



May 28, 1999

Mr. Eric Magee  
Staff Attorney  
Texas Department of Insurance  
Legal and Compliance  
P.O. Box 149104  
Austin, Texas 78714-9104

OR99-1480

Dear Mr. Magee:

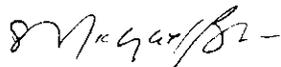
You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 124801.

The Department of Insurance (the "department") received a request for information regarding the workers' compensation experience ratings of Price Construction, Inc. and Laredo Paving, Inc. You assert that release of the requested information may implicate the proprietary interests of these firms. You take no position regarding any exception to disclosure that may apply to the responsive information. You have supplied the responsive information to our office for review.

Pursuant to section 552.305 of the Government Code, this office informed the implicated third parties, Price Construction, Inc. and Laredo Paving, Inc., of the request and provided each the opportunity to claim the exceptions to disclosure either may contend applies to the requested information, together with argument in support of those exceptions. *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 that statutory predecessor to Government Code section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exceptions in certain circumstances). The notification stated that if the respective company did not respond within 14 days of receipt of the notice, this office will assume that the company has no privacy or property interest in the requested information. Neither company responded to this notice within the statutory time limit. As neither third party has established that an exception to disclosure applies to the requested information, we conclude that it must be released.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



Michael Jay Burns  
Assistant Attorney General  
Open Records Division

MJB/ch

Ref: ID# 124801

Encl. Submitted documents

cc: Ms. Gayle Shackelford  
Attorney at Law  
P.O. Box 3112  
Midland, Texas 79701  
(w/o enclosures)

Mr. Bobby W. Price  
Laredo Paving, Inc.  
5823 Northgate, Suite 204  
Laredo, Texas 78041-2697  
(w/o enclosures)

Mr. A. A. Price  
Price Construction, Inc.  
P.O. Box 1029  
Big Spring, Texas 79720  
(w/o enclosures)