



FINAL DETERMINATION

DATE ISSUED AND MAILED: September 3, 2026

IN RE: *Adam Heimer and ARCW Systems, Inc. v. Berks-Montgomery Municipal Authority*, OOR
Dkt. AP 2026-2558

Upon review of the appeal filed with the Office of Open Records (“OOR”) to the above-referenced docket number, as well as the parties’ submissions, the appeal is **DENIED** because:

The Request is insufficiently specific. Section 703 of the Right-to-Know Law requires that a request “identify or describe the record sought with sufficient specificity to enable which records are being requested.” 65 P.S. § 67.703. In making this determination, we look to the nonexclusive, multifactor test employed by the Commonwealth Court in *Pa. Dep’t of Educ. v. Pittsburgh Post-Gazette*, 119 A.3d 1121 (Pa. Commw. Ct. 2015), specifically: whether the request identifies a subject matter, a scope (i.e. the type of record or its recipients), and a timeframe. Here, the Items¹ appealed contain both a broad subject matter² and scope, as well as a timeframe of over 21 years.³ Based upon our application of the multifactor test, the Request is insufficiently specific. The Requester is not prohibited from filing a new request that meets the requirements of 65 P.S. § 67.703.

For this reason, the Authority is not required to take any further action. Within thirty days of the mailing date of this Final Determination, either party may appeal or petition for review with the Montgomery 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.⁴ 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 website at: <http://openrecords.pa.gov>.

Issued by:

/s/ Bandy L. Jarosz

BANDY L. JAROSZ, ESQ., APPEALS OFFICER

¹ The Requester limited the appeal to the Items labeled as “35” and “37.”

² The subject matter seeks records that relate to and discuss reduction of inflow and infiltration in the Authority’s collection system and actions that affect the authority’s capacity to accept additional sewer connections. The terms “discuss” and “relate,” would require the Authority to use its own definition and interpretation of these terms in order to determine the relation of the records to the Request. *Pa. Dep’t of Envtl. Prot. v. Legere*, 50 A.3d 260, 264-265 (Pa. Commw. Ct. 2012) (finding that a request that would require an agency to review all potentially responsive files and make judgments as to the relation of the documents to the specific request would be insufficiently specific);

³ The Requester attempts to argue the responsive records relate to one account; however, the Request does not include such language.

⁴ *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).

Sent via portal only to: Adam Heimer; Matthew R. Fessler, Esq., Keith L. Corson