



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

October 30, 2015

Mr. David W. Ross
Counsel for San Antonio River Authority
Law Offices of David Ross, P.C.
115 East Travis Street, Suite 1630
San Antonio, Texas 78205

OR2015-22794

Dear Mr. Ross:

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# 586430.

The San Antonio River Authority (the "authority"), which you represent, received a request for a specified contract and related responses to a request for qualifications.¹ The authority says it has provided some of the requested information to the requestor. The authority does not take a position as to whether the submitted information is excepted from disclosure under the Act. However, the authority states, and provides documentation showing, it notified AECOM Technical Services, Inc., HDR Engineering, Inc., and RTKL Associates, Inc. of the authority's receipt of the request for information and of the right of each to submit arguments

¹The authority sought and received clarification of the information requested. *See* Gov't Code § 552.222 (if request for information is unclear, governmental body may ask requestor to clarify request); *see also* *City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (if governmental entity, acting in good faith, requests clarification of unclear or over-broad request, ten-day period to request attorney general ruling is measured from date request is clarified).

to this office as to why the requested information should not be released. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 at 3 (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 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) 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, none of the interested third parties has submitted to this office any reasons explaining why the requested information should not be released. Thus, we have no basis for concluding the submitted information constitutes proprietary information of these third parties, and the authority may not withhold any portion of it on that basis. *See* 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, 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. Therefore, the authority 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, 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,



James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/bhf

Ref: ID# 586430

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. Don D'Adam
AECOM Technical Services, Inc.
112 East Pecan, Suite 400
San Antonio, Texas 78205
(w/o enclosures)

Mr. Fred Arce
HDR Engineering, Inc.
1020 Northeast Loop 410, Suite 400
San Antonio, Texas 78209
(w/o enclosures)

Mr. John Ruggieri
RTKL Associates, Inc.
1717 Pacific Avenue
Dallas, Texas 75201
(w/o enclosures)