



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

October 2, 2015

Ms. Sandra D. Garcia
Assistant General Counsel
Houston Community College
3100 Main Street
Houston, Texas 77002

OR2015-20727

Dear Ms. 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# 581642.

The Houston Community College (the "college") received a request for the college's application to the Commission on Presidential Debates to host one of four general election debates in 2016. 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.

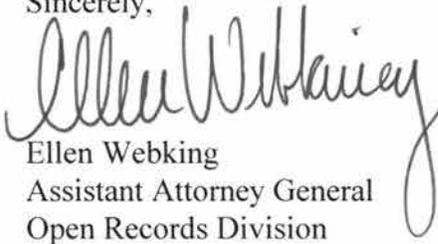
Section 552.104(a) of the Government Code excepts from disclosure "information that, if released, would give advantage to a competitor or bidder." Gov't Code § 552.104(a). The "test under section 552.104 is whether knowing another bidder's [or competitor's information] would be an advantage, not whether it would be a decisive advantage." *Boeing Co. v. Paxton*, No. 12-1007, 2015 WL 3854264, at *9 (Tex. June 19, 2015). The college states it has specific marketplace interests in the information at issue because the college is competing against other institutions of higher education and other entities that operate special use facilities for the right to host a 2016 presidential debate. You state the Commission on Presidential Debates is still in the process of evaluating the applications and the release of the submitted information would compromise and harm the college's competitive advantage by assisting a competing entity during an ongoing application process. After review of the information at issue and consideration of the arguments, we find the college has established

the release of the information at issue would give advantage to a competitor or bidder. Thus, we conclude the college may withhold the submitted information under section 552.104(a).¹

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,



Ellen Webking
Assistant Attorney General
Open Records Division

EW/akg

Ref: ID# 581642

Enc. Submitted documents

c: Requestor
(w/o enclosures)

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