From: <a href="mailto:ray@mlnorthwest.com">ray@mlnorthwest.com</a>

To: "Schultz, Brian"; "Scot Hattenburg"; "Stephanie Hattenburg"; "Proszek, Tyler"; ryan.bradeen@avistacorp.com;

"Buchanan, Craig", luir235@lni.wa.gov

Cc: "Kellard, Debra (LNI)"; "Kemp Garcia"; "Stephanie Hattenburg"; "Proszek, Tyler"

**Subject:** RE: [External] RE: WUCC Complaint Form (4).pdf

**Date:** Tuesday, October 17, 2023 6:23:50 AM

Attachments: <u>image001.png</u>

## Good Morning Brian/Tyler

I have a safety meeting with my employees this morning. I was hoping to tell them what steps you and Avista are taking with ELM and your process in holding ELM accountable with your miss locates.

It has been 21 days since this miss locate with the power. It has been 21 days and no response to how you Brian/Tyler are handling this miss locate.

I would like to remind everyone that this was a live power line that was not located by ELM which is a big safety issue that has not been addressed by you Brian, Tyler, and AVISTA.

How many times does this need to happen and not get addressed by Avista? Will you start holding ELM accountable?

Would like a response one day from someone who cares at Avista.

I was reading Avista's commitment to Human Rights. On page 1 it states that Avista has the following principles: "Ensure a safe, secure, and healthy work environment so that every person at Avista makes it home safe to their families and loved ones each day."

This is what We are trying to do for our employees. And miss locates and locates not marked correctly is a big issue we are facing. This is a big safety issue for our employees.

M&L Construction Inc. Ray Hattenburg-VP 509-482-0175

**From:** ray@mlnorthwest.com <ray@mlnorthwest.com>

Sent: Wednesday, October 11, 2023 6:40 AM

**To:** 'Schultz, Brian' <Brian.Schultz@avistacorp.com>; 'Scot Hattenburg' <scot@mlnorthwest.com>; 'Stephanie Hattenburg' <stephanie@mlnorthwest.com>; 'Proszek, Tyler'

<Tyler.Proszek@avistacorp.com>; 'ryan.bradeen@avistacorp.com' <ryan.bradeen@avistacorp.com>; 'Buchanan, Craig' <Craig.Buchanan@avistacorp.com>; 'luir235@lni.wa.gov' <luir235@lni.wa.gov>

**Cc:** 'Kellard, Debra (LNI)' <KELI235@LNI.WA.GOV>; 'Kemp Garcia' <kemp@linescapellc.com>;

'Stephanie Hattenburg' <stephanie@mlnorthwest.com>; 'Proszek, Tyler'

<Tyler.Proszek@avistacorp.com>

Subject: RE: [External] RE: WUCC Complaint Form (4).pdf

Brian/Tyler

I have not received an answer to my Questions, and MY guys that were working on this site are asking me what steps you are taking.

They would like to know what steps you are taking with ELM on this miss power locate.

They would like to know if you are holding ELM accountable for this miss power locate.

You guys are the ones responsible over ELM and my guys do not feel safe with Avistas accountability over ELM

I would like to remind everyone that this was a live power line that was not located which is a big safety issue that has not been addressed by you Brian and Tyler.

M&L Construction Inc. Ray Hattenburg-VP 509-482-0175

**From:** <u>ray@mlnorthwest.com</u> < <u>ray@mlnorthwest.com</u>>

**Sent:** Thursday, October 5, 2023 7:00 AM

**To:** 'Schultz, Brian' < <a href="mailto:Brian.Schultz@avistacorp.com">Brian.Schultz@avistacorp.com</a>; 'Scot Hattenburg' < <a href="mailto:scot@mlnorthwest.com">scot@mlnorthwest.com</a>; 'Proszek, Tyler'

<<u>Tyler.Proszek@avistacorp.com</u>>; 'ryan.bradeen@avistacorp.com' <<u>ryan.bradeen@avistacorp.com</u>>; 'luir235@lni.wa.gov' <<u>luir235@lni.wa.gov</u>>

**Cc:** 'Brett Hill' < brett.hill@acslawyers.com'>; 'Kellard, Debra (LNI)' < KELI235@LNI.WA.GOV'>; 'Kemp Garcia' < kemp@linescapellc.com'>; 'Stephanie Hattenburg' < stephanie@mlnorthwest.com'>; 'Proszek, Tyler' < Tyler.Proszek@avistacorp.com'>

Subject: RE: [External] RE: WUCC Complaint Form (4).pdf

Brian/Tyler

You guys were not at the on-site meeting to discuss why ELM did not mark a live power line.

