

REPORT REGARDING
COST ESTIMATION OF REPLACEMENT TRANSFORMERS
FOR A 2000 AMP 240 VOLT THREE PHASE SERVICE

SUBJECT LOCATION: 3401 WEST PACIFIC AVE., BURBANK, CALIFORNIA

SUBMITTED TO: HAKOP STEPANYAN, ESQ.
DYKEMA GOSSETT PLLC
333 SOUTH GRAND AVENUE, SUITE 2100
LOS ANGELES, CALIFORNIA 90071
213-457-1774 DIRECT

PERTAINING TO: CRAIG HANRIOT, et al.;
Claimants
v.

NASMYTH TMF, INC., et al.;
Respondents

CASE NO.: 01-17-0005-0194
AMERICAN ARBITRATION ASSOCIATION
LOS ANGELES
The Honorable Louise LaMothe

PREPARED BY: JOSEPH PERRY, P.E.
JOSEPH PERRY P.E., LLC
PO BOX 141
PENNGROVE, CA 94951

Report Dated: May 10, 2019

This report was prepared by the undersigned:

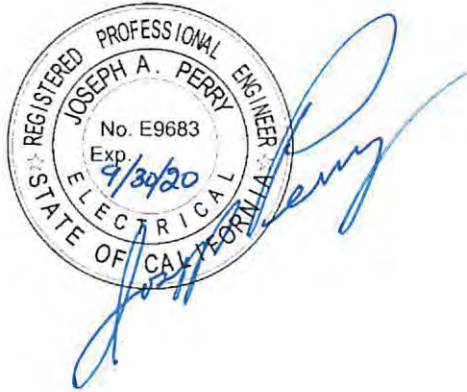


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INTRODUCTION:

After a building fire destroyed the electrical system of 3401 West Pacific Avenue the two electrical services were removed, only one 400 amp, 120/240 volt, single phase, service was replaced. The other 2000 amp, 240 volt, three phase, service was not replaced. The building owner paid a fee of \$8,296.88 to Burbank Water & Power (BWP) to reconnect the existing single transformer to the single phase service, provide and test an electric meter, and remove the three existing transformers for the damaged three phase service.

SCOPE OF INVESTIGATION:

I was tasked with determining what the cost would be to reconnect utility power to the new 2000 amp, 240 volt three phase service had the owner elected to replace the damaged service.

My investigation consisted of the following tasks:

- a. I visited the site on May 2, 2019, and was met by with the building owner Craig Harriot, I went onto the roof, looked down into the fenced and secured utility yard that protects the high voltage (HV) (12,000 volts) wiring and transformer(s) from public access. I took pictures (Exhibit A) of this area, by the outline stains it was evident that four transformers had previously been installed on the concrete pad.
- b. While onsite I took pictures (Exhibits B & C) through the fenced gate of the single phase transformer, HV cable, HV parking stand, and the HV wire going into underground conduit.
- c. While onsite I took pictures inside the building of the 400 amp, 120/240 volt, single phase, service, and three distribution panels for future reference, even though these items are not currently in question. No exhibit was created.
- d. I read the Clients Statement of Claimed Damages.
- e. I read the Amended Terms of Reference.
- f. I read the BWP produced documents stamped BURBANK000001 through BURBANK000147.
- g. I read the deposition transcript of Riad Sleiman (BWP Responsible Electrical Engineer) dated May 2, 2019 and examined the deposition's exhibits 01 through 08.
- h. I read the Claimants' Responses to RESPONDENTS' SPECIAL INTERROGATORIES, SET TWO.

Description of Exhibits:

- Exhibit A:
Picture from roof into the fenced and secured utility yard.
- Exhibit B:
Picture through the fenced gate of the single phase transformer, HV cable, HV parking stand, and the HV wire going into underground conduit.
- Exhibit C:
Picture through the fenced gate of the single phase transformer, HV cable, HV parking stand, and the HV wire going into underground conduit.
- Exhibit D:
Property Owner, Craig Hanriot on Dec 3, 2015 sends an email to Scott Anderson (BWP).
- Exhibit E:
BWP Electrical Engineer, Scott Anderson on November 13, 2018 sends an email response to questions from Damion Robinson.
- Exhibit F:
BWP Document RULES AND REGULATIONS GOVERNING ELECTRIC SERVICE, item 2.01 (j)
- Exhibit G:
BWP Electrical Engineer, Scott Anderson confirms in an email to his supervisor Riad Sleiman, that WAM # 1702838-01-04 (400 amp service single phase service) is complete and that the actual AIC Charges have been itemized.
- Exhibit H
BWP Electrical Crew group email discussing the existing high voltage (HV) cable, neutrals, parking stands and customers future electrical growth.
- Exhibit I
BWP production document Nasmyth Burbank Contract Reconciliation Document.
- Exhibit J
Claimants Statement of Claimed Damages.
- Exhibit K
Claimants Responses to Respondents' Special Interrogatories, Set Two.

Conclusions and Opinions:

- Exhibit D:
Property Owner, Craig Hanriot on Dec 3, 2015 confirms in an email to Scott Anderson (BWP) that “The various engineers that are working on this project have told me that the service that has been used at the property is 2000 amps 240 volts 3-phase, 3-wires and the second is 400amps 120 / 240v. 1-phase, 3-wires. After speaking with all of the people that needed to decide on this it was agreed that the service and transformers that have been used in the past will be adequate for the future needs of the operation.”

This statement by Mr. Hanriot confirms to BWP that the three existing transformers are large enough for future needs.

Opinion 1: There is no need to change the three existing transformers should the new 2000 amp 240 volt, three phase, service be installed.

- Exhibit E: first conclusion
BWP Electrical Engineer, Scott Anderson on November 13, 2018 responds in an email to Damion Robinson’s questions that “the existing (3) 75 KVA customer station transformers could handle the new tenants load.”

Opinion 2: BWP Electrical Engineer states the (3) 75 KVA customer station transformers could handle the new tenants load. Replacement of the three transformers that would serve the new 2000 amp 240 volt, three phase, service is not required.

Note: Three existing single transformers (TUBS) together are electrically equivalent to a 225 KVA pad mount (single enclosure) transformer.

