



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

May 23, 2016

Mr. Arthur Provenghi  
Legal Counsel  
Housing Authority of the City of El Paso  
P. O. Box 9895  
El Paso, Texas 79995-2895

OR2016-11752

Dear Mr. Provenghi:

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# 611161.

The Housing Authority of the City of El Paso (the "authority") received a request for information concerning the terms of business between the authority and PNC Bank ("PNC"). You claim the submitted information is excepted from disclosure under section 552.104 of the Government Code. You also state the proprietary interests of PNC might be implicated. Accordingly, you notified PNC of the request and of its right to submit comments to this office stating why the requested information should not be released. *See* Gov't Code § 552.305 (permitting interested third party to submit to attorney general reasons why requested information should not be released). We have received comments from an attorney for PNC. We have considered the arguments and reviewed the submitted information.

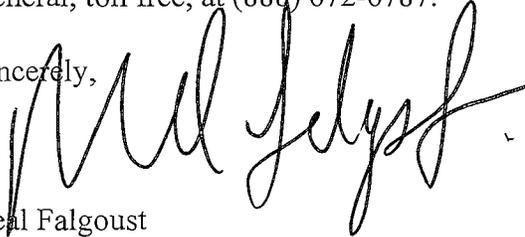
Section 552.104(a) of the Government Code excepts from disclosure "information that, if released, would give advantage to a competitor or bidder." *Id.* § 552.104(a). The "test under section 552.104 is whether knowing another bidder's [or competitor's information] would be an advantage, not whether it would be a decisive advantage." *Boeing Co. v. Paxton*, 466 S.W.3d 831 (Tex. 2015). You explain the submitted information pertains to a competitive bidding situation related to the authority's solicitation of tax-credit financing partners. In addition, you state the release of the information at issue would provide a competitive advantage to other potential bidders. After review of the information at issue and

consideration of the arguments, we find the authority has established the release of the information at issue would give advantage to a competitor or bidder. Thus, we conclude the authority may withhold the submitted information under section 552.104(a) of the Government Code. As our ruling is dispositive, we do not address the remaining arguments.

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,



Neal Falgoust  
Assistant Attorney General  
Open Records Division

NF/eb

Ref: ID# 611161

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

1 Third party  
(w/o enclosures)