



KEN PAXTON  
ATTORNEY GENERAL OF TEXAS

June 25, 2015

Mr. Evaristo Garcia, Jr.  
Assistant City Attorney  
City of McAllen  
P.O. Box 220  
McAllen, Texas 78505-0220

OR2015-12661

Dear Mr. Garcia:

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# 568530.

The City of McAllen (the "city") received two requests from two separate requestors for the city's application submitted to the Commission on Presidential Debates and documents or e-mails during a specified time period pertaining to the city hosting a 2016 general election debate. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.104 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note some of the submitted e-mails, which we have marked, are not responsive to the first request because they were created after the city received the first request. This ruling does not address the public availability of any information that is not responsive to the first request, and the city is not required to release such information in response to the first request.

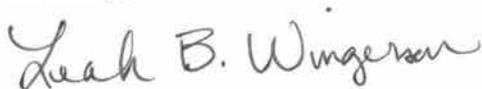
Section 552.104(a) of the Government Code excepts from disclosure "information that, if released, would give advantage to a competitor or bidder." Gov't Code § 552.104(a). The "test under section 552.104 is whether knowing another bidder's [or competitor's information] would be an advantage, not whether it would be a decisive advantage." *Boeing Co. v. Paxton*, No. 12-1007, slip op. at 17 (Tex. June 19, 2015). The city states it has

competitors “for the privilege to host a 2016 presidential and vice-presidential general election debate.” In addition, the city states it submitted its application to host a debate as part of its overall economic development strategy, and release of the submitted information would compromise the city’s ability to remain competitive during the selection process because competitors would be privy to the city’s detailed site, telecommunications, lodging, transportation, services, security, catering, finance, and other information being considered in the selection process. After review of the information at issue and consideration of the arguments, we find the city has established the release of the information at issue would give advantage to a competitor or bidder. Thus, we conclude the city may withhold the submitted information under section 552.104(a) of the Government Code.<sup>1</sup>

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,



Leah B. Wingerson  
Assistant Attorney General  
Open Records Division

LBW/bhf

Ref: ID# 568530

Enc. Submitted documents

c: Requestors  
(w/o enclosures)

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<sup>1</sup>As our ruling is dispositive, we need not address your remaining argument against disclosure.