



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

November 10, 2014

Ms. Andrea Sheehan  
Assistant General Counsel  
Texas Association of School Boards, Inc.  
P.O. Box 400  
Austin, Texas 78767-0400

OR2014-20406

Dear Ms. Sheehan:

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# 542782.

The Texas Association of School Boards, Inc. (the "association") received a request for specified price lists of the winning bidders of a specified request for proposals. Although you take no position with respect to the public availability of the requested information, you state its release may implicate the proprietary interests of certain third parties, namely: Blue Star Bus Sales, Limited; Creative Bus Sales; Longhorn Bus Sales, LLC; National Bus Sales; Rush Truck Centers of Texas, LP; and Thomas Bus Gulf Coast GP, Inc. Accordingly, you state, and provide documentation demonstrating, the association notified these third parties of the request for information and of their right to submit arguments stating why their 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) (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 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 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 correspondence from any of the third parties. Therefore, we have no basis to conclude these third parties have any protected proprietary interest in 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 association may not withhold any portion of the submitted information based upon the proprietary interests of the third parties. As no exceptions to disclosure have been raised, the association 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.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,



Lee Seidlits  
Assistant Attorney General  
Open Records Division

CLS/som

Ref: ID# 542782

c: Requestor

Mr. Wayne Dever  
Blue Star Bus Sales, Ltd.  
5907 63<sup>rd</sup> Street  
Lubbock, Texas 79424

Mr. Ryan Frost  
Creative Bus Sales  
3880 Valley View Lane  
Irving, Texas 75062

Mr. Robert Lofgren  
Longhorn Bus Sales, LLC  
6921 Homestead Road  
Houston, Texas 77028

Ms. Kathy Counseller  
Thomas Bus Gulf Coast GP, Inc.  
8806 Mississippi Street  
Houston, Texas 77029

Ms. Whitney Ramsey  
National Bus Sales  
15580 Highway 114  
Justin, Texas 76247

Mr. Randy McWhirter  
Rush Truck Centers of Texas, LP  
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