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11/26/2025

Via Mail and Electronic Submission – Cost Complaint under Tex. Gov’t Code § 552.269

Cost Rules Administrator  
Open Records Division – Cost Rules  
Office of the Attorney General  
P.O. Box 12548, Capitol Station  
Austin, Texas 78711-2548

Re: Complaint under Tex. Gov’t Code § 552.269 – TTUS Cost Estimates for Requests Dated October 3 & October 20, 2025 (Service Request No. OR-25-053696-CC)

Dear Cost Rules Administrator:

I submit this written complaint under Tex. Gov’t Code § 552.269 concerning the Texas Tech University System’s (“TTUS”) cost estimates dated November 3, 2025, and November 18, 2025. I believe these estimates overcharge and fail to comply with § 552.2615, § 552.263, §§ 552.268–269, and the Attorney General’s cost rules at 1 Tex. Admin. Code ch. 70, including §§ 70.3, 70.5, 70.7, and 70.8.

This letter also supplements the cost-complaint materials I have already submitted, including copies of my original requests, TTUS’s estimates, and my November 4, 13, 18, and 19, 2025 emails.

I am not a lawyer; these comments reflect my good-faith understanding of the Act and the cost rules.

## I. Background and timeline

- **October 3, 2025** – I submitted two TPIA requests to TTUS.
- **October 17, 2025** – TTUS sent clarification/narrowing letters.
- **October 20, 2025** – I submitted an additional TPIA request. TTUS later “aggregated” this with the clarified October 3 requests for cost purposes.
- **October 20, 2025** – Separately, I submitted a TPIA request titled *“Records Showing How You Handled My Requests (Existing Process Docs Only)”* seeking existing records showing how TTUS is handling my requests (search instructions to custodians, hit-count/summary outputs, ticket/log IDs and timestamps, and any letters/notices to the AG).

- **November 3, 2025** – TTUS issued a cost estimate aggregating my clarification responses and the October 20 request, quoting **214.95 hours** of “labor” at \$15/hour plus 20% overhead, for a total of **\$3,869.10**, with automatic-withdrawal and deposit language.
- **November 4, 2025** – I timely responded under § 552.2615(d), electing inspection, requesting a task-level itemized estimate, and raising concerns about “programming/manipulation,” aggregation, and deposit posture. I also proposed phased production starting with a limited set of custodians and search terms and asked TTUS to re-estimate only Phase 1 to reduce cost.
- **November 13, 2025** – I remitted the requested 50% deposit (\$1,934.55) under protest, while expressly stating that payment did not narrow or withdraw my requests and that I intended to file a § 552.269 complaint.
- **November 18, 2025** – TTUS sent a second estimate quoting **118.64 hours** of “viewing” labor at \$15/hour (total **\$1,779.60**) for inspection of the same records, again invoking “manipulation of data,” referencing my deposit, and threatening automatic withdrawal.
- **November 19, 2025** – I sent a written response reaffirming inspection, objecting to the “viewing” labor charge, clarifying that my earlier deposit applied only to the November 3 copy estimate, and stating that I was submitting a § 552.269 cost complaint.

To date, I have not received any revised, task-level itemized estimate that cures the defects described below.

These cost issues also fit a larger pattern in how TTUS has responded when I seek records about its handling of my case. In TTUS File Nos. 2025-844 and 2025-845, TTUS asked your Office to withhold core process records about my October 9, 2025 requests concerning its internal handling of my October 3 TPIA filings and my October 6 preservation notice, arguing that even basic routing and handling documentation could be treated as confidential. In OR25053385, TTUS now seeks to withhold the email-metadata spreadsheets it has already exported in response to my October 3 metadata-only requests, again invoking a cluster of litigation and privilege provisions to prevent disclosure of header-level information about how my PIA/FERPA and disciplinary matters were handled. And in informal matter OR-25-046279-IC, I raised TTUHSC’s failure to acknowledge the October 6 preservation notice at all. Against that backdrop, TTUS’s decision here to aggregate multiple clarified requests, attach triple-digit hour figures to opaque “labor” and “viewing” entries, and threaten automatic withdrawal if I do not pay, appears less like an isolated misstep and more like a consistent use of cost and procedure to shield its handling of my requests from scrutiny. That pattern makes it especially important, in this complaint, for your Office to enforce the itemization, inspection, and cost-reasonableness requirements in §§ 552.2615, 552.271–272, 552.268–269, and 1 TAC ch. 70.

