



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

September 25, 2012

Mr. Terry Jacobson  
Jacobson Law Firm, P.C.  
Counsel for the City of Corsicana  
733 West Second Avenue  
Corsicana, Texas 75110

OR2012-15267

Dear Mr. Jacobson:

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# 466076.

The City of Corsicana (the "city"), which you represent, received a request for (1) all studies, data, and documentation collected by the city during a specified period of time which determined certain water meters were sensitive to pressure fluctuation; (2) all information generated during a specified period of time that would support a specified statement by the city mayor; (3) the name of the engineering firm hired by the city for a specified project and the information generated by the firm; (4) the names of specified attorneys and the dates they were contacted; and (5) the law that exempts the disclosure of the water usage of certain specified groups. You state you have released some information to the requestor. You state the submitted information was the subject of a prior ruling issued by this office. You also claim the submitted information is excepted from disclosure under sections 552.103, 552.107, and 552.111 of the Government Code and privileged under rule 503 of the Texas Rules of Evidence and rules 192.3 and 192.5 of the Texas Rules of Civil Procedure.<sup>1</sup> We have considered your arguments and 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).

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<sup>1</sup>Although you raise section 552.101 of the Government Code in conjunction with rule 503 of the Texas Rules of Evidence and rules 192.3 and 192.5 of the Texas Rules of Civil Procedure, this office has concluded that section 552.101 does not encompass discovery privileges. *See* Open Records Decision Nos. 676 at 1-2 (2002), 575 at 2 (1990).

You state the submitted information was the subject of a previous request for a ruling, in response to which this office issued Open Records Letter No. 2011-11141 (2011). In this prior ruling, we ruled the city may withhold the marked consultant's reports under rule 192.3(e) of the Texas Rules of Civil Procedure, and the remaining reports subject to section 552.022 of the Government Code under rule 503 of the Texas Rules of Evidence. However, to the extent the remaining reports also exist separate and apart from the submitted privileged communication, we ruled the city may not withhold the remaining reports under rule 503, and must release this information. We also ruled the city may withhold the information that is not subject to section 552.022(a)(1) of the Government Code under section 552.103 of the Government Code. As we have no indication there has been any change in the law, facts, or circumstances on which the previous ruling was based, we conclude the city must rely on Open Records Letter No. 2011-11141 as a previous determination and withhold or release the submitted information in accordance with it.<sup>2</sup> 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,



Michelle R. Garza  
Assistant Attorney General  
Open Records Division

MRG/som

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<sup>2</sup>Because our ruling is dispositive, we do not address your remaining arguments against disclosure.

Ref: ID# 466076

Enc. Submitted documents

c: Requestor  
(w/o enclosures)