



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 13, 2013

Mr. James P. Allison
Allison, Bass & Associates, L.L.P.
402 West 12th Street
Austin, Texas 78701

OR2013-04260

Dear Mr. Allison:

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# 481287.

The Waller County Judge's Office (the "county"), which you represent, received a request for certain correspondence to or from either of two named individuals during a specified time period, call logs for two named individuals during a specified time period, sign-in registries from a specified time period, and expenditure reports for two named individuals during a specified time period. You claim a portion of the submitted information is not subject to the Act. In addition, you claim the submitted information is excepted from disclosure under sections 552.103, 552.107, 552.111, 552.117, 552.131, and 552.136 of the Government Code. You also state release of some of the submitted information may implicate the proprietary interests of Pintail Landfill, LLC/Green Group Holdings ("Pintail"). Accordingly, you have notified this third party of the request and of its right to submit arguments to this office as to why the requested 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 the circumstances). We have considered the exceptions you claim and reviewed the submitted information, some of which you state is a representative sample.¹

Initially, we note the county seeks to withdraw its present request for an open records decision because the county asserts the requestor's public information request was withdrawn by operation of law for failure to timely respond to a cost estimate for providing requested records. Upon review of a copy of the cost estimate, we find it does not comply with the requirements of section 552.2615(a) of the Government Code. *See* Gov't Code § 552.2615(a). Accordingly, we conclude the requestor's December 17th request was not withdrawn by operation of law. *See id.* § 552.2615(b).

Next, we note the submitted information includes copies of county ordinances. As laws and ordinances are binding on members of the public, they are matters of public record and may not be withheld from disclosure under the Act. *See* Open Records Decision Nos. 551 at 2-3 (1990) (laws or ordinances are open records), 221 at 1 (1979) (official records of governmental body's public proceedings are among most open of records). Therefore, the submitted ordinances, which we have marked, must be released.

Next, we note an interested third party is allowed ten business days after the date of its receipt of the governmental body's notice to submit its reasons, if any, as to why information relating to that party should not be released. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, we have not received arguments from Pintail. Thus, Pintail has not demonstrated the company has a protected proprietary interest in any of the submitted information. *See id.* § 552.110(a)-(b); Open Records Decision Nos. 661 at 5-6 (1999) (to prevent disclosure of commercial or financial information, party must show by specific factual evidence, not conclusory or generalized allegations, that release of requested information would cause that party substantial competitive harm), 552 at 5 (1990) (party must establish *prima facie* case that information is trade secret), 542 at 3. Accordingly, the county may not withhold the submitted information on the basis of any proprietary interest Pintail may have in the information.

Next, you argue some of the submitted information is not subject to the Act. The Act applies to "public information," which is defined in section 552.002 of the Government Code as:

information that is collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business:

¹We assume the "representative sample" of information submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

(1) by a governmental body; or

(2) for a governmental body and the governmental body owns the information or has a right of access to it.

Gov't Code § 552.002(a). Thus, virtually all of the information in a governmental body's physical possession constitutes public information and thus is subject to the Act. *Id.* § 552.002(a)(1); *see* Open Records Decision Nos. 549 at 4 (1990), 514 at 1-2 (1988). The Act also encompasses information that a governmental body does not physically possess, if the information is collected, assembled, or maintained for the governmental body, and the governmental body owns the information or has a right of access to it. Gov't Code § 552.002(a)(2); *see* Open Records Decision No. 462 at 4 (1987).

We further note that the characterization of information as "public information" under the Act is not dependent on whether the requested records are in the possession of an individual or whether a governmental body has a particular policy or procedure that establishes a governmental body's access to the information. *See* Open Records Decision No. 635 at 3-4 (1995) (finding that information does not fall outside definition of "public information" in Act merely because individual member of governmental body possesses information rather than governmental body as whole); *see also* Open Records Decision No. 425 (1985) (concluding, among other things, that information sent to individual school trustees' homes was public information because it related to official business of governmental body) (overruled on other grounds by Open Records Decision No. 439 (1986)). Furthermore, we note information in a public official's personal cellular telephone records may be subject to the Act where the public official uses the personal cellular telephone to conduct public business. *See* ORD 635 at 6-7 (appointment calendar owned by a public official or employee is subject to the Act when it is maintained by another public employee and used for public business).

