



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 16, 2009

Mr. David P. Backus
The Underwood Law Firm
P.O. Box 16197
Lubbock, Texas 79490

OR2009-08313

Dear Mr. Backus:

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# 346936.

The Region 5 Education Service Center (the "center"), which you represent, received a request for certain agreements between the center and Xanadoo LLC. You take no position on the public availability of the responsive information you have submitted. You believe, however, that the information may implicate Xanadoo's proprietary interests. You notified Xanadoo of this request and of its right to submit arguments to this office as to why the submitted information should not be released.¹ We have reviewed the submitted information.

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 the third party should not be released. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this decision, this office has received no correspondence from Xanadoo. Thus, there has been no demonstration that any of the submitted information is proprietary for the purposes of the Act, and therefore the center may not withhold any of the information on that basis. *See id.* § 552.110(a)-(b); Open Records

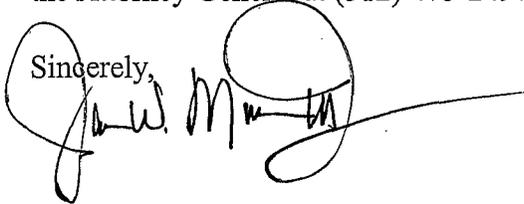
¹*See* Gov't Code § 552.305(d); Open Records Decision No. 542 (1990) (statutory predecessor to Gov't Code § 552.305 permitted governmental body to rely on interested third party to raise and explain applicability of exception to disclosure under certain circumstances).

Decision Nos. 552 at 5 (1990), 661 at 5-6 (1999). As the center does not claim an exception to disclosure, 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,

A handwritten signature in black ink, appearing to read "James W. Morris, III", is written over a circular stamp. The signature is fluid and cursive, with a long horizontal line extending to the right.

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

JWM/cc

Ref: ID# 346936

Enc: Submitted documents

c: Requestor
(w/o enclosures)

Xanadoo, LCC
225 City Line Avenue Suite 100
Bala Cynwyd, Pennsylvania 19004
(w/o enclosures)