

Avista Response

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Ticket 22296517 was called in on July 5, 2022, along with three other M&L requests (22296502, 22296526, 22296533) that totaled over 3,200 feet of linear dig area on the South Hill of Spokane. That amount of dig area required over 4,500 feet of gas lines to be located.

Due to proximity of the tickets, the same locator was assigned all four (4) of the M&L tickets. Since July had high ticket volumes, the locator was not able to get to the M&L tickets until the day they were due. In order to not cause a problem with M&L and ask for more time to locate these tickets, even though that is M&L's responsibility for their large projects, the locator tried to use advanced locating techniques to locate the entirety of the M&L tickets before the automatic, system-generated excavation date.

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M&L filed complaints against Avista in the past for failing to locate within two (2) full business days. The locator was put in a position to either have probable complaint(s) filed for failing to locate one or more of the locate requests within two (2) full business days (if they didn't complete them) or work as hard and efficiently as possible to get all the tickets completed. The locator spent four (4) hours of their twelve (12) hour workday on these M&L tickets. Avista and ELM have tried to communicate with M&L when necessary and have consistently seen push-back and redirection for method and timeframe.

Note: Scot eventually told us to email Stephanie Hattenburg with notifications for due date extension or unlocatable issues yet her email was not listed on locate requests at that time and it is still not on the majority of M&L locate requests. Completing a search through Search and Status (Washington) with "M&L" in the company name field results 274 requests in 2022. Searching "Stephanie@mlconstruction" in the email field only results 121 requests in 2022.

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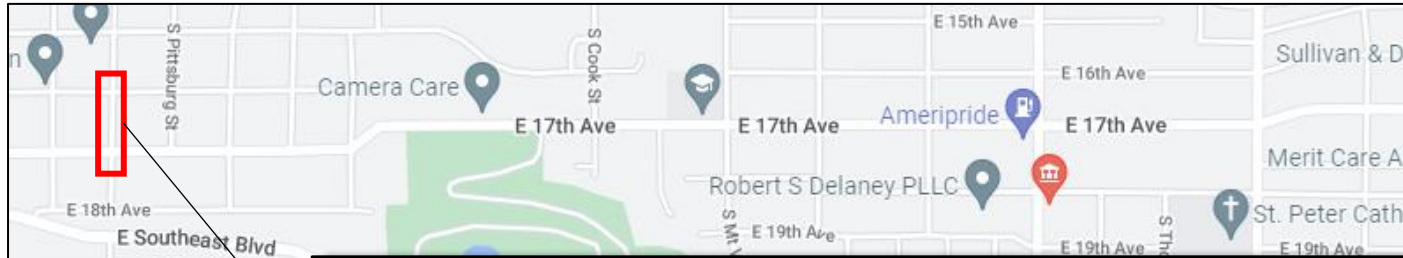
Regarding the large projects, M&L did not "take reasonable steps to confer with facility operators to enable them to locate underground facilities reasonably in advance if the start of excavation" (RCW 19.122.030 (2)). M&L did not call, email, or text Avista or ELM. M&L didn't attach information to the locate request or describe in the ticket information what location and date they would be starting excavation or coordinate timeframe and direction of digging for any of the four (4) requests, even the requests that were 1,230 feet and 1,350 feet. Had M&L communicated with Avista and/or ELM and given ample time to complete the 0.85 miles of total urban locating, it is likely that the outcome of the four (4) locates would have been adequate.

