300 E. Shepherd Ave.
P.O. Drawer 190
Lufkin, TX 75902-0190

October 9, 2026

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

Re: Request for Attorney General Decision Pursuant to Section 552.301, Texas Government Code Public Information Request- **CRR-2026-315 and CRR-2026-316**

Dear Open Records Division:

The City of Lufkin requests a decision authorizing withholding of the proposed economic development incentive information in Exhibits B through P, including their labeled subexhibits, under Texas Government Code Section 552.131(b). The City also asserts Section 552.111 for the governmental policy recommendations in Exhibits C-1, M, and M-1, and identifies potential proprietary protections under Sections 552.131(a) and 552.110 for the business information described below. Exhibit A contains the request details for CRR-2026-315, and Exhibit A-1 contains the request details for CRR-2026-316.

The City received Public Information Request CRR-2026-315 from Fawn Elizabeth Zion, East Texas Legacy Coalition, on September 25, 2026. The request seeks records concerning industrial standards, jurisdictional boundaries, development and utility agreements, economic development incentives, supporting facilities, and communications involving the identified data center companies. These comments address the submitted records for which the City seeks a ruling; they do not assert that every category of information requested is excepted from disclosure.

The City also received Public Information Request CRR-2026-316 from the same requestor. Exhibit A-1 contains that request and documents its receipt. Portions of CRR-2026-316 seek the same records, including communications involving City staff, requested in CRR-2026-315. To the extent the submitted exhibits are responsive to both requests, the City requests that this decision address those records under both request numbers. Any additional, nonduplicative information requested in CRR-2026-316 will be addressed separately. The City identifies the overlap to explain the scope of this submission, rather than as an independent exception to disclosure.

1 Ongoing Economic Development Negotiations

The submitted records concern the proposed Amp Z data center development at the former Southland Paper Mill property and related development [redacted]. As of October 9, 2026, no final incentive agreement has been reached with the business prospect. [redacted]

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[redacted]. T[redacted]

Section 552.131(b) protects information about a financial or other incentive being offered to a business prospect by a governmental body or another person unless and until an agreement is made. Here, the [redacted]. The City asks that the [redacted] information be evaluated in that context. The City recognizes the limitation in Section 552.131(c) after an agreement is made and does not rely on the existence of [redacted]

2 Section 552.131(b) and the Submitted Exhibits

Exhibit B begins with a [redacted] under Local Government Code Section 212.172. It identifies [redacted]. [redacted] The City requests withholding of the [redacted] The exhibit also contains e[redacted] The City's claim concerns [redacted] Any independently public, unchanged agreement material remains subject to disclosure.

Exhibits C and C-1 contain[redacted]

[redacted]. This communication identifies a[redacted]. The City requests protection of [redacted]. The correspondence also [redacted]. The City does not claim that the public press release or an unrelated [redacted] is protected by Section 552.131(b) solely because it is referenced here.

Exhibits D and D-1 contain the [redacted]. The [redacted]

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[redacted]. The City requests protection of the portions revealing the [redacted]

Exhibits E, E-1, and E-2 contain the [redacted] The City requests withholding of [redacted]

Exhibits F, F-1, and F-2 address [redacted] The City requests protection of that [redacted] The City does not seek to withhold an otherwise public City limits or ETJ map merely because it accompanies the negotiating correspondence.

Exhibits G, H, and J document [redacted]. Exhibits H and J expressly identify [redacted]. The City requests protection of information [redacted]

arrangement. Exhibit G contains an e[redacted] inclusion in the packet does not independently establish an exception for routine scheduling information.

Exhibits I and K concern [redacted] The City asks that information revealing [redacted] Separately, the [redacted] The City does not contend that all [redacted] under Section 552.131(b).

Exhibits L and M-2 concern [redacted]. These [redacted] The City requests protection to the extent they [redacted] Routine introductions and business contact information are not claimed to be excepted simply because economic development staff facilitated the exchange.

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Exhibits M and M-1 contain [redacted]. The City requests withholding of these [redacted]

Exhibits N and O concern the [redacted]. Exhibits P and P-1 address [redacted]. Public procedural requirements, routine scheduling, and material already made available to the public are not rendered confidential merely by inclusion in these records.

3 Section 552.111 and Governmental Policy Recommendations

As an independent ground, the City asserts Section 552.111 for the advice, opinions, and recommendations in Exhibits M and M-1. [redacted]

Under Open Records Decision No. 615 (1993), the City requests protection of the [redacted]. Under Open Records Decision No. 559 (1990), the City additionally requests protection of Exhibit M-1 as a [redacted].

The City also asserts Section 552.111 for the recommendation in Exhibit C-1 that a [redacted] and does not encompass the press release, routine board scheduling, or unrelated administrative information.

CITY OF Lufkin TEXAS EST. 1882

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4 Proprietary Information and Third Party Interests

The City identifies potential trade-secret or commercial and financial interests under Sections 552.131(a)(1)-(2) and 552.110(b)-(c) in the [redacted] in Exhibit D-1, the [redacted] n Exhibit F-1, [redacted] in Exhibit I, and [redacted] in Exhibit K. The City requests consideration of specific factual evidence submitted by the affected businesses through the Section 552.305 process.

These alternative claims require proof of the applicable trade-secret requirements or substantial competitive harm. The City does not assert that such proof is established by a confidentiality legend, the commercial subject matter of a record, or an unsupported prediction of harm. The City recognizes the limits imposed by Section 552.0222 on withholding contracting information under Section 552.110.

5 Public Information and Segregable Portions

The City recognizes Section 552.007 and does not seek discretionary withholding of nonconfidential information that it has already made available to the public. The request expressly includes previously released project records. The City's arguments concern qualifying, unreleased incentive information and other information meeting the asserted exceptions, rather than material already released to another requestor, published as a press release, or otherwise required to be public. Historical agreement provisions, general jurisdictional maps, and routine scheduling information must be assessed separately from the substantive proposed incentive terms.

6 Requested Decision

For CRR-2026-315 and the overlapping portions of CRR-2026-316, the City respectfully requests a decision authorizing withholding of the [redacted] identified in Exhibits B through P and their labeled subexhibits under Section 552.131(b), including a complete document where its contents are protected in their entirety. The City separately requests protection of the governmental policy advice and recommendations in Exhibits C-1, M, and M-1 under Section 552.111 and of proprietary information for which the requirements of Sections 552.131(a) or 552.110 are established. If an exhibit is not protected in full, the City requests protection of the qualifying portions and will release the reasonably segregable information required by the Act.

Thank you for your consideration. Please contact me if additional information is needed.

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Sincerely,

Aimee Cloutier

Aimee Cloutier
City Secretary
City of Lufkin

Enclosures: Exhibit A; Exhibit A-1; Exhibits B-P, including labeled subexhibits
cc: Fawn Elizabeth Zion (copy of written comments with information at issue redacted as necessary under Section 552.301(e-1); without withheld exhibits)