



pennsylvania

OFFICE OF OPEN RECORDS

FINAL DETERMINATION

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| IN THE MATTER OF | : |
| | : |
| PHILIP WILLIAMS, | : |
| Requester | : |
| | : |
| v. | : |
| | : |
| | : |
| BOROUGH OF FREELAND | : |
| MUNICIPAL AUTHORITY, | : |
| Respondent | : |

Docket No: AP 2026-1242

The Office of Open Records (“OOR”) received the above-captioned appeal under the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.* For the following reasons, the appeal is dismissed.

On March 21, 2026, Philip Williams (“Requester”) submitted a request (“Request”) to the Borough of Freeland Municipal Authority (“Authority”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking:

All records pertaining to the definition of fees charged to customers classified by the water authority as “miscellaneous fees”. Records pertaining to the authorization the water authority possesses to collect fees charged to customers that they classify as “miscellaneous fees”. The ordinance that is in effect that prescribes the collection of “miscellaneous fees” from water authority customers. Records that quantify the amount of “miscellaneous fees” the water authority charges [c]ustomers on an a[n]nual basis.

On March 30, 2026, the Authority responded to the Request by directing the Requester to the Authority website, where information about fees is located, and providing the Requester with

a document entitled “Statement of Fees.”¹

On March 30, 2026, the Requester appealed to the Office of Open Records (“OOR”), challenging the Authority’s response. The Requester submitted a list of the “miscellaneous fees” he has been charged over the sixteen years he has owned his home. The OOR invited both parties to supplement the record and directed the Authority to notify the OOR if any third parties have a direct interest in this appeal. 65 P.S. § 67.1101(c).

On April 7, 2026, the Authority submitted a position statement verified both by the Authority’s Office Manager and by its AORO (“Verified Position Statement”).² The Verified Position Statement describes the process by which fees are established and states that all fees that are imposed other than those assessed for water and sewer are identified on the Authority’s website, and the Statement of Fees lists all miscellaneous fees that the Authority is permitted to charge customers. The Authority submitted a meeting agenda and meeting minutes for an October 2024 meeting where the fees were authorized, and it also submitted the Water Rules and Sewer Rules,³ which were adopted at the October 2024 meeting. The Verified Position Statement asserts that “[t]he “miscellaneous fees” shown on [the Requester’s] statement are those fees as identified on the “Statement of Fees” sheet; no more, no less.” Additionally, the Authority states that it “is not

¹ The Authority notes that the Request was not directed to the Agency Open Records Officer (“AORO”) but was instead sent to the Authority’s general mailbox and was received and responded to by the Office Manager. However, the Request was submitted on the OOR’s Standard Right-to-Know Request Form, and the Office Manager made notations on the Request regarding the date it was received, when a response was required, and when a response was issued. Furthermore, although an AORO is listed in the “About Us” section of the Authority’s website, the “Right To Know” section of the website does not appear to list the AORO’s name, and neither part of the website provides contact information for the AORO or any specific instructions regarding how to submit a RTKL request. Additionally, agency employees who receive RTKL requests have an obligation to forward the requests to the agency’s AORO. *See* 65 P.S. § 67.703. Here, there is no indication that the Office Manager forwarded the Request to the AORO, and the Authority does not appear to be contesting the timeliness of the filing of the Request or appeal. Therefore, the Requester’s failure to direct the Request to the named AORO does not preclude the appeal from being considered.

² The Verified Position Statement was made subject to the penalties under 18 Pa.C.S. § 4904, relating to unsworn falsifications to authorities.

³ The Water Rules and Regulations referred to appendices regarding rates and fees that were not attached to the submission. At the OOR’s request, the Authority submitted the appendices.

asserting any sort of exemption here because the only responsive items are attached to this response.”

Accordingly, the Authority has provided sufficient evidence to demonstrate that it provided all responsive records to the Requester, and the appeal is **dismissed as moot**.⁴ *See Chester Water Auth. v. Pa. Dep’t of Cmty. & Econ. Dev.*, 249 A.3d 1106, 1114 (Pa. 2021) (finding that a matter was settled by provision of records and, thus, “the controversy has been mooted”).

The file is now closed, and no further action will be taken. This Final Determination is binding on the parties. Within thirty days of the mailing date of this Final Determination, either party may appeal to the Luzerne County Court of Common Pleas. 65 P.S. § 67.1302(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, but 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.⁵ All documents or communications following the issuance of this Final Determination shall be sent to oor-postfd@pa.gov. This Final Determination shall be placed on the OOR website at: <http://openrecords.pa.gov>.

FINAL DETERMINATION ISSUED AND MAILED: April 28, 2026

/s/ Daneen L. Miller-Smith
Daneen L. Miller-Smith, Esq.
Appeals Officer

Sent via OOR portal to:
Philip Williams
Michelle Connors, AORO
Gregory Malaska, Esq.

⁴ Under the RTKL, a sworn statement is competent evidence to sustain an agency’s burden of proof. *See Sherry v. Radnor Twp. Sch. Dist.*, 20 A.3d 515, 520-21 (Pa. Commw. Ct. 2011); *Moore v. Office of Open Records*, 992 A.2d 907, 909 (Pa. Commw. Ct. 2010). In the absence of any competent evidence that the Authority acted in bad faith, “the averments in [the affidavit] should be accepted as true.” *McGowan v. Pa. Dep’t of Envtl. Prot.*, 103 A.3d 374, 382-83 (Pa. Commw. Ct. 2014) (citing *Office of the Governor v. Scolforo*, 65 A.3d 1095, 1103 (Pa. Commw. Ct. 2013).

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