
outstanding SFWD Invoice

James Small <james@small-comm.com>

Wed, Sep 9, 2026 at 1:55 PM

To: Spanish Flat Water District <spanishflatwd@gmail.com>

Cc: Chris Small <chris@small-comm.com>, Rita Reyes-Small <rita@small-comm.com>, Kailou Reyes-Small <kailou@small-comm.com>, Paul Quarneri <pdq9251@gmail.com>

Dear Ruthann,

Thank you for laying out the District's position. Small Communications takes any damage to District infrastructure seriously, and we want to work through this carefully rather than simply accept or reject the invoice without a full factual and legal picture.

Respectfully, we don't believe the record as described supports holding Small Communications responsible at this stage, for a few reasons.

First, the water main at issue is not a "high-priority subsurface installation" under California Government Code § 4216 — that designation is reserved for **high-pressure gas and petroleum pipelines, pressurized sewage lines, high-voltage electric facilities**, and similar hazardous installations. The enhanced pre-excavation protocols that attach to that category don't apply here by default.

Second, and separately, state law already sets the operative standard for excavating near a marked facility: under Government Code § 4216.4(a), the excavator's duty is to expose the installation using hand tools within the 24-inch tolerance zone of an accurate field mark before using power equipment, unless vacuum excavation was arranged with the regional notification center at the time the locate ticket was requested and the operator's agreement to that method is reflected in the electronic positive response. We'd like to see the ticket record and the positive response history to confirm whether a vacuum-only requirement was ever documented through that formal process, rather than conveyed verbally in the field after the ticket was already issued.

Third, the District's own description states that its technician was "uncertain of the exact location of the water main." Under § 4216.2, the operator's obligation is to locate and field-mark its facilities accurately (or advise that location information isn't available). If the main's location was genuinely uncertain, that raises a real question about whether the field marking met that standard, and whether the point of contact was actually inside or outside the properly marked tolerance zone.

To evaluate this fairly, we'd ask the District to provide:

The USA North 811 ticket number for this job, along with the full ticket history and any electronic positive responses on file.

Copies or GPS/survey data of the field markings as placed before excavation began, and documentation of how the marked location was determined.

Any record — ticket notes, positive response, or written correspondence — reflecting that vacuum excavation was required as a condition of the ticket, rather than a verbal, on-site instruction.

The District's basis for concluding that the point of damage fell within the marked tolerance zone.

Once we've reviewed that documentation, we're glad to discuss this further, including a joint site walk-through if that would help. At this time, however, Small Communications is not in a position to accept responsibility for the repair costs, and we reserve all rights and defenses available under applicable law.

We appreciate your patience while we work through this and look forward to your response.

Sincerely,

James Small
CEO
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From: Spanish Flat Water District <spanishflatwd@gmail.com>

Sent: Wednesday, August 19, 2026 3:46 PM

To: James Small <james@small-comm.com>

Cc: Chris Small <chris@small-comm.com>; Rita Reyes-Small <rita@small-comm.com>; Kailou Reyes-Small <kailou@small-comm.com>; Paul Quarneri <pdq9251@gmail.com>

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