



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

January 18, 2013

Ms. Lois A. Rockefeller
Wagstaff, Alvis, Stubbeman, Seamster & Longacre, L.L.P.
P.O. Box 360
Abilene, Texas 79604-0360

OR2013-01141

Dear Ms. Rockefeller:

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# 477106.

The City of Coleman (the "city"), which you represent, received a request for the amendment to the contract between the city and American Electric Power Energy Partners, Inc. ("AEPEP"). You claim that the submitted information is excepted from disclosure under sections 552.110 and 552.133 of the Government Code. Additionally, you state the submitted information may implicate the interests of AEPEP. Accordingly, the city notified AEPEP of the request for information and of its right to submit arguments stating why its information should not be released. *See Gov't Code § 552.305* (permitting interested third party to submit to attorney general reasons why requested information should not be released); Open Records Decision No. 542 (1990) (determining statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in certain circumstances). We have received comments from AEPEP. We have considered the submitted arguments and reviewed the submitted information.

We note the submitted information was the subject of a previous request, as a result of which this office issued Open Records Letter No. 2013-00209 (2013). In that decision, we concluded the city must withhold the information at issue under section 552.133 of the Government Code. As you do not indicate there has been any change in the law, facts, and circumstances on which the previous decision is based, we conclude the city must rely on Open Records Letter No. 2013-00209 as a previous determination and continue to withhold

the submitted information on the basis of the previous decision.¹ See Open Records Decision No. 673 at 6-7 (2001) (listing elements of first type of previous determination under Gov't Code § 552.301(a)).

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, toll free, at (888) 672-6787.

Sincerely,



Sarah Casterline
Assistant Attorney General
Open Records Division

SEC/tch

Ref: ID# 477106

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. Ray Stagers
Senior Counsel
Commercial Operations & Logistics
AEP Energy Partners, Inc.
155 West Nationwide Boulevard, 5th Floor
Columbus, Ohio 43215
(w/o enclosures)

¹As we are able to make this determination, we need not address the submitted arguments.