Case 22-030

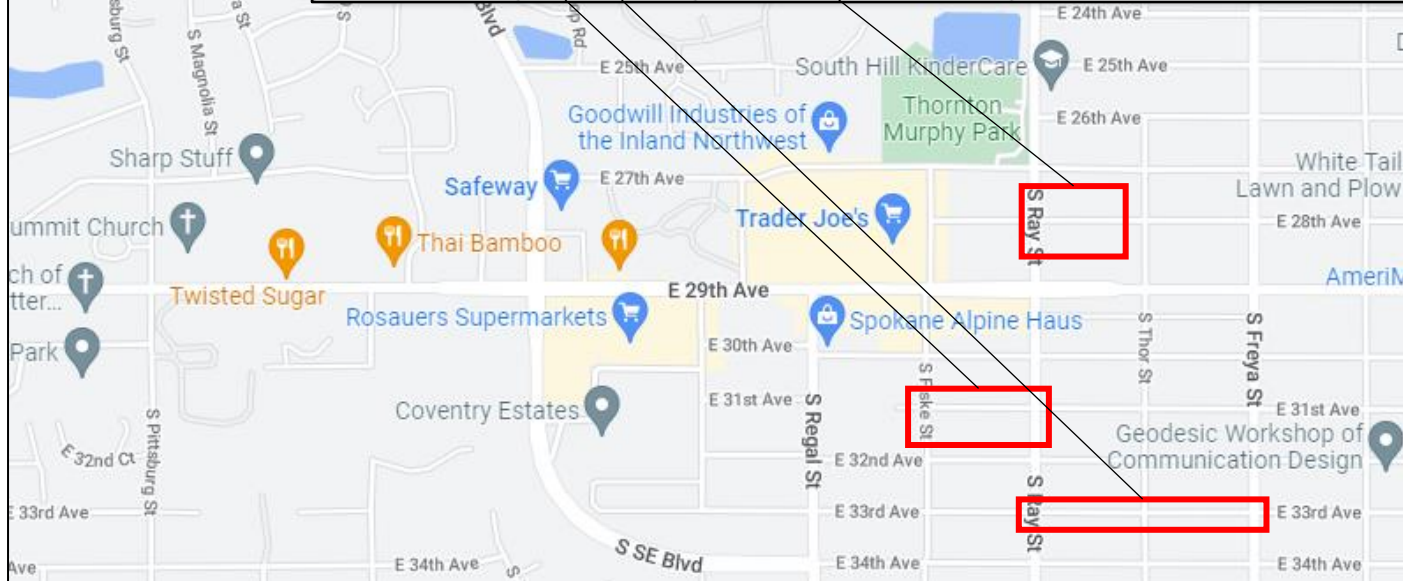
M&L Construction vs. Avista Utilities
1628 E 16th Ave Spokane Wa.

