



**TENNESSEE UNDERGROUND UTILITY DAMAGE ENFORCEMENT BOARD  
EXECUTIVE COMMITTEE MEETING  
Meeting on March 29, 2022**

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**MINUTES**

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The Executive Committee meeting of the Tennessee Underground Utility Damage Enforcement Board commenced at 10:01 a.m., in the Ground Floor Conference Room of 502 Deaderick Street, Nashville, Tennessee 37243.

**Executive Committee Members Present:**

Kevin Tubberville, Chairman  
Wayne Hastings, Vice Chairman  
Eddie Hood

**TPUC Staff Present:**

Aaron Conklin, Legal Advisor to the TPUC staff  
Ryan McGehee, Legal Advisor to the TUUDEB  
Stacy Balthrop  
Slayde Warren  
Monique Brazelton

**Tennessee 811 Present:**

Craig Ingram

**Roll Call & Minutes:**

Mr. Ryan McGehee opened the meeting and took roll call which confirmed Chairman Kevin Tubberville, Vice Chairman Wayne Hastings, and Mr. Eddie Hood as present. There have been 53 complaints received so far year to date. There is a total of 169,600 in fines assessed. 91,850 has been received so far and the outstanding amount at this point is 77,750. PHMSA grants for 2022 have opened and Ms. Stacy Balthrop is working on the application. The Committee considered the Minutes of the meeting of February 23, 2022. Mr. Tubberville motioned to approve the Minutes which were unanimously approved.

**Presentation of Investigation of Complaints:**

The Committee heard and ruled on the following complaints:

**EB21-0319-**

**Alleged Violator:** DTO Construction  
**Alleged Excavator:** Nicole Rapp  
**Complainant:** Metro Water & Sewer  
**Facility Type:** N/A  
**Equipment:** Trencher  
**Root Cause:** Excavating/demolishing outside of the requested locate area  
**Finding:** No violation

**EB22-0002-**

**Alleged Violator:** Green Sweep Landscape  
**Alleged Excavator:** Bryan Garber  
**Complainant:** Atmos Energy  
**Facility Type:** Gas  
**Equipment:** Trencher  
**Root Cause:** Failure to notify Tennessee 811  
**Finding:** In violation for failure to give notice prior to excavation, Bryan Garber ordered to attend compliance training, and a civil penalty of \$2,500 is assessed for subsequent violation.

**EB22-0004-**

**Alleged Violator:** Doss Brothers  
**Alleged Excavator:** Donald Crawford  
**Complainant:** Atmos Energy  
**Facility Type:** Gas  
**Equipment:** Trackhoe  
**Root Cause:** Failure to use reasonable care within the tolerance zone  
**Finding:** In violation for failure to use reasonable care within the tolerance zone and Donald Crawford ordered to attend compliance training.

**EB22-0007-**

**Alleged Violator:** Tennessee Hydrovac, Inc.  
**Alleged Excavator:** Jacob Ravelsoot  
**Complainant:** Metro Water & Sewer  
**Facility Type:** Water  
**Equipment:** N/A  
**Root Cause:** Reporting a false emergency for a locate ticket  
**Finding:** In violation for reporting a false emergency for a locate ticket and Jacob Ravelsoot ordered to attend compliance training.

**EB22-0009-**

**Alleged Violator:** Whaley Construction  
**Alleged Excavator:** Chris Musselman  
**Complainant:** Knoxville Utilities Board  
**Facility Type:** Gas  
**Equipment:** Excavator  
**Root Cause:** Failure to use reasonable care within the tolerance zone

**Finding:** In violation for failure to use reasonable care within the tolerance zone, Chris Musselman ordered to attend compliance training, and a civil penalty of \$2,500 is assessed for subsequent violation.

**EB22-0010-**

**Alleged Violator:** Whaley Construction

**Alleged Excavator:** Matt Graham

**Complainant:** Knoxville Utilities Board

**Facility Type:** Gas

**Equipment:** Excavator

**Root Cause:** Failure to use reasonable care within the tolerance zone

**Finding:** In violation for failure to use reasonable care within the tolerance zone, Jeremy Hensley ordered to attend compliance training, and a civil penalty of \$2,500 is assessed for subsequent violation.

**EB22-0011-**

**Alleged Violator:** CHS Landworxs-Design

**Alleged Excavator:** Unknown

**Complainant:** Knoxville Utilities Board

**Facility Type:** Gas

**Equipment:** Excavator

**Root Cause:** Failure to use reasonable care within the tolerance zone

**Finding:** In violation for failure to use reasonable care within the tolerance zone, Rachelle Miller ordered to attend compliance training, and a civil penalty of \$1,250 is assessed for subsequent violation.