## II. Legal defects in TTUS’s estimates

### 1. No § 552.2615-compliant itemized statement

Section 552.2615 and 1 TAC § 70.7 require a written **itemized statement** that “details all estimated charges” and informs the requestor of rights and responsibilities. For charges over

\$40, the itemized estimate must break out allowable components (labor, overhead, copies, etc.) rather than relying on a single opaque line.

TTUS's November 3 and November 18 estimates provide only:

- a single line of "Labor 214.95 hrs @ \$15/hr" (Nov. 3) plus 20% overhead, and
- a single line of "Labor 118.64 hrs @ \$15/hr" (Nov. 18), labeled as "viewing" time for inspection.

They do **not** itemize, by task or custodian:

- search/collection;
- compilation/duplication;
- redaction (with identification of any specific confidentiality provisions); or
- any programming/manipulation (with programmer rate and task description).

The cost rules require that labor charges reflect actual time spent "locating, compiling, manipulating data, and reproducing" the information, and they forbid charging for attorney review or time spent preparing an AG ruling request. 1 TAC § 70.3(d)(1), (3). Without breakdowns, there is no way to determine whether the 214.95 and 118.64 hours reflect permissible tasks, much less whether the charges are reasonable under §§ 552.268–.269.

## **2. Unsupported "manipulation/programming" and "viewing" labor for inspection**

Both estimates assert that the requested information "involves manipulation of data," that documents are "not feasible to retrieve" without substantial interference, and that this justifies the quoted hours.

However:

- TTUS has not identified any specific programming tasks, programmer time, or specialized manipulation as contemplated by § 552.231 and 1 TAC § 70.3(c).
- The November 18 estimate charges 118.64 hours of "viewing" labor for inspection of electronic records, despite § 552.272 and 1 TAC § 70.5's general rule that inspection of information—especially in electronic form—is free absent actual programming or manipulation and the narrow § 552.271(c)–(d) scenarios for paper inspection charges.

Charging nearly 120 hours of "viewing" time for inspection—on top of a 214.95-hour estimate for production—appears inconsistent with § 552.2615, § 552.272, § 552.271, and the AG's cost rules.

## **3. Aggregation and inflation of costs**

TTUS expressly treated my clarification responses and an additional October 20 request as a single aggregated request "for the purposes of calculating costs."

That aggregation:

- is not tied to § 552.261(e)'s requirements; and
- appears to inflate costs across multiple discrete requests, even though a clarification response is not itself a new "request."

In my November 4 response, I explicitly proposed **phased production**, starting with a narrow subset of custodians and search terms (PIO/OGC custodians and specific key terms) and asked TTUS to re-estimate Phase 1 only. TTUS did not provide a revised, phased estimate responsive to that narrowing, but continued to rely on a single aggregated labor figure.

#### **4. Withdrawal/deposit language tied to non-compliant estimates**

Both estimates warn that my request will be "automatically withdrawn" if I do not respond within ten business days and assert that, under § 552.263(e)–(f), the request will be considered "received" only when TTUS receives payment.

But:

- § 552.2615(d)'s automatic-withdrawal rule presumes a **compliant itemized statement**. Where an estimate is defective, a requestor's timely written objections and election of inspection should not result in withdrawal.
- § 552.263 allows deposits or bonds only after a valid § 552.2615 estimate and only in specified circumstances. Here, the deposit request was based on a non-itemized, aggregated labor figure, and my deposit was tendered **under protest** and expressly limited to the copy estimate.