- Exhibit E: second conclusion
BWP Electrical Engineer, Scott Anderson on November 13, 2018 responds in an email to Damion Robinson’s questions that replacing the 2000 amp service with a load schedule that showed that the existing (3) 75 kVA customer station transformers could handle the new tenants load would have been for the bussing to be inspected and or replaced by the customer and the cables from the transformers to the bussing replaced by BWP and new metering installed. Engineering, line crew and electrical equipment support costs would be included in this scenario.

Opinion 3: No Primary high voltage cable or conduit would have to be replaced. This minimizes the cost from BWP to reconnect the EXISTING transformers to the new 2000 amp 240 volt, three phase, service.

- Exhibit E: third conclusion
BWP Electrical Engineer, Scott Anderson on November 13, 2018 responds in an email to Damion Robinson’s questions that no load schedule provided or of a load schedule provided that required the customer station transformers to be upgraded would have been for the bussing to be inspected and or replaced by the customer and the cables from the transformers to the bussing replaced by BWP, the (3) existing transformers removed and replaced by BWP and new metering installed. Engineering, line crew and electrical equipment support costs would be included in this scenario.

Opinion 4: Primary high voltage cable or conduit would not have to be replaced. This minimizes the cost from BWP to reconnect the NEW transformers to the new 2000 amp 240 volt, three phase, service.

- Exhibit F: first conclusion
BWP Document RULES AND REGULATIONS GOVERNING ELECTRIC SERVICE, item 2.01 (j) States that these Rules and Regulations are “guidelines” and that “Below 750KW Load, BWP requires on-site transformation for all new three-phase services above 200A”.

Opinion 5: The Rules and Regulations do not state Pad Mount transformers are required but that on-site transformation is required.

Opinion 6: Pole mounted transformers with the secondary wires run down the pole or overhead secondary services are not allowed to be installed for three phase services in excess of 200 amps.

Opinion 7: On-site transformation can be achieved with three TUBS or three separate transformers that could be mounted on a pole, but could instead be mounted on a concrete pad (like the original installation, see exhibit B) or a rectangular -all in one- enclosed pad mounted transformer could be used, either type of transformer arrangement is allowed by BWP.

- Exhibit F: second conclusion
BWP Document RULES AND REGULATIONS GOVERNING ELECTRIC SERVICE, item 2.01 (j) States “750 KW – 3 MW Any service above 750 KW requires a pad mount switch. BWP requires two pad mount transformers.”

Opinion 8: The proposed 2000 amp rated service with the maximum allowed loading of 80 % has a full load capacity of 1600 amps, at 240 volts, three phase, is rated at 665 KVA. The load of 665 KVA can be supplied by three 225 KVA TUBS.

Opinion 9: 665 KVA is less than 750 KVA, hence the BWP requirements of this paragraph do not apply to a new 2000 amp service.

- Exhibit G:
BWP Electrical Engineer, Scott Anderson confirms in an email to his supervisor Riad Sleiman, that WAM # 1702838-01-04 (400 amp service single phase service) is complete regarding the disconnect and reconnect of power and customer station work at 3401 Pacific. WAM Tasks 01, 02, 03, &. 04 have been set to "finished".

The (Actual AIC) charges are as follows:

Details	
Engineering	\$ 667.77
L &E Labor	\$ 5,966.57
Materials	\$ 457.60
Metering	\$ 530.00
Test Shop Labor	\$ 545.82
Equipment	\$ 129.12
Total	\$ 8,296.88

Opinion 10: The above actual BWP Aid In Construction (AIC) charges were for a single phase transformer installation. A generous estimate of the actual BWP Aid In Construction (AIC) charges for a three phase installation would be three times higher for the three transformers to serve the new 2000 amp 240 volt, three phase, service than one transformer serving a single phase service.

The BWP AIC cost would then be estimated at $3 \times \$8,296.88 = \$24,890.64$.

- **Exhibit H**

BWP Electrical Crew group email discussing the existing high voltage (HV) cable, neutrals, parking stands and future growth.

“I have a feeling that the new owner might request a 3-phase service sometime in the future. Is there any way to keep what's there and facilitate the addition of a three-phase service in the future? can leave the three ways completely intact for future growth. as long as Electric shop leaves the parking stands as is everything is fine, All of the neutrals are tied together. When they are ready I'll just energize A-Phase”

Opinion 11: The building owner, Craig Hanriot had already notified BWP that he had decided NOT to install the new 2000 amp 240 volt, three phase, service. The email demonstrates that the Electrical Crew Group that contributed to this email were in agreement that the existing HV facilities could be left in place for a future three phase service.

Opinion 12: There was no requirement to remove the electrical distribution infrastructure at the time of connecting the 400 amp single phase service. The electrical distribution infrastructure could be left completely intact, at no additional cost to the utility or the customer. This is an indication that the TUB type transformers mounted on the existing pad would still be acceptable to BWP in the foreseeable future for three phase services.

- **Exhibit I**

BWP production document “Nasmyth Burbank Contract Reconciliation Document”.

Opinion 13: This construction document made the owner aware that by not installing the new 2000 amp 240 volt, three phase, service that \$28,080,00 would be given as a credit by the construction contractor.

There would be additional savings to the owner by the way of BWP AIC costs generously estimated in Opinion 10 above, of \$24,890.64. The total saving would be approximately \$52,970.64 to the owner by not installing the new 2000 amp, 240 volt, three phase, service.

- **Exhibit J**

Claimants' Statement of Claimed Damages.

Page two, line 20, shows the cost to “Replace exterior transformers, engineering, and installation” is estimated at \$391,250.00. Page three has the breakdown of these costs including overhead and profit by the contractor.

Opinion 14:

For the reasons stated above in Opinion 10, utilizing the existing (3) 75 KVA transformers, I estimated the total BWP AIC cost to do this work to be \$24,890.64.

- Exhibit K
Claimants Responses to Respondents' Special Interrogatories, Set Two.

Opinion 15:

Alternate 1 to opinion 14: A TUB type transformer was allowed and is what was originally installed at this location. This opinion is supported by my previous opinions 5, 6, 7, 8, & 9.

Assuming new transformers were installed, sized for the 2000 amp (which has a maximum allowable load 1600 amps), 240 volt, three phase, new service, this would require three 225 KVA TUB type transformers. The total installed cost is estimated to be \$61,658.64 for the TUB transformers and BWP AIC costs.