You state a portion of the submitted information consists of a county judge's personal cellular telephone records. However, you also state the county provides the judge with an allowance to cover cellular phone usage. We reiterate information is within the scope of the Act if it relates to the official business of a governmental body and is maintained by a public official or employee of the governmental body. *See* Gov't Code § 552.002(a). Thus, we determine to the extent the submitted cellular telephone records relate to the official business of the county, they are subject to the Act. However, to the extent the employee's cellular telephone records do not relate to the official business of the county, they are not subject to the Act and need not be released.

To the extent the submitted cellular telephone records relate to the official business of the county and are subject to the Act, we will address your arguments under sections 552.117 and 552.136 of the Government Code. Section 552.117(a)(1) of the Government Code exempts from disclosure the home address and telephone number, social security number,

emergency contact information, and family member information of a current or former official or employee of a governmental body who requests this information be kept confidential under section 552.024 of the Government Code. *See id.* § 552.117(a)(1). Section 552.117 is also applicable to cellular telephone numbers, provided the cellular telephone service is not paid for by a governmental body. *See* Open Records Decision No. 506 at 5-6 (1988) (statutory predecessor to section 552.117 of the Government Code not applicable to cellular telephone numbers provided and paid for by governmental body and intended for official use). Whether a particular item of information is protected by section 552.117(a)(1) must be determined at the time of the governmental body's receipt of the request for the information. *See* Open Records Decision No. 530 at 5 (1989). Thus, information may only be withheld under section 552.117(a)(1) on behalf of a current or former official or employee who made a request for confidentiality under section 552.024 prior to the date of the governmental body's receipt of the request for the information. Therefore, if the judge whose information is at issue timely requested confidentiality under section 552.024 of the Government Code, the county must withhold the home address we have marked under section 552.117(a)(1) of the Government Code. If the judge whose information is at issue did not timely request confidentiality under section 552.024, the county may not withhold the marked information under section 552.117(a)(1) of the Government Code. As previously noted, you inform us the judge's cellular telephone service is paid for, in part, with county funds. In addition, you generally assert the remaining information in Exhibit A may include the personal telephone numbers of current or former county officials or employees. However, you have not demonstrated any of the remaining information in Exhibit A consists of the personal home telephone number or personal cellular telephone number of a current or former county employee. Thus, no portion of the remaining information in Exhibit A may be withheld under section 552.117(a)(1) of the Government Code.

Section 552.136 of the Government Code provides "[n]otwithstanding any other provision of this chapter, a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body is confidential." Gov't Code § 552.136. Accordingly, we find the county must withhold the cellular telephone account number we have marked under section 552.136 of the Government Code.

Next, we note Exhibit B contains court-filed documents. Section 552.022(a)(17) of the Government Code provides for required public disclosure of "information that is also contained in a public court record," unless the information is made confidential under the Act or other law. *Id.* § 552.022(a)(17). Thus, the county must release the court documents we have marked in Exhibit B pursuant to section 552.022(a)(17) unless this information is made confidential under the Act or other law. *See id.* You seek to withhold the information subject to section 552.022(a)(17) under sections 552.103, 552.107, and 552.111 of the Government Code. However, sections 552.103, 552.107, and 552.111 are discretionary exceptions and do not make information confidential under the Act. *See Dallas Area Rapid Transit v. Dallas Morning News*, 4 S.W.3d 469, 475-76 (Tex. App.—Dallas 1999, no pet.)

(governmental body may waive Gov't Code § 552.103); *see also* Open Records Decision Nos. 677 (2002) (governmental body may waive attorney work product privilege under section 552.111), 676 at 10-11 (2002) (attorney-client privilege under Gov't Code § 552.107(1) may be waived), 663 at 5 (1999) (governmental body may waive section 552.111), 665 at 2 n.5 (2000) (discretionary exceptions generally). Thus, the information subject to subsection 552.022(a)(17) may not be withheld under section 552.103, section 552.107, or section 552.111 of the Government Code. However, we note the Texas Supreme Court has held the Texas Rules of Evidence and Texas Rules of Civil Procedure are "other law" within the meaning of section 552.022. *See In re City of Georgetown*, 53 S.W.3d 328, 336 (Tex. 2001). We will therefore consider your assertions of the attorney-client privilege under rule 503 of the Texas Rules of Evidence and the attorney work product privilege under rule 192.5 of the Texas Rules of Civil Procedure for the information subject to section 552.022(a)(1).

