



**TENNESSEE UNDERGROUND UTILITY DAMAGE ENFORCEMENT BOARD
EXECUTIVE COMMITTEE
Meeting on April 9, 2024**

MINUTES

The Executive Committee meeting of the Tennessee Underground Utility Damage Enforcement Board commenced at 10:03 a.m. at the Tennessee Public Utility Commission, 502 Deaderick Street, Ground Floor Conference Room, Nashville, TN, 37243.

Executive Committee Members Present:

Kevin Tubberville- Chairman
Wayne Hastings- Vice Chairman (via phone)
Eddie Hood
Bob Pitts
Steve Raper

TPUC Staff Present:

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

Tennessee 811 Present:

Craig Ingram
Bill Turner

Roll Call & Minutes:

Roll call confirmed Chairman Kevin Tubberville, Vice Chairman Wayne Hastings (via phone), Mr. Eddie Hood, Mr. Steve Raper, and Mr. Bob Pitts as present, making a quorum. The Committee considered the Minutes from the February 27, 2024, meeting. Mr. Hood motioned to approve the Minutes which were approved.

Presentation of Investigation of Complaints:

The Committee heard and ruled on the following complaints:

EB23-0313-

Alleged Violator: Affordable Drain Cleaning

Alleged Excavator: Calvin Hannah

Complainant: Metro Water and Sewer

Facility Type: Water

Equipment: N/A

Root Cause: Reporting a False Emergency for a Locate.

Finding: In violation for reporting a false emergency for a locate and a civil penalty of \$2,500 assessed.

EB23-0347-

Alleged Violator: Lenoir City Utilities Board

Alleged Excavator: Unknown

Complainant: Hodges Pools

Facility Type: Electric

Equipment: N/A

Root Cause: Facility Not Marked or Located

Finding: No violation

EB23-0349-

Alleged Violator: Ritter Communications/Mr. Utilities

Alleged Excavator: Unknown

Complainant: Property Owner

Facility Type: Water

Equipment: Directional Drill

Root Cause: Failure to Use Reasonable Care in the Tolerance/Safety Zone

Finding: No violation for Ritter Communications, but Mr. Utilities in violation for failure to use reasonable care in the tolerance/safety zone and the Safety Manager ordered to attend compliance training.

EB24-0004

Alleged Violator: Caughorn and Company

Alleged Excavator: Tony Cole

Complainant: Knoxville Utilities Board

Facility Type: Gas

Equipment: Backhoe-Trackhoe

Root Cause: No Notification to TN One-Call/811 Prior to Excavating/Demolishing

Finding: In violation for no notification to TN One-Call/811 prior to excavating/demolishing and a civil penalty of \$2,500 assessed.

EB24-0009-

Alleged Violator: Lenoir City Utilities Board

Alleged Excavator: Unknown

Complainant: Homeowner

Facility Type: Electric

Equipment: Excavator

Root Cause: Facility Not Marked or Located

Finding: No violation.

EB24-0011

Alleged Violator: Light Speed

Alleged Excavator: Kenneth Robertson

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Boring Machine

Root Cause: Failure to Use Reasonable Care in the Safety/Tolerance Zone.

Finding: In violation for failure to use reasonable care in the safety/tolerance zone and Kenneth Robertson ordered to attend compliance training.

EB24-0021-

Alleged Violator: U.S. Nitrogen-Greene County

Alleged Excavator: Dylan Charles

Complainant: Old Knoxville Highway Utility Department

Facility Type: Water

Equipment: N/A

Root Cause: Facility Not Marked or Located

Finding: Warning Letter.

EB24-0023-

Alleged Violator: CVO Enterprises

Alleged Excavator: Ethan Lunsford

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Directional Drill

Root Cause: Failure to Use Reasonable Care in the Tolerance/Safety Zone

Finding: Administrative Closure by Executive Committee.

EB24-0024-

Alleged Violator: CVO Enterprises

Alleged Excavator: Ethan Lunsford

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Boring Machine

Root Cause: Excavating/Demolishing Beyond 15-day Expiration.

Finding: In violation for excavating/demolishing beyond 15-day expiration and Ethan Lunsford ordered to attend compliance training.

EB24-0025-

Alleged Violator: Wesley Larock

Alleged Excavator: Wesley Larock

Complainant: Luttrell-Blain-Corryton Utility District (LBCUD)

Facility Type: Water

Equipment: Backhoe

Root Cause: No Notification to TN One-Call/811 Prior to Excavating/Demolishing

Finding: No violation

EB24-0026-

Alleged Violator: Apex Mechanical

Alleged Excavator: Reggie Jackson

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Backhoe-Trackhoe

Root Cause: Failure to Use Reasonable Care in the Tolerance/Safety Zone

Finding: In violation for failure to use reasonable care in the tolerance/safety zone and Reggie Jackson ordered to attend compliance training.

