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DR. FERNANDO CAMPOS
EXECUTIVE OFFICER

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February 7, 2023

"REVISED"

BPW-2023-0061

The Honorable City Council
Room No. 395
City Hall

**UTILITY PERMIT U-2181-1387 REFUND – REFERENCE NO. – 3598 – 21001
W. KITTRIDGE STREET**

As recommended in the accompanying report of the City Engineer, which this Board has adopted, the Board of Public Works recommends that the City Council:

1. APPROVE Claim for Refund Reference No. 3598 for Utility Permit No. U-2181-1387, in the amount of \$59,238.22, and refunded to the Claimant, Time Warner Cable, North.

Fiscal Impact:

Funds for Claim for Refund in the amount of \$59,238.22 for the Claimant.

Sincerely,

DR. FERNANDO CAMPOS,
Executive Officer, Board of Public Works

FC:lc



Department of Public Works

Bureau of Engineering
Report No. 1

February 3, 2023
CD No. 3

ADOPTED BY THE BOARD
PUBLIC WORKS OF THE CITY
of Los Angeles California

FEB 03 2023

REFERRED TO CITY COUNCIL

[Signature]
Executive Officer
Board of Public Works

21001 W. KITTRIDGE STREET - CLAIM FOR REFUND REFERENCE NO. 3598 FOR UTILITY PERMIT U-2181-1387

RECOMMENDING THE BOARD OF PUBLIC WORKS :

REVIEW and FORWARD this report to the City Council with the recommendation that Claim for Refund Reference No. 3598 for Utility Permit No. U-2181-1387, in the amount of \$59,238.22, be approved and refunded to the Claimant, Time Warner Cable, TWC_NORTH.

TRANSMITTALS

1. Utility Permit No. U-2181-1387, issued May 27, 2021 to Time Warner Cable, TWC_NORTH.
2. Invoice No. UP210001152, including billing for Utility Permit No. U-2181-1387.
3. Copy of Check No. 80335516, dated July 16, 2021, used for payment of the invoice.
4. Claim for Refund Reference No. 3598, filed with the Bureau of Engineering (BOE).
5. Claim for Refund No. 161950, dated April 29, 2022, filed with the City Clerk's Office.
6. Email from Office of Accounting approving the refund to Time Warner Cable, TWC_NORTH.
7. Memorandum No. 21-017 - Controller Adjusting Department Head Refund Authority.

DISCUSSION

On July 16, 2021, Charter Communications, on behalf of Time Warner Cable, TWC_NORTH, paid \$60,298.17 for several utility permits for work within the City of Los Angeles, including fees associated with Utility Permit No. U-2181-1387 (Transmittal No. 1). The billing invoice and a copy of the deposited check are provided (Transmittal Nos. 2 and 3).

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After the permit was issued, the customer withdrew the request for service prior to commencing construction. On September 1, 2021, Time Warner Cable, the permittee, filed a Claim for Refund, Reference No. 3598 with the BOE (Transmittal No. 4) and a Claim for Refund No. 161950 with the City Clerk's Office per Los Angeles Municipal Code (LAMC) Section 22.12 (Transmittal No. 5).

The cost of the permit was \$59,470.97. The refundable amount on this permit is \$59,238.22 which constitutes the Street Damage Restoration Fees (SDRF) and Inspection fees [\$57,604.72 + (\$1,485.00 + 3 and 7 percent surcharges)]. The permit fee and the SDRF administration fees totaling \$232.75 [(\$191 + \$18.50 + 3 and 7 percent surcharges) + \$2.30] are not refundable.

The Office of Accounting concurred that the refund may be directed to Time Warner Cable, the Permittee (Transmittal No. 6).

LAMC Section 22.13 sets the head of department refund authority of \$55,461 [Transmittal No. 7, Memorandum No. 21-017, adjusts the amount as authorized per LAMC Section 22.13(e)]. The refund exceeds this amount; therefore, it must be approved by the City Council, per LAMC Sections 22.12 and 22.13.

Per the LAMC Section 62.115, upon expiration or cancellation of any Class "A" permit, the BOE shall refund to the permittee fees paid after deduction of all charges applicable to work completed pursuant to the permit. The permit was canceled, and no construction work was completed; therefore, the BOE recommends that the claim for refund be approved for the amount of \$59,238.22.

STATUS OF FUNDING

Funds for Claim for Refund in the amount of \$59,238.22 for the Claimant, Time Warner Cable, TWC_NORTH are available as follows:

Fund No.	Department No.	Department Revenue Source	Amount
41A	50	428601	\$57,604.72
100	74	434000	\$ 27.77
100	76	422901	\$ 1,457.23
58V	08	465903	\$ 44.55
568	50	435601	\$ 103.95

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(TA RK BM)

Report reviewed by:

BOE (ADM)

Report prepared by:

Valley District

Shaun Yepremian, PE
District Engineer
Phone No. (818) 374-4600

Respectfully submitted,



Ted Allen, PE
City Engineer

Statement as to funds approved by:



Miguel De La Peña, Director
Office of Accounting

Fund Ref. 41A/50/DRS428601/\$57,604.72
100/74/DRS434000/\$27.77
100/76/DRS422901/\$1,457.23
58V/08/DRS465903/\$44.55
568/50/DRS435601/\$103.95

Date: 1/17/2023

SY/MM/08-2022-0102.VAL.lk

Questions regarding this report
may be referred to:
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