



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 20, 2009

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

OR2009-05171

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# 340799.

The City Public Service Board of the City of San Antonio d/b/a CPS Energy ("CPS") received a request for the current JP Morgan Chase Bank ("Chase") 2008 bank depository contract and a copy of the response to CPS's request for proposals related to the contract. You state the requested information was the subject of a previous open records ruling. In the alternative, you claim the requested information is excepted from disclosure under section 552.133 of the Government Code. You also state, and provide documentation showing, you have notified Chase of the request and of its opportunity to submit comments to this office as to why the requested information should not be released to the requestor. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (1990) (determining that statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain the applicability of exception to disclose under Act in certain circumstances). We have considered your arguments and reviewed the submitted information.

You inform us the requested information was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2009-01842 (2009). You state there has been no change in the law, facts, or circumstances on which this

prior ruling was based. We therefore conclude CPS must continue to rely on Open Records Letter No. 2009-01842 as a previous determination and withhold the requested information pursuant to section 552.133 of the Government Code. *See* Open Records Decision No. 673 (2001) (so long as law, facts, 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 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.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,



Jordan Hale
Assistant Attorney General
Open Records Division

JH/jb

Ref: ID# 340799

Enc. Submitted documents

cc: Requestor
(w/o enclosures)

Ms. Susan Heidrich
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(w/o enclosures)