



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

June 22, 2010

Mr. Andrew Martin  
General Counsel  
Central Texas Regional Mobility Authority  
301 Congress Avenue, Suite 650  
Austin, Texas 78701

OR2010-09068

Dear Mr. Martin:

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# 383660.

The Central Texas Regional Mobility Authority (the "authority") received a request for the technical and price proposals submitted by Telvent/Caseta ("Caseta") in response to the Request for Proposals "to provide Toll Collection System and Maintenance" (the "RFP") and all contracts executed in response to the RFP.<sup>1</sup> You state you are providing the requestor with some of the requested information. Although the authority takes no position with respect to the public availability of the submitted information, you believe the request may implicate the proprietary interests of Caseta. Accordingly, you state, and provide documentation showing, the authority notified Caseta of the request for information and of its right to submit arguments to this office as to why the information should not be released. *See Gov't Code* § 552.305(d); *see also* Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in the Act in certain circumstances). We have received comments from Caseta, considered the claimed exceptions, and reviewed the submitted information.

We note the submitted information was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2005-06613 (2005). Caseta

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<sup>1</sup>We note the authority asked for and received clarification regarding the request. *See Gov't Code* § 552.222(b) (governmental body may communicate with requestor for purpose of clarifying or narrowing request for information).

filed a lawsuit against the Office of the Attorney General challenging Open Records Letter No. 2005-06613 over the release of portions of Caseta's proposals. A settlement agreement was reached amongst the parties regarding the disposition of the proposals and was adopted by the court in an Agreed Final Judgment. Caseta has provided this office with a copy of the Agreed Final Judgment in *Caseta Technologies, Inc. v. Greg Abbott, Attorney General of Texas*, Cause No. GN502721 (261st Jud. Dist., Travis County, Tex. April 20, 2006). Thus, we find that, with regard to the information at issue in Open Records Letter No. 2005-06613, the authority must continue to rely on the Agreed Final Judgment to release or withhold the submitted information. As our ruling is dispositive, we need not address the remaining arguments against 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](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, toll free, at (888) 672-6787.

Sincerely,



Sarah Casterline  
Assistant Attorney General  
Open Records Division

SEC/eeg

Ref: ID# 383660

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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(w/o enclosures)