

FINAL DETERMINATION

DATE ISSUED AND MAILED: September 24, 2026

IN RE: *Thomas Gardner v. Munhall Sanitary Sewer Municipal Authority*, OOR Dkt. AP 2026-3905

Upon review of the appeal filed with the Office of Open Records (“OOR”) to the above-referenced docket number, as well as the Shenandoah Borough’s (“Borough”) submission of its thirty-day extension letter, it is determined that the appeal is **DISMISSED** because:

The appeal is premature. The appeal states that the Request (“Request”) was filed on September 6, 2026,¹ and deemed denied; however, the record establishes that the Munhall Sanitary Sewer Municipal Authority (“Authority”) received the Request on September 8, 2026 and timely invoked a thirty-day extension to respond on September 15, 2026. Under the extension, the Authority had five business days, followed by thirty calendar days, from March 26, 2025 to respond to the Request. 65 P.S. §§ 67.902(b)(1)-(2). As a result, the Authority has until October 15, 2026 to respond to the Request.² The appeal was received by the OOR on September 15, 2026, the day the Authority invoked a thirty-day extension and prior to the issuance of a final response. Therefore, the appeal must be dismissed as premature. 65 P.S. § 67.901. The OOR is unable to reach the merits of the appeal for this jurisdictional reason.

For this reason, the Authority is not required to take any further action in this appeal. Within thirty days of the mailing date of this Final Determination, either party may appeal or petition for review with the Allegheny 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; 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.³ 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>.

Issued by:

/s/ *Bandy L. Jarosz*

BANDY L. JAROSZ, ESQ., APPEALS OFFICER

¹ While the Request is dated September 6, 2026, a Sunday, the Request was not received by the Authority until the next business day, or September 8, 2026, in this instance, due to the Authority’s observance of the Labor Day holiday on September 7, 2026.

² Of note, the Authority issued a final response on September 23, 2026, partially granting the Request. See Authority submission, dated September 23, 2026.

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

Sent via portal only to:

Thomas Gardner; Patrick Gannon, Esq.; Toni Cregan