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ATTORNEY GENERAL OF TEXAS

July 7, 2015

Mr. Kipling D. Giles
Senior Counsel
CPS Energy
P.O. Box 1771
San Antonio, Texas 78296

OR2015-13692

Dear Mr. Giles:

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# 570343.

The City Public Service Board of the City of San Antonio d/b/a CPS Energy ("CPS") received a request for the amount of money CPS is paying DTZ Americas, Inc. ("DTZ") for specified services and for the service contract between CPS and DTZ. Although you take no position as to whether the submitted information is excepted under the Act, you state that release of this information may implicate the proprietary interests of DTZ. Accordingly, you state, and provide documentation showing, you notified DTZ of the request for information and of its 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 received comments from an attorney for DTZ. We have considered the submitted arguments and reviewed the submitted information.

Initially, we note DTZ objects to disclosure of information CPS has not submitted to this office for review.¹ This ruling does not address the public availability of any information that

¹ We note the submitted information was created after CPS received the request for information. Thus, we conclude the submitted information is not responsive to the request for information.

is not responsive to the request and CPS is not required to release such information in response to this request.

DTZ argues the responsive rate schedule information it has marked is excepted from disclosure under section 552.110(b). However, we note the information at issue is contained within a contract executed with CPS. This office considers the prices charged in government contract awards to be a matter of strong public interest; thus, the pricing information of a winning bidder is generally not excepted under section 552.110(b). *See* Open Records Decision No. 514 (1988) (public has interest in knowing prices charged by government contractors); *see generally* Freedom of Information Act Guide & Privacy Act Overview, 219 (2000) (federal cases applying analogous Freedom of Information Act reasoning that disclosure of prices charged government is a cost of doing business with government). Further, the terms of a contract with a governmental body are generally not excepted from public disclosure. *See* Gov't Code § 552.022(a)(3) (contract involving receipt or expenditure of public funds expressly made public); Open Records Decision No. 541 at 8 (1990) (public has interest in knowing terms of contract with state agency). Accordingly, none of the responsive information DTZ seeks to withhold may be withheld under section 552.110(b) of the Government Code. As no further exceptions have been raised, the submitted information must be released.

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, 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,



Katelyn Blackburn-Rader
Assistant Attorney General
Open Records Division

KB-R/akg

Ref: ID# 570343

Enc. Submitted documents

c: Requestor
(w/o enclosures)

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