



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

April 15, 2013

Mr. Kipling D. Giles  
Senior Counsel  
CPS Energy  
P.O. Box 1771  
San Antonio, Texas 78296

OR2013-06037

Dear Mr. Giles:

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# 489737.

The City Public Service Board of the City of San Antonio d/b/a CPS Energy ("CPS") received a request for the contracts between CPS and Nexolon America and OCI Solar Power. You claim the requested information is excepted from disclosure under sections 552.104, 552.110, and 552.133 of the Government Code. You also state the requested documents may implicate the proprietary interests of a third party. Accordingly, you state CPS notified OCI of the request for information and of the company's right to submit arguments to this office as to why its requested information should not be released. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in the Act in certain circumstances). We have reviewed the submitted information.

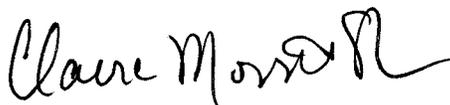
You state the requested information was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2013-05560 (2013). We have no indication there has been any change in the law, facts, or circumstances on which the previous ruling was based. Accordingly, we conclude CPS must rely on Open Records Letter No. 2013-05560 as a previous determination and withhold the information in accordance with that ruling. *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,



Claire V. Morris Sloan  
Assistant Attorney General  
Open Records Division

CVMS/som

Ref: ID# 489737

Enc. Submitted documents

c: Requestor

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