EB23-0027-

Alleged Violator: Taylor Plumbing

Alleged Excavator: Hunter Branch

Complainant: Knoxville Utilities Board

Facility Type: Gas

Equipment: Backhoe-Trackhoe

Root Cause: Failure to Use Reasonable Care in the Safety/Tolerance Zone

Finding: In violation for failure to use reasonable care in the safety/tolerance zone and a civil penalty of \$10,000 assessed.

EB24-0028-

Alleged Violator: Chris Brewer

Alleged Excavator: Chris Brewer

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Backhoe-Trackhoe

Root Cause: Excavating/demolishing beyond 15-day expiration.

Finding: In violation for excavating/demolishing beyond 15-day expiration and Chris Brewer ordered to attend compliance training.

EB24-0030-

Alleged Violator: Rivier Construction-Siva

Alleged Excavator: Siva Avula

Complainant: Property Owner

Facility Type: Cable

Equipment: N/A

Root Cause: No Notification to TN One-Call/811 Prior to Excavating/Demolishing

Finding: Administrative Closure.

EB24-0034-

Alleged Violator: Pave Well Paving

Alleged Excavator: Corey Moore

Complainant: Atmos Energy

Facility Type: Gas

Equipment: N/A

Root Cause: Reporting a False Emergency for a Locate Ticket

Finding: Warning Letter.

EB24-0035-

Alleged Violator: B.T.E.S.

Alleged Excavator: Derek Anderson
Complainant: Atmos Energy
Facility Type: Gas
Equipment: Trackhoe
Root Cause: Failure to Use Reasonable Care in the Tolerance/Safety Zone.
Finding: In violation for failure to use reasonable care in the tolerance/safety zone and Derek Anderson ordered to attend compliance training.

EB24-0036-

Alleged Violator: Pave Well Paving
Alleged Excavator: Jim McGill
Complainant: Atmos Energy
Facility Type: Gas
Equipment: Backhoe-Trackhoe
Root Cause: No Notification to TN One-Call/811 Prior to Excavating/Demolishing
Finding: No violation.

EB24-0038-

Alleged Violator: Volunteer Utility Services
Alleged Excavator: Austin Stoutt
Complainant: Atmos Energy
Facility Type: Gas
Equipment: Boring Machine
Root Cause: Failure to Protect Marks
Finding: No violation.

EB24-0041-

Alleged Violator: B&B Builders
Alleged Excavator: Jason Baker
Complainant: Knoxville Utilities Board
Facility Type: Gas
Equipment: Trackhoe
Root Cause: Excavating/Demolishing Beyond 15-Day Expiration
Finding: In violation for excavating/demolishing beyond 15-day expiration and Jason Baker ordered to attend compliance training.

EB24-0045-

Alleged Violator: JCL Construction
Alleged Excavator: Robert Hall
Complainant: City of Mount Pleasant Water Systems
Facility Type: Gas
Equipment: Trackhoe
Root Cause: Failure to Use Reasonable Care in the Tolerance/Safety Zone
Finding: In violation for failure to use reasonable care in the tolerance/safety zone and Robert Hall ordered to attend compliance training.

EB24-0048-

Alleged Violator: Michael Giampa
Alleged Excavator: Michael Giampa

Complainant: East Tennessee Natural Gas, LLC
Facility Type: Gas
Equipment: Trencher
Root Cause: No Notification to TN One-Call/811 Prior to Excavating/Demolishing
Finding: Warning Letter.

EB24-0049-

Alleged Violator: Jones Bros. Construction
Alleged Excavator: Nick Ward
Complainant: Atmos Energy
Facility Type: Gas
Equipment: N/A
Root Cause: Reporting a False Emergency for a Locate Ticket.
Finding: Warning Letter.

EB24-0053-

Alleged Violator: DR Clark Company
Alleged Excavator: Michael Clark
Complainant: Metro Water and Sewer
Facility Type: Water
Equipment: N/A
Root Cause: Reporting a False Emergency for a Locate Ticket
Finding: Warning Letter.

EB24-0059-

Alleged Violator: Ramirez Underground Construction
Alleged Excavator: Cristofer Hernandez
Complainant: Knoxville Utilities Board
Facility Type: Gas
Equipment: N/A
Root Cause: Excavating/Demolishing Beyond 15-Day Expiration
Finding: In violation for excavating/demolishing beyond 15-day expiration and Cristofer Hernandez ordered to attend training.

EB24-0008, EB24-0010; and EB24-0052

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 Tennessee 811 training program update and staff updates were reserved for the Board meeting. No public comment was made during the public comment period. The Executive Committee meeting adjourned at 10:38 a.m.