



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 26, 2016

Mr. Hector M. Benavides
Counsel for the Northside Independent School District
Walsh, Gallegos, Treviño, Russo & Kyle, P.C.
P.O. Box 460606
San Antonio, Texas 78246

OR2016-19369

Dear Mr. Benavides:

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# 624488.

The Northside Independent School District (the "district"), which you represent, received a request for a specified bid proposal and contract. You state you have released some information. You also state the district will redact information pursuant to section 552.136 of the Government Code.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 Conterra Ultra Broadband, LLC ("Conterra"). Accordingly, you state, and provide documentation showing, you notified Conterra of the request for information and of its right to submit arguments to this office as to why the information at issue 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 Conterra. We have considered the submitted arguments and reviewed the submitted information.

Conterra argues, and we agree, the submitted information was the subject of a previous request for a ruling, in response to which this office issued Open Records Letter No. 2016-14377 (2016). In that ruling, we determined the district (1) may withhold the

¹Section 552.136(c) of the Government Code allows a governmental body to redact the information described in section 552.136(b) without the necessity of seeking a decision from the attorney general. *See* Gov't Code § 552.136(c). If a governmental body redacts such information, it must notify the requestor in accordance with section 552.136(e). *See id.* § 552.136(d), (e).

information we marked under section 552.104 of the Government Code and (2) must release the remaining information. We have no indication the law, facts, or circumstances on which the prior ruling was based have changed. Thus, the district may continue to rely on Open Records Letter No. 2016-14377 as a previous determination and withhold or release the submitted information 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 a prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure).

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,



Kavid Singh
Assistant Attorney General
Open Records Division

KVS/bhf

Ref: ID# 624488

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Third Party
(w/o enclosures)

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