



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 20, 2013

Mr. B. Scott Osburn
Deputy City Attorney
Public Works
City of Killeen
P.O. Box 1329
Killeen, Texas 76540-1329

OR2013-16382

Dear Mr. Osburn:

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# 499928.

The City of Killeen (the "city") received a request for construction documents and drainage calculations related to General Grove Phase 1 and 2. Although you do not take a position as to whether the submitted information is excepted from disclosure under the Act, you state, and provide documentation showing, you notified Killeen Engineering & Surveying and its clients of the city's receipt of the request for information and of the right of each third party to submit arguments to this office as to why the submitted information should not be released. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 at 3 (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.

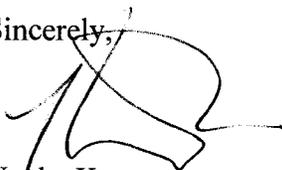
An interested third party is allowed ten business days after the date of its receipt of the governmental body's notice under section 552.305(d) to submit its reasons, if any, as to why requested information relating to it should be withheld from disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, none of the interested third parties have submitted to this office any reasons explaining why the submitted information should not be released. Thus, we have no basis for concluding any portion of the submitted information constitutes proprietary information of these third parties, and the city may not withhold any portion of the submitted information on that basis. *See* 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, 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 city must release the submitted information to the requestor.

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,



Nneka Kanu
Assistant Attorney General
Open Records Division

NK/bhf

Ref: ID# 499928

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. Patrick and Cyd Gentle
209 Halter Drive
Copperas Cove, Texas 76522
(w/o enclosures)

Killeen Engineering & Surveying
2901 East Stan Schlueter Loop
Killeen, Texas 76542
(w/o enclosures)