Alternate 2 to opinion 14: No pad mount transformer is required by the BWP Rules and Regulations for this installation, only on-site transformation is required. The claimant has made an error in believing that BWPs regulations would require a new pad mount transformer due to "no load schedule being provided to BPW" for the new 2000 amp, 240 volt, three phase, service. Assuming an all in one, pad mount transformer was selected the total installed cost is estimated to be \$77,073.30 an increase of about 25%.

Curriculum Vitae

December 01, 2018



JOSEPH PERRY P.E., CFLC

JP_{PE}

P.O. Box 141
Penngrove, CA 94951

Mobile: 707-477-3862

Email: ElectricalExpert@JosephPerryPE.com

Website: <http://www.ElectricalExpert.Solutions>

Professional Experience

With over 40 years' experience; Joseph A Perry P.E. is both a licensed Professional Electrical Engineer in California and Hawaii, and an Electrical Contractor in California. His multiple licenses require design, installation experience, and extensive knowledge of the National Electrical Code and construction. This practical foundation of electrical knowledge was primarily gained through working in the Electrical Trade and owning/operating a Design Build Electrical Contracting business. Joseph's hands on background in electrical design, project management, cost estimating, and field construction work, gives him a unique perspective that few engineers have.

Being both an Electrical Engineer and Electrical Contractor brings a unique perspective to the investigation of your cases. As an Electrical Engineer, he is interested in the forensics of the design and details of the plans and specifications as to how the contractor was required to build the system. As an Electrical Contractor, he is interested in the materials, and how the installation was completed.

Past Expert Witness assignments include Pump Station construction and failures, Emergency Generator failures, Electrical Equipment Control failures, Electrical Construction Defects for winery, condominiums, and Mega Residences, Personal Injuries due to traffic light failure, Electrical Shock and Electrocution, Pump Failure, Cost Estimates, Sewer, and Flood Control Systems, Underground utilities placement, location and avoidance. During Joseph's career, he has acted as a Consulting and Testifying Expert Witness on cases for both plaintiffs and defendants.

As a Professional Member of the Forensic Expert Witness Association (FEWA), Joseph has been continuing his professional Expert Witness Training by attending monthly meetings, attending seven National FEWA Conferences including countless hours of seminars and trainings. The trainings encompass Depositions, Video Depositions, Report Writing, Engagement Contracts, Jury Selection, and Jury Presentation Strategies. The presenters at the FEWA conferences are judges and attorneys, presenting from a unique perspective. Joseph has earned the FEWA designation of "Certified Forensic Litigation Consultant" (CFLC) for completing a rigorous curriculum and being an active participant in FEWA trainings, events, and Northern CA. FEWA chapter leadership.

Licenses and Certifications

Professional Electrical Engineer CA# E9683 & HI# E12924

Licensed Contractor, Electrical, Plumbing, & HVAC CA# 402494

Certified Forensic Litigation Consultant (FEWA) Certificate # 018, recertified 01/02/2019

Educational Foundation

Healds Engineering College, San Francisco, BSEE Electrical Engineering (Power and Control Systems Focus)

Current Employment

Electrical Design and Forensic Engineer

Joseph Perry P.E., LLC

2016 - Present

My primary duties are to provide electrical design, review, and approval of electrical construction including Commercial Solar PV projects for electrical contractors and architects. I provide Electrical Forensic engineering review and litigation support to law firms and insurance carriers for electrical construction estimating and defects, electrical products liability, and electrical accidents cases. I have 20 plus years of experience with the design and application of Underwriters Laboratory UL 508A and UL698 standards as they relate to industrial control panels for the water/wastewater industry. I have extensive National Electrical Code and California Electrical Code compliance understanding as they relate to electrical construction projects.

Work History

Engineering and Design Manager

MCC Control Systems, 3/2016 acquired by SJE Rhombus, PRIMEX

2014 – 2016.

While managing the Engineering Design and Drafting team, I was also responsible for the design of power and control panels for water/wastewater pump stations, medium size wastewater treatment plant control panels and Motor Control Centers. Designs included PLC and Motor Control Centers and chemical monitoring systems. I was the responsible Electrical Engineer for all MCC Control Systems California projects that require an electrical engineer's design approval and engineering stamp.

Independent Consulting Electrical Engineer

 Control Systems West, Inc.

2002 – 2014.

My primary design duties were to design power and controls for water/wastewater pump stations and medium size wastewater treatment plant control panels. I was the responsible Electrical Engineer for all Control Systems West, Inc. California and Hawaii projects that require an electrical engineer's design approval and engineering stamp. I was the Contract Administrator for most of the Control Systems West, Inc. contracts to provide control panels, which are used by municipalities in California and Hawaii. I was the primary contact for Underwriters Laboratory (UL) certification of Industrial Control Panels (UL508A and UL698) that are designed and built at Control Systems West, Inc.

Owner

California Energy Experts

2001 – 2002

I was an independent Engineering Consultant and Electrical Contractor for the City of Cotati Department of Public Works Water/Wastewater Pump Stations. Also, I worked for various clients performing electrical contracting services. Working with Control Systems West, Inc. with its established volume of business, offered

a superb opportunity to utilize my Engineering Design talents in the design of industrial control panels dedicated to the water/wastewater industry.

Investment Broker Edward Jones Investments

1998 – 2001

After passing the Securities and Exchange Commission Series 7 License, I opened an Edward Jones Investment office in Rohnert Park, CA. I serviced my clients by selling stocks, mutual funds, bonds, annuities, life and long-term care insurance. I enjoyed the sales aspect of the business; however, this business was much too distant from the finite business of Electrical Engineering.

Outside Sales Cal Air, Inc.

1997 – 1998

Outside sales of Heating Ventilation and Air Conditioning (HVAC) Services. Cal Air purchased my previous Electrical Engineering; Electrical, HVAC, and Plumbing contracting business. I agreed to stay on in the sales capacity for one year to expand their presence in the Sonoma County area and provide continuity with our existing client base.

