



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 4, 2014

Mr. Steven M. Kean
Deputy City Attorney
Legal Department
City of Tyler
P.O. Box 2039
Tyler, Texas 75710

OR2014-13490

Dear Mr. Kean:

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# 531483 (City File No. LegalDesk #SKP-704823).

The City of Tyler (the "city") received a request for the bid package and current contract with CNG Partners, Inc. ("CNG") to provide compressed natural gas services to the city. You claim the submitted information is excepted from disclosure under section 552.104 of the Government Code. You also state release of the submitted information may implicate the proprietary interests of CNG. Accordingly, you state you notified CNG of the request and of its right to submit arguments to this office as to why the submitted information should not be released. Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception to disclosure in certain circumstances). We have considered the exception you claim and reviewed the submitted information.

Initially, we note the requested bid package was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2011-11168 (2011). In that ruling, we determined the city may withhold the requested bid package under section 552.104 of the Government Code. We have no indication there has been any change in the law, facts, or circumstances on which the previous ruling was based. Accordingly, we conclude the city may rely on Open Records Letter No. 2011-11168 as a previous determination and withhold the requested bid package in accordance with that ruling.

See Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure).

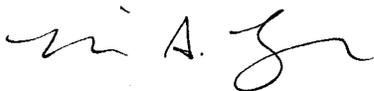
Next, you state the submitted information was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2014-10127 (2014). In that ruling, we determined the city may withhold the submitted information under section 552.104 of the Government Code. We have no indication there has been any change in the law, facts, or circumstances on which the previous ruling was based. Accordingly, we conclude the city may rely on Open Records Letter No. 2014-10127 as a previous determination and withhold the submitted information in accordance with that ruling.¹ *See id.*

In summary, the city may rely on Open Records Letter No. 2011-11168 as a previous determination and withhold the requested bid package in accordance with that ruling. The city may also rely on Open Records Letter No. 2014-10127 as a previous determination and withhold the submitted information in accordance with that ruling.

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,



Nicholas A. Ybarra
Assistant Attorney General
Open Records Division

NAY/bhf

¹As we are able to make this determination, we need not consider your argument against disclosure.

Ref: ID# 531483

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. Matt Silvey
CNG Partners
1901 Long Prairie Road, Suite 130-117
Flower Mound, Texas 75022
(w/o enclosures)