Avista Supporting Documentation

M&L Tickets on 7/5/22

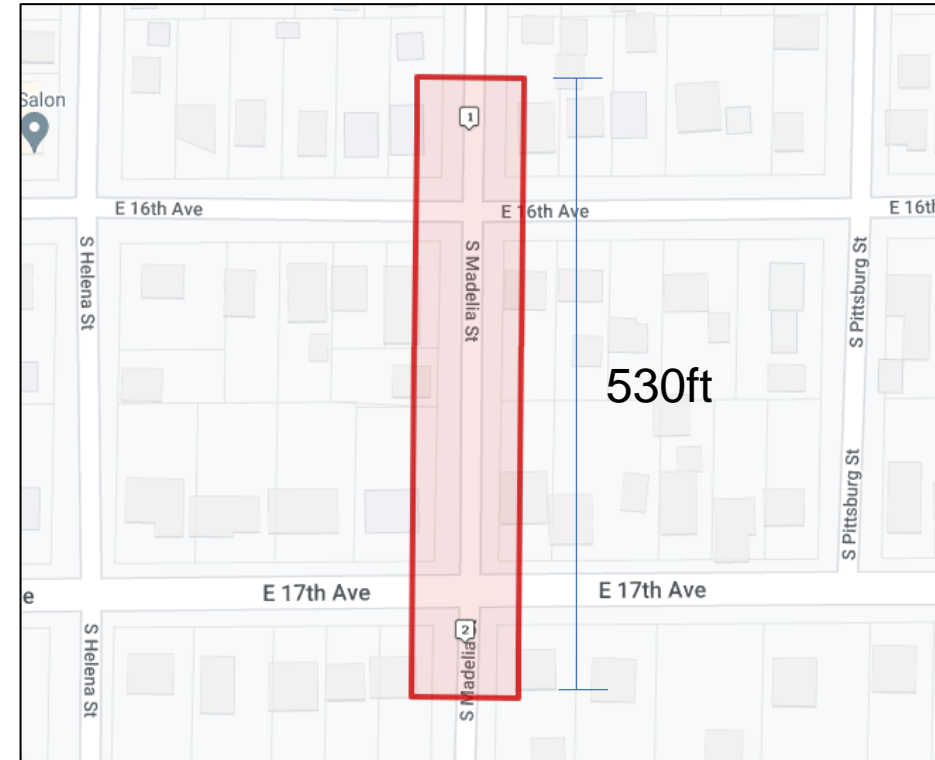


22296502	UI/UX	07/05/22 16:23:48	M&L CONSTRUCTION INC	2820	S RAY ST	SPOKANE
22296517	UI/UX	07/05/22 16:28:17	M&L CONSTRUCTION INC		S MADELIA ST	SPOKANE
22296526	UI/UX	07/05/22 16:31:00	M&L CONSTRUCTION INC	3607	E 33RD AVE	SPOKANE
22296533	UI/UX	07/05/22 16:33:55	M&L CONSTRUCTION INC		E 31ST AVE	SPOKANE



Ticket 22296517

Ticket No: 22296517	2 FULL BUSINESS DAYS
Original Call Date: 07/05/22 04:28 pm	
Work to Begin Date: 07/08/22 07:00 am	
Expiration Date: 08/19/22 04:30 pm	
TICKET ACTIONS	
CALLER INFORMATION	
Company Name: M&L CONSTRUCTION INC	Type of Excavator: CONTRACTOR
Contact Name: STEPHANIE HATTENBURG	Phone: 509-991-4129
Alt. Contact:	Phone:
	Fax Phone:
Caller Address: 4111 DALKE AVE SPOKANE, WA 99217-6520	
Email Address: stephanie@mlconstruction.com	
DIG SITE INFORMATION	
Type of Work: BORE TO INSTALL FIBER CONDUIT	Directional Drilling: YES
Type(s) of Excavation Equipment: DIRECTIONAL DRILLING, VACUUM EQUIPMENT	
Work Being Done For: VERIZON	
DIG SITE LOCATION	
State: WA	County: SPOKANE
Place: SPOKANE	Address:
Street: S MADELIA ST	
Intersecting Street: E 16TH AVE	
Location of Work: MARK 50 FEET EITHER SIDE OF THE ROUTE MARKED IN WHITE PAINT. LOCATE ROW TO ROW	
Remarks: AREA MARKED IN WHITE PAINT	
Map Coord NW Lat: 47.6410996	Lon: -117.3858513
SE Lat: 47.6395074	Lon: -117.3854260



Ticket 22296502

Ticket No: 22296502
Original Call Date: 07/05/22 04:23 pm
Work to Begin Date: 07/08/22 07:00 am
Expiration Date: 08/19/22 04:30 pm

2 FULL BUSINESS DAYS

TICKET ACTIONS

CALLER INFORMATION

Company Name: M&L CONSTRUCTION INC
Contact Name: STEPHANIE HATTENBURG
Alt. Contact:
Caller Address: 4111 DALKE AVE SPOKANE, WA 99217-6520
Email Address: stephanie@mlconstruction.com

Type of Excavator: CONTRACTOR
Phone: 509-991-4129
Phone:
Fax Phone:

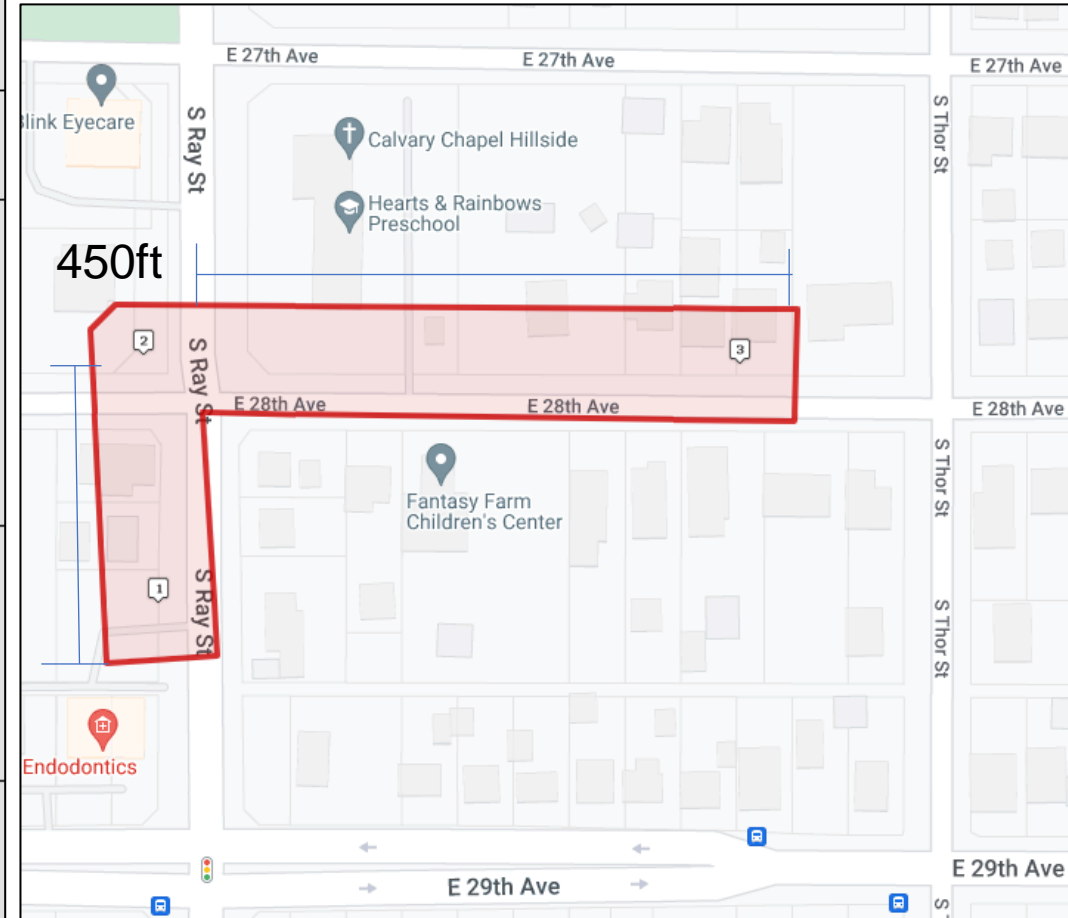
DIG SITE INFORMATION

Type of Work: INSTALL FIBER CONDUIT
Directional Drilling: YES
Type(s) of Excavation Equipment: DIRECTIONAL DRILLING, VACUUM EQUIPMENT
Work Being Done For: VERIZON

DIG SITE LOCATION

State: WA
Place: SPOKANE
Street: S RAY ST
Intersecting Street: E 28TH AVE
Location of Work: MARK 50 FEET EITHER SIDE OF THE ROUTE MARKED IN WHITE PAINT. LOCATES ON WEST SIDE OF RAY HEAD NORTH TO 28TH AND MARK NORTH SIDE OF 28TH
Remarks: AREA MARKED IN WHITE PAINT

Map Coord NW Lat: 47.6295735
SE Lat: 47.6286947
County: SPOKANE
Address: 2820
Lon: -117.3635665
Lon: -117.3610021