You guys have been the main point of contact for ELM and miss locates.

I would like to know what step you are taking with ELM on this miss power locate.

I would like to know if you are holding ELM accountable for this miss power locate

I would like to know if you are paying for our downtime and incident investigation due to this miss locate and hit LIVE POWER and lack of response

Since you will not respond to our emails regarding ELM and not marking your facilities correctly, I demand your direct report over you. I am noting that you guys personally did not show up on Monday to go over this incident investigation.

M&L Construction Inc. Ray Hattenburg-VP 509-482-0175

**From:** <u>ray@mlnorthwest.com</u> < <u>ray@mlnorthwest.com</u>>

Sent: Friday, September 29, 2023 9:33 AM

**To:** 'Schultz, Brian' < <a href="mailto:Brian.Schultz@avistacorp.com">Brian.Schultz@avistacorp.com</a>>; 'Scot Hattenburg' < <a href="mailto:scot@mlnorthwest.com">scot@mlnorthwest.com</a>>; 'Proszek, Tyler'

<<u>Tyler.Proszek@avistacorp.com</u>>; 'ryan.bradeen@avistacorp.com' <<u>ryan.bradeen@avistacorp.com</u>>; 'luir235@lni.wa.gov' <<u>luir235@lni.wa.gov</u>>

**Cc:** 'Brett Hill' < brett.hill@acslawyers.com'>; 'Kellard, Debra (LNI)' < KELI235@LNI.WA.GOV'>; 'Kemp Garcia' < kemp@linescapellc.com'>; 'Stephanie Hattenburg' < stephanie@mlnorthwest.com'>; 'Proszek, Tyler' < Tyler.Proszek@avistacorp.com'>

Subject: RE: [External] RE: WUCC Complaint Form (4).pdf

#### Brian

As you must not be aware of, ELM did not locate an electrical power line. We would not be having this email if the line was marked in the first place.

Out of caution and document past experiences of ELM not locating properly and the possibility of imminent danger, because our boring machine sent us a strike alert, and since Jay was on-site 15 min before the strike alert went off, we contacted our onsite Avista representative.

We don't care or even know what Jays title is, but we do know that he is our on-site Avista representative. He notified ELM of the situation. The next day ELM found the unmarked electrical line. We talked with the Avista representative, and Jay contacted the 1-800 number. At this point, since it was an un-marked electrical line by ELM(Avista's contractor to locate utility lines), and Avista knew we had a strike alert at this area, It would be Avista's duty to find this un marked line and see what damage may have happened.

Avista told our on-site Avista representive(Jay) that since they did not receive any electrical service outage for that area that they would not send a lineman out, and we could resume work. We knew that this was a safety issue of electrical not being marked along with our strike alert going off that there should be an Avista lineman to dig this up. We then contacted the 1-800 number and demanded that someone show up. Since this imminent damage was not being taking care of in the

field, we then emailed you to make sure things can be taken care of in a timely manner and that you are aware of this safety issue. You are the responsible person at Avista with ELM not locating correctly.

Avista representative have told us in the past that these issues are, "not that Hard", but we seem to keep having these safety issues and Avista keeps allowing no marks or mis mark locates to happen.

Since Avista won't ask for an on-site meeting at Panorama drive 7811 N to go over this safety incident.

We require you Brian Schultz and all Avista personnel to meet on-site Monay October 2, 2023 at 10:00 AM. Address is 7811 N Panorama Drive.

We would like to discuss this safety issue and on going safety issues that are not getting corrected by Avista.