In writing, I have clearly stated that:

- I do **not** withdraw or narrow my requests;
- I elect inspection where it reduces cost; and
- I am invoking § 552.269 and requesting AG review of the estimates.

Any attempt to treat the requests as withdrawn despite those timely written responses would, in my view, be inconsistent with §§ 552.2615 and 552.263.

#### **5. Statewide policy concerns**

Finally, there is a broader concern. If a governmental body can quote over **330 hours of labor** (214.95 + 118.64) for a set of clarified requests, with no task-level breakdown, and still be deemed compliant, the practical effect is to **price ordinary requestors out of the Act**—especially in matters involving their own education and rights. That result would be at odds with § 552.001 and §§ 552.268–.269, which emphasize efficient use of resources and avoidance of excessive charges.

I am not asking the Office to micro-manage TTUS's internal workflows, only to enforce the statutory requirement that charges be transparent, lawful, and tied to permissible tasks.

### **III. Requested relief**

Under Tex. Gov't Code § 552.269 and 1 TAC § 70.8, I respectfully request that the Attorney General:

- 1. Determine that TTUS's November 3 and November 18 estimates are not compliant with § 552.2615 and the AG cost rules because they:**
  - are not properly itemized;
  - rely on unexplained "manipulation" claims; and
  - charge "viewing" labor for inspection without identifying legitimate programming or manipulation tasks that meet § 552.231 and 1 TAC § 70.3(c).
- 2. Issue a written determination of appropriate charges based on:**
  - task-level itemization (search/collection, compilation/duplication, redaction, programming if any);
  - proper exclusion of attorney review and AG-brief preparation time; and
  - correct application of inspection rules under § 552.272, § 552.271, and 1 TAC § 70.5.
- 3. Direct TTUS to issue corrected, fully itemized estimates for each affected request (and for any phased narrowing I have elected), and to treat my requests as active—not withdrawn—while those corrected estimates are pending.**
- 4. As part of the cost review, obtain and consider TTUS's process documentation supporting its estimates, including:**
  - written search instructions to custodians (who/when/terms/systems);
  - any hit-count or summary reports produced by search tools;
  - any ticket/log IDs, timestamps, and production schedules; and
  - draft or final letters/notices to the AG related to these requests.
- 5. These are the same categories of records I requested in my October 20, 2025 TPIA request for "Records Showing How You Handled My Requests (Existing Process Docs Only)."**
- 6. Remind TTUS of its duty to make reasonably efficient use of resources and to avoid excessive reproduction costs under §§ 552.268–.269, including avoiding aggregation practices that artificially inflate costs across discrete requests and charging**

inspection fees that are inconsistent with § 552.271, § 552.272, and 1 TAC ch. 70.

**7. Clarify, for statewide guidance, that:**

- “Viewing” labor for electronic records may not be charged absent actual, documented programming or manipulation tasks that meet § 552.231 and the cost rules; and
- deposits and automatic-withdrawal language may not be used to leverage non-itemized, aggregated estimates that do not satisfy § 552.2615 and 1 TAC § 70.7.

If you find that the amounts I have already paid exceed the maximum allowed charges, I ask that your determination specify the overcharge so that any necessary adjustment or refund can be made. I understand § 552.269(b) provides that a requestor who overpays because a governmental body fails to follow the AG’s cost rules may be entitled to recover three times the overcharge if the governmental body did not act in good faith.

For ease of reference, I incorporate by reference and attach as Exhibit A my November 4 and November 19, 2025 emails responding to TTUS’s estimates and electing inspection, and as Exhibit B the TTUS estimates and related correspondence already submitted with my supporting documentation.

I appreciate the Office’s work in maintaining uniform statewide standards for charges under the Public Information Act. Please let me know if additional documentation would be helpful.

Respectfully submitted,

Kevin Bass, PhD, MS  
Requestor