



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

December 30, 2014

Ms. Eileen M. Hayman
Assistant City Attorney for the City of Coleman
Messer, Rockefeller & Fort, PLLC
4400 Buffalo Gap Road, Suite 2800
Abilene, Texas 79606

OR2014-23505

Dear Ms. Hayman:

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# 548214.

The City of Coleman (the "city"), which you represent, received two requests from the same requestor for information pertaining to the city's agreement with American Electric Power Energy Partners, Inc. ("AEP"). You claim the submitted information is excepted from disclosure under sections 552.110 and 552.133 of the Government Code. Additionally, you state the submitted information may implicate the proprietary interests of AEP. Accordingly, you state, and provide documentation showing, you notified AEP of the request for information and of its right to submit arguments to this office stating why its 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) (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 AEP. We have also received comments from the requestor. *See Gov't Code § 552.304* (providing that interested party may submit written comments regarding why information should or should not be released). We have considered the submitted arguments and reviewed the submitted information.

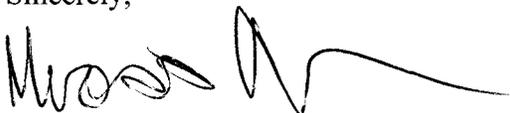
You state the submitted information was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2013-00209 (2013). In that ruling, we held the city must withhold the information at issue under section 552.133 of the Government Code. You further state there has been no change in the law, facts, and circumstances on which the previous ruling was based. Accordingly, we conclude the city

must rely on Open Records Letter No. 2013-00209 as a previous determination and withhold the information at issue in accordance with that ruling.¹ See Open Records Decision No. 673 at 6-7 (2001) (listing elements of first type of previous determination under Gov't Code § 552.301(a)).

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,



Meredith L. Coffman
Assistant Attorney General
Open Records Division

MLC/dls

Ref: ID# 548214

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Ms. Alyssa J. Bowerman
Counsel
AEP Energy Partners, Inc.
155 West Nationwide Boulevard, Suite 500
Columbus, Ohio 43215
(w/o enclosures)

¹As we are able to make this determination, we need not address the remaining arguments for this information.