



August 31, 2021

Landmark Installations HDD, LLC  
Attn : Jonathan Gardner  
4516 S 700 E  
Murray City, UT 84107

Re: Program: Tokio Marine HCC - Public Risk Group  
Grundy Utilities Program  
Our Insured: Taylorsville-Bennion Improvement District  
Date of loss: July 16, 2021  
Our Claim No: 1458680

Dear Mr. Gardner:

Tokio Marine HCC - Public Risk Group administers insurance claims on behalf of Philadelphia Insurance Company for the Grundy Utilities Program through which Taylorsville-Bennion Improvement District is insured. We received your claim alleging property damage occurred while you were under operations to bore and place conduit for google fiber at the location of 4200 S Redwood Road Taylorsville, UT 84123.

Our investigation of this claim did not find liability on behalf of Taylorsville-Bennion Improvement District or its employees. Our investigation determined that Taylorsville-Bennion Improvement District followed proper procedures while marking the underground water line. Taylorsville-Bennion Improvement District had indicated the existing active line and are not required to mark any abandoned lines. Our investigation shows that Landmark, did not properly inspect the depth of the active water line before they started to bore into the ground. Landmark located the water line at 52" at their initial pothole, but they moved away from the pothole to bore. When they moved away from the pothole, they should have properly inspected the active water line again to see if the depths have changed. The abandoned water line did not connect nor was it on top/bottom/side of the active water line. Those 2 lines did not touch at all, so any allegation that there should have been a double mark is incorrect. Landmark did not notice any asphalt coming out of the ground while they were digging and only noticed asphalt after the incident. This allegation does not hold any proof that it was left there when the active line was installed by Taylorsville-Bennion Improvement District. It feasible that asphalt had fallen into the hole as it was being dug out after Landmark caused the water damage.

In the absence of liability on behalf of Taylorsville-Bennion Improvement District, Tokio Marine HCC - Public Risk Group will be unable to consider your claims.

In communicating this position on behalf of the insured, Tokio Marine HCC - Public Risk Group and Philadelphia Indemnity Insurance do not waive and shall not be estopped from asserting additional defenses or further supporting its position on behalf of the insured.

Sincerely,

Aaron A. Adams  
Senior Claims Adjuster  
Phone: 248-371-3139  
Email: aadams2@tmhcc.com

cc: Taylorsville-Bennion Improvement District (via email)