



**FINAL DETERMINATION**

<b>IN THE MATTER OF</b>	:	
	:	
<b>DARRYL MURPHY AND WHYY,</b>	:	
<b>Requester</b>	:	
	:	
<b>v.</b>	:	<b>Docket No.: AP 2021-0746</b>
	:	
<b>SOUTHEASTERN PENNSYLVANIA</b>	:	
<b>TRANSPORTATION AUTHORITY,</b>	:	
<b>Respondent</b>	:	

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 4, 2021, Darryl Murphy and WHYY (collectively “Requester”) submitted a request (“Request”) to the Southeastern Pennsylvania Transportation Authority (“SEPTA”) pursuant to the RTKL, seeking correspondence between SEPTA officials and Conduent.

As the Requester did not receive SEPTA’s response within five business days of the Request, the Requester claimed that the Request was deemed denied. *See* 65 P.S. § 67.901.

On April 8, 2021, the Requester filed an appeal with the OOR, arguing that the Request was deemed denied. *See* 65 P.S. § 67.901.

On April 20, 2021, SEPTA submitted a position statement acknowledging it had failed to timely respond to the Request and arguing the appeal period had lapsed.

Pursuant to 65 P.S. § 67.1101(a)(1), an appeal must be filed within fifteen business days of the date upon which a request is denied or deemed denied. Because the OOR received the appeal on April 8, 2021, and an appeal was due by April 1, 2021, the appeal is **dismissed as untimely**, and SEPTA is not required to take any further action.

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 Commonwealth Court. *See* 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 Section 1303 of the RTKL. 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.<sup>1</sup> This Final Determination shall be placed on the OOR website at: <http://openrecords.pa.gov>.

**FINAL DETERMINATION ISSUED AND MAILED: May 4, 2021**

*/s/ Erin Burlew*

---

APPEALS OFFICER  
ERIN BURLEW, ESQ.

Sent to: Darryl Murphy (via email only);  
Megan Shannon, Esq. (via email only);  
Mark Gottlieb, Esq. (via email only);  
Neil Petersen (via email only)

---

<sup>1</sup> *See Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).