



**TENNESSEE UNDERGROUND UTILITY DAMAGE ENFORCEMENT BOARD  
EXECUTIVE COMMITTEE  
Meeting on June 6, 2024**

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**MINUTES**

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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  
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

**Roll Call & Minutes:**

Roll call confirmed Chairman Kevin Tubberville, Vice Chairman Wayne Hastings, Mr. Eddie Hood, Mr. Steve Raper, and Mr. Bob Pitts as present, making a quorum. The Committee considered the Minutes from the April 9th, 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:

**EB23-0311-**

**Alleged Violator:** Hernandez Plumbing  
**Alleged Excavator:** Kevin Perez  
**Complainant:** Zayo Group  
**Facility Type:** Telecom  
**Equipment:** Backhoe-Trackhoe  
**Root Cause:** Excavating/Demolishing Before Locate Request is Valid  
**Finding:** No violation.

**EB23-0317-**

**Alleged Violator:** Clayton Homes  
**Alleged Excavator:** Unknown  
**Complainant:** East Tennessee Natural Gas  
**Facility Type:** Gas  
**Equipment:** N/A  
**Root Cause:** No notification to TN One-Call/811 Prior to Excavating/Demolishing  
**Finding:** No violation on the part of Clayton Homes. Bunch Excavating in violation for no notification to TN One-Call/811 prior to excavating/demolishing and Lewis Bunch ordered to attend compliance training.

**EB23-0319-**

**Alleged Violator:** Elantra Gates  
**Alleged Excavator:** Jason Foreman  
**Complainant:** Atmos Energy  
**Facility Type:** Gas  
**Equipment:** N/A  
**Root Cause:** No notification to TN One-Call/811 Prior to Excavating/Demolishing  
**Finding:** Warning Letter.

**EB24-0005**

**Alleged Violator:** Alian Cable Construction  
**Alleged Excavator:** Chris Rodriguez  
**Complainant:** Knoxville Utilities Board  
**Facility Type:** Gas  
**Equipment:** Boring Machine  
**Root Cause:** Failure to Use Reasonable Care in the Safety/Tolerance Zone  
**Finding:** No violation.

**EB24-0033-**

**Alleged Violator:** SBW Constructors  
**Alleged Excavator:** Unknown  
**Complainant:** Atmos Energy  
**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 Bob Holden ordered to attend compliance training.

**EB24-0037**

**Alleged Violator:** Mal