



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

December 9, 2014

Ms. Sara Abbott McEown  
Counsel for the Fort Worth Transportation Authority  
Jackson Walker, L.L.P.  
901 Main Street, Suite 6000  
Dallas, Texas 75202

OR2014-22226

Dear Ms. McEown:

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# 546936.

The Fort Worth Transportation Authority (the "authority") received a request for all compliant proposals submitted in response to a specified request for proposals. Although you take no position as to whether the submitted information is excepted under the Act, you state release of the submitted information may implicate the proprietary interests of certain third parties, namely: Teague, Nail, and Perkins; Pinnacle Consulting Management Group, Inc.; Briggs Field Services, Inc.; and Stateside Right of Way Service.<sup>1</sup> Accordingly, you state, and provide documentation showing, you notified these third parties of the request for information and of their right to submit arguments to this office as to why the submitted 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 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 any

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<sup>1</sup>Although the authority also notified Colan Associates of Illinois, L.L.C. and Ben Dyess & Associates, the authority states these companies' proposals were non-compliant; thus, those proposals are not responsive to the instant request. This ruling does not address the public availability of any information not responsive to the instant request, and the authority need not release non-responsive information in response to the request.

of the third parties explaining why the submitted information should not be released. Therefore, we have no basis to conclude any of the third parties have 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, release of requested information would cause that party substantial competitive harm), 552 at 5 (1990) (party must establish *prima facie* case information is trade secret), 542 at 3. Accordingly, the authority may not withhold the submitted information on the basis of any proprietary interests the third parties may have in the information.

We note the submitted information contains information subject to section 552.136 of the Government Code, which provides, “[n]otwithstanding any other provision of [the Act], 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.”<sup>2</sup> Gov’t Code § 552.136(b); *see id.* § 552.136(a) (defining “access device”). This office has determined insurance policy numbers are access device numbers for purposes of section 552.136. Upon review, the authority must withhold the insurance policy numbers contained in the submitted information under section 552.136 of the Government Code. As no other exceptions to disclosure have been raised, the authority 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.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

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<sup>2</sup>The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body. *See* Open Records Decision No. 481 (1987), 480 (1987), 470 (1987).

Ref: ID# 546936

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Ms. Diane Burkhardt Valek  
Stateside Right of Way Service  
6815 Manhattan Boulevard, Suite 320  
Fort Worth, Texas 76120  
(w/o enclosures)

Mr. W.L. Bill Wimberley  
Teague, Nail, and Perkins  
1100 Main Street  
Fort Worth, Texas 76102  
(w/o enclosures)

Ms. Lisa R. Harrison  
Pinnacle Consulting Management  
Group, Inc.  
1903 Central Drive, Suite 306  
Bedford, Texas 76021  
(w/o enclosures)

Mr. Kerry Briggs  
Briggs Field Services, Inc.  
3920 FM 1960 Road West, Suite 350  
Houston, Texas 77068  
(w/o enclosures)