Again, we require you and all Avista personnel that was involved with this safety issue and past safety issues meet on site, Monday October 2, 2023 at 10:00 AM

M&L Construction Inc. Ray Hattenburg-VP 509-482-0175

**From:** Schultz, Brian < <u>Brian.Schultz@avistacorp.com</u>>

**Sent:** Thursday, September 28, 2023 1:45 PM

**To:** Scot Hattenburg < <a href="mailto:scot@mlnorthwest.com">scot@mlnorthwest.com</a>; <a href="mailto:ray@mlnorthwest.com">ray@mlnorthwest.com</a>; 'Stephanie Hattenburg'

<<u>stephanie@mlnorthwest.com</u>>; Proszek, Tyler <<u>Tyler.Proszek@avistacorp.com</u>>

**Cc:** 'Brett Hill' < brett.hill@acslawyers.com'>; Kellard, Debra (LNI) < KELI235@LNI.WA.GOV'>; 'Kemp Garcia' < kemp@linescapellc.com'>; ray@mlnorthwest.com; 'Stephanie Hattenburg' < stephanie@mlnorthwest.com'>; Proszek, Tyler < Tyler.Proszek@avistacorp.com'>

Subject: RE: [External] RE: WUCC Complaint Form (4).pdf

Scot,

As you are aware, and as Avista has communicated to you directly in the past, anytime your crews hit or nick an electric or natural gas line, they need to immediately notify Avista customer service at 800-227-9187. Despite having a good working relationship with one of our Gas Inspectors, calling a Gas Inspector directly about a potential damaged electric line will not be the most efficient way for Avista to get you the help you need.

Here is the timeline of events that I am aware of for this incident:

Ian (M&L) called Jay Aragon (Avista Gas Inspector) at 3:37pm on 9/26. Jay saw the missed call at 5:53pm, and even though his shift was over, returned Ian's call to discuss the potential issue. Ian

conveyed the strike alert could have come from low voltage and there were no power outages, so they agreed to wait till the following day to look into the issue further. Ian called Jay the following morning at 8:31am to check in and Jay immediately called ELM to have them show up on site to review their locates. Jay then called Ian back to let him know what ELM's expected arrival time would be.

After ELM showed up and located the line at the location of the incident that had not been previously marked, Ian called Jay again at 9:29am. Jay then called Avista's Electric Dispatch and later that morning Electric Dispatch was able to check and verify all the electric meters in the area had good voltage and were showing no signs of any outages.

At 12:25pm Dusty (M&L) called Jay to check on the situation and after passing on the information from Electric Dispatch to Dusty, Jay recommended that Dusty call Avista's Call Center (800-227-9187) to report the possible damage. After the Call Center received the communication from Dusty, an Avista Electric Crew was dispatched to the site, dug up the location of the damage, found a broken conduit and damaged electric secondary line, and made the necessary repairs.

I was involved with getting notification to Ryan (Avista) to check on the status of the electric crew, who then reached out to you directly, as you noted. I am glad you were able to speak with Ryan, and despite what you may think, Ryan and I are both like-minded in our views around these types of situations and our approach to damage prevention ain, had Ian called Avista's Call Center (800-227-9187) as soon as he believed he had hit an electric line, as we have asked you to do in the past, an Avista Electric First Responder would have been dispatched that night and the situation would likely have been resolved before your crew showed up to work the next day.

# **Brian Schultz, P.E.**

**Gas Pipeline Integrity & Compliance Manager** 

2406 N DOLLAR RD | MSC-6 | SPOKANE VALLEY, WA 99212 **PHONE** 509.495.2162 | **CELL** 406.431.1520

www.myavista.com



**From:** Scot Hattenburg < scot@mlnorthwest.com> **Sent:** Wednesday, September 27, 2023 3:32 PM

To: <a href="mailto:ray@mlnorthwest.com">ray@mlnorthwest.com</a>; Schultz, Brian

<<u>Brian.Schultz@avistacorp.com</u>>; Proszek, Tyler <<u>Tyler.Proszek@avistacorp.com</u>>

Cc: 'Brett Hill' <<u>brett.hill@acslawyers.com</u>>; Kellard, Debra (LNI) <<u>KELI235@LNI.WA.GOV</u>>; 'Kemp

Garcia' < kemp@linescapellc.com >; ray@mlnorthwest.com; 'Stephanie Hattenburg'

<stephanie@mlnorthwest.com>; Schultz, Brian <Brian.Schultz@avistacorp.com>; Proszek, Tyler

## <Tyler.Proszek@avistacorp.com>

Subject: [External] RE: WUCC Complaint Form (4).pdf

No official response from "brian Schultz" or tyler prozek"

this immediate danger is now 24 hours with no response to deadly electrical current? from Avista?

