



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 14, 2014

Mr. Robert Martinez
Director
Environmental Law Division
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

OR2014-12069

Dear Mr. Martinez:

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# 530519 (TCEQ PIR No. 14-16534).

The Texas Commission on Environmental Quality (the "commission") received a request for all confidential documents related to CCI Corpus Christi LLC's ("CCI") application for two specific permits and any non-confidential documents not previously provided to the requestor. You state the commission has released some of the requested information to the requestor. Although you take no position with respect to the remaining information, you state you notified CCI of the request for information and of its right to submit arguments to this office as to why the submitted information show 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 received comments from CCI. We have considered the submitted arguments and reviewed the submitted information.

CCI asserts a portion of the submitted information is excepted from disclosure under section 552.110 of the Government Code. Section 552.110(b) protects “[c]ommercial or financial information for which it is demonstrated based on specific factual evidence disclosure would cause substantial competitive harm to the person from whom the information was obtained[.]” Gov’t Code § 552.110(b). This exception to disclosure requires a specific factual or evidentiary showing, not conclusory or generalized allegations, substantial competitive injury would likely result from release of the information at issue. *Id.*; *see also* Open Records Decision No. 661 at 5 (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).

CCI raises section 552.110(b) for information regarding the expected production capabilities of specific products. CCI contends the release of the production capability data has the potential to cause the company substantial competitive harm under section 552.110(b) of the Government Code. Upon review of CCI’s arguments, we find CCI has demonstrated the information at issue constitutes commercial or financial information, the release of which would cause the company substantial competitive injury. Accordingly, the commission must withhold this information, which we have marked, under section 552.110(b). The remaining 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,



Rustam Abedinzadeh
Assistant Attorney General
Open Records Division

RA/eb

Ref: ID# 530519

Enc. Submitted documents

c: Requestor
(w/o enclosures)

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