

FINAL DETERMINATION

DATE ISSUED AND MAILED: September 19, 2023

IN RE: *Jim Garland v. Pennsylvania Public Utility Commission*, OOR Dkt. AP 2023-2166

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 **DISMISSED** because:

The appeal is untimely. The Request was received by the Commission on July 6, 2023. On July 11, 2023, the Commission invoked a thirty (30) day extension to respond to the Request. 65 P.S. § 67.902(b)(1). As a result, the Commission had until August 14, 2023, to respond to the Request; if the Commission did not issue a response by that date, the Request was deemed denied. 65 P.S. § 67.902(b)(2). Appeals of deemed denied Right-to-Know requests must be filed within 15 business days of the deemed denial, or by September 5, 2023 in this instance.¹ 65 P.S. § 67.1101(a)(1). The appeal was received by the OOR on September 12, 2023. The Requester is not prohibited from refileing the request and, if necessary, filing a new appeal pursuant to the requirements of 65 P.S. § 67.1101(a)(1).

For this reason, the Commission is not required to take any further action. Within thirty days of the mailing date of this Final Determination, you may appeal or petition for review with the Commonwealth Court. 65 P.S. § 67.1301(a). All parties must be served with notice of the appeal. The OOR also shall be served notice and have an opportunity to respond according to court rules as per 65 P.S. § 67.1303. 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.²

Issued by:

/s/ Joshua Young

Senior Deputy Chief Counsel
Joshua Young, Esq.

Sent to: Requester (via first class mail);
Pennsylvania Public Utility Commission, Agency Open Records Officer

¹ Due to the observance of the Labor Day holiday, Monday, September 4, 2023, did not count as a business day for the OOR.

² *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).