



# City of Norman, OK

Municipal Building Council  
Chambers  
201 West Gray Street  
Norman, OK 73069

## Text File

File Number: SC-1213-2

**Introduced:** 7/10/2012

**Current Status:** ATS Review

**Version:** 1

**Matter Type:** Special Claim

Title

SPECIAL CLAIM NO. SC-1213-2: A CLAIM IN THE AMOUNT OF \$7,504.38 SUBMITTED BY SOUTHWESTERN BELL TELEPHONE COMPANY D/B/A AT&T OKLAHOMA FOR DAMAGES INCURRED TO A FIBER OPTIC CABLE AT 36TH AVENUE N.W. AND STERLING STREET N.W. DURING A DRAINAGE MAINTENANCE PROJECT.

**ACTION NEEDED:** Motion to approve or reject Special Claim No. SC-1213-2; and, if approved, direct payment in the amount of \$7,504.38 contingent upon obtaining a Release and Covenant Not to Sue from Southwestern Bell Telephone Company d/b/a AT&T Oklahoma.

**ACTION TAKEN:** \_\_\_\_\_

Body

**BACKGROUND:** A claim has been filed by Southwestern Bell Telephone Company d/b/a AT&T Oklahoma for damages incurred to a fiber optic cable on October 19, 2011 in the amount of \$7,504.38. AT&T alleges that City employees were installing a tin horn at 36th Avenue NW and Sterling Street when this damage occurred.

**DISCUSSION:** This incident was investigated by Greg Hall, Street Superintendent. According to his investigation, the Storm Water Drainage Maintenance crew was performing an excavation to install a new tin horn at the time and location mentioned in AT&T's claim. Interviews with the crew determined that hand digging was being performed to locate all of the underground utilities at the site. After hand digging, the backhoe operator would then remove material to that point. In this instance, the cable was damaged when the operator excavated six inches beyond the area exposed by the hand digging. All locates had been called in and the line was properly located.

As indicated above, there appears to be possible negligence on the part of the City in this matter and, consequently, potential liability on the City. The amount claimed by A T & T appears to be reasonable.

**RECOMMENDATION:** Based upon the above and foregoing, it is the recommendation of the City Attorney's Office that the claim by AT&T for damage to their fiber optic cable at 36th Avenue NW and Sterling Street in the amount of \$7,504.38, as above set forth, be approved.