



February 2, 2015

Ms. Eileen M. Hayman  
Assistant City Attorney for the City of Coleman  
Messer, Rockefeller & Fort, PLLC  
4400 Buffalo Gap Road, Suite 2800  
Abilene, Texas 79606

OR2015-02040

Dear Ms. Hayman:

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# 552296.

The City of Coleman (the "city"), which you represent, received a request for several categories of information pertaining to the city's agreement with AEP Energy Partners, Inc. ("AEPEP") and related amendments. You claim the submitted information is excepted from disclosure under section 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.

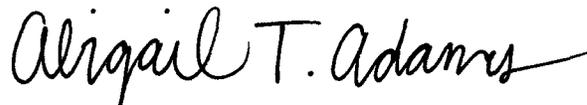
You state the submitted information was the subject of previous requests for information, in response to which this office issued Open Records Letter Nos. 2013-00209 (2013) and 2013-01141 (2013). In those rulings, we held the city must withhold the information at issue under section 552.133 of the Government Code. As you do not indicate there has been

any change in the law, facts, and circumstances on which the previous rulings are based, we conclude the city must rely on Open Records Letter Nos. 2013-00209 and 2013-01141 as previous determinations and continue to withhold the submitted information in accordance with those rulings.<sup>1</sup> 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.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,



Abigail T. Adams  
Assistant Attorney General  
Open Records Division

ATA/akg

Ref: ID# 552296

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Ms. Alyssa J. Bowerman  
AEP Energy Partners, Inc.  
155 West Nationwide Boulevard, Suite 500  
Columbus, Ohio 43215  
(w/o enclosures)

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<sup>1</sup>As we are able to make this determination, we need not address the submitted arguments for this information.