



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

January 14, 2009

Ms. Zandra L. Pulis
Senior Counsel, Legal Services Division
CPS Energy
P.O. Box 1771
San Antonio, Texas 78296

OR2009-00594

Dear Ms. Pulis:

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# 332190.

The City Public Service Board of the City of San Antonio, dba CPS Energy ("CPS") received requests from two requestors for information relating to a request for proposals for roof repairs. You take no position on the public availability of the requested information. You believe, however, that the information may implicate the proprietary interests of third parties.¹ You notified the interested parties of these requests for information and of their right to submit arguments to this office as to why the information should not be released.² We have reviewed the information you submitted.

An interested third party is allowed ten business days from the date of its receipt of the governmental body's notice under section 552.305 of the Government Code to submit its reasons, if any, as to why information relating to that party should not be released. *See Gov't*

¹You inform us that the interested parties are Beldon Roofing Company; Cram Roofing Company, Inc.; MJC & Associates; Mahone Roofing & Sheet Metal; and McNeil Roofing & Sheet and Metal, Inc.

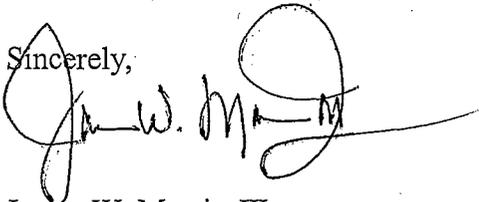
²*See Gov't Code* § 552.305(d); Open Records Decision No. 542 (1990) (statutory predecessor to Gov't Code § 552.305 permitted governmental body to rely on interested third party to raise and explain applicability of exception to disclosure under certain circumstances).

Code § 552.305(d)(2)(B). As of the date of this decision, this office has received no correspondence from any of the third parties that were notified. Thus, because none of those parties has demonstrated that any of the submitted information is proprietary for the purposes of the Act, CPS may not withhold any of the information on that basis. *See id.* § 552.110(a)-(b); Open Records Decision Nos. 552 at 5 (1990), 661 at 5-6 (1999). Therefore, the submitted information must be released.

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.oag.state.tx.us/open/index_orl.php, 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 must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,



James W. Morris, III
Assistant Attorney General
Open Records Division

JWM/cc

Ref: ID# 332190

Enc: Submitted documents

c: Requestor
(w/o enclosures)

Mr. Michael Finn
Beldon Roofing Company
5039 West Avenue
San Antonio, Texas 78213
(w/o enclosures)

Mr. Jim Sandco
Mahone Roofing & Sheet Metal
11523 Jones Maltzberger
San Antonio, Texas 78216
(w/o enclosures)

Mr. Ken Kildow
McNiel Roofing & Sheet and Metal, Inc.
12515 Old Connor Road
San Antonio, Texas 78233
(w/o enclosures)