

WA Complaint 18-074
M&L vs Avista Corp – South Loon Lake Rd
Avista Supporting Documentation
October 31, 2018

The complaint refers to an alleged violation date of 8/7/18 and damage to Avista's primary line. Avista has no record of any damage that occurred on that date in regard to locate ticket #18295245 nor any other locate ticket by M&L. Avista also cannot determine what "bill for damage" that M&L references in their complaint. Avista does not have an employee named Brian Shaw. Avista contacted Jon Cornelius for clarifying information in the complaint or a resubmittal of the complaint with correct information. A clarification came back that the alleged violation date was actually on 7/25/18.

SUMMARY INFORMATION:

On July 13, 2018 Avista's contract locator located the electric primary beginning at the pole at 42994 S. Loon Lake Rd as described in locate ticket #18295245, **Attachment A**, and proceeded to locate the primary to the southeast. This locate was done in accordance with the notice of the scheduled commencement of excavation M&L gave to all owners of underground facilities as required by RCW 19.122.030.1. That notice specifically stated: "Beginning on south side of S Loon Lake Rd. at pole located at above address east...." Avista properly and correctly located its underground service facilities beginning at the pole located at 42994 S. Loon Lake Rd., and proceeding east.

M&L failed to give notice to the owner's of underground facilities of any excavation west of the pole located at 42994 S. Loon Lake Rd., as required by RCW 19.122.030.1. RCW 19.122.020.13 provides: "'Notice' or 'notify' means contact in person or by telephone or other electronic methods that results in the receipt of a valid excavation confirmation code." The term "notice" used in RCW 19.13.030.1 does not include white marks placed on the ground, especially when those white marks expand beyond the "notice" provided pursuant to 19.13.030.1.

Avista's contract locator did not see white marks west of the pole at 42994 S. Loon Lake Rd. See **Attachment B**, picture of beginning of locate marks at pole as described in the locate ticket (also note, there are actually 2 poles located in front of this property).

On July 25, 2018 M&L Construction damaged Avista's electric primary west of the pole located at 42994 S. Loon Lake Road, **Attachment C**.

Attachment A: M&L Locate Ticket for 42994 S. Loon Lake Rd

Washington One Call

Ticket No: 18295245
Original Call Date: 07/11/18 08:23 am
Work to Begin Date: 07/14/18 12:00 am
Expiration Date: 08/25/18 08:30 am

2 FULL BUSINESS DAYS

TICKET ACTIONS

CALLER INFORMATION

Company Name: M AND L CONSTRUCTION INC.
Contact Name: SCOT HATTENBURG
Alt. Contact: RAY- CELL
Phone: 509-991-4129
Phone: 509-939-8942
Fax Phone: 509-482-1764
Caller Address: 4103 E DALKE AVE SPOKANE,WA 99217
Email Address: SCOT@MANDLCONSTRUCTION.NET

