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May 29, 2007

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

Re: Resolution relating to the Claim of WE Energies (2007180940)
By Connie Muñoz, their representative
C.I. File No. 07-S-31

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, Claims, Room P418, P.O. Box 1132, Milwaukee, WI 53201-1132, by their representative, Connie Muñoz, allege that on January 21, 2007 their gas service at 4200 North 73rd Street was damaged by a Milwaukee Water Works (MWW) repair crew during their excavation activity. They seek damages in the amount of \$7,017.79.

Our investigation reveals that the MWW responded to a main break at this location. The main was throttled and repair activity subsequently started. While the crew was excavating, an area of unsupported concrete to the north of their excavation collapsed onto the claimant's gas service line. The MWW reported that the concrete that collapsed became unsupported due to the void that was created by the water that escaped from the initial water main break, and was not due to the excavation activity.

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Since the claimant's loss was caused by the main break and not from the excavation activity, the City would not be liable. The MWW followed standard procedures in this matter, and as such, we recommend denial.

Very truly yours,



GRANT F. LANGLEY
City Attorney



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Assistant City Attorney

MGT:beg
Enclosure
1048-2007-257:119628