

CITY OF MILWAUKEE

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
PATRICK B. McDONNELL
LINDA ULISS BURKE
Deputy City Attorneys



OFFICE OF CITY ATTORNEY
800 CITY HALL
200 EAST WELLS STREET
MILWAUKEE, WISCONSIN 53202-3551
TELEPHONE (414) 286-2601
TDD (414) 286-2025
FAX (414) 286-8550

THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
HAZEL MOSLEY
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
MICHAEL G. TOBIN
DAVID J. STANOSZ
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRlich
LEONARD A. TOKUS
VINCENT J. BOBOT
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
KATHRYN M. ZALEWSKI
MEGAN T. CRUMP
ELOISA DE LEÓN
ADAM STEPHENS
KEVIN P. SULLIVAN

Assistant City Attorneys

April 24, 2006

Miller Compressing Company
Attn: Hank Semerda
P.O. Box 369
Milwaukee, WI 53201

RE: Miller Compressing Company
C.I. File No: 06-S-55

Dear Mr. Semerda:

We have received your claim in the amount of \$3,107.17, relating to damage sustained to your buried private phone cable during excavation activity by the City of Milwaukee Department of Public Work during the Spring/Summer, 2005 in the east yard of your facility.

Our investigation reveals that on May 31, 2005 the Infrastructure Services Division-Underground Operations (ISD) was engaged in excavation activity to locate a buried City manhole that was located in an easement on your property. Prior to commencement, the area was hot lined correctly to locate utilities within the jurisdiction of the hotline parameters. Your private phone cable accordingly, was not marked. Your company had made no mention of the cable's location and the ISD was not aware of its existence until after the cable had been damaged. The ISD also reported that a Miller Compressing representative advised the City crew to cover the repaired cable. Since you failed to advise the City of the cable location, it cannot accept liability in this matter, as such, we are denying your claim.

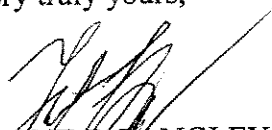
Miller Compressing Company

April 24, 2006


Page 2

If you wish to appeal this decision, you may do so by sending a letter within 21 days of the date of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202, requesting a hearing.

Very truly yours,



GRANT F. LANGLEY
City Attorney



ROBERT M. OVERHOLT
Investigator Adjuster

RMO:beg

1029-2006-545:104593