



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

February 14, 2014

Mr. Frank J. Garza
Davidson, Troilo, Ream & Garza, P.C.
7550 West Interstate 10, Suite 800
San Antonio, Texas 78229-5815

OR2014-02878

Dear Mr. Garza:

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# 515950.

The Brownsville Public Utility Board (the "board"), which you represent, received a request for proposals for cable bid B009-14. The board states it has released some of the requested information. The board does not take a position as to whether the submitted information is excepted from disclosure under the Act. However, you state, and provide documentation showing, you notified the following third parties of the board's receipt of the request for information and of the right of each to submit arguments to this office as to why the requested information should not be released: Bush Supply Company, Crawford Electrical Supply, HD Supply, KBS Electrical Distributors, Synergy Cables USA Ltd., and Texas Electrical Corporation. *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.

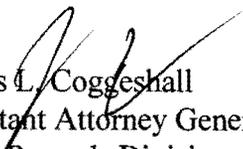
An interested third party is allowed ten business days after the date of its receipt of the governmental body's notice under section 552.305(d) to submit its reasons, if any, as to why requested information relating to it should be withheld from disclosure. *See Gov't Code § 552.305(d)(2)(B).* As of the date of this letter, none of the interested third parties has submitted to this office any reasons explaining why the requested 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 board 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. Accordingly, the board 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,


James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/tch

Ref: ID# 515950

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. Chris Shipman
KBS Electrical Distributors
969 Isom Road
San Antonio, Texas 78216
(w/o enclosures)

Mr. John Waldrop
Synergy Cables USA Ltd.
2030 Powers Ferry Road, Suite 280
Atlanta, Georgia 30339
(w/o enclosures)

Mr. Alfonso Cerda
Crawford Electric Supply
1201 Business Park Drive
Mission, Texas 78572
(w/o enclosures)

Mr. Daniel De Leon
Bush Supply Company
2781 Robindale Road
Brownsville, Texas 78521
(w/o enclosures)

Mr. Dan Payette
HD Supply
4727 Marco Drive
San Antonio, Texas 78218
(w/o enclosures)

Mr. Tom Rodgers
Texas Electric Cooperatives
100 Cooperative Way
Georgetown, Texas 78626
(w/o enclosures)