



**TENNESSEE UNDERGROUND UTILITY DAMAGE ENFORCEMENT BOARD  
EXECUTIVE COMMITTEE  
Meeting on November 3, 2022**

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**MINUTES**

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The Executive Committee meeting of the Tennessee Underground Utility Damage Enforcement Board commenced at 9:16 a.m. in the Ground Floor Conference Room of 502 Deaderick Street, Nashville, Tennessee 37243.

**Executive Committee Members Present:**

Wayne Hastings, Vice Chairman  
Eddie Hood  
Kevin Tubberville, Chairman

**TPUC Staff Present:**

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

**Tennessee 811 Present:**

Craig Ingram (via telephone)  
Bill Turner

**Roll Call & Minutes:**

Roll call confirmed Chairman Kevin Tubberville, Vice Chairman Wayne Hastings, and Mr. Eddie Hood as present making a quorum. The Committee considered the Minutes from August 30 and September 27, 2022 meetings. Mr. Hood motioned to approve the Minutes which were approved.

**Presentation of Investigation of Complaints:**

The Committee heard and ruled on the following complaints:

**EB22-0160-**

**Alleged Violator:** Whaley Construction  
**Alleged Excavator:** Doug Whaley  
**Complainant:** Knoxville Utilities Board  
**Facility Type:** Gas  
**Equipment:** Excavator  
**Root Cause:** Failure to use reasonable care within the tolerance zone  
**Finding:** No violation

**EB22-0161-**

**Alleged Violator:** Trent Earthworks, LLC  
**Alleged Excavator:** Logan Bullington  
**Complainant:** Knoxville Utilities Board  
**Facility Type:** Gas  
**Equipment:** Excavator  
**Root Cause:** Excavating before the locate ticket is valid  
**Finding:** No violation

**EB22-0165-**

**Alleged Violator:** Whaley Construction  
**Alleged Excavator:** Randall Ball  
**Complainant:** Knoxville Utilities Board  
**Facility Type:** Gas  
**Equipment:** Trackhoe  
**Root Cause:** Failure to use reasonable care within the tolerance zone  
**Finding:** Administratively closed

**EB22-0178-**

**Alleged Violator:** Duck River Electric  
**Alleged Excavator:** Unknown  
**Complainant:** East Tennessee Natural Gas  
**Facility Type:** Gas  
**Equipment:** Unknown  
**Root Cause:** Excavating outside the requested locate area  
**Finding:** In violation for excavating outside the requested locate area and Rob Edde ordered to attend compliance training.

**EB22-0179-**

**Alleged Violator:** Willow Branch Landscaping  
**Alleged Excavator:** Orbera Perez  
**Complainant:** Horton Highway Utility District  
**Facility Type:** Gas  
**Equipment:** Trencher  
**Root Cause:** Failure to use reasonable care within the tolerance zone  
**Finding:** No violation

**EB22-0180-**

**Alleged Violator:** Thomson & Thomson, Inc.  
**Alleged Excavator:** Art Fowler  
**Complainant:** Greater Dickson Gas Authority  
**Facility Type:** Gas

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

**EB22-0185-**

**Alleged Violator:** DC Foundations  
**Alleged Excavator:** Mike Costello  
**Complainant:** Atmos Energy  
**Facility Type:** Gas  
**Equipment:** Backhoe Trackhoe  
**Root Cause:** Failure to notify Tennessee 811  
**Finding:** In violation for failure to give notice prior to excavation and a civil penalty of \$5,000 is assessed for subsequent violation.

**EB22-0188-**

**Alleged Violator:** Thor Construction  
**Alleged Excavator:** Allen Stepan  
**Complainant:** Atmos Energy  
**Facility Type:** Gas  
**Equipment:** Trackhoe  
**Root Cause:** Failure to use reasonable care within the tolerance zone  
**Finding:** No violation

**EB22-0193-**

**Alleged Violator:** Guzman Construction  
**Alleged Excavator:** Stephen West  
**Complainant:** Atmos Energy  
**Facility Type:** Gas  
**Equipment:** Backhoe Trackhoe  
**Root Cause:** Excavating beyond the 15-day expiration  
**Finding:** In violation for excavating beyond a 15-day expiration of locate and Stephen West ordered to attend compliance training.

**EB22-0196-**

**Alleged Violator:** Star Construction  
**Alleged Excavator:** Alex Rojo  
**Complainant:** Atmos Energy  
**Facility Type:** Gas  
**Equipment:** Backhoe 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 a civil penalty of \$5,000 is assessed for subsequent violation.

**EB22-0197-**

**Alleged Violator:** Taylor Plumbing  
**Alleged Excavator:** Caleb Wolfe  
**Complainant:** Sevier County Utility District  
**Facility Type:** Gas  
**Equipment:** Trackhoe  
**Root Cause:** Failure to notify Tennessee 811

**Finding:** In violation for failure to give notice prior to excavation and a civil penalty of \$10,000 is assessed for subsequent violation.