Texas Rule of Evidence 503(b)(1) provides:

A client has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made for the purpose of facilitating the rendition of professional legal services to the client:

(A) between the client or a representative of the client and the client's lawyer or a representative of the lawyer;

(B) between the lawyer and the lawyer's representative;

(C) by the client or a representative of the client, or the client's lawyer or a representative of the lawyer, to a lawyer or a representative of a lawyer representing another party in a pending action and concerning a matter of common interest therein;

(D) between representatives of the client or between the client and a representative of the client; or

(E) among lawyers and their representatives representing the same client.

TEX. R. EVID. 503(b)(1). A communication is "confidential" if it is not intended to be disclosed to third persons other than those to whom disclosure is made in furtherance of the rendition of professional legal services to the client or those reasonably necessary for the transmission of the communication. *Id.* 503(a)(5).

Thus, in order to withhold attorney-client privileged information from disclosure under rule 503, a governmental body must: (1) show the document is a communication transmitted

between privileged parties or reveals a confidential communication; (2) identify the parties involved in the communication; and (3) show the communication is confidential by explaining it was not intended to be disclosed to third persons and it was made in furtherance of the rendition of professional legal services to the client. Upon a demonstration of all three factors, the information is privileged and confidential under rule 503, provided the client has not waived the privilege or the document does not fall within the purview of the exceptions to the privilege enumerated in rule 503(d). *See Pittsburgh Corning Corp. v. Caldwell*, 861 S.W.2d 423, 427 (Tex. App.—Houston [14th Dist.] 1993, no writ).

You state the submitted court-filed documents in Exhibit B are attachments to communications between representatives of and attorneys for the county. You state the communications at issue were made for the purpose of the rendition of legal services to the county. You indicate the communications at issue have not been, and were not intended to be, disclosed to third parties. However, we note the court-filed documents were communicated to non-privileged parties. Accordingly, to the extent these non-privileged court-filed documents, which we have marked, exist separate and apart from the privileged communications, they may not be withheld under rule 503 of the Texas Rules of Evidence. If the marked court-filed documents do not exist separate and apart from the privileged communications, the county may withhold this marked information under rule 503 of the Texas Rules of Evidence.

You seek to withhold the court-filed documents, if they exist separate and apart from the privileged communications, under Texas Rule of Civil Procedure 192.5, which encompasses the attorney work product privilege. For the purposes of section 552.022(a), information is confidential under rule 192.5 only to the extent that the information implicates the core work product aspect of the work product privilege. *See* ORD 677 at 9-10. Rule 192.5 defines core work product as the work product of an attorney or an attorney's representative, developed in anticipation of litigation or for trial, that contains the mental impressions, opinions, conclusions, or legal theories of the attorney or the attorney's representative. *See* TEX. R. CIV. P. 192.5(a), (b)(1). Accordingly, in order to withhold attorney core work product from disclosure under rule 192.5, a governmental body must demonstrate that the material was (1) created for trial or in anticipation of litigation and (2) consists of the mental impressions, opinions, conclusions, or legal theories of an attorney or an attorney's representative. *Id.*

The first prong of the work product test, which requires a governmental body to show that the information at issue was created in anticipation of litigation, has two parts. A governmental body must demonstrate that (1) a reasonable person would have concluded from the totality of the circumstances surrounding the investigation that there was a substantial chance that litigation would ensue, and (2) the party resisting discovery believed in good faith that there was a substantial chance that litigation would ensue and conducted the investigation for the purpose of preparing for such litigation. *See Nat'l Tank v. Brotherton*, 851 S.W.2d 193, 207 (Tex. 1993). A "substantial chance" of litigation does not

mean a statistical probability, but rather “that litigation is more than merely an abstract possibility or unwarranted fear.” *Id.* at 204. The second part of the work product test requires the governmental body to show that the materials at issue contain the mental impressions, opinions, conclusions, or legal theories of an attorney’s or an attorney’s representative. *See* TEX. R. CIV. P. 192.5(b)(1). A document containing core work product information that meets both parts of the work product test is confidential under rule 192.5, provided that the information does not fall within the scope of the exceptions to the privilege enumerated in rule 192.5(c). *See Pittsburgh Corning Corp.*, 861 S.W.2d at 427.

