

M&L Construction vs Avista Corp
Case 22-002

On 11/11/21 M&L Construction submitted 2 locate ticket requests for the same project between Enoch and Montgomery along Cedar Road in Deer Park, Washington. The ticket requests were submitted several minutes apart, Ticket 21516115 at 3:57 pm and Ticket 21516121 at 4:00 pm, and included different descriptions which created confusion, see Exhibits B and C for copies of the tickets. Ticket 21516115 description of locate work states from the SE corner (of Cedar and Enoch) locate north 7000 feet. There is no SE corner as Cedar and Enoch is a T type intersection. Enoch does not go through on the east side. There is a gated driveway entrance and the 2" pipeline is south of the gated driveway, see Exhibit D, E and F. To add to the confusion, there were white flags along the west side of the road, see photos in Exhibit G.

The locator did not contact M&L for clarification because this same locator had an altercation with Scot Hattenburg on October 13th for Ticket 21460306, which was the first locate ticket M&L Construction called in for this same section of Cedar, between Enoch and Montgomery. M&L did not excavate on that ticket. See Exhibit H for copy of the locate ticket. The locator contacted Scot Hattenburg for clarification on the dig zone boundary on Ticket 21460306 and he failed to provide clarity, which the locator documented as shown in Exhibit I. M&L Construction then called in 2 more tickets for this same area as described in the above paragraph. The locator refreshed the marks from the original ticket (21460306) where the white marks started north of the street sign for Cedar and Enoch (even though the ticket called for crossing Enoch). See photo in Exhibit J showing where white marks started. The 2" pipeline that crossed Cedar was south of those white marks closer to the intersection and ran across Cedar south of the gated entrance on the east side of Cedar and then ran north within the fenced area to the buildings on the east side, see Exhibit K.

Exhibit A: Vicinity map of dig zone



Exhibit B – Copy of locate ticket 21516115

Washington Ticket#: 21516115 2 FULL BUSINESS DAYS
Send To: INLND02 Seq No: 20 Map Ref:

Transmit Date: 11/11/21 Time: 3:57 PM
Original Call Date: 11/11/21 Time: 3:54 PM Type: WEB
Work to Begin Date: 11/17/21 Time: 12:00 AM

Caller Information

Company : M&L CONSTRUCTION INC. Type : CONTRACTOR
Contact Name: SCOT HATTENBURG Phone: (509)991-4129
Alt. Contact: SCOT H Phone: (509)991-4129
Best Time : Fax :
Address : 4103 E DALKE AV 4111 E DALKE AVE; SPOKANE, WA 99217
Caller Email: SCOT@MLNORTHWEST.COM

Dig Site Information

Type of Work: INSTALL FIBER OPTIC MAINLINE
Work Being Done For: KNIGHT COM

Dig Site Location

County : SPOKANE State: WA
Place : DEER PARK
Address: Street: N CEDAR RD
Nearest 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
Type of Excavator: CONTRACTOR
Directional Drilling: YES
Type(s) of Excavation Equipment: BACKHOE / TRACKHOE, BORING, BULLDOZER,
: DIRECTIONAL DRILLING, TRENCHER, VACUUM EQUIPMENT, UNKNOWN / OTHER

Map Twp: 29N Rng: 42E Sect-Qtr: 36-NE,25-SE-NE,24-SE
Map Twp: 29N Rng: 43E Sect-Qtr: 31-NW,30-SW-NW,19-SW

Excavation Coordinates for # Polygons: 1
Poly 1: NW Lat: 47.990194 Lon: -117.438997 SE Lat: 47.973361 Lon: -117.434191

Exhibit C – Copy of locate ticket 21516121

Washington Ticket#: 21516121 2 FULL BUSINESS DAYS
Send To: AVDP101 Seq No: 13 Map Ref:

Transmit Date: 11/11/21 Time: 4:00 PM
Original Call Date: 11/11/21 Time: 3:57 PM Type: WEB
Work to Begin Date: 11/17/21 Time: 12:00 AM