Ticket 22296526

Ticket No: 22296526

2 FULL BUSINESS DAYS

Original Call Date: 07/05/22 04:31 pm

Work to Begin Date: 07/08/22 07:00 am

Expiration Date: 08/19/22 04:30 pm

TICKET ACTIONS

CALLER INFORMATION

Company Name: M&L CONSTRUCTION INC

Contact Name: STEPHANIE HATTENBURG

Alt. Contact:

Caller Address: 4111 DALKE AVE SPOKANE, WA 99217-6520

Email Address: stephanie@mlconstruction.com

Type of Excavator: CONTRACTOR

Phone: 509-991-4129

Phone:

Fax Phone:

DIG SITE INFORMATION

Type of Work: BORE TO INSTALL FIBER CONDUIT **Directional Drilling:** YES

Type(s) of Excavation Equipment: DIRECTIONAL DRILLING, VACUUM EQUIPMENT

Work Being Done For: VERIZON

DIG SITE LOCATION

State: WA

Place: SPOKANE

Street: E 33RD AVE

Intersecting Street: S FREYA ST

Location of Work: MARK 50 FEET EITHER SIDE OF THE ROUTE MARKED IN WHITE PAINT. LOCATE ROW TO ROW

Remarks: AREA MARKED IN WHITE PAINT

Map Coord NW Lat: 47.6247119

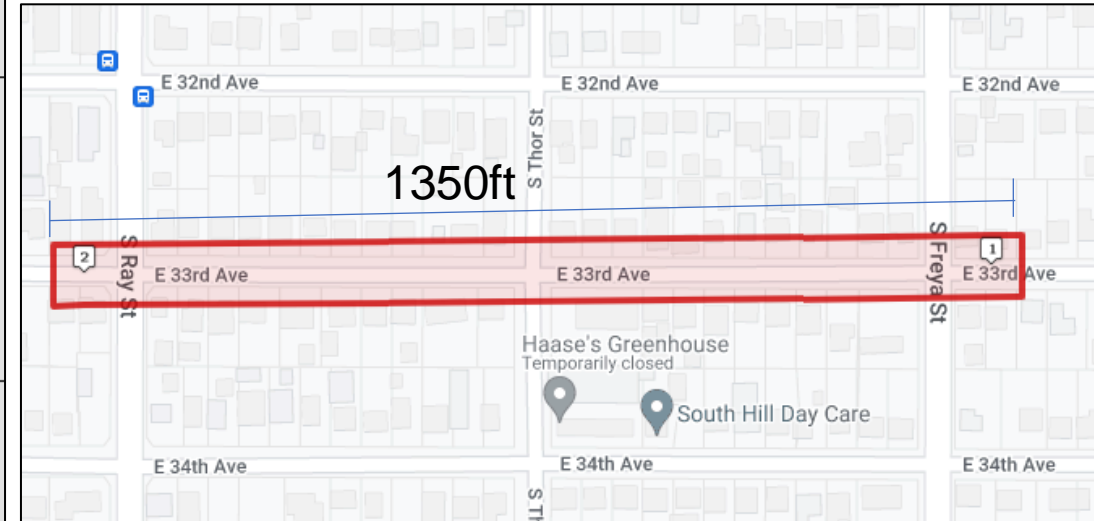
SE Lat: 47.6243992

County: SPOKANE

Address: 3607

Lon: -117.3636731

Lon: -117.3572557



Ticket 22296533

Ticket No: 22296533

2 FULL BUSINESS DAYS

Updated by: 22360807

Original Call Date: 07/05/22 04:33 pm

Work to Begin Date: 07/08/22 07:00 am

Expiration Date: 08/19/22 04:45 pm

TICKET ACTIONS

CALLER INFORMATION

Company Name: M&L CONSTRUCTION INC
Contact Name: STEPHANIE HATTENBURG
Alt. Contact:

Type of Excavator: CONTRACTOR
Phone: 509-991-4129
Phone:
Fax Phone:

