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February 2, 2017

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

Re: C.I. File No. 1029-2016-2518
Communication from: PHOENIX LOSS CONTROL, INC.
by its representative
Damian Cappello
P.O. Box 271504
Littleton, CO 80127

Dear Council Members:

Phoenix Loss Control, Inc. alleges that on November 18, 2016 their client sustained damages when the City struck their underground cable at 342 North Water Street. Claimed damages total \$6,000.28.

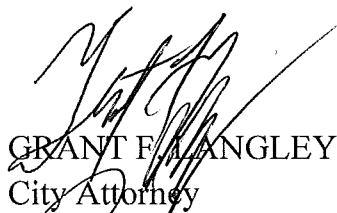
The Infrastructure Services Division indicates that on November 18, 2016 they were performing utility locating work in the area of 342 North Water Street. Their crews encountered the cable buried directly under the roadway without a protective conduit encasement. Based on the permit for the original installation, the cable was also not properly installed.



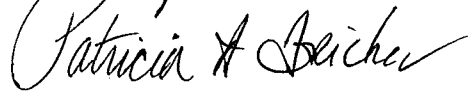
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There is no evidence that the City was negligent in this matter. As such, the City would not be liable. Therefore, we recommend that this claim be denied.

Very truly yours,



GRANT F. LANGLEY
City Attorney



PATRICIA A. FRICKER
Assistant City Attorney

PAF:cdr

Enclosure

c: Rollin Bertran (Infrastructure)
Anthony Kotecki (Infrastructure)

1029-2016-2518/236526