



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

July 9, 2009

Ms. Jakkie A. Hansen  
Assistant General Counsel  
Metropolitan Transit Authority of Harris County  
P.O. Box 61429  
Houston, Texas 77208-1429

OR2009-09462

Dear Ms. Hansen:

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# 348734 (MTA No. 2009-0148).

The Metropolitan Transit Authority of Harris County ("METRO") received a request for information pertaining to a particular project. Although METRO takes no position on whether the submitted information is excepted from disclosure, you state that release of this information may implicate the proprietary interests of Parsons Corporation ("Parsons"). Accordingly, you inform us, and provide documentation showing, that you notified Parsons of the request and of its right to submit arguments to this office as to why its information should not be released. *See* Gov't Code § 552.305(d) (permitting interested third party to submit to attorney general reasons why requested information should not be released); Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permitted governmental body to rely on interested third party to raise and explain applicability of exception to disclosure under certain circumstances). We have reviewed the submitted information.

We note that an interested third party is allowed ten business days after the date of its receipt of the governmental body's notice under section 552.305(d) to submit its reasons, if any, as to why requested information relating to that party should be withheld from disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this ruling, we have not received any comments from Parsons explaining why the submitted information should not be released. Therefore, we have no basis to conclude that this party has a protected proprietary interest

in the submitted information. *See id.* § 552.110(b) (to prevent disclosure of commercial or financial information, party must show by specific factual or evidentiary material, not conclusory or generalized allegations, that it actually faces competition and that substantial competitive injury would likely result from disclosure); Open Records Decision Nos. 639 at 4 (1996), 552 at 5 (1990) (party must establish *prima facie* case that information is trade secret), 542 at 3. Thus, METRO may not withhold the submitted information on the basis of any proprietary interest Parsons may have in it. As you raise no exceptions against disclosure, METRO must release the submitted information.

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](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,



Christina Alvarado  
Assistant Attorney General  
Open Records Division

CA/rl

Ref: ID# 348734

Enc. Submitted documents

cc: Requestor  
(w/o enclosures)

c: John C. Guyer, Esq  
Parsons Corportaion  
1133 Fifteenth Street, Northwest  
Washington, District of Colombia 20005-2701  
(w/o enclosures)