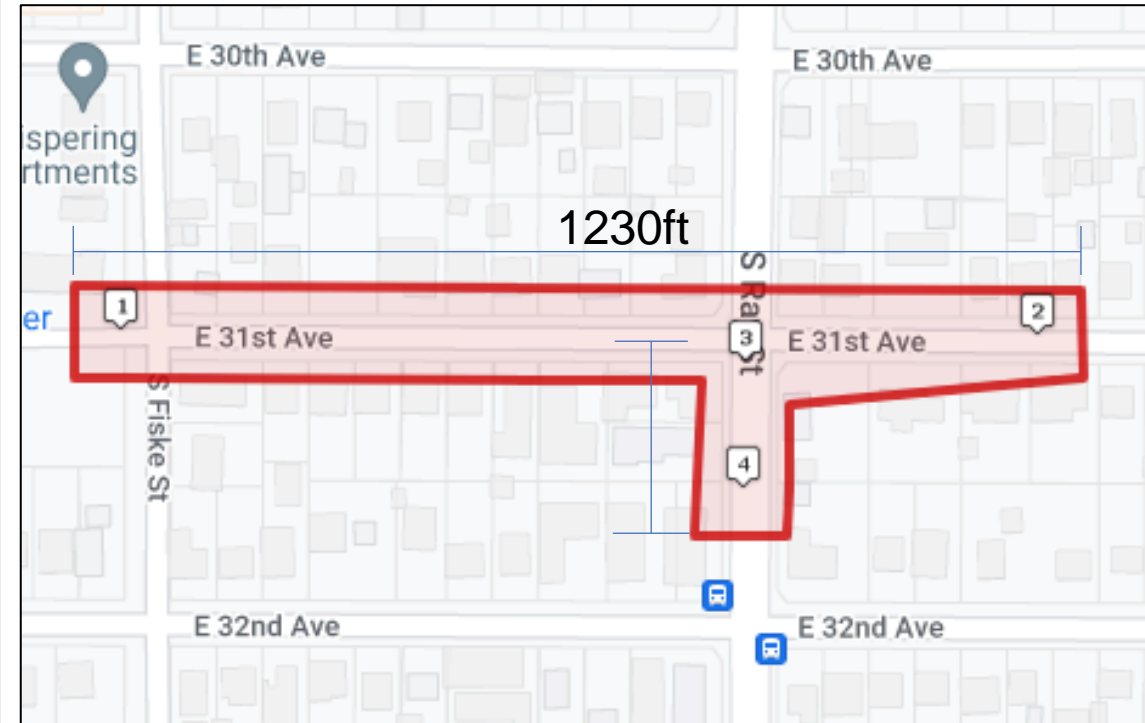
Caller Address: 4111 DALKE AVE SPOKANE, WA 99217-6520
Email Address: stephanie@mlconstruction.com

DIG SITE INFORMATION

Type of Work: INSTALL FIBER CONDUIT
Type(s) of Excavation: DIRECTIONAL DRILLING, VACUUM EQUIPMENT
Equipment:
Work Being Done For: QUANTA
Directional Drilling: YES

DIG SITE LOCATION

State: WA
Place: SPOKANE
Street: E 31ST AVE
Intersecting Street: S FISKE ST
Location of Work: SITE STARTS AT ABV INTER
MARK ENTIRE INTERSECTION AND ENTIRE ROW APX 50 FT EITHER SIDE OF ROUTE IN WHITE
PAINT ROW TO ROW GOING E APX 1010 FT AND THEN ALSO GOING S ON S RAY ST FROM E 31ST
AVE APX 220 FT FROM ABV SITE
Remarks: AREA MARKED IN WHITE PAINT
Map Coord NW Lat: 47.6264128
SE Lat: 47.6256652
County: SPOKANE
Address:
Lon: -117.3661524
Lon: -117.3616929



Communication with M&L

These communication issues have been mentioned to Avista and the Safety Committee by M&L:

