

GRANT F. LANGLEY
City Attorney

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



THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
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 B. STEPHENS
KEVIN P. SULLIVAN
Assistant City Attorneys

July 17, 2006

To the Honorable Common Council
of the City of Milwaukee
Room 205 - City Hall

Re: Communication from Jeanne Stachnik, Claims Analyst
Oh behalf of WE Energies
C.I. File No.: 06-S-88

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, Legal Services Department-P418, Post Office Box 1132, Milwaukee, WI 53201-1132 through Jeanne Stachnik, Claims Analyst alleges that on March 15, 2006 while the Milwaukee Water Works (MWW) was engaged in excavation activity in the area of North Water Street and East Buffalo Street, a work crew damaged their underground electric facilities. They claim damages in the amount of \$7,349.22.

Our investigation reveals that the MWW was engaged in excavation activity at the subject location to repair a water main break. While in the process of repairing the water main break, the MWW excavated around the underground electric conduit. The electric conduit collapsed during the excavation, causing damage. The MWW accepts responsibility for the repair and WE Energies has agreed to accept 90% of their claim in this matter, which is \$6,614.29.

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Because settlement of this matter is deemed expeditious to the City of Milwaukee, we recommend payment of this claim in the amount of \$6,614.29 and have enclosed an appropriate resolution for your convenience.

Very truly yours,

GRANT F. LANGLEY
City Attorney

MICHAEL G. TOBIN
Assistant City Attorney

MGT:beg
Enclosure
1048-2006-944:107706