

**Peter M. Lake**  
Chairman

**Will McAdams**  
Commissioner

**Lori Cobos**  
Commissioner

**Jimmy Glotfelty**  
Commissioner



**Greg Abbott**  
Governor

**Thomas J. Gleeson**  
Executive Director

## ***Public Utility Commission of Texas***

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October 28, 2021

**To: ALL organizations listed in the following PUC Market Directories: Power Generation Companies, Self-Generators, Retail Electric Providers, Investor Owned Utilities, Transmission and Distribution Utilities, Municipalities, Cooperatives, River Authorities**

**Electric Reliability Council of Texas**

**Texas Reliability Entity**

**Public Utilities Division of Oklahoma Corp Commission**

**Iowa Utilities Board**

**Via Email**

**Re: Public Utility Commission of Texas PIA Request ID #2021-10-015**

Dear Sir or Madam,

We have received a formal request to inspect or copy some of our files. A copy of the request for information is attached. The requested files include records we received from you or from your company. The Office of the Attorney General is reviewing this matter, and they will issue a decision on whether Texas law requires us to release your records. Generally, the Public Information Act (the "Act") requires the release of requested information, but there are exceptions. As described below, you have the right to object to the release of your records by submitting written arguments to the attorney general that one or more exceptions apply to your records. You are not required to submit arguments to the attorney general, but if you decide not to submit arguments, the Office of the Attorney General will presume that you have no interest in withholding your records from disclosure. In other words, if you fail to take timely action, the attorney general will more than likely rule that your records must be released to the public. If you decide to submit arguments, **you must do so not later than the tenth business day after the date you receive this notice.**



October 28, 2021

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If you submit arguments to the attorney general, you must:

- a) identify the legal exceptions that apply,
- b) identify the specific parts of each document that are covered by each exception, and
- c) explain why each exception applies.

Gov't Code § 552.305(d). A claim that an exception applies without further explanation will not suffice. Attorney General Opinion H-436 (1974). You may contact this office to review the information at issue in order to make your arguments. We will provide the attorney general with a copy of the request for information and a copy of the requested information, along with other material required by the Act. The attorney general is generally required to issue a decision within 45 business days.

Please send your written comments to the Office of the Attorney General at the following address:

Office of the Attorney General  
Open Records Division  
P.O. Box 12548  
Austin, Texas 78711-2548

If you wish to submit your written comments electronically, you may only do so via the Office of the Attorney General's eFiling System. An administrative convenience charge will be assessed for use of the eFiling System. No other method of electronic submission is available. Please visit the attorney general's website at <http://www.texasattorneygeneral.gov> for more information.

**In addition, you are required to provide the requestor with a copy of your communication to the Office of the Attorney General.** Gov't Code § 552.305(e). You may redact the requestor's copy of your communication to the extent it contains the substance of the requested information. Gov't Code § 552.305(e). You may provide a copy of your communication to the governmental body who received the request and sent the notice.

### **Commonly Raised Exceptions**

In order for a governmental body to withhold requested information, specific tests or factors for the applicability of a claimed exception must be met. Failure to meet these tests may result in the release of requested information. We have listed the most commonly claimed exceptions in the Government Code concerning proprietary information and the leading cases or decisions discussing them. This listing is not intended to limit any exceptions or statutes you may raise.

**Section 552.101: Information Made Confidential by Law**

Open Records Decision No. 652 (1997).

**Section 552.110: Confidentiality of Trade Secrets and Commercial or Financial Information**

Trade Secrets

Commercial or Financial Information:

*Birnbaum v. Alliance of Am. Insurers*, 994 S.W.2d 766 (Tex. App.—Austin 1999, pet. filed) (construing previous version of section 552.110), *abrogated by In re Bass*, 113 S.W.3d 735 (Tex. 2003).

Open Records Decision No. 639 (1996).

Open Records Decision No. 661 (1999).

**Section 552.1101: Confidentiality of Proprietary Information**

**Section 552.113: Confidentiality of Geological or Geophysical Information**

Open Records Decision No. 627 (1994).

**Section 552.131: Confidentiality of Certain Economic Development Negotiation Information**

If you have questions about this notice or release of information under the Act, please refer to the *Public Information Handbook* published by the Office of the Attorney General, or contact the attorney general's Open Government Hotline at (512) 478-OPEN (6736) or toll-free at (877) 673-6839 (877-OPEN TEX). To access the *Public Information Handbook* or Attorney General Opinions, including those listed above, please visit the attorney general's website at <http://www.texasattorneygeneral.gov>.

Sincerely,



Kathy Pribyl, Legal Assistant  
**PIA Support Specialist**  
Public Utility Commission of Texas

Enclosure: Copy of request for information

cc: Requestor Russell Gold      Via Email: [rgold@texasmonthly.com](mailto:rgold@texasmonthly.com)

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Office of the Attorney General

**Open Records Division**

P.O. Box 12548

Austin, Texas 78711-2548

(w/o enclosures)