**EB22-0198-**

**Alleged Violator:** Anderson Fence

**Alleged Excavator:** William Anderson

**Complainant:** Knoxville Utilities Board

**Facility Type:** Gas

**Equipment:** Auger

**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 William Anderson ordered to attend compliance training.

**EB22-0200-**

**Alleged Violator:** Funderburk Electric

**Alleged Excavator:** Eli Thomas

**Complainant:** Knoxville Utilities Board

**Facility Type:** Gas

**Equipment:** Trencher

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

**Finding:** No violation

**EB22-0201-**

**Alleged Violator:** Lamon & McDaniels Builders

**Alleged Excavator:** Michael Glandon

**Complainant:** Knoxville Utilities Board

**Facility Type:** Gas

**Equipment:** Trencher

**Root Cause:** Excavating before the locate ticket is valid

**Finding:** In violation for excavating before the locate ticket is valid and Michael Glandon ordered to attend compliance training.

**EB22-0207-**

**Alleged Violator:** Cook's Pest Control

**Alleged Excavator:** Grant Ingram

**Complainant:** Metro Water and 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 Grant Ingram ordered to attend compliance training.

**EB22-0210-**

**Alleged Violator:** Bosco Contractors Services

**Alleged Excavator:** Lou Bosco

**Complainant:** Jackson Energy Authority

**Facility Type:** Gas

**Equipment:** Backhoe-Trackhoe

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

**Finding:** In violation for failure to give notice prior to excavation and Lou Bosco ordered to attend compliance training.

**EB22-0211-**

**Alleged Violator:** Bosco Contractors Services

**Alleged Excavator:** Lou Bosco

**Complainant:** Jackson Energy Authority

**Facility Type:** Gas

**Equipment:** Backhoe-Trackhoe

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

**Finding:** In violation for failure to give notice prior to excavation and a civil penalty of \$2,500 is assessed for subsequent violation.

**EB22-0214-**

**Alleged Violator:** Harper Dozier

**Alleged Excavator:** Henry Smithson

**Complainant:** Horton Highway Utility District

**Facility Type:** Gas

**Equipment:** Backhoe

**Root Cause:** Excavating before the locate ticket is valid

**Finding:** In violation for excavating before the locate ticket is valid and Henry Smithson ordered to attend compliance training.

**EB22-0216-**

Vice Chairman Wayne Hastings recused himself from this complaint.

**Alleged Violator:** Shoffner Kalthoff Mechanical Electrical Service

**Alleged Excavator:** Unknown

**Complainant:** Knoxville Utilities Board

**Facility Type:** Gas

**Equipment:** Trencher

**Root Cause:** Excavating before the locate ticket is valid

**Finding:** In violation for excavating before the locate ticket is valid and David Rouse ordered to attend compliance training.

**EB22-0217-**

**Alleged Violator:** Duracap Asphalt Materials

**Alleged Excavator:** Micky Oric

**Complainant:** Knoxville Utilities Board

**Facility Type:** Water

**Equipment:** Trackhoe

**Root Cause:** Excavating before the locate ticket is valid

**Finding:** In violation for excavating before the locate ticket is valid and Mickey Oric ordered to attend compliance training.

**EB22-0218-**

**Alleged Violator:** Earthadelic

**Alleged Excavator:** Pedro

**Complainant:** Knoxville Utilities Board

**Facility Type:** Gas

**Equipment:** Trencher

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

**Finding:** In violation for excavating beyond a 15-day expiration of locate and Falcon Belew ordered to attend compliance training.

**EB22-0222-**

**Alleged Violator:** E. Luke Green

**Alleged Excavator:** Dave Sweeney

**Complainant:** Knoxville Utilities Board

**Facility Type:** Gas

**Equipment:** Trackhoe

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

**Finding:** In violation for failure to give notice prior to excavation and a civil penalty of \$2,500 is assessed for subsequent violation.

**EB22-0226-**

**Alleged Violator:** Fersner Plumbing

**Alleged Excavator:** Darryl Fersner

**Complainant:** Knoxville Utilities Board

**Facility Type:** Gas

**Equipment:** Trackhoe

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

**Finding:** In violation for excavating beyond a 15-day expiration of locate and Darryl Fersner ordered to attend compliance training.

**EB22-0227-**

**Alleged Violator:** Smithbuilt Homes

**Alleged Excavator:** Conner Kershan

**Complainant:** Knoxville Utilities Board

**Facility Type:** Gas

**Equipment:** Trackhoe

**Root Cause:** Excavating before the locate ticket is valid

**Finding:** No violation

**EB22-0228-**

**Alleged Violator:** Champion Fence Company

**Alleged Excavator:** Carlos Gutlennes

**Complainant:** Knoxville Utilities Board

**Facility Type:** Gas

**Equipment:** Auger

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

**Finding:** No violation

**EB22-0242-**

**Alleged Violator:** Rainmaker Water and Light

**Alleged Excavator:** Craig Pendergrast

**Complainant:** Atmos Energy

**Facility Type:** Gas

**Equipment:** Trencher

**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 Craig Pendergrast ordered to attend compliance training.

**EB22-0194-**

**Alleged Violator:** Clint Carroll

**Alleged Excavator:** Clint Carroll

**Complainant:** East Tennessee Natural Gas

**Facility Type:** Gas

**Equipment:** Backhoe-Trackhoe

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

**Finding:** No violation

**EB22-0183, EB22-0187, EB22-0189, EB22-0190, EB22-0192, EB22-0199, EB22-0204, EB22-0206, EB22-0212, EB22-0213, EB22-0224, and EB22-0225 -**

**Alleged Violator:** First Violation

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

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

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

The update of the Training Program by Tennessee 811 was given at the Board meeting following the Executive Committee meeting.

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

The Executive Committee meeting adjourned at 9:55 a.m.