



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

December 1, 2015

Mr. Bob Davis
Staff Attorney
Office of Agency Counsel
Legal Section
General Counsel Division
Texas Department of Insurance
P.O. Box 149104
Austin, Texas 78714-9104

OR2015-24947

Dear Mr. Davis:

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# 588697 (TDI #165241).

The Texas Department of Insurance (the "department") received a request for the most recently reported direct written premiums for the top ten companies writing named driver policies in Texas. Although you take no position as to whether the submitted information is excepted under the Act, you state release of some of this information may implicate the proprietary interests of ACCC Insurance Company, Affirmative Insurance Company, American Access Casualty Company, American Alternative Insurance Company, CEM Insurance Company, Dairyland County Mutual Insurance Company of Texas, Home State County Mutual Insurance Company, Lyndon Southern Insurance Company, Old American County Mutual Fire Insurance Company, and Peachtree Casualty Insurance Company. Accordingly, you state, and provide documentation showing, you notified these third parties of the request for information and of their rights to submit arguments to this office as to why the information at issue 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 reviewed the submitted information.

We note 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 information relating to that party should be withheld from public disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, we have not received comments from any of the third parties explaining why the submitted information should not be released. Therefore, we have no basis to conclude any of the third parties have a protected proprietary interest in the submitted information. *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. Accordingly, the department may not withhold the submitted information on the basis of any proprietary interest any of the third parties may have in the information. As no exceptions to disclosure have been raised, the department 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,



Kenny Moreland
Assistant Attorney General
Open Records Division

KJM/som

Ref: ID# 588697

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. Matt Reznicek
American Access Casualty Company
1s450 Summit Avenue, Suite 230
Oakbrook Terrace, Illinois 60181
(w/o enclosures)

Mr. Steve D. Bain
American Access Casualty Company
14090 Southwest Freeway, Suite 308
Sugarland, Texas 77478-3679
(w/o enclosures)

Ms. Marie Rinehart
Home State County Mutual
Insurance Company
P.O. Box 8036
Waco, Texas 76714-8036
(w/o enclosures)

Mr. Christopher DuCharme
CEM Insurance Company
21805 Field Parkway, Suite 320
Deer Park, Illinois 60010
(w/o enclosures)

Ms. Cristi Melvin
Affirmative Insurance Company
P.O. Box 9030
Addison, Texas 75001-9030
(w/o enclosures)

Affirmative Insurance Company
c/o Corporation Service Company
211 East 7th Street, Suite 620
Austin, Texas 78701-3218
(w/o enclosures)

Mr. Ross Bennett
ACCC Insurance Company
390 Benmar Drive, Suite 225
Houston, Texas 77060-2901
(w/o enclosures)

Ms. Shannon Hill
Old American County Mutual Fire
Insurance Company
P.O. Box 793747
Dallas, Texas 75379-3747
(w/o enclosures)

Old American County Mutual Fire
Insurance Company
17304 Preston Road, Suite 1100
Dallas, Texas 75252-5615
(w/o enclosures)

Mr. Mark A. Gannaway
CEM Insurance Company
14755 Preston Road, Suite 430
Dallas, Texas 75254-9177
(w/o enclosures)

Dairyland County Mutual Insurance
Company of Texas
c/o CT Corporation System
1999 Bryan Street, Suite 900
Dallas, Texas 75201-3136
(w/o enclosures)

Mr. Jason Mills
Dairyland County Mutual Insurance
Company of Texas
1800 Northpoint Drive
Stevens Point, Wisconsin 54481-1253
(w/o enclosures)

Mr. Paul Kurella
American Alternative Insurance
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(w/o enclosures)

American Alternative Insurance Corp.
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(w/o enclosures)

Mr. Stephen Milton
Lyndon Southern Insurance Co.
P.O. Box 44130
Jacksonville, Florida 32231-4130
(w/o enclosures)

Lyndon Southern Insurance Company
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800 Brazos Street, Suite 400
Austin, Texas 78701
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Mr. Cameron Conboy
Peachtree Casualty Insurance Co.
350 10th Avenue, Suite 140
San Diego, California 92101-8701
(w/o enclosures)

Peachtree Casualty Insurance Company
c/o CT Corporation System
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Dallas, Texas 75201
(w/o enclosures)