Upon review, we find the county has not demonstrated the court-filed documents reveal the mental impressions, opinions, conclusions, or legal theories of an attorney for the county or an attorney’s representative. We also find the information at issue has been disclosed to non-privileged parties. We therefore conclude, to the extent the information at issue exists separate and apart from the privileged communications, the county may not withhold this information under Texas Rule of Civil Procedure 192.5. Accordingly, to the extent the court-filed documents exist separate and apart from the privileged communications, the county must release this information pursuant to section 552.022(a)(17) of the Government Code.

We next address your arguments for the information not subject to section 552.022 of the Government Code, beginning with section 552.107(1) of the Government Code, as it is potentially the most encompassing exception. Section 552.107(1) also protects information that comes within the attorney-client privilege. The elements of the privilege under section 552.107(1) are the same as those discussed for rule 503. When asserting the attorney-client privilege, a governmental body has the burden of providing the necessary facts to demonstrate the elements of the privilege in order to withhold the information at issue. *See* ORD 676 at 6-7. Section 552.107(1) generally excepts an entire communication that is demonstrated to be protected by the attorney-client privilege unless otherwise waived by the governmental body. *See Huie v. DeShazo*, 922 S.W.2d 920, 923 (Tex. 1996) (privilege extends to entire communication, including facts contained therein).

You state the remaining information in Exhibit B and the information in Exhibits C, D, and E consists of communications between representatives of and attorneys for the county made in furtherance of the rendition of professional legal services. We understand the communications were made in confidence, and that confidentiality has been maintained. Based on your representations and our review, we find the county may generally withhold the remaining information in Exhibit B and the information in Exhibits C, D, and E under section 552.107(1) of the Government Code. We note, however, some of these e-mail strings include e-mails received from or sent to non-privileged parties. Furthermore, if the e-mails received from or sent to non-privileged parties are removed from the e-mail strings and stand alone, they are responsive to the request for information. Therefore, if these non-privileged e-mails, which we have marked, are maintained by the county separate and apart from the

otherwise privileged e-mail strings in which they appear, then the county may not withhold these non-privileged e-mails under section 552.107(1) of the Government Code.

Section 552.103 of the Government Code provides, in part:

(a) Information is excepted from [required public disclosure] if it is information relating to litigation of a civil or criminal nature to which the state or a political subdivision is or may be a party or to which an officer or employee of the state or a political subdivision, as a consequence of the person's office or employment, is or may be a party.

...

(c) Information relating to litigation involving a governmental body or an officer or employee of a governmental body is excepted from disclosure under Subsection (a) only if the litigation is pending or reasonably anticipated on the date that the requestor applies to the officer for public information for access to or duplication of the information.

Gov't Code § 552.103(a), (c). A governmental body has the burden of providing relevant facts and documents sufficient to establish the applicability of section 552.103 to the information that it seeks to withhold. To meet this burden, the governmental body must demonstrate: (1) that litigation was pending or reasonably anticipated on the date of its receipt of the request for information and (2) that the information at issue is related to that litigation. *See Univ. of Tex. Law Sch. v. Tex. Legal Found.*, 958 S.W.2d 479 (Tex. App.—Austin 1997, no pet.); *Heard v. Houston Post Co.*, 684 S.W.2d 210 (Tex. App.—Houston [1st Dist.] 1984, writ ref'd n.r.e.); *see also* Open Records Decision No. 551 at 4 (1990). Both elements of the test must be met in order for information to be excepted from disclosure under section 552.103. *Id.*