President California Energy Experts, Inc., (CEE)

1984 – 1997

We designed and built Facility Automation Systems (FAS) totaling 7.6 million square feet of municipal, school, commercial and light industrial building spaces in 15 states. Project makeup was approximately 36% new and 64% retrofit installations. We incorporated, programmed, and supported dedicated technically advanced controllers for HVAC Systems. Our Lighting Control Systems incorporated daylighting and time of day scheduling. Variable Frequency Drives (VFD), were used on cooling towers, pumps, supply and return fans to enhance the energy efficiency of HVAC systems, economizer damper positioning and monitoring were an integral part of our control designs which led to further energy reductions. Demand control routines were incorporated in the designs when there was an advantage to the customer. All systems included remote communication abilities to allow offsite monitoring and minor software revisions. We expanded our company's expertise by bidding and installing well, water/wastewater, flood control, power and control systems. We designed and built Standby Generator Systems (up to 250 KW), including single and multiple transfer switches and isolation of critical/non-critical loads. We incorporated peak shaving strategies into the design when applicable. California Energy Experts was further expanded by incorporating HVAC and plumbing contracting under our umbrella. California Energy Experts was sold to Cal Air, Inc. which provided me an opportunity to explore Outside Sales.

Owner Energy Experts

1982 – 1984

When Energy Experts was formed, my goal was to design and install control systems dedicated to energy management in commercial buildings; utilizing the most recent computerized advancements in HVAC and Lighting Controls. I began by selling the concept to businessmen in our county, then designing and installing the control system. After landing Energy Management System design and installation contracts with a major

department store chain, Energy Experts quickly grew and earned the respect of the Facilities Managers for this chain. As the company volume grew, Energy Experts was incorporated and renamed to California Energy Experts, Inc.

Electrical Engineer P.E. RE Corp. Inc., DBA Reliance Enterprises

1979 –1982

After obtaining Professional Engineer status, I began estimating electrical construction projects and assisted in contract administration and purchasing materials that were required to complete successfully bid projects. I also earned my Electrical Contractors' License during this period. The Engineering and Contracting foundation established at RE Corp afforded me the knowledge, experience and confidence to start my own engineering/contracting business, Energy Experts specializing in energy management and control systems.

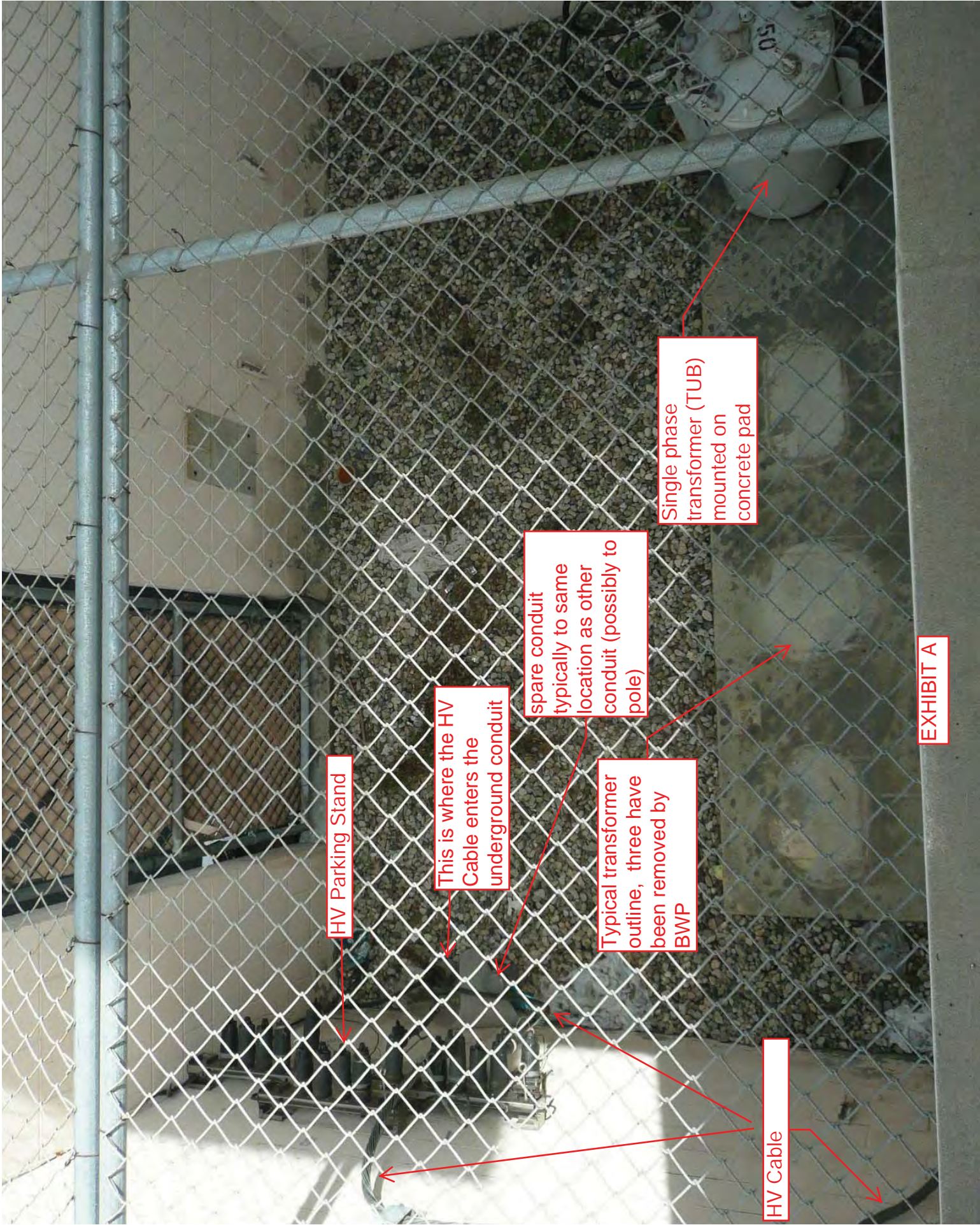
Membership in Trade Associations

Institute of Electrical Electronic Engineers, (IEEE), my IEEE # 90393171

Senior Member Status Earned: Less than 8% of all IEEE Members are Senior Members.

Forensic Expert Witness Association, (FEWA), Northern California Chapter

Past President 2018, President 2017, Board of Directors Member (6 years), Past Assistant to the Chapter Secretary, Past Membership Chairman, and 2016 National FEWA Conference Co-Chairman.



