



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 2, 1996

Ms. Christine T. Rodriguez
Staff Attorney
Legal and Compliance, MC110-1A
Texas Department of Insurance
P.O. Box 149104
Austin, Texas 78714-9104

OR96-2276

Dear Ms. Rodriguez:

You ask this office to reconsider our decision in Open Records Letter No. 96-1514 (1996). We assigned your request for reconsideration ID# 102067.

In Open Records Letter No. 96-1514 (1996), we concluded that the Pennsylvania and Delaware Compensation Rating Bureaus (the "Bureaus") had failed to establish a prima facie case that certain information relating to the Bureaus' costs of operation was a "trade secret" and, therefore, the Texas Department of Insurance ("TDI") must release that information to the requestor.

The Bureaus have made additional arguments against disclosure and this office agreed to reconsider its decision in Open Records Letter No. 96-1514 (1996) based upon these additional arguments. However, pursuant to section 552.301(b)(3), a governmental body must submit to this office a copy of the specific information requested or representative samples of the information if a voluminous amount of information was requested. On October 11, 1996, we asked you for copies of the records at issue.¹ To date we have not received the requested copies.

Your request for reconsideration of Open Records Letter No. 96-1514 (1996) remains incomplete. Without the information requested from you, this office is unable to evaluate the exception raised by the Bureaus. Consequently, we find that TDI has not met its burden under sections 552.301 and 552.303 of the Open Records Act and, therefore, we cannot reconsider Open Records Letter No. 96-1514 (1996) at this time.

¹Although this information was sent to this office with the original request for a ruling under the Open Records Act, this information was returned to TDI with Open Records Letter No. 96-1514 (1996).

Unless you submit the requested information to this office and demonstrate that the information is confidential by law or that other compelling reasons exist as to why the information should not be made public, you must release the information in compliance with Open Records Lettter No. 96-1514 (1996). *See also* Gov't Code § 552.352 (distribution of confidential information is criminal offense). If you have any questions regarding this matter, please contact this office.

Yours very truly,



Loretta R. DeHay
Assistant Attorney General
Open Records Division

LRD/RTR/rho

Ref.: ID# 100396, 102067

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