**EB22-0012-**

**Alleged Violator:** U.S. Radius

**Alleged Excavator:** Cesar Castagna

**Complainant:** Knoxville Utilities Board

**Facility Type:** Water

**Equipment:** Excavator

**Root Cause:** Failure to use reasonable care within the tolerance zone

**Finding:** In violation for failure to use reasonable care within the tolerance zone and Cesar Castagna ordered to attend compliance training.

**EB22-0018-**

**Alleged Violator:** Construction Asphalt Services

**Alleged Excavator:** Joey Bowers

**Complainant:** Atmos Energy

**Facility Type:** Gas

**Equipment:** Mini excavator

**Root Cause:** Excavating beyond the 15-day expiration

**Finding:** In violation for excavating beyond the 15-day expiration and Joey Bowers ordered to attend compliance training.

**EB22-0020-**

**Alleged Violator:** Jackson Jones Construction

**Alleged Excavator:** Scott Ellis

**Complainant:** Atmos Energy

**Facility Type:** Gas  
**Equipment:** Backhoe  
**Root Cause:** Failure to use reasonable care within the tolerance zone  
**Finding:** No violation

**EB22-0021-**

**Alleged Violator:** Lee Maxwell  
**Alleged Excavator:** Lee Maxwell  
**Complainant:** Atmos Energy  
**Facility Type:** Gas  
**Equipment:** Trackhoe  
**Root Cause:** Failure to use reasonable care within the tolerance zone  
**Finding:** In violation for failure to use reasonable care within the tolerance zone and Lee Maxwell ordered to attend compliance training.

**EB22-0022-**

**Alleged Violator:** Andrew & Hoskins Construction  
**Alleged Excavator:** Scott Connell  
**Complainant:** Atmos Energy  
**Facility Type:** Gas  
**Equipment:** Mini excavator  
**Root Cause:** Failure to use reasonable care within the tolerance zone  
**Finding:** In violation for failure to use reasonable care within the tolerance zone and Scott Connell ordered to attend compliance training.

**EB22-0030-**

**Alleged Violator:** Morgan Contracting  
**Alleged Excavator:** Jason Bailey  
**Complainant:** Atmos Energy  
**Facility Type:** Gas  
**Equipment:** Mini excavator  
**Root Cause:** Failure to use reasonable care within the tolerance zone  
**Finding:** In violation for failure to use reasonable care within the tolerance zone and Jason Bailey ordered to attend compliance training.

**EB22-0035-**

**Alleged Violator:** Hep Services  
**Alleged Excavator:** John Payne  
**Complainant:** Knoxville Utilities Board  
**Facility Type:** Water  
**Equipment:** Skid steer loader  
**Root Cause:** Failure to use reasonable care within the tolerance zone  
**Finding:** In violation for failure to use reasonable care within the tolerance zone and John Payne ordered to attend compliance training.

**EB22-0039-**

**Alleged Violator:** Ben Franklin Plumbing  
**Alleged Excavator:** Bill Davis  
**Complainant:** Metro Water & Sewer  
**Facility Type:** Water

**Equipment:** N/A

**Root Cause:** Reporting a false emergency for a locate ticket

**Finding:** In violation for reporting a false emergency for a locate ticket, Bill Davis ordered to attend compliance training and a civil penalty of \$1,250 is assessed for subsequent violation.

**EB22-0013, EB22-0019, EB22-0023, EB22-0024, and EB22-0033 -**

**Alleged Violator:** First Violation

**Root Cause:** Failure to notify Tennessee 811

**Finding:** In violation for failure to give notice prior to excavation.

**Update of Training Program by Tennessee 811**

Mr. Ingram reported that 615 individuals from 512 organizations have been trained since the inception of the program. At this point in 2022, 46 individuals were trained. Thirty-two of the trainings were completed online. There are 29 individuals scheduled for the upcoming training in May. There have been 11 cancellations fees charged for cancellation within the forty-eight hour window.

**Discussion of Future Topics for the Next Executive Committee Meeting**

The next Executive Committee meeting is April 26 at 10:00 a.m. and the Grant Committee will also meet that day.

No member of the public sought to make comment during the public comment period.

The Executive Committee meeting adjourned at 10:45 a.m.