



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 14, 2014

Ms. Nancy Reyes
Assistant City Attorney
City of San Antonio
9800 Airport Boulevard, MO63
San Antonio, Texas 78216-4897

OR2014-18411

Dear Ms. Reyes:

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# 539432 (COSA File No. WO30143-072314).

The City of San Antonio (the "city") received a request for Monthly Concession Certified Statements for a specified tenant of San Antonio International Airport for June 2013 through June 2014.¹ Although you take no position as to whether the submitted information is excepted under the Act, 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 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(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 in the Act in certain circumstances). We have received comments from Clear Channel. We have considered the submitted arguments and reviewed the submitted information.

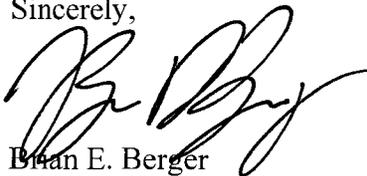
¹ We note the city sought and received clarification of this request from the requestor. *See* Gov't Code § 552.222 (if request for information is unclear, governmental body may ask requestor to clarify request); *see also* *City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (if governmental entity, acting in good faith, requests clarification of unclear or over-broad request, ten-day period to request attorney general ruling is measured from date request is clarified).

We note Clear Channel only argues against the disclosure of information that was not submitted by the city for our review. This ruling does not address information that was not submitted by the city and is limited to information submitted as responsive by the city. *See* Gov't Code § 552.301(e)(1)(D) (governmental body requesting decision from attorney general must submit copy of specific information requested). As Clear Channel has not submitted arguments against disclosure of any of the submitted information, the city may not withhold any information on the basis of Clear Channel's arguments. As no other exceptions to disclosure have been raised, 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,



Brian E. Berger
Assistant Attorney General
Open Records Division

BB/ac

Ref: ID# 539432

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Ade B. Galloway
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(w/o enclosures)