Caller Information

Company : M&L CONSTRUCTION INC. Type : CONTRACTOR
Contact Name: SCOT HATTENBURG Phone: (509)991-4129
Alt. Contact: SCOT H Phone: (509)991-4129
Best Time : Fax :
Address : 4103 E DALKE AV 4111 E DALKE AVE; SPOKANE, WA 99217
Caller Email: SCOT@MLNORTHWEST.COM

Dig Site Information

Type of Work: INSTALL FIBER OPTIC MAINLINE
Work Being Done For: KNIGHT COM

Dig Site Location

County : SPOKANE State: WA
Place : DEER PARK
Address: Street: N CEDAR RD
Nearest Intersecting Street: ENOCH RD

Location of Work: PLEASE LOCATE ON THE EAST SIDE OF CEDAR RD FROM ENOCH NORTH
: CROSSING MONTGOMERY
Remarks: AREA MARKED IN WHITE PAINT
Type of Excavator: CONTRACTOR
Directional Drilling: YES
Type(s) of Excavation Equipment: DIRECTIONAL DRILLING, TRENCHER

Map Twp: 29N Rng: 42E Sect-Qtr: 36-NE,25-SE-NE,24-SE
Map Twp: 29N Rng: 43E Sect-Qtr: 31-NW,30-SW-NW,19-SW

Excavation Coordinates for # Polygons: 1
Poly 1: NW Lat: 47.990022 Lon: -117.437839 SE Lat: 47.973476 Lon: -117.435178

Exhibit D – Photo showing the intersection of Cedar and Enoch looking south. No white marks visible in photos.



Ticket: 21516115.0 Timestamp:11/15/2021 3:16:39 PM

Exhibit E – Photo showing the gated driveway on the east side looking from the northwest corner. The yellow line shown in the blue circle is where the 2” gas line crosses Cedar.



Ticket: 21516115.0 Timestamp:11/15/2021 3:16:48 PM

Exhibit F – Photo of map showing 2” pipeline that crosses Cedar at Enoch.



Exhibit G - White flags all over the west side of the road.



Ticket: 21516115.0 Timestamp:11/15/2021 2:55:43 PM

Export

TicketNumber	Rev	TicketType	StreetAddress	City	State	CompanyName	WorkDoneFor	At	Re
21516115	0	Regular Notice	N CEDAR RD	DEER PARK	WA	M&L CONSTRUCTION INC.	KNIGHT COM		

Change page: 1 | Displaying page 1

Ticket Messages Pictures Map

[Previous Pictures](#) 193-204 of 586 pictures
 Timestamps on pictures are in local timezone.
 [Next Pictures](#)

Exhibit H – Copy of first ticket 21460306 on Cedar between Enoch and Montgomery

Washington Ticket#: 21460306 2 FULL BUSINESS DAYS
Send To: INLND02 Seq No: 44 Map Ref:

Transmit Date: 10/05/21 Time: 4:57 PM
Original Call Date: 10/05/21 Time: 4:48 PM Type: WEB
Work to Begin Date: 10/08/21 Time: 12:00 AM

Caller Information

Company : M & L CONSTRUCTION Type : CONTRACTOR
Contact Name: SCOT HATTENBURG Phone: (509)474-0427
Alt. Contact: CARDEL Phone: (509)818-5455
Best Time : Fax :
Address : 4103 E DALKE AV 4111 E DALKE AVE; SPOKANE, WA 99217
Caller Email: SCOT@MANDLCONSTRUCTION.NET

Dig Site Information

Type of Work: INSTALL POWER AND FIBER CONDUIT
Work Being Done For: INLAND POWER AND LIGHT

Dig Site Location

County : SPOKANE State: WA
Place : DEER PARK
Address: Street: N CEDAR RD
Nearest Intersecting Street: W MONTGOMERY

