



FINAL DETERMINATION

DATE ISSUED AND MAILED: August 10, 2016

IN RE: *John Kunsak v. Columbia Gas of Pennsylvania*,
OOR Dkt. AP 2016-1325

Upon review of the appeal filed with the Office of Open Records (“OOR”) to the above-referenced docket number, it is determined that the appeal is deficient for the reason(s) specified below. Accordingly, the appeal is **DISMISSED**.

- Appeal filed beyond fifteen (15) business days of denial/deemed denial.
- Appeal failed to include a copy of the Request and/or agency Response.
- Appeal failed to state why records are public records.
- Appeal failed to address agency grounds for denial of access to records.
- OOR lacks jurisdiction over agency from which records are sought.
- OOR lacks jurisdiction over local agency criminal investigative records.
- Request does not seek records.
- Other: Columbia Gas of Pennsylvania is not an “agency” as defined by the RTKL. See 65 P.S. § 67.102 (defining “agency”).**

Within thirty days of the mailing date of this Final Determination, you may appeal or petition for review to the appropriate court of competent jurisdiction. 65 P.S. §§ 67.1301-.1302. All parties must be served with notice of the appeal. The OOR also shall be served notice and have an opportunity to respond as per Section 1303 of the RTKL. However, as the quasi-judicial tribunal adjudicating this matter, the OOR is not a proper party to any appeal and should not be named as a party.¹ This Final Determination shall be placed on the website at: <http://openrecords.pa.gov>.

Issued by:

/s/ Charles Rees Brown

Charles Rees Brown
Chief Counsel

Sent to: Requester, Columbia Gas of Pennsylvania

¹ *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n. 5 (Pa. Commw. Ct. 2013).