HV Parking Stand

This is where the HV Cable enters the underground conduit

spare conduit typically to same location as other conduit (possibly to pole)

Typical transformer outline, three have been removed by BWP

Single phase transformer (TUB) mounted on concrete pad

HV Cable

EXHIBIT A

Weatherhead for 400 amp 120/240 volt single phase service supplied by customer

120/240 volt wires, supplied by customer and connected by BWP

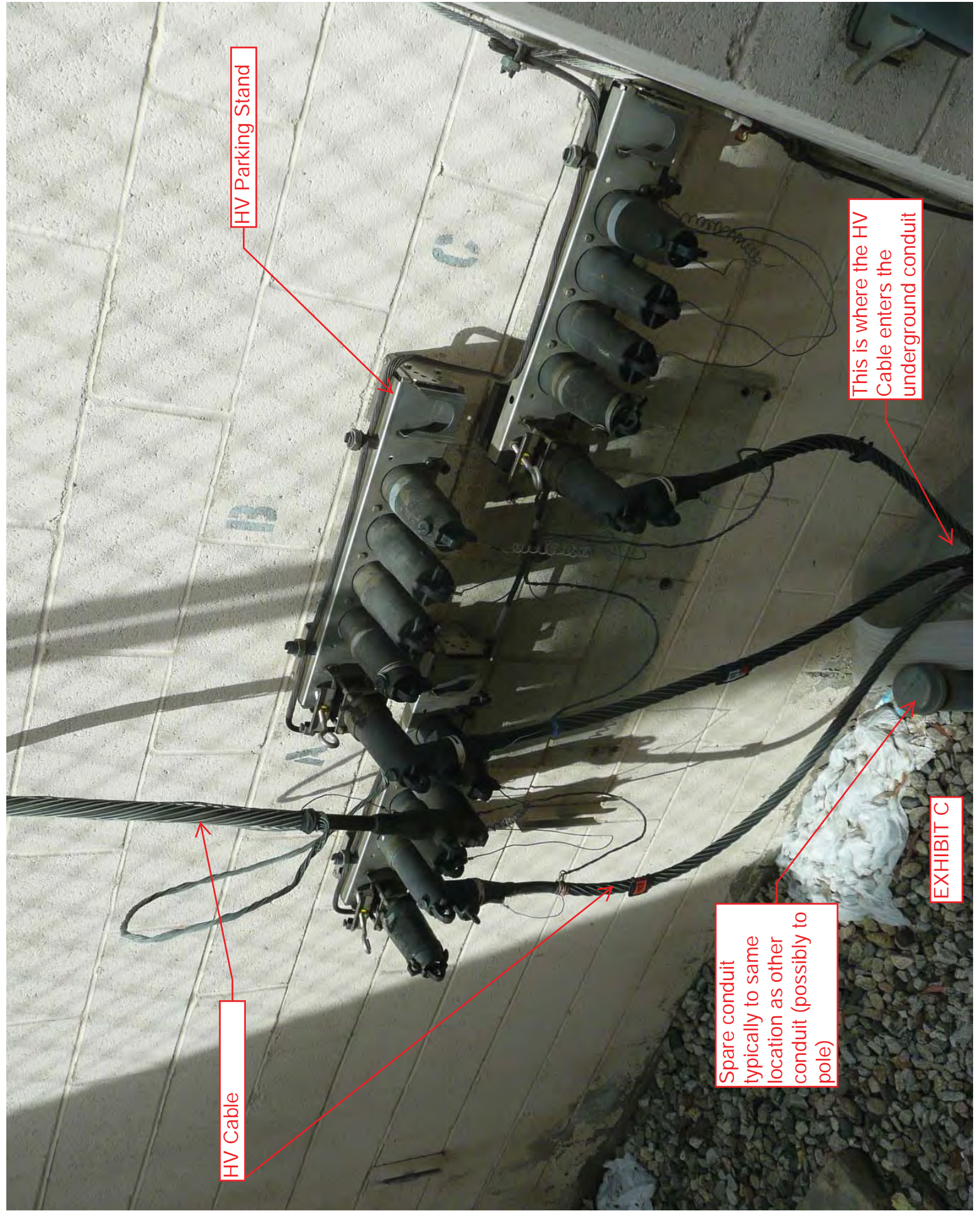
Single phase transformer (TUB) supplied and wired by BWP, mounted on concrete pad

HV Cable, primary voltage of 12,000 volts supplied and connected by BWP

Existing concrete pad

EXHIBIT B





HV Parking Stand

HV Cable

Spare conduit typically to same location as other conduit (possibly to pole)

This is where the HV Cable enters the underground conduit

EXHIBIT C

From: Ray Ameri [mailto:rayameriengineering@gmail.com]
Sent: Thursday, December 03, 2015 9:50 PM
To: Anderson, Scott
Cc: <craig.hanriot@nasmythtmf.com>
Subject: Re: 3401 W Pacific Avenue Property

Hi Scott:

Is the above direction from the owner suffice your needs so that you can clear the Power requirements and I be able to get the Structural permit approval for this project? If so, please let me know when I can stop by so you can give me a sign off on the permit application?

Thanks so much for your help.

Ray Ameri, P. E.

Ray Ameri Engineering
310-367-4392

On Thu, Dec 3, 2015 at 9:05 PM, Craig Hanriot <craig.hanriot@nasmythtmf.com> wrote:

Scott:

Sorry it has taken me so long to get back to you regarding the electrical service needs at 3401 W Pacific Ave., however I needed to speak with my tenant to understand exactly what service they needed. The various engineers that are working on this project have told me that the service that has been used at the property is 2000 amps 240 volts 3-phase, 3-wires and the second is 400amps 120 / 240v. 1-phase, 3-wires. After speaking with all of the people that needed to decide on this it was agreed that the service and transformers that have been used in the past will be adequate for the future needs of the operation. Therefore I will not be taking advantage of the option of replacing the transformers outside of the building. Having made this determination I would request that you write your report on those items that are

Anderson, Scott

From: Damion Robinson <DR@agzlaw.com>
Sent: Tuesday, November 13, 2018 3:28 PM
To: Anderson, Scott
Cc: Craig Hanriot (craigh3401@gmail.com); Sleiman, Riad
Subject: RE: 3401 West Pacific

Scott –

Thanks very much for this response.

