



April 12, 1999

Mr. Mark Walker  
Senior Attorney  
Lower Colorado River Authority  
P.O. Box 220  
Austin, Texas 78767-0220

OR99-0975

Dear Mr. Walker:

You ask this office to reconsider our ruling in Open Records Letter No. 99-0248 (1999). Your request for reconsideration was assigned ID# 123803.

The Lower Colorado River Authority (the "authority") received a request from the Hill Country Heritage Foundation for various categories of information. In Open Records Letter No. 99-0248, this office concluded that the authority could not withhold the requested information under section 552.103 of the Government Code because the underlying court case had concluded.

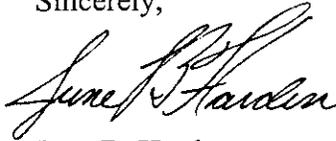
In your request for reconsideration, you have provided additional information in an attempt to show that the requested information relates to issues that are still in dispute. We note that a governmental body must explain the reasons why the stated exceptions apply within fifteen days of receiving the request. *See* Gov't Code § 552.301. You did not timely submit all your arguments in connection with the authority's original request for a ruling. Consequently, the authority may not withhold the requested information under section 552.103(a).

You also contend that attachment B-1 is excepted from disclosure under section 552.107 of the Government Code. You did not raise section 552.107 in the authority's original request for a ruling. Since section 552.107 is a discretionary exception, a governmental body waives this exception by failing to timely invoke it. *See* Open Records Decision No. 630 (1994) (mere fact that the information is within the attorney-client privilege and would be excepted

from disclosure under section 552.107(1) if governmental body had made timely request for an open records decision does not alone constitute compelling reason to withhold information). Consequently, we will not address your new arguments under section 552.107.

We hereby affirm the conclusion we reached in Open Records Letter No. 99-0248. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in cursive script that reads "June B. Harden".

June B. Harden  
Assistant Attorney General  
Open Records Division

JBH/ch

Ref.: ID# 123803

encl. Submitted documents

cc: Mr. Michael Leamons  
Hill Country Heritage Association  
P.O. Box 528  
Mason, Texas 76856  
(w/o enclosures)