Ticket No: 21516115	2 FULL BUSINESS DAYS
Original Call Date: 11/11/21 03:54 pm	
Work to Begin Date: 11/17/21 12:00 am	
Expiration Date: 12/26/21 04:00 pm	
TICKET ACTIONS	
CALLER INFORMATION	
Company Name: M&L CONSTRUCTION INC.	Type of Excavator: CONTRACTOR
Contact Name: SCOT HATTENBURG	Phone: 509-991-4129
Alt. Contact: SCOT H	Phone: 509-991-4129
	Fax Phone:
Caller Address: 4103 E DALKE AV 4111 E DALKE AVE SPOKANE, WA 99217	
Email Address: SCOT@MLNORTHWEST.COM	
DIG SITE INFORMATION	
Type of Work: INSTALL FIBER OPTIC MAINLINE	Directional Drilling: YES
Type(s) of Excavation Equipment: BACKHOE / TRACKHOE, BORING, BULLDOZER, DIRECTIONAL DRILLING, TRENCHER, VACUUM EQUIPMENT, UNKNOWN / OTHER	
Work Being Done For: KNIGHT COM	
DIG SITE LOCATION	
State: WA	County: SPOKANE
Place: DEER PARK	Address:
Street: N CEDAR RD	
Intersecting Street: W ENOCH RD	
Location of Work: FROM THE SE CORNER OF THE ABOVE INTERSECTION, LOCATE NORTH APPROX 7,000 FT CROSSING MONTGOMERY	NOTE LARGE PROJECT WILL TAKE 1 DAY NO PHASING
Remarks: AREA MARKED IN WHITE PAINT	
Map Coord NW Lat: 47.9901947	Lon: -117.4389978
SE Lat: 47.9733612	Lon: -117.4341912

NOTE LARGE PROJECT WILL TAKE 1 DAY NO PHASING

M&L communication with operators saying they will dig 7000ft in one day and not to ask for extended time for phasing. This led to a locating issue and dig law violation.

Avista/ELM has tried multiple ways to communicate with M&L. What reasonable manner and timeframe would the Safety Committee suggest Avista/ELM to communicate with M&L?

- ELM calls a foreman listed on the locate request for phasing, ticket extension, or dig area information.
 - Scot has an issue with this as he believes it is ELM's intention to not inform M&L upper management of locating issues or late responses.
- ELM reaches out to Scot directly.
 - Scot has multiple projects going at once so he can't know every ticket's dig area or what day each project is starting.
 - Scot has an issue with receiving emails, texts, calls or voicemails, sometimes later in the day, the day the ticket is due, informing him the ticket won't be completed by the request due date.
 - These communications are happening the moment Avista/ELM is aware. If we knew at 10am the ticket wouldn't be completed that day, we would complete it at 10am.
- If ELM calls Scot, he prefers an email for tracking.
- If ELM emails Scot, he prefers a phone call for immediate notification.
- ELM sends automatically generated emails notifying requestors of unlocatable facilities and Avista participates in positive response, a feature M&L utilizes.

RCW 19.122.030 Section 2 – Multiple Sites/Large Project

RCW 19.122.030 Excavator and facility operator duties before excavation. (1) (a) Unless exempted under RCW 19.122.031, before commencing any excavation, an excavator must mark the boundary of the excavation area with white paint applied on the ground of the worksite, then provide notice of the scheduled commencement of excavation to all facility operators through a one-number locator service.

(b) If boundary marking required by (a) of this subsection is infeasible, an excavator must communicate directly with affected facility operators to ensure that the boundary of the excavation area is accurately identified.

(2) An excavator must provide the notice required by subsection (1) of this section to a one-number locator service not less than two business days and not more than ten business days before the scheduled date for commencement of excavation, unless otherwise agreed by the excavator and facility operators. If an excavator intends to work at multiple sites or at a large project, the excavator must take reasonable steps to confer with facility operators to enable them to locate underground facilities reasonably in advance of the start of excavation for each phase of the work.

RCW 19.122.020 Definitions

(15) "Large project" means a project that exceeds seven hundred linear feet.