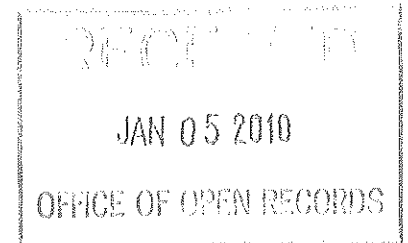


C. Nicholas Moss  
8216 Bellona Ave.  
Towson, Md. 21204



December 30, 2009

Executive Director  
Office of Open Records  
Commonwealth of Pennsylvania  
Commonwealth Keystone Building  
400 North Street, Plaza Level  
Harrisburg, PA 17120-0225

**RE: Petition for Reconsideration, Docket No.: AP 2009-0995**

Dear Executive Director,

This is a Petition for Reconsideration of a Final Determination issued by your office in the above referenced Docket on December 21, 2009. The reasons for this Petition are as follows:

1. Factual errors were entered into the Final Determination by your office as listed below:
  - A. Your Final Determination states that I timely appealed a partial denial by Londonderry Township. This is in error. I appealed as a Deemed Denial of the request as there was no response from the agency within five business days of my request dated October 30, 2009. I have attached a copy of my Appeal.
  - B. Your Final Determination states that the agency timely responded on November 9, 2009. This is in error. The agency did not timely respond, and their response is dated November 13, 2009. I have attached a copy of their response.
  - C. Your Final Determination states that your office requested the agency to supplement the record with an affidavit regarding denial of the requested building permits. I did not receive a copy of the affidavit from the agency. This afforded me no ability to file a response to the agency's flawed affidavit prior to your issuance of the Final Determination.
  
2. The affidavit issued by the agency is flawed for the following reasons:
  - A. The agency claims that Three Mile Island is 100% occupied by a public utility. This is not the case. The island is 100% occupied by Exelon Nuclear, a power generation firm that owns ten nuclear reactors throughout the United States. It is

not a public utility and is not under the control of the Pennsylvania Public Utilities Commission.

- B. None of the information contained on a building permit issued by Londonderry Township in any way meets the criteria of Section 67.708(b)(iii). I have enclosed copies of building permits issued by the Township showing that there is no information that could, in any way, be construed as exposing or creating any vulnerability.

I look forward to hearing from your office.

Yours truly,

C. Nicholas Moss



**pennsylvania**  
OFFICE OF OPEN RECORDS

Executive Director  
Office of Open Records  
Commonwealth of Pennsylvania  
Commonwealth Keystone Building  
400 North Street, Plaza Level  
Harrisburg, PA 17120-0225

**Re: Right to Know Law Appeal - No Response from Agency**

Dear Executive Director:

This is an appeal under the Pennsylvania Right-to-Know Law, 65 P.S. §67.101. On  
October 30, 2009 \_\_\_\_\_, I requested the following documents from the following Agency  
Londonderry Township \_\_\_\_\_ located at

783 South Geyers Church Road, Middletown, Pennsylvania, 17057; phone 717-944-1066; fax 717-944-1926; email address, twpmanager@londonderrypa.org.

I did not receive a response as required by the Law and my request was therefore deemed  
denied on November 6, 2009 . I am appealing the denial of my request under section 1101  
of the Law.

A copy of my Right to Know request is enclosed. I will send a copy of this appeal to the  
agency.

I look forward to a decision on this appeal of the denial of my request within thirty (30)  
days as required by section 1101 of the Law.

Thank you for your consideration of this appeal.

Name Nick Moss  
Address 8216 Bellona Ave  
City, State, Zip Code Towson, Md. 21204  
[optional:] Telephone Number or e-mail nick@moss.name

cc: Non-respondent Agency (VIA FAX)

# LONDONDERRY TOWNSHIP

783 S. Geyers Church Road, Middletown, PA 17057

## Office of Open Records

Nick Moss  
8216 Bellona Ave.  
Towson, MD 21204

November 13, 2009

Dear Mr. Moss,

Thank you for writing to Londonderry Township with your request for information pursuant to the Pennsylvania Right-To-Know law.

On October 30, 2009 you requested:

1. Copies of all building permits issued by the township since January 1, 1995 for any new structure, addition, alteration, repair, or any other reason on Hill Island, Beech Island, Shelly Island, Three Mile Island, Beshore Island or any other area deemed to be in a Floodway District by the Township Engineer per Ordinance 27, Part 15, 1502.5.
2. A copy of the Official Flood Plain Map as prepared by the Susquehanna River Basin Commission per Ordinance 27, Part 15, 1502.4

Your request is granted in part and the requested responsive documents are enclosed with the exception of documents pertaining to structures on Three Mile Island. Due to the nuclear power plant which is situated on the island I have deemed the release of these documents to be a public safety risk. You have a right to appeal this denial of information in writing to Terry Mutchler, Executive Director, Office of Open Records, Commonwealth Keystone Building, 400 North Street, 4<sup>th</sup> Floor, Harrisburg, PA 17120.

