

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA  
CIVIL DIVISION**

The Pittsburgh Water and Sewer Authority,  
Petitioner and Cross-Respondent,

No. SA20-000475  
SA20-000478

v.

William Towne,  
Respondent and Cross-Petitioner.

**CONCISE DECISION PURSUANT TO  
65 P.S. §67.1302(a)**

Filed by:

Honorable W. Terrence O'Brien, S. J.  
705 City-County Building  
414 Grant Street  
Pittsburgh, PA 15219

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O'Brien, S. J.

I adopt the parties' Joint Proposed Findings of Fact and Conclusions of Law docketed July 13, 2021.

I adopt the following Proposed Findings and Fact filed by The Pittsburgh Water and Sewer Authority, docketed on July 13, 2021: 1-5; 7-27; 29-39; 43-46; and 48-53.

I adopt the following Proposed Findings and Fact filed by William Towne, docketed on July 13, 2021: 1-3; 5; 12-14; 18-19; 21-23; 25; 27-28; 35; 37-40; 42; 44; 48; 53; 64; 66-67; 69; 73-74; 77-79; 82-86; 93; 97; 100-102; 104-106; 109-119; 127-129; 132-138; 145; and 147.

I adopt the following Proposed Conclusions of Law filed by The Pittsburgh Water and Sewer Authority, docketed on July 13, 2021: 55-61; and 63-64.

I adopt the following Proposed Conclusions of Law filed by William Towne, docketed on July 13, 2021: 148-153; and 155-162.

In accordance with the foregoing, I enter the following:

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**ORDER OF COURT**

AND NOW, this 2<sup>nd</sup> day of February, 2022, upon consideration of the evidence of record and the arguments and filings of the parties to these consolidated statutory appeals, it is hereby ordered that the Final Determination of the Office of Open Records issued on September 8, 2020, is affirmed in part and reversed in part. The Petition for Review filed by The Pittsburgh Water and Sewer Authority (PWSA) is granted, except as provided herein:

- 1) Upon review of the privilege log submitted by PWSA and an *in camera* review of the subject records, I find that all records except those designated log numbers 5, 10, and 21 contain privileged attorney-client communications. PWSA shall provide a copy of these three records to William Towne within 30 days.
- 2) The certification of the records provided to Mr. Towne is deficient, as it does not apply to records provided after certification and does not contain

sufficient information. (See *District Attorney's Office v. Cwiek*, 169 A.3d 711 (Pa. Cmwlth. 2017). PWSA shall provide, within 30 days, certification of all records provided to Mr. Towne in the format (to the degree applicable) of the certification used by the OOR in its certification dated January 11, 2021. (See Exhibit B, Towne 13).

3) Information relating to governmental entities, businesses, non-profits, educational institutions and similar entities is not exempt under applicable law. For all documents provided in redacted form to Mr. Towne, PWSA shall, within 30 days, re-provide those documents with only the following redactions:

- a. The financial account numbers of any entity or private individual; and
- b. The names, email addresses, phone numbers, and home addresses of private individuals, even if those individuals communicated with PWSA on behalf of an above-referenced entity.

The Petition for Review filed by William Towne is otherwise denied.

By the Court:

*W. Terrence O'Brien*

\_\_\_\_\_, S. J.  
W. Terrence O'Brien