To establish litigation is reasonably anticipated, a governmental body must provide this office "concrete evidence showing that the claim that litigation may ensue is more than mere conjecture." Open Records Decision No. 452 at 4 (1986). In the context of anticipated litigation in which the governmental body is the prospective plaintiff, the concrete evidence must at least reflect that litigation is "realistically contemplated." *See* Open Records Decision No. 518 at 5 (1989); *see also* Attorney General Opinion MW-575 (1982) (finding that investigatory file may be withheld from disclosure if governmental body attorney determines that it should be withheld pursuant to section 552.103 and that litigation is "reasonably likely to result"). Whether litigation is reasonably anticipated must be determined on a case-by-case basis. *See* ORD 452 at 4. We note contested cases conducted under the Administration Procedure Act (the "APA"), chapter 2001 of the Government Code, are considered litigation for purposes of section 552.103. *See* Open Records Decision No. 588 at 7 (1991). We further note a contested case before the State Office of

Administrative Hearings (“SOAH”) is considered litigation for the purposes of the APA. *See id.*

You contend the remaining information in Exhibit B is excepted under section 552.103. You explain the information at issue pertains to a municipal solid waste permit application pending with the Texas Commission on Environmental Quality (the “TCEQ”) since 2011. We understand the county filed comments against the permit. You explain that, after the public comment and meeting phase of the application process, the TCEQ will forward the application to SOAH for a contested case hearing. Thus, you contend the county reasonably anticipated litigation on the date the county received the request. Based on your representations and our review, we determine the county reasonably anticipated litigation on the date this request was received. Furthermore, we agree the remaining information in Exhibit B relates to the anticipated litigation. We therefore conclude section 552.103 is generally applicable to the remaining information.

However, we note the opposing party in the pending litigation has seen or had access to some of the information at issue. The purpose of section 552.103 is to enable a governmental body to protect its position in litigation by forcing parties to obtain information relating to litigation through discovery procedures. *See* ORD 551 at 4-5. Thus, if the opposing party has seen or had access to information relating to litigation, through discovery or otherwise, then there is no interest in withholding such information from public disclosure under section 552.103. *See* Open Records Decision Nos. 349 (1982), 320 (1982). Therefore, the county may not withhold the information the opposing party has seen or accessed, which we have marked, under section 552.103. Accordingly, with the exception of the information we have marked, the county may withhold the remaining information in Exhibit B under section 552.103. We also note the applicability of section 552.103 ends once the related litigation concludes or is no longer reasonably anticipated. *See* Attorney General Opinion MW-575 (1982); Open Records Decision No. 350 (1982).

Section 552.111 of the Government Code excepts from disclosure “an interagency or intraagency memorandum or letter that would not be available by law to a party in litigation with the agency.” *See* Gov’t Code § 552.111. This section encompasses the attorney work product privilege found in rule 192.5 of the Texas Rules of Civil Procedure. *City of Garland v. Dallas Morning News*, 22 S.W.3d 351, 360 (Tex. 2000); Open Records Decision No. 677 at 4-8 (2002). Rule 192.5 defines work product as:

- (1) [M]aterial prepared or mental impressions developed in anticipation of litigation or for trial by or for a party or a party’s representatives, including the party’s attorneys, consultants, sureties, indemnitors, insurers, employees, or agents; or
- (2) a communication made in anticipation of litigation or for trial between a party and the party’s representatives or among a party’s representatives,

including the party's attorneys, consultants, sureties, indemnitors, insurers, employees or agents.

TEX. R. CIV. P. 192.5(a). A governmental body seeking to withhold information under this exception bears the burden of demonstrating the information was created or developed for trial or in anticipation of litigation by or for a party or a party's representative. *Id.*; ORD 677 at 6-8. In order for this office to conclude that the information was made or developed in anticipation of litigation, we must be satisfied that

a) a reasonable person would have concluded from the totality of the circumstances surrounding the investigation that there was a substantial chance that litigation would ensue; and b) the party resisting discovery believed in good faith that there was a substantial chance that litigation would ensue and [created or obtained the information] for the purpose of preparing for such litigation.

Nat'l Tank Co. v. Brotherton, 851 S.W.2d 193, 207 (Tex. 1993). A "substantial chance" of litigation does not mean a statistical probability, but rather "that litigation is more than merely an abstract possibility or unwarranted fear." *Id.* at 204; ORD 677 at 7.

You state the remaining information in Exhibit B and the information in Exhibit G constitutes material prepared by or communications between representatives of and attorneys for the county in anticipation of litigation. As noted above, you explain the information at issue pertains to a municipal solid waste permit application pending with the TCEQ, against which the county has filed comments. You explain that, after the public comment and meeting phase of the application process, the TCEQ will forward the application to the SOAH for a contested case hearing. Thus, you contend the information at issue was made in anticipation of litigation. Based on your representations and our review, we conclude the county may withhold the information in Exhibit G under the work product privilege encompassed by section 552.111 of the Government Code. However, as noted above, the remaining information in Exhibit B consists of communications with non-privileged parties. Upon review, we find you have failed to demonstrate the non-privileged communications consist of material prepared or mental impressions developed in anticipation of litigation or for trial by a party or a representative of a party. Accordingly, the county may not withhold the remaining information in Exhibit B under the work product privilege of section 552.111 of the Government Code.

Next, you raise section 552.131 of the Government Code for the information in Exhibit F. Section 552.131 relates to economic development information and provides in part:

(b) Unless and until an agreement is made with the business prospect, information about a financial or other incentive being offered to the business

prospect by the governmental body or by another person is excepted from [required public disclosure].

Gov't Code § 552.131(b). Section 552.131(b) protects information about a financial or other incentive that is being offered to a business prospect by a governmental body or another person. *See id.* § 552.131(b). You state the information in Exhibit F relates to an agreement with Pintail that has not been finalized. However, upon review, we find you have not demonstrated how any portion of the information at issue reveals financial or other incentives that are being offered to a business prospect. Thus, we conclude the county may not withhold any of the information in Exhibit F under section 552.131(b) of the Government Code.

We note a portion of the remaining information is subject to section 552.137 of the Government Code, which excepts from disclosure “an e-mail address of a member of the public that is provided for the purpose of communicating electronically with a governmental body,” unless the member of the public consents to its release or the e-mail address is of a type specifically excluded by subsection (c). *Id.* § 552.137(a)-(c). The e-mail addresses we have marked are not a type specifically excluded by section 552.137(c). Accordingly, the county must withhold these e-mail addresses under section 552.137 of the Government Code, unless the owners of the e-mail addresses affirmatively consent to their release under section 552.137(b).

In summary, the marked county ordinances must be released. To the extent the employee's cellular telephone records do not relate to the official business of the county, they are not subject to the Act and need not be released. To the extent the submitted cellular telephone records relate to the official business of the county and are subject to the Act, the county must withhold the home address we have marked under section 552.117(a)(1) of the Government Code, if the judge whose information is at issue timely requested confidentiality under section 552.024 of the Government Code, and the county must withhold the cellular telephone account number we have marked under section 552.136 of the Government Code. If the marked court-filed documents do not exist separate and apart from the privileged communications, the county may withhold this marked information under rule 503 of the Texas Rules of Evidence. The county may generally withhold the remaining information in Exhibit B and the information in Exhibits C, D, and E under section 552.107(1) of the Government Code. However, if the non-privileged e-mails, which we have marked, exist separate and apart from the otherwise privileged e-mail strings in which they appear, then the county may not withhold the non-privileged e-mails under section 552.107(1) of the Government Code. With the exception of the information we have marked, the county may withhold the remaining information in Exhibit B under section 552.103 of the Government Code. The county may withhold the information in Exhibit G under the work product privilege encompassed by section 552.111 of the Government Code. The county must withhold the e-mail addresses we have marked under section 552.137 of the Government Code, unless the owners of the e-mail addresses affirmatively consent to their release under

section 552.137(b) of the Government Code. The county must release the remaining 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, 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,

A handwritten signature in black ink, appearing to read "Jennifer Burnett", with a long horizontal line extending to the right.

Jennifer Burnett
Assistant Attorney General
Open Records Division

JB/tch

Ref: ID# 481287

Enc. Submitted documents

c: Requestor
(w/o enclosures)

c: Pintail Landfill, L.L.C.
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Hempstead, Texas 77445
(w/o enclosures)