



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

December 4, 2013

Ms. Susana Carbajal
Assistant City Attorney
City of Austin Aviation Department
3600 Presidential Boulevard, Suite 411
Austin, Texas 78719

OR2013-20982

Dear Ms. Carbajal:

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# 507514 (Austin PIR #17422).

The City of Austin (the "city") received a request for copies of the monthly concession revenue reports submitted to the city or the Department of Aviation in connection with the advertising concession at Austin-Bergstrom International Airport from August 1, 2012 through August 31, 2013. Although you state the city takes no position with respect to the public availability of the submitted information, you state release of this information may implicate the proprietary interests of Clear Channel Airports ("Clear Channel"). Accordingly, you state and provide documentation showing, you have notified Clear Channel of the request for information and of its right to submit arguments to this office as to why the submitted 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) (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 the 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 information relating to that party should be withheld from public disclosure. *See Gov't Code § 552.305(d)(2)(B)*. As of the date of this letter, we have not received comments from Clear Channel explaining why its information should not be released. Therefore, we have no basis to conclude Clear Channel has a protected proprietary interest in the submitted information.

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. Accordingly, the city may not withhold any of the submitted information on the basis of any proprietary interest Clear Channel may have in it. As you raise no exceptions to disclosure, 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.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,



Tim Neal
Assistant Attorney General
Open Records Division

TN/dls

Ref: ID# 507514

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Clear Channel Airports
Attn: Legal Department
4635 Crackersport Road
Allentown, Pennsylvania 18104
(w/o enclosures)