DIG SITE INFORMATION

Type of Work: INSTALL FIBER OPTIC CABLE
Work Being Done For: SPECTRUM FIBER

DIG SITE LOCATION

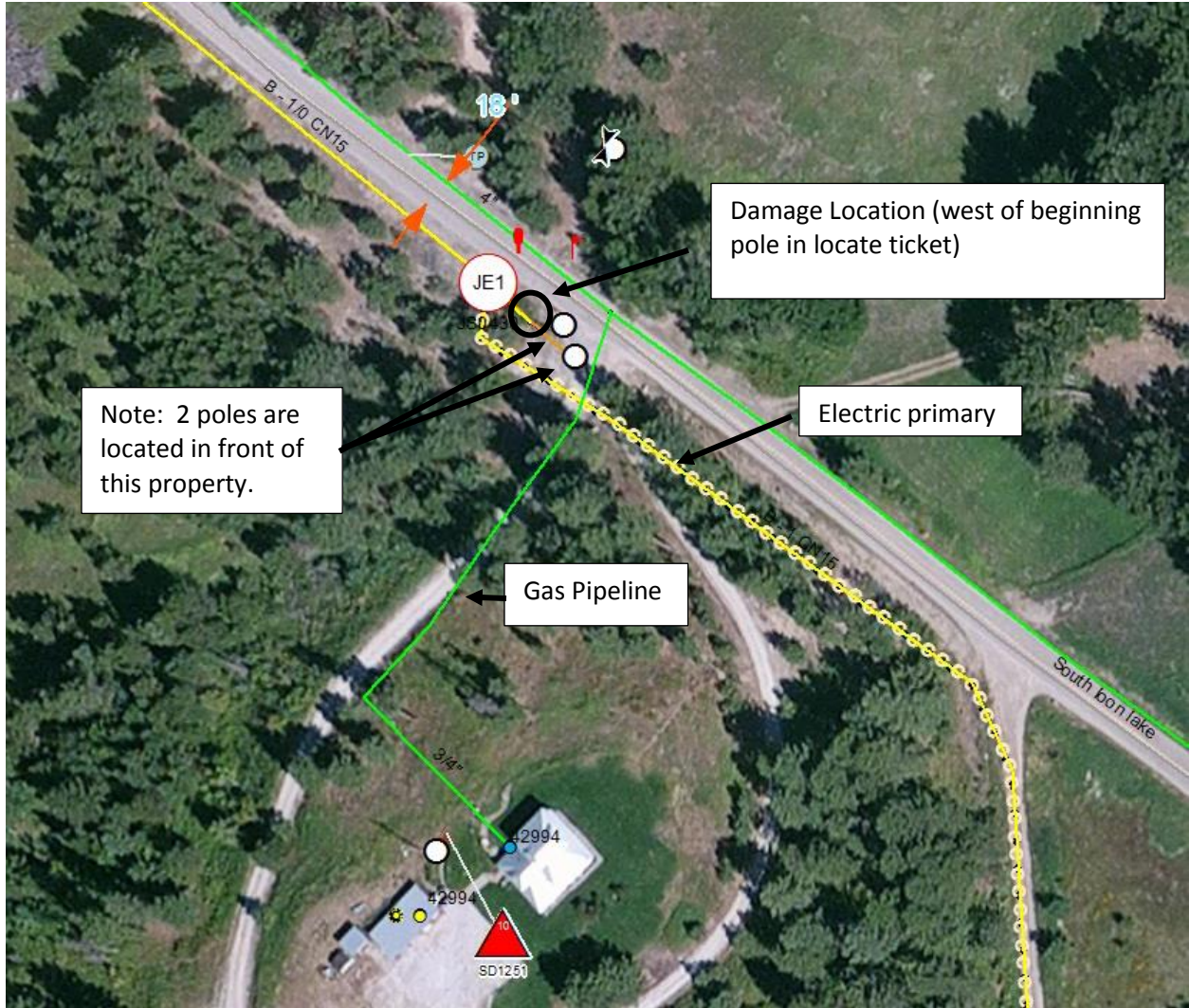
State: WA
Place: LOON LAKE
Street: S LOON LAKE RD
Intersecting Street: ROBERT RD
Location of Work: BEGINNING ON SOUTH SIDE OF S LOON LAKE AT POLE LOCATED AT ABOVE ADDRESS EAST THEN AT SILVER BEACH RD TURN RIGHT ON DIRT TRAIL UP HILL THEN UP AND OVER THE HILL TO POLE AT SOUTH SIDE OF THE SILVER BEACH RD... LARGE PROJECT CALL FOR PHASING
Remarks: AREA MARKED IN WHITE
Map Coord NW Lat: 48.0434669
SE Lat: 48.0401959
County: STEVENS
Address: 42994
Lon: -117.6415783
Lon: -117.6292616

MEMBERS NOTIFIED

| District | Company Name | Marking Concerns | Customer Service | Repair | Status | Status History |
|----------|-----------------------------|------------------|------------------|--------------|------------------|----------------|
| AVDP101 | AVISTA | 888-728-9343 | 800-227-9187 | 800-227-9187 | Marked, Complete | |
| AVDP201 | AVISTA | 888-728-9343 | 800-227-9187 | 800-227-9187 | Marked, Complete | |
| CHTWA02 | CHARTER COMMUNICATIONS | 800-778-9140 | 855-248-7822 | 855-248-7822 | Does not report | |
| INLND02 | INLAND POWER & LIGHT | 800-778-9140 | 509-747-7151 | 877-668-8243 | Does not report | |
| LOON01 | LOON LAKE SEWER DISTRICT #4 | 509-233-8132 | 509-233-8132 | 509-233-8132 | Does not report | |
| QLNWA27 | CTLQL-CENTURYLINK | 800-778-9140 | 800-283-4237 | 800-573-1311 | Does not report | |
| STEVE01 | PUD #1 OF STEVENS COUNTY | 509-233-2534 | 509-233-2534 | 509-233-2534 | Does not report | |
| TCB1 | CHARTER COMMUNICATIONS | 800-778-9140 | 866-731-5420 | 866-731-5420 | Does not report | |



Attachment B: Vicinity map and location of damage at 42994 S. Loon Lake Rd, note that there are 2 poles in front of this property. Locator located both gas and electric



Attachment C: Picture of electric locate marks at pole located at 42994 S Loon Lake Road and marks going east.



Ticket: 18295245.0 Timestamp: 7/13/2018 9:25:59 AM

2149507.42117948

Attachment D: Pictures of damage location showing the pole and the date of the damage