Damion

From: Anderson, Scott [mailto:SAnderson@burbankca.gov]
Sent: Tuesday, November 13, 2018 12:41 PM
To: Damion Robinson <DR@agzlaw.com>
Cc: Craig Hanriot (craigh3401@gmail.com) <craigh3401@gmail.com>; Sleiman, Riad <RSleiman@burbankca.gov>
Subject: RE: 3401 West Pacific

Damion, please see my answers to your questions below. Thanks, Scott

- 1) Yes, I asked for a load schedule for the current or proposed new tenant to determine the conditions of the customer station changes.
- 2) The nature of the changes of replacing the 2000 amp service with a load schedule that showed that the existing (3) 75 kVA customer station transformers could handle the new tenants load would have been for the bussing to be inspected and or replaced by the customer and the cables from the transformers to the bussing replaced by BWP and new metering installed. The nature of the changes of no load schedule provided or of a load schedule provided that required the customer station transformers to be upgraded would have been for the bussing to be inspected and or replaced by the customer and the cables from the transformers to the bussing replaced by BWP, the (3) existing transformers removed and replaced by BWP and new metering installed. Engineering, line crew and electrical equipment support costs would be included in both scenarios.

From: Damion Robinson [mailto:DR@agzlaw.com]
Sent: Friday, October 26, 2018 3:42 PM
To: Anderson, Scott <SAnderson@burbankca.gov>
Cc: Craig Hanriot (craigh3401@gmail.com) <craigh3401@gmail.com>
Subject: 3401 West Pacific

Mr. Anderson:

The attachments were too large to send. They are available here:

Electrical Plans: <https://www.dropbox.com/s/wb5or8qvq7e11rw/Electrical%20Plans.pdf?dl=0>
Electrical Permits: <https://www.dropbox.com/s/rf8fdgvz148pny3/Electrical%20Permits.pdf?dl=0>

Thanks,
Damion

From: Damion Robinson
Sent: Friday, October 26, 2018 3:38 PM
To: 'sanderson@burbankca.gov' <sanderson@burbankca.gov>
Subject: 3401 West Pacific

Dear Mr. Anderson:

We spoke a few weeks ago about the 2016-2017 restoration of the property at 3401 West Pacific Avenue in Burbank. You asked that I send the questions in writing, so that you could formally respond. Below are the questions about the project. I am attaching electrical permits.

1. Can you confirm that, if 3401 had installed the following electrical switchgear and distribution,
Main switchboard with 2000 amp main breaker at 240v three phase three wire system with (1) 400 amp branch breaker, (1) 200 amp branch breaker, and (2) 100 amp branch breaker,
it would have been required to replace or reconfigure the exterior transformers for the building?
2. What was the nature of the changes or replacements to the exterior power system that would have been required if the above electrical switchgear and distribution was installed?

Thank you very much for your assistance with this issue. We look forward to hearing from you. If you need any additional information, please let me know.

Best,
Damion

Damion Robinson
AFFELD GRIVAKES LLP
2049 Century Park East, Suite 2460



PART 2

**RULES AND REGULATIONS
GOVERNING ELECTRIC SERVICE**

Approved:

Cesar Ancheta
Assistant General Manager
Electrical Service
Burbank Water and Power

12/27/18
Date

Δ π EXHIBIT 20
Deponent Steinman
Date 5/2/19 Rptr. WJG
WWW.DEPOBOOKPRODUCTS.COM

PART 2 RULES AND REGULATIONS GOVERNING ELECTRIC SERVICE

2.01 GENERAL SERVICE CONDITIONS

2.01 (a) BWP shall maintain the service conductors from the pole or pullbox to the Customer's point of attachment.

2.01 (b) The service provided will be alternating current at a regulated frequency of 60 Hertz.

2.01 (c) The Customer shall contact Staff well in advance of all new, upgraded, or relocated electrical installations. The Customer will contact Customer Engineering Section at (818) 238-3575.

2.01 (d) The Customer shall make an appointment to meet with Staff to determine the type of service, point of termination and meter location prior to any work being performed. The Customer shall furnish a single line diagram and an electrical load schedule showing the proposed size of the main service at the time of appointment.

2.01 (e) The Customer has the responsibility to determine if the proposed building construction will place BWP's existing electrical facilities in conflict with any federal, state or local codes. The Customer will bear the cost of any temporary or permanent relocation of BWP facilities to accommodate the building construction.

2.01 (f) BWP must review its commitments to the Customer for any service installation if more than 12 months have elapsed between the initial meeting [Ref. Section 2.01(d)] and the start of construction.

2.01 (g) If a service is disconnected, BWP will not re-energize it if the Customer's service entrance equipment appears unsafe or is in violation of applicable electrical codes.

2.01 (h) If a service attachment or equipment is deemed unsafe or hazardous if energized, BWP will de-energize until appropriate repairs are made.

2.01 (i) Existing service will be disconnected concurrently with energizing the new service. Any special arrangements have to be approved by BWP prior to energizing the new service.

2.01 (j) Although there are occasional exceptions, BWP uses the following guidelines for determining required Customer facilities:

Below 750 kW Radial service from 4.16 kV or 12.47 kV system from a pole, riser pole or pullbox. BWP requires on-site transformation for all new three-phase services above 200A and single-phase services above 400A.

750 kW - 3MW One looped 12.47 kV feeder or service with primary feeder and a back-up. The Customer can request an alternate source if available. Any service above 750 kW requires a padmount switch. BWP requires two padmount transformers and a bus tie at the low side (277/480) voltage for load higher than 1500 kW.

Anderson, Scott

From: Sleiman, Riad
Sent: Friday, May 04, 2018 9:34 AM
To: Anderson, Scott
Subject: RE: Project Closing: EBS Project # 22802, WAM # 1702838-01-04

Looks good, thanks.

Riad Sleiman, P.E., PMP
Principal Electrical Engineer
Burbank Water and Power
(818) 238-3654 Office
(818) 238-3594 Fax

From: Anderson, Scott
Sent: Monday, March 12, 2018 8:18 AM
To: Sleiman, Riad <RSleiman@burbankca.gov>
Subject: Project Closing: EBS Project # 22802, WAM # 1702838-01-04

Riad, please review the EBS Project # 22802; actuals attached. This was revised because new charges hit the project and adjustments were made to project # 22475. WAM # 1702838-01-04 is complete regarding the disconnect and reconnect of power and customer station work at 3401 Pacific. WAM Tasks 01, 02, 03, & 04 have been set to "finished".

Customer made a deposit of \$8,715.00, paid on 5-15-17 receipt # 515170211052.

The charges are as follows:

Details		
Engineering	\$	667.77
L & E Labor	\$	5,966.57
Materials	\$	457.60
Metering	\$	530.00
Test Shop Labor	\$	545.82
Equipment	\$	129.12
Total	\$	8,296.88
Deposit	\$	8,715.00

Refund Due \$ 418.12

Customer # 58941; 3401 Pacific LLC Attention: Craig Hanriot; 2291 Marks Drive, Tustin, CA 92782.
Please send a refund in the amount of \$418.12.

