

Case 23-086: M&L vs Avista. 6315 E Rutter Ave Spokane Valley WA

Locate ticket 23296307 was called in on 7/26/23 and completed by ELM on 7/28/23. M&L white lined the dig area from N Dora Rd, west for 1100ft. Their white marks stopped approximately 130ft east of the abandoned gas line referenced in the complaint. It is worth noting, the OCC polygon continued west past the ending white lines for over 300 ft.

Regarding ticket 23316674, the correct ticket for the complaint submitted by M&L, an Avista Inspector received a call from M&L stating that they (the crew on site) found an unmarked gas line. The Avista Inspector called ELM to inform them of the situation and to get the fastest response possible for M&L. ELM arrived on site and explained to the M&L crew that there was an abandoned line in the area but due to safety reasons, ELM cannot say whether a line is abandoned or not. An abandoned line is only confirmed by qualified Avista personnel. In an effort to help the crew on site, the ELM tech searched for an electronic marker ball to help identify where the line may have been cut off. The ELM tech found a marker ball between the pot-holed line and the gas main but there is no evidence that the marker ball is indicating the end of an active gas line, an old valve location, a transition in material, or a fitting location, all of which may have a marker ball to indicate their presence.

ELM, as an agent of Avista, went to the site to assist M&L's crew when asked. ELM and Avista efforts were done to ensure M&L crew safety. Its unfortunate that M&L would try to use our actions to help their crew to file a complaint against Avista despite there being no evidence we missed an active gas line or any damage occurred. Regarding the claims that Avista will not allow M&L to voice safety concerns, this is completely false. M&L Construction management has been instructed to communicate with Avista on safety matters that may cause imminent danger at the time of the issue. When M&L is going to communicate an alleged locating issue from work completed and no imminent danger is present, they have been instructed to send it to Avista's legal counsel due to the pending lawsuit initiated by M&L Construction. M&L knows this is the case and continues the untrue narrative of Avista not allowing M&L to communicate safety issues. Avista inspectors and ELM field personnel are regularly in communication with M&L concerning utility locates Avista facility coordination.