Location of Work: STARTING AT THE INTERSECTION OF CEDAR AND MONTGOMERY ON THE
: NORTH SIDE OF MONTGOMERY CROSSING THE INTERSECTION GOING DOWN CEDAR ON THE
: WEST SIDE OF THE STREET FOR 5000 FEET TO ENOCH RD AND CROSSING ENOCH RD.
: LOCATE BOTH SIDES OF STREET
Remarks: AREA MARKED IN WHITE PAINT
Type of Excavator: CONTRACTOR
Directional Drilling: NO
Type(s) of Excavation Equipment: BACKHOE / TRACKHOE, TRENCHER

Map Twp: 29N Rng: 42E Sect-Qtr: 36-NE,25-SE-NE,24-SE
Map Twp: 29N Rng: 43E Sect-Qtr: 31-NW,30-SW-NW,19-SW

Excavation Coordinates for # Polygons: 1
Poly 1: NW Lat: 47.989349 Lon: -117.437592 SE Lat: 47.973858 Lon: -117.435991

Exhibit I – Locator’s comments when they requested clarification from Scot on the dig zone.

Comments: AVISTA-E - 10/7 c voelker; AVISTA-G - Need more time to complete.; INLAND - Located single phase electric from pole dip. Need dig area clarification.; AVISTA-E - 10/8 c voelker IPL is completed for this ticket. Did not start Avista today. Talked with Scot and he says they are not ready to start for a while. He said he wants it done by Wednesday Oct 13. Scot wants right of way to right of way. He says that the right of way is 300' W of the edge of the W side of the road. Scott's number is 509-991-4129.; AVISTA-G - Needs to be done by Wednesday.; INLAND - Located single phase electric for 36213 and 36423 from Jbox to out of the dig area. Located single phase electric from Jbox to pole dip. 99% of the electric was behind the fences but Scot said that the right of way is 300' W of the edge of the road, so it needed to be located.; AVISTA-E - Ash10.13 spoke with Scott. Asked him about the right of way numbers he gave Chuck of 300'. He said it was actually 60-100'. I told him I called Spokane County in reference to cedar street between Enoch & Montgomery to find out what the ROW is. Branden told me it was 60' total- 30' from cl east & west. I told this to scott- his response was "that's not true, it's much bigger than that". I then asked him what he needs marked since our definition of ROW was so different. He said he didn't know where he is digging or when, neither does his engineer. I explained to him that the 4sided arrows he put on the road edge are to vague, to us that arrow with no end point and no written direction in the ticket could mean around the world to make a circle back to the other arrow end. He then said just mark all the houses from the house to the street. I told him his ticket said 5k feet on cedar on both sides of street, but there was no white paint marking east&west boundaries. I told him that we need clear starting & stopping points for a project like this to be able to manage our time. I also said that if he's not digging in the yards of the properties then that will not be located, since ROW doesn't include that. He said- "since you said that you won't locate every house from house to road, I'm not going to work with you, I want it all located because what if I hit a service?" I asked him if he knew where he'll be starting at and he said he didn't know. The ticket and conversation with Scott was extremely vague and did not clarify anything. He wants everything within eyesight located just in case he decides to dig outside of his description and hits something that he doesn't want to take responsibility for. He is very difficult to work with and is unwilling to compromise or listen to facts that counteract his scatterbrain plans. Projecting this ticket until Friday.ryan said he spoke with inland & avista and m&l doesn't have any jobs on their roster now with them, but this project was only suppose to cover ROW to ROW.; INLAND - Ash10.13 chuck already located electric; Ticket Moved From DLS 2824276 to DLS 2824277 On 10/14/2021 by Proszek, Tyler P AVISTA-E - Located all ele from 35635 north to last JE at 36117, including primaries toward transformers through row (roughly 100ft) Tp; AVISTA-G - Located all gas main and services along the ele. TP;

Exhibit J – M&L white marks started north of the street sign of Cedar and Enoch.



Ticket: 21460306.0 Timestamp:10/14/2021 8:54:11 AM