We have transient current and brian and tyler do not respond because of "Avista legal council" Broooke Cunningham? That is negligent.

Please respond

From: Scot Hattenburg < <a href="mailto:scot@mlnorthwest.com">sent: Wednesday, September 27, 2023 3:16 PM</a>

**To:** 'ray@mlnorthwest.com' <<u>ray@mlnorthwest.com</u>>; 'Stephanie Hattenburg' <<u>stephanie@mlnorthwest.com</u>>

**Cc:** 'Brett Hill' < brett.hill@acslawyers.com'>; Kellard, Debra (LNI) < KELI235@LNI.WA.GOV'>; 'Kemp Garcia' < kemp@linescapellc.com'>; 'ray@mlnorthwest.com' < ray@mlnorthwest.com'>; 'Stephanie Hattenburg' < stephanie@mlnorthwest.com'>; 'Schultz, Brian' < Brian.Schultz@avistacorp.com'>; 'Tyler Proszek' < tyler.proszek@avistacorp.com'>

Subject: RE: WUCC Complaint Form (4).pdf

who's child or dog that dies from this transient current from this unlocated Avista electrical line will happen? Please respond

From: Scot Hattenburg < <a href="mailto:scot@mlnorthwest.com">sent: Wednesday, September 27, 2023 2:50 PM</a>

**To:** 'ray@mlnorthwest.com' <<u>ray@mlnorthwest.com</u>>; 'Stephanie Hattenburg' <<u>stephanie@mlnorthwest.com</u>>

**Cc:** 'Brett Hill' < brett.hill@acslawyers.com'>; Kellard, Debra (LNI) < KELI235@LNI.WA.GOV'>; 'Kemp Garcia' < kemp@linescapellc.com'>; 'ray@mlnorthwest.com' < ray@mlnorthwest.com'>; 'Stephanie Hattenburg' < stephanie@mlnorthwest.com'>; 'Schultz, Brian' < Brian.Schultz@avistacorp.com'>; 'Tyler Proszek' < tyler.proszek@avistacorp.com'>

Subject: RE: WUCC Complaint Form (4).pdf

Still no official response?

From: Scot Hattenburg < <a href="mailto:scot@mlnorthwest.com">sent: Wednesday</a>, September 27, 2023 2:41 PM

**To:** 'ray@mlnorthwest.com' <<u>ray@mlnorthwest.com</u>>; 'Stephanie Hattenburg' <<u>stephanie@mlnorthwest.com</u>>

**Cc:** 'Brett Hill' <brett.hill@acslawyers.com>; Kellard, Debra (LNI) <KELI235@LNI.WA.GOV>; 'Kemp Garcia' <<u>kemp@linescapellc.com</u>>; 'ray@mlnorthwest.com' <<u>ray@mlnorthwest.com</u>>; 'Stephanie Hattenburg' <<u>stephanie@mlnorthwest.com</u>>; 'Schultz, Brian' <<u>Brian.Schultz@avistacorp.com</u>>; 'Tyler Proszek' <<u>tyler.proszek@avistacorp.com</u>>

Subject: RE: WUCC Complaint Form (4).pdf

Brian, and your lawyer

You have not communicated anything to me this is imminent danger for almost 24 hours.... And nothing from brian shultz that is gross negligence

From: Scot Hattenburg < <a href="mailto:scot@mlnorthwest.com">sent: Wednesday</a>, September 27, 2023 1:00 PM

**To:** 'ray@mlnorthwest.com' <<u>ray@mlnorthwest.com</u>>; 'Stephanie Hattenburg' <<u>stephanie@mlnorthwest.com</u>>

**Cc:** 'Brett Hill' < brett.hill@acslawyers.com'>; Kellard, Debra (LNI) < KEL1235@LNI.WA.GOV'>; 'Kemp Garcia' < kemp@linescapellc.com'>; 'ray@mlnorthwest.com' < ray@mlnorthwest.com'>; 'Stephanie Hattenburg' < stephanie@mlnorthwest.com'>; 'Schultz, Brian' < Brian.Schultz@avistacorp.com'>

**Subject:** RE: WUCC Complaint Form (4).pdf

Brian,

You need to roll a crew and an vac truck RIGHT NOW to resolve this safety issue before somebody get injured.