If you choose to file an appeal you must do so within 15 business days of the mailing date of the agency's response, as outlined in Section 1101. Please note that a copy of your original Right-to-Know request and this denial letter must be included when filing an appeal. The law also requires that you state the reasons why the record is a public record and address the reasons the Agency denies your request.

Visit the Office of Open Records website at <http://openrecords.state.pa.us> for further information on filing an appeal. If you have further questions, please call Beth Graham. Please be advised that this correspondence will serve to close this record with our office as permitted by law.

Respectfully,



Beth Graham  
Township Office Manager  
783 S. Geyers Church Road  
Middletown, PA 17057  
717-944-1803

# BUILDING PERMIT

DEPT. FILE COPY

AMOUNT PAID

PAID 4/9/04

VALIDATION

Tax Map Parcel # 34-001-047

APPLICANT Larry F. Kerr DATE April 9, 2004 PERMIT NO. 4191  
ADDRESS 1290 Swatara Creek Road (NO.) (STREET) (CONTR'S LICENSE)

PERMIT TO Repair (TYPE OF IMPROVEMENT) ( ) STORY storage room (PROPOSED USE) NUMBER OF DWELLING UNITS \_\_\_\_\_

AT (LOCATION) 1290 Swatara Creek Road Middletown, PA 17057 (NO.) (STREET) ZONING DISTRICT \_\_\_\_\_  
BETWEEN Swatara Creek Road (CROSS STREET) AND Red Bridge Road (CROSS STREET)

SUBDIVISION \_\_\_\_\_ LOT \_\_\_\_\_ BLOCK \_\_\_\_\_ LOT SIZE \_\_\_\_\_

BUILDING IS TO BE \_\_\_\_\_ FT. WIDE BY \_\_\_\_\_ FT. LONG BY \_\_\_\_\_ FT. IN HEIGHT AND SHALL CONFORM IN CONSTRUCTION

TO TYPE \_\_\_\_\_ USE GROUP \_\_\_\_\_ BASEMENT WALLS OR FOUNDATION \_\_\_\_\_ (TYPE)

REMARKS: See specification sheet.

AREA OR VOLUME \_\_\_\_\_ ESTIMATED COST \$ \$300.00 PERMIT FEE \$ 25.00  
(CUBIC/SQUARE FEET)

OWNER Larry F. Kerr  
ADDRESS 1290 Swatara Creek Road Middletown, PA 17057  
BUILDING DEPT. BY James K Foreman

8

9  Pub. local government)

(Affidavit on reverse side of application to be completed by authorized agent of owner)

### C. COST

10. Cost of improvement..... \$

To be installed but not included in the above cost

a. Electrical.....

b. Plumbing.....

(Omit cents)

Nonresidential - Describe in detail proposed use of buildings, e.g., food processing plant, machine shop, laundry building at hospital, elementary school, secondary school, college, parochial school, parking garage for, department store, rental office building, office building at industrial plant. If use of existing building is being changed, enter proposed use.

FORM NO. BOCA - BP 1994

Tax Map Parcel # 34-001-016

# BUILDING PERMIT

AMOUNT PAID

DEPT. FILE COPY

VALIDATION

APPLICANT Joe Hitchcock DATE August 14, 2002 PERMIT NO. 4016  
 ADDRESS 1790 Swatara Creek Road (NO.) (STREET) (CONTR'S LICENSE)  
 PERMIT TO INSTALL (TYPE OF IMPROVEMENT) ( ) STORY ABOVE GROUND POOL (PROPOSED USE) NUMBER OF DWELLING UNITS \_\_\_\_\_

AT (LOCATION) 1790 Swatara Creek Road, Middletown (NO.) (STREET) ZONING DISTRICT \_\_\_\_\_  
 BETWEEN \_\_\_\_\_ (CROSS STREET) AND \_\_\_\_\_ (CROSS STREET)

SUBDIVISION \_\_\_\_\_ LOT \_\_\_\_\_ BLOCK \_\_\_\_\_ LOT SIZE \_\_\_\_\_

BUILDING IS TO BE 24' X FT. WIDE BY 4' FT. LONG BY \_\_\_\_\_ FT. IN HEIGHT AND SHALL CONFORM IN CONSTRUCTION

TO TYPE \_\_\_\_\_ USE GROUP \_\_\_\_\_ BASEMENT WALLS OR FOUNDATION \_\_\_\_\_ (TYPE)

REMARKS: SEE ATTACHED COMMENT SHEET FOR INSPECTIONS AND INSPECTORS OFFICE HOURS.

