pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
MAXIM SEMENOV,	:	
Requester	:	
	:	
v.	:	**Docket No: AP 2026-4657**
	:	
SWARTHMORE BOROUGH,	:	
Respondent	:	
	:	

On August 26, 2026, Maxim Semenov ("Requester") submitted a request ("Request") to Swarthmore Borough ("Borough") pursuant to the Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq*., seeking the following:

1. The current executed cable franchise agreement between Swarthmore Borough and Comcast, Xfinity, or the current cable-system franchisee, including all amendments, renewals, extensions, transfers, side letters, exhibits, schedules, and customer-service standards currently in effect.

2. Records sufficient to identify the current franchisee's legal name, the effective term of the franchise, the franchise area, and the Borough office or official responsible for franchise oversight.

3. Any currently effective franchise provision, amendment, exhibit, policy, or incorporated document that addresses Internet, broadband, information services, non-cable services, monthly-rate changes, subscriber notices, electronic notices, postal notices, or notice to the Borough Manager.

4. For January 1, 2025, through the date of the Borough's search: notices, rate schedules, transmittal letters, or other records received from Comcast, Xfinity, or the franchisee concerning changes to monthly rates, equipment charges,

installation charges, standard prices, promotional prices, or post-promotional prices for customers in Swarthmore Borough, including notices delivered under Swarthmore Code section 824.11(a)(2).

5. For January 1, 2025, through the date of the Borough's search: records sufficient to show the date and method by which each responsive rate-change notice was delivered to the Borough Manager or designee.

6. Any current resolution, ordinance, notice, election, or correspondence showing whether the Borough has adopted or elected to enforce federal cable customer-service standards under 47 CFR sections 76.309, 76.1600, or 76.1603.

On September 25, 2026, following a thirty-day extension during which to respond, 65 P.S. § 67.902(b), the Borough issued its final response, granting the Request in part and denying the Request in part. The Borough identified records for Items 1 through 3 of the Request and provided them to the Requester in electronic format. With respect to Item 6 of the Request, the Borough directed the Requester to the codified ordinances for cable franchise agreements and enforcement at https://codelibrary.amlegal.com/codes/swarthmore/latest/swarthm_pa/0-0-0-14979. The Borough stated that with respect to Items 4 and 5 of the Request, no records existed.

On October 19, 2026, the Requester filed an appeal with the Office of Open Records ("OOR"), solely with respect to Items 1, 2, 4, 5, and 6 of the Request.[1] The OOR invited both parties to supplement the record and directed the Borough to notify the OOR if any third parties have a direct interest in this appeal. 65 P.S. § 67.1101(c).

On October 28, 2026, the Borough provided a position statement, along with the supporting attestation of Alex Ashcom ("Ashcom Attestation"), the Agency Open Records Officer ("AORO"). On October 28, 2026, the Requester supplied a brief reply.

[1] While the Requester questions the Final Determination due date in this matter, we note that pursuant to the OOR's procedural guidelines, the time to issue a Final Determination shall begin upon the Appeals Officer's receipt of the appeal. As the undersigned received the instant appeal on October 22, 2026, the Final Determination deadline was set as November 23, 2026.

Based upon my review of the appeal and evidence, I make the following conclusions of law and findings of fact:

- Upon receipt of the Request, Mr. Ashcom searched the Borough office records and manager computer for responsive files. Ashcom Attestation, ¶1(a). The only records Mr. Ashcom found in response to his search were paper files that were already provided to the Requester. *Id*.
- Mr. Ashcom conducted the server search with the following specifications: a timeframe of 1/1/25-8/26/26, in all Borough emails, with search terms "Comcast," "Xfinity," "cable franchise," and "cable rate." *Id*. at ¶1(b)(i-iii). A server search was also conducted with the following specifications: a timeframe of 1/1/25-8/26/26, in all Borough emails, with search terms "Verizon," "Fios," "cable franchise," and "cable rate." *Id*. at ¶1(c)(i-iii). Neither search provided any official communications regarding rate changes. *Id*. at ¶1(b)-(c).
- Mr. Ashcom attests that he spoke with the Borough solicitor and was advised that the solicitor's office is currently negotiating with Comcast/Xfinity regarding extending the expired Comcast Franchise Agreement. *Id*. at ¶2. No extension agreement has been entered into yet. *Id*.
- Based upon a preponderance of the evidence, the Borough conducted a good faith search with respect to Items 1, 2, 4, 5 and 6 of the Request. *See Burr v. Pa. Dep't of Health*, OOR Dkt. AP 2021-0747, 2021 PA O.O.R.D. LEXIS 750; *see also Mollick v. Twp. of Worcester*, 32 A.3d 859, 875 (Pa. Commw. Ct. 2011). In the absence of any evidence that the [Borough] has acted in bad faith or that the requested records exist, "the averments in [the Attestation] should be accepted as

true." *McGowan v. Pa. Dep't of Envlt. 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)).

- The Borough has met its burden of proof by a preponderance of the evidence that all responsive records were provided to the Requester and no further records exist in its possession, custody or control. *Hodges v. Pa. Dep't of Health*, 29 A.3d 1190, 1192 (Pa. Commw. Ct. 2011).

For the foregoing reasons, the appeal is **denied** and the Borough is not required to take any further action. This Final Determination is binding on all parties. Within thirty days of the mailing date of this Final Determination, any party may appeal or petition for review to the Delaware 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.[2] 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.

FINAL DETERMINATION ISSUED AND MAILED: November 13, 2026

/s/ Meryl M. Peterman

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MERYL M. PETERMAN, ESQ.
APPEALS OFFICER

Sent via OOR E-file appeal portal to: Maxim Semenov
Robert Scott, Esq.

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

Alex Ashcom, AORO