The billing contact is Craig Hanriot; phone 714-425-2526.

Thanks, Scott

Scott R Anderson
Senior Electric Service Planner
Burbank Water and Power
Office (818) 238-3565
Cell (818) 445-9639
sanderson@burbankca.gov

Anderson, Scott

From: Mellon, Brian
Sent: Wednesday, May 24, 2017 3:42 PM
To: Anderson, Scott
Subject: RE: 3401 Pacific

Hello Scott,

I have read below and can leave the three ways completely intact for future growth. I may, if time permits, be able to get a jump on the contractor's work by removing the three phase tubs ahead of schedule. Of course, I will still keep the existing date for pulling in and landing the secondary's to the existing single phase tub.

Let me know if you think there would be any issues. Thanks.

Brian Mellon.

From: Anderson, Scott
Sent: Wednesday, May 24, 2017 2:23 PM
To: Jensen, Kirk; Mellon, Brian
Cc: Recker, Brad
Subject: RE: 3401 Pacific

OK -- sounds good.

Brian, please see below:

Thanks, Scott

From: Jensen, Kirk
Sent: Wednesday, May 24, 2017 2:07 PM
To: Anderson, Scott
Cc: Recker, Brad
Subject: RE: 3401 Pacific

Scott, as long as Electric shop leaves the parking stands as is everything is fine,
All of the neutrals are tied together.

When they are ready I'll just energize A-Phase.

Kirk

From: Anderson, Scott
Sent: Wednesday, May 24, 2017 1:43 PM
To: Jensen, Kirk
Cc: Recker, Brad
Subject: RE: 3401 Pacific

Kirk, (I have a feeling that the new owner might request a 3-phase service sometime in the future. Is there any way to keep what's there and facilitate the addition of a three-phase service in the future?) Thanks, Scott

From: Jensen, Kirk
Sent: Wednesday, May 24, 2017 9:50 AM
To: Anderson, Scott
Cc: Recker, Brad
Subject: 3401 Pacific

Scott,

The cutouts on the pole have been open since the fire a couple of years ago. If they only want single phase the cable coming from the pole is 1/3 concentric Neutral the concentrics will either have to be bussed together in the station permanently Or we'll have to pull in single conductor full concentric.

KIRK JENSEN
Line Mechanic Supervisor
Burbank Water and Power
Tel. (818) 238-3592
Cell: (818) 515-1069
Fax (818) 238-3593
Kjensen@burbankca.gov

NASMYTH BURBANK
3401 W. PACIFIC AVENUE.

CONTRACT RECONCILIATION

HARBRO JOB #	CONTRACT TYPE	DATE	DESCRIPTION	AMOUNT
5097	ORIG. CONTRACT	6/29/2015	FIRE BOARD-UP (T&M)	3,596.40
CO#1		8/26/2015	ENGINEER CMU WALL TESTING	3,950.00
			TOTAL CONTRACT	\$ 7,546.40

HARBRO JOB #	CONTRACT TYPE	DATE	DESCRIPTION	AMOUNT
5281	NEW CONTRACT	12/3/2015	DEBRIS PILE RELOCATE PER CARRIER	1,716.00
CO#1		5/26/2016	INSTALL NEW ROLL-UP & ENTRY DOORS	10,135.00
CO#2		8/19/2016	INSTALL TEMP. POWER & BLDG. PERMITS	12,850.19
			TOTAL CONTRACT	\$ 24,701.19

HARBRO JOB #	CONTRACT TYPE	DATE	DESCRIPTION	AMOUNT
6167	NEW CONTRACT	12/26/2016	STIP-SUM RECON	740,015.73
CO#1		2/28/2017	3-PHASE SWITCHGEAR CREDIT	(28,080.00)
CO#2		PEND.	CONCRETE SLAB PATCH	10,000.00
CO#3		PEND.	TEMP. POWER CHARGES	1,000.00
				722,935.73

GRAND TOTAL TO DATE: 755,183.32

CONTRACT RECON
EXHIBIT
1208
Wednesday, December 5, 2018
Diana L. Porter, CSR No. 12729

Exhibit I

1 David W. Affeld (State Bar No. 123922)
2 Damion D. D. Robinson (State Bar No. 262573)
3 **AFFELD GRIVAKES LLP**
4 2049 Century Park East, Ste. 2460
5 Los Angeles, CA 90067
6 Telephone: (310) 979-8700
7 Facsimile: (310) 979-8701
8
9 Attorneys for Craig Hanriot, the Hanriot Family Trust 3401
10 Pacific, LLC, and Technical Metal Finishing Co.

11 **AMERICAN ARBITRATION ASSOCIATION**

12 **LOS ANGELES**

13 CRAIG HANRIOT, et al.

14 Claimants,

15 v.

16 NASMYTH TMF, INC., et al.

17 Respondents.

Case No.: 01-17-0005-0194

Assigned for All Purposes to:
The Honorable Louise LaMothe

**CLAIMANTS' STATEMENT OF
CLAIMED DAMAGES**

1 **TO RESPONDENTS AND THEIR ATTORNEYS OF RECORD:**

2 PLEASE TAKE NOTICE that Claimant 3401 Pacific, LLC (“Claimant”) intends to seek
3 the following damages during the damages phase of the arbitration hearing in this matter:

4

5 **Economic Damages**

6

7 **Repair Expenses Due to Fire Damage** (Per Ted S. Merrill & Sons, Inc. Scope of Work dated
8 November 26, 2018, attached as **Exhibit 1**, and incorporated by reference).

- 9 1. Cost of Repairs Due to Fire Damage \$1,009,600.94
10 2. Increase to Current Cost (20%)..... \$201,920.19

11

12 **Repair Expenses Due to Alterations** (Per Ted S. Merrill & Sons, Inc. Scope of Work dated
13 November 26, 2018, attached as **Exhibit 1**, and incorporated by reference).

- 14 3. Replace Interior Offices \$16,963.75
15 4. Replace Exterior Awning and Stairs \$15,937.50
16 5. Asphalt (amount paid)..... \$20,300.00

17

18 **City Electrical Upgrades** (Per Ted S. Merrill & Sons, Inc. Scope of Work dated November 26,
19 2018, attached as **Exhibit 1**, and incorporated by reference).

