energy for Schools. Accordingly, you have notified both Cavallo and Energy for Schools of the request and of their right to submit arguments to this office as to why their information should not be released. *See Gov't Code* § 552.305(d) (permitting interested third party to submit to attorney general reasons why requested information should not be released); 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). Further, you also notified the Texas General Land Office of the 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* § 552.304 (interested party may submit comments stating why information should or should not be released). We have reviewed the submitted information.

We note that an interested third party is allowed ten business days after the date of its receipt of the governmental body's notice to submit its reasons, if any, as to why information relating to that party should not be released. *See id.* § 552.305(d)(2)(B). As of the date of

this decision, we have not received correspondence from any of the interested third parties. Thus, none of these third parties has demonstrated that they have a protected proprietary interest in any of the submitted information. *See id.* § 552.110(a)-(b); 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, the district may not withhold the submitted information on the basis of any proprietary interests any of the interested third parties may have in the information. As no exceptions to disclosure have been raised, the submitted information must be released.

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 Burnett  
Assistant Attorney General  
Open Records Division

J3B/akg

Ref: ID# 464647

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

**Ms. Ashley R. Allen  
Texas General Land Office  
P.O. Box 12873  
Austin, Texas 78711  
(w/o enclosures)**

**Mr. Frank Delaro  
Energy for Schools  
16300 Katy Freeway, Suite 140  
Houston, Texas 77094  
(w/o enclosures)**

**Cavallo Energy Texas  
4295 San Felipe, Suite 200  
Houston, Texas 77027  
(w/o enclosures)**