



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

March 23, 2015

Ms. Kasey Feldman-Thomason  
General Law Attorney  
Public Utility Commission of Texas  
P.O. Box 13326  
Austin, Texas 78711

OR2015-05496

Dear Ms. Feldman-Thomason:

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# 557155 (PUC ID No. 2014-12-023).

The Public Utility Commission of Texas (the "commission") received a request for all records pertaining to a specified permit issued to Midland Credit Management, Inc. ("Midland") and a request from a different requestor for certain applications for six named companies, including Midland. You state the commission released some of the requested information to each of the requestors. You state, although the commission takes no position with respect to whether the remaining requested information is excepted from disclosure, its release may implicate the interests of Midland. Accordingly, you state, and provide documentation demonstrating, the commission notified Midland of the requests 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 reviewed the submitted information.

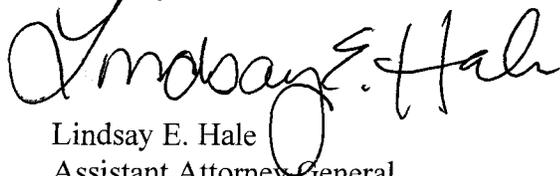
An interested third party is allowed ten business days after the date of its receipt of the governmental body's notice under section 552.305(d) of the Government Code to submit its reasons, if any, as to why requested information relating to it should be withheld from disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, this office has not received comments from Midland explaining why its information should not be released

to the requestor. Thus, we have no basis to conclude the release of the submitted information would implicate Midland's interests, and none of the submitted information may be withheld on that basis. *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. As no exceptions to disclosure have been raised, the commission 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,



Lindsay E. Hale  
Assistant Attorney General  
Open Records Division

LEH/akg

Ref: ID# 557155

Enc. Submitted documents

c: 2 Requestors  
(w/o enclosures)

Ms. Denise Robbins  
Midland Credit Management, Inc.  
70 Mansell Court, Suite 250  
Roswell, Georgia 30076  
(w/o enclosures)