1 [Settlement of Unlitigated Claim - Pacific Gas and Electric Company - City to Receive
2 $2,200,000]

3 **Resolution approving settlement of the unlitigated claim in favor of the City and County**

4 **of San Francisco against Pacific Gas and Electric Company for $2,200,000.**

5

6   WHEREAS, Pacific Gas and Electric Company ("PG&E") has agreed to the settlement

7 of an unlitigated claim by the City and County of San Francisco ("City") against PG&E, calling

8 for PG&E's payment of $2,200,000 to the City; and

9   WHEREAS, This unlitigated claim involves PG&E's failure timely to identify and

10 relocate underground facilities that conflicted with the San Francisco Public Utilities

11 Commission's North Shore to Channel Force Main Improvement Project ("Spear Street and

12 Market Plaza conflicts"); and

13   WHEREAS, PG&E has agreed to the settlement in exchange for the City's full and final

14 release of all claims arising from the Spear Street and Market Plaza conflicts; and

15   WHEREAS, Separate and apart from this settlement, the City is also litigating other

16 North Shore conflict issues, which litigated claims are not addressed by this Resolution; and

17   WHEREAS, PG&E and the City agree that each should bear its own costs and fees;

18 and

19   WHEREAS, The San Francisco Public Utilities Commission recommends the

20 settlement; now, therefore, be it

21   RESOLVED, That pursuant to Administrative Code Section 10.24, the Board of

22 Supervisors hereby authorizes the City Attorney to settle and compromise the claim by

23 PG&E's payment to the City of $2,200,000.

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APPROVED: RECOMMENDED:

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DENNIS J. HERRERA   SAN FRANCISCO PUBLIC UTILITIES
City Attorney   COMMISSION

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4   _____   _____

5   ELAINE O'NEIL   HARLAN L. KELLY, JR.
    Deputy City Attorney   General Manager of the San Francisco Public

6   Construction and Public Contracting Team Utilities Commission
    Leader

7   APPROVED:

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10   _____
                                             DONNA HOOD
11   Commission Secretary

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