AREA OR VOLUME \_\_\_\_\_ (CUBIC/SQUARE FEET) ESTIMATED COST \$ 3,000.00 PERMIT FEE \$ 25.00

OWNER Joe Hitchcock  
 ADDRESS 1790 Swatara Creek Road, Middletown PA 17057

BUILDING DEPT. BY *James K. Torner*

(Affidavit on reverse side of application to be completed by authorized agent of owner)

9  Public (Federal, State, or local government) (Omit cents) Nonresidential - Describe in detail proposed use of buildings, e.g., food building at hospital, elementary

FORM NO. BOCA - BP 1994

TAX MAP PARCEL #34-001-021

# BUILDING PERMIT

DEPT. FILE COPY  
 AMOUNT PAID PD 4/7/05  
 VALIDATION

APPLICANT Mark Smith DATE April 7, 2005 PERMIT NO. 4284  
 ADDRESS 1950 Swatara Creek Road (CONTR'S LICENSE)

PERMIT TO Construct (TYPE OF IMPROVEMENT) ( ) STORY Storage Building (PROPOSED USE) NUMBER OF DWELLING UNITS \_\_\_\_\_

AT (LOCATION) 1950 Swatara Creek Road (NO.) (STREET) ZONING DISTRICT \_\_\_\_\_

BETWEEN \_\_\_\_\_ (CROSS STREET) AND \_\_\_\_\_ (CROSS STREET)

SUBDIVISION \_\_\_\_\_ LOT \_\_\_\_\_ BLOCK \_\_\_\_\_ LOT SIZE \_\_\_\_\_

BUILDING IS TO BE 24 FT. WIDE BY 40 FT. LONG BY \_\_\_\_\_ FT. IN HEIGHT AND SHALL CONFORM IN CONSTRUCTION TO TYPE \_\_\_\_\_ USE GROUP \_\_\_\_\_ BASEMENT WALLS OR FOUNDATION \_\_\_\_\_ (TYPE)

REMARKS: See speculation sheet

AREA OR VOLUME \_\_\_\_\_ (CUBIC/SQUARE FEET) ESTIMATED COST \$ 16,000.00 PERMIT FEE \$ 46.00

OWNER Mark Smith  
 ADDRESS 1950 Swatara Creek Road Middletown, PA 17057  
 BUILDING DEPT. BY James K Foreman

FORM NO. I.C.C. - BP 2003

# BUILDING PERMIT

DEPT FILE COPY  
AMOUNT PAID Pd. 8/25/07  
VALIDATION

APPLICANT Becky Kandrac DATE August 17, 2007 PERMIT NO. 4496  
ADDRESS 1730 Swatara Creek Rd (CONTR'S LICENSE)

PERMIT TO Raise house, construct 2 decks NO. \_\_\_\_\_ STORY \_\_\_\_\_ (PROPOSED USE) NUMBER OF DWELLING UNITS \_\_\_\_\_

AT (LOCATION) Same (NO.) \_\_\_\_\_ (STREET) \_\_\_\_\_ ZONING DISTRICT \_\_\_\_\_

BETWEEN \_\_\_\_\_ (CROSS STREET) \_\_\_\_\_ AND \_\_\_\_\_ (CROSS STREET) \_\_\_\_\_

SUBDIVISION \_\_\_\_\_ LOT \_\_\_\_\_ BLOCK \_\_\_\_\_ LOT SIZE \_\_\_\_\_

BUILDING IS TO BE \_\_\_\_\_ FT. WIDE BY \_\_\_\_\_ FT. LONG BY \_\_\_\_\_ FT. IN HEIGHT AND SHALL CONFORM IN CONSTRUCTION TO TYPE \_\_\_\_\_ USE GROUP \_\_\_\_\_ BASEMENT WALLS OR FOUNDATION \_\_\_\_\_ (TYPE)

REMARKS: See spec. sheet

AREA OR VOLUME \_\_\_\_\_ (CUBIC/SQUARE FEET) ESTIMATED COST \$ 70,000 PERMIT FEE \$ 1050.00

OWNER Becky Kandrac  
ADDRESS 1730 Swatara Creek Rd. Middletown

BUILDING DEPT BY Jenna K Foreman

FORM NO. I.C.C. - BP 2003

(Affidavit on reverse side of application to be completed by authorized agent of owner)



VIA FIRST CLASS US MAIL

January 15, 2010

Mr. C. Nicholas Moss  
8216 Bellona Avenue  
Towson, MD 21204

RE: Petition for Reconsideration received January 5, 2010, OOR Dkt. AP  
2009-0995

Dear Mr. Moss:

We are in receipt of your Petition for Reconsideration dated December 30, 2009 that was received by this office on January 5, 2010 in connection with the Office of Open Records Final Determination in *Moss v. Londonderry Township*, OOR Dkt. AP 2009-0995. We hereby deny your Petition.

Sincerely,

A handwritten signature in black ink, appearing to read "mw" followed by a long horizontal stroke.

Corinna V. Wilson  
Chief Counsel

cc: Terry Mutchler, Executive Director, Office of Open Records  
Beth Graham, Londonderry Township