

**GRANT F. LANGLEY**  
City Attorney

**RUDOLPH M. KONRAD**  
**LINDA ULISS BURKE**  
**VINCENT D. MOSCHELLA**  
Deputy City Attorneys



**THOMAS O. GARTNER**  
**SUSAN D. BICKERT**  
**STUART S. MUKAMAL**  
**THOMAS J. BEAMISH**  
**MAURITA F. HOUREN**  
**JOHN J. HEINEN**  
**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**  
**MIRIAM R. HORWITZ**  
**MARYNELL REGAN**  
**G. O'SULLIVAN-CROWLEY**  
**KATHRYN Z. BLOCK**  
**ELOISA DE LEÓN**  
**ADAM B. STEPHENS**  
**KEVIN P. SULLIVAN**  
**BETH CONRADSON CLEARY**  
**THOMAS D. MILLER**  
**JARELY M. RUIZ**  
**ROBIN A. PEDERSON**  
**DANIELLE M. BERGNER**  
**CHRISTINE M. QUINN**  
**MARGARET C. DAUN**  
Assistant City Attorneys

August 26, 2011

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

Re: Resolution Relating to the Claim of WE ENERGIES (2010226178)  
C.I. File No. 11-S-9

Dear Council Members:

Enclosed please find a proposed resolution. We ask that it be introduced and referred to the Committee on Judiciary & Legislation, with the following recommendation.

Claimant, WE Energies, by Mary Ritenour, Claims Analyst, Claims Room P418, P.O. Box 1132, Milwaukee, WI 53201-1132, allege that on December 13, 2010 their electrical equipment was damaged by the Infrastructure Services Division (ISD) during excavation activity at 812 East State Street. They claim damages in the amount of \$9,748.63.

Our investigation reveals that the ISD reviewed their records relative to this incident. They found that they observed all of the hotline markings at this location, as they were presented by WE Energies' locating contractor.

The locating contractor incorrectly hotlined WE Energies facilities. The contractor was unable to determine if the facilities were live or abandoned. Since the ISD was acting with the information provided by the locating contractor employed by WE Energies, the City cannot accept liability and we recommend denial of this claim.

Very truly yours,

**GRANT F. LANGLEY**  
City Attorney

**JAN A. SMOKOWICZ**  
Assistant City Attorney

JAS:ms  
Enclosure  
1029-2011-162:172991

OFFICE OF THE CITY ATTORNEY