



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 20, 2013

Ms. Connie Crawford
Assistant County Attorney
El Paso County
4815 Alameda Avenue, 8th Floor, Suite B
El Paso, Texas 79905

OR2013-16340

Dear Ms. Crawford:

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# 499881 (County File No. HO-13-170).

The El Paso County Hospital District d/b/a University Medical Center of El Paso (the "district") received a request for (1) all bond issuances for a specified time period, (2) the financial advisor's contract at the time of the bond issuances at issue, (3) information pertaining to the bond underwriter(s) at the time of the bond issuances at issue, (4) the bond counsel's contract at the time of the bond issuances at issue, and (5) all "Friday letters" from the CEO for a specified time period. You state the district released information responsive to categories one, three, and five of the request for information. We understand the district takes no position with respect to the remaining requested information; however, you state its release may implicate the interests of Delgado, Acosta, Braden & Jones, P.C. and First Southwest. Accordingly, you state, and provide documentation demonstrating, the district notified the third parties of the request for information and of their right to submit arguments stating why their information should not be released. *See* Gov't Code § 552.305 (permitting interested third party to submit to attorney general reasons why requested information should not be released); 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 applicability of exception in certain circumstances). We have reviewed the submitted information.

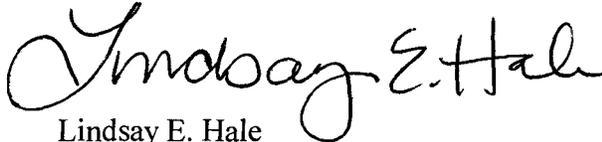
An interested third party is allowed ten business days after the date of its receipt of the governmental body's notice under section 552.305(d) of the Government Code to submit its reasons, if any, as to why requested information relating to it should be withheld from disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, this office has not received comments from either third party explaining why the submitted information should not be released to the requestor. Thus, we have no basis to conclude the release of

any portion of the submitted information would implicate the third parties' interests, and none of the submitted information may be withheld on that basis. *See id.* § 552.110; 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. As no exceptions to disclosure have been 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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Lindsay E. Hale
Assistant Attorney General
Open Records Division

LEH/tch

Ref: ID# 499881

Enc. Submitted documents

c: Requestor
(w/o enclosures)

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Delgado, Acosta, Braden & Jones, P.C.
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(w/o enclosures)

First Southwest
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