

September 9, 2004

To the Honorable Common Council
Of the City of Milwaukee
Room 205 – City Hall

Re: Communication from Mark L. Anderson, Claims Investigator
on behalf of We Energies (2004155342)
C.I. File No. 04-S-278

Dear Council Members:

We return the enclosed document which has been filed with the City Clerk and ask that it be introduced and referred to the Committee on Judiciary & Legislation with the following recommendation.

Claimant, We Energies, by its representative Mark L. Anderson, Legal Services Department-P418, Post Office Box 1132, Milwaukee, WI 53202-1132 alleges that on August 7, 2004 their 16-inch steel gas main at Hawley Road and Bluemound Road was damaged when the City excavated in the area. They claim damages in the amount of \$11,098.97.

Our investigation reveals that the Infrastructure Services Division indicates that one of their crews was excavating in the area to install conduit and in the process did scratch a 16-inch steel gas main. The area was hot-lined, but did not show markings for the gas main in the location of the damage. As such, the City cannot be held liable. Accordingly, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY
City Attorney

MICHAEL G. TOBIN
Assistant City Attorney

MGT:beg
Enclosure
1029-2004-2424:84884