Non response shows Avista negligence

From: Scot Hattenburg < <a href="mailto:scot@mlnorthwest.com">sent: Wednesday, September 27, 2023 12:51 PM</a>

**To:** 'ray@mlnorthwest.com' <<u>ray@mlnorthwest.com</u>>; 'Stephanie Hattenburg' <<u>stephanie@mlnorthwest.com</u>>

**Cc:** 'Brett Hill' < brett.hill@acslawyers.com'>; Kellard, Debra (LNI) < KEL1235@LNI.WA.GOV'>; 'Kemp Garcia' < kemp@linescapellc.com'>; 'ray@mlnorthwest.com' < ray@mlnorthwest.com'>; 'Stephanie Hattenburg' < stephanie@mlnorthwest.com'>; 'Schultz, Brian' < Brian.Schultz@avistacorp.com'>

Subject: RE: WUCC Complaint Form (4).pdf

We have transient current in the ground and no official response from Avista. Still endangering the public and our employees. Please respond.

From: Scot Hattenburg < <a href="mailto:scot@mlnorthwest.com">sent: Wednesday</a>, September 27, 2023 12:28 PM

**To:** 'ray@mlnorthwest.com' <<u>ray@mlnorthwest.com</u>>; 'Stephanie Hattenburg' <<u>stephanie@mlnorthwest.com</u>>

**Cc:** 'Brett Hill' <brett.hill@acslawyers.com>; Kellard, Debra (LNI) <KELI235@LNI.WA.GOV>; 'Kemp Garcia' <<u>kemp@linescapellc.com</u>>; 'ray@mlnorthwest.com' <<u>ray@mlnorthwest.com</u>>; 'Stephanie Hattenburg' <<u>stephanie@mlnorthwest.com</u>>; 'Schultz, Brian' <<u>Brian.Schultz@avistacorp.com</u>>

Subject: RE: WUCC Complaint Form (4).pdf

Brian,

If you actually care this is imminent danger!!!!! Since 3:30 pm 9/26 . unmarked bore strike!

we have transient current in the ground from an unlocated power hit!!!!!! Avista just said no issue without physically verifying the power strike

I need answers now!!!!

We have transient current in the ground and Avista is refusing to work with us!!!!!!!

Debra, can you get L&I involved. Unbelievable but not unexpected negligence from Avista....

From: Scot Hattenburg < <a href="mailto:scot@mlnorthwest.com">sent: Wednesday</a>, September 27, 2023 11:06 AM

**To:** 'ray@mlnorthwest.com' <<u>ray@mlnorthwest.com</u>>; 'Stephanie Hattenburg' <<u>stephanie@mlnorthwest.com</u>>

**Cc:** 'Brett Hill' < brett.hill@acslawyers.com'>; Kellard, Debra (LNI) < KEL1235@LNI.WA.GOV'>; 'Kemp Garcia' < kemp@linescapellc.com'>; 'ray@mlnorthwest.com' < ray@mlnorthwest.com'>; 'Stephanie Hattenburg' < stephanie@mlnorthwest.com'>; 'Schultz, Brian' < Brian.Schultz@avistacorp.com'>

**Subject:** WUCC Complaint Form (4).pdf

I am really tired of Avista trying to injure my employees, and family by not correctly marking power and gas.

We hit an unmarked power line 9/26 with the potential to kill yesterday.

Avista does not want us to bring up this employee danger, and their negligence as outlined by the Washington State ALJ needs to be taken to heart before people get hurt.

Electrocution is not ok, I still have my grandfathers newspaper article of his death from a WWP feeder.

## **USE CAUTION - EXTERNAL SENDER**

Do not click on links or open attachments that are not familiar. For questions or concerns, please e-mail <a href="mailto:phishing@avistacorp.com">phishing@avistacorp.com</a>

CONFIDENTIALITY NOTICE: The contents of this email message and any attachments are intended solely for the addressee(s) and may contain confidential and/or privileged information and may be legally protected from disclosure. If you are not the intended recipient of this message or an agent of the intended recipient, or if this message has been addressed to you in error, please immediately alert the sender by reply email and then delete this message and any attachments.