



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

May 23, 2014

Ms. Kristen Fancher  
Counsel for Prairielands Groundwater Conservation District  
Sledge Fancher, P.L.L.C.  
919 Congress Avenue, Suite 460  
Austin, Texas 78701

OR2014-08906

Dear Ms. Fancher:

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# 523671.

The Prairielands Groundwater Conservation District (the "district"), which you represent, received a request for five categories of information pertaining to Chesapeake Operating, Inc. ("Chesapeake"). Although you take no position as to whether the requested information is excepted under the Act, you state release of this information may implicate the proprietary interests of Chesapeake. Accordingly, you state you notified Chesapeake of the request for information and of its right to submit arguments to this office as to why the information at issue 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 reviewed the submitted information.

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 information relating to that party should be withheld from public disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, we have not received comments from Chesapeake explaining why the submitted information should not be released. Therefore, we have no basis to conclude Chesapeake has a protected proprietary interest in the submitted information. *See id.* § 552.110; 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 district may not withhold the submitted information on the basis of any proprietary interest Chesapeake may have in the information. As no exceptions to disclosure have been raised, 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.texasattorneygeneral.gov/open/orl\\_ruling\\_info.shtml](http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml), 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Paige Thomason  
Assistant Attorney General  
Open Records Division

PT/dls

Ref: ID# 523671

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Mr. Tom Wright  
Chesapeake Operating, Inc.  
c/o Ms. Kristen Fancher  
Sledge Fancher, P.L.L.C.  
919 Congress Avenue, Suite 460  
Austin, Texas 78701  
(w/o enclosures)