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January 17, 2019

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

RE: C.I. File No. 1029-2018-2622
Communications from Phoenix Loss Control on behalf of
Charter Communications

Dear Common 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 and Legislation with the following recommendation.

Phoenix Loss Control, third party subrogation administrator, has submitted a subrogation demand on the behalf of their client, Charter Communications, alleging that the City's negligence resulted in damage to Charter Communications's fiber optic line in the amount of \$10,237.21. This incident occurred on September 12, 2018 in the vicinity of West Rosedale Avenue and South 5th Court.

Sewer Underground Operations investigated this matter. On September 12, 2018 the City of Milwaukee Sewer Maintenance unit had a large excavation crew dispatched to 2755 South 5th Court to repair and/or replace a city storm inlet.

Before digging, a hotline ticket was requested (number 20183616011); it showed which utilities were contacted prior to the excavation. Sewer Maintenance was cleared for digging within Digger's Hotline allotted time frame. As the crew excavated around the storm inlet, a cable located underneath the inlet was damaged. The damaged cable was not included in the information received from Digger's Hotline.

A claim representative from Time Warner Cable (Charter Communications) determined that it was a Time Warner Cable fiber optic line. Telephone verification from a Time Warner representative confirmed that the cable in question was not marked by Time Warner Cable's Precise Locating Service. Time Warner Cable representatives arrived at the site to make repairs.



Honorable Common Council

January 17, 2019

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There is no evidence that the City was negligent in this matter. Therefore, we recommend that this claim be denied.

Very truly yours,



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Enclosure

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