- 20 6. Replace exterior transformers, engineering, and installation..... \$391,250.00

21

22 **Costs Associated with Insurance Claim**

- 23 7. Public Adjustor Fees (Greenspan) \$46,000.00
24 8. Decontamination (ACT)..... \$33,000.00
25 9. Burbank Water & Power (Electrical Reconnection)..... \$8,715.00
26 10. Temporary Boarding and Structural Testing (Har-Bro)..... \$7,546.40

27

28

TED S. MERRILL & SONS, INC.

GENERAL CONTRACTOR & CONSULTANT

Building Surgeons

LIC. #345079

7777 Alvarado Suite 408A - La Mesa, CA 91941-8248

November 26, 2018

Hanriot Commercial Building
3401 W. Pacific Ave.
Burbank, CA 91505

City of Burbank Electrical Requirements

Description	Quantity	Cost	Total
Electrical			
27. Electrical - Allowance	1 EA	\$300,000.00	\$300,000.00
28. Plans, Engineering & Permit Allowance	1 EA	\$10,000.00	\$10,000.00
29. Commercial Supervision/Project Management - per hour	40 HR	\$75.00	\$3,000.00

Line Item Total	\$313,000.00
Overhead 15%	\$46,950.00
Profit 10%	\$31,300.00
Replacement Cost Value	\$391,250.00

Exhibit J page 3

1 David W. Affeld, State Bar No. 123922
2 Damion D. D. Robinson, State Bar No. 262573
3 AFFELD GRIVAKES LLP
4 2049 Century Park East, Ste. 2460
5 Los Angeles, CA 90067
6 Telephone: (310) 979-8700
7 Facsimile: (310) 979-8701

8 Attorneys for Craig Hanriot, the Hanriot Family
9 Trust 3401 Pacific, LLC, and Technical Metal
10 Finishing Co.

11 **AMERICAN ARBITRATION ASSOCIATION**

12 **LOS ANGELES**

13 CRAIG HANRIOT, et al.;

14 Claimants,

15 v.

16 NASMYTH TMF, INC., et al.;

17 Respondents.

18 **Case No.: 01-17-0005-0194**

19 Assigned for All Purposes to:
20 The Honorable Louise LaMothe

21 **CLAIMANTS' RESPONSES TO**
22 **RESPONDENTS' SPECIAL**
23 **INTERROGATORIES, SET TWO**

24 **PROPOUNDING PARTY:** Nasmyth TMF, Inc. and Nasmyth Group Ltd.

25 **RESPONDING PARTY:** 3401 Pacific, LLC

26 **SET NO.:** Two

27 **Exhibit K page 1**

1 IDENTIFY the dates of, and all participants in, all telephone calls YOU had with
2 representatives of the City of Burbank regarding the required electrical upgrades to the
3 PROPERTY.

4 **RESPONSE TO SPECIAL INTERROGATORY NO. 44**

5 Objection. This interrogatory does not seek relevant information to the damages phase of
6 this case. The interrogatory is overly broad and unduly burdensome. The interrogatory is
7 compound.

8 **SPECIAL INTERROGATORY NO. 45**

9 State all facts that support YOUR figure of \$391,250 as the cost to replace exterior
10 transformers, engineering, and installation to fulfill the City of Burbank's required electrical
11 upgrades to the PROPERTY, as noted in line 6 of the STATEMENT.

12 **RESPONSE TO SPECIAL INTERROGATORY NO. 45**

13 This interrogatory is subject to expert testimony. The facts supporting this figure that are
14 presently known to Claimant are as follows:

15 Per City of Burbank Water and Power ("BWP") policy, Claimant would be required to
16 install a pad-mounted electrical system in order to install an electrical switchgear of like kind and
17 quality as the switchgear destroyed during the June 2015 fire.

18 In order to install the pad-mounted system, Claimant would have to pay for the following
19 items of expense:

- 20 a. Cost passed through by the City of Burbank to remove all existing transformers,
21 electrical connections, bussing, and associated equipment;
- 22 b. Costs of engineering and City engineering approval, permits, and other pre-
23 construction costs;
- 24 c. Cost of labor and materials for one or more contractors to install a concrete pad per
25 BWP regulations, which is able to accommodate replacement transformers;
- 26 d. Cost of labor to excavate from the pad-mounted system to the nearest available power
27 source from the City of Burbank (*i.e.*, riser or junction) to install conduit, including
28 related surveying and engineering costs;
- e. Costs of labor and materials to install concrete-encased conduit from the power

- 1 source to the pad mounted system;
- 2 f. Costs of labor and materials to wire conduit to pad-mounted system;
- 3 g. Pay costs passed on by the City of Burbank for providing and installing new
- 4 transformers as part of the pad mounted system;
- 5 h. Pay ancillary costs passed on by the City of Burbank for Aid-in-Construction,
- 6 including supervision, inspection, permitting, and other costs.

7 Before the first phase of the hearing, Claimant developed an allowance figure for these
8 expenses. The true cost will be determined through expert testimony and additional data from
9 the City of Burbank.

10 **SPECIAL INTERROGATORY NO. 46**

11 State all facts that support YOUR figure of \$270,000 as YOUR lost rent for the time after
12 the abatement period ended.

13 **RESPONSE TO SPECIAL INTERROGATORY NO. 46**

14 Claimant received \$10,000 per month for rent under the Lease with Respondents.
15 Claimant calculates the abatement period to have ended on or about March 2017 when
16 Respondents improperly repudiated the Lease. Accordingly, Claimant calculates 27 months of
17 lost rent from March 2017 through July 2019, the end of the lease term.

18 **SPECIAL INTERROGATORY NO. 47**

19 Did YOU rent the PROPERTY at any time after July 2017?

20 **RESPONSE TO SPECIAL INTERROGATORY NO. 47**

21 Objection. This interrogatory is irrelevant and is not likely to lead to the discovery of
22 admissible evidence. The terms of the Lease provide that Claimant may treat the Lease as
23 ongoing notwithstanding Respondent's repudiation of the same.

24 Subject to and without waiving the foregoing objections: No.

25 **SPECIAL INTERROGATORY NO. 48**

26 Did YOU sell the PROPERTY after July 2017?

27 **RESPONSE TO SPECIAL INTERROGATORY NO. 48**

28 No.

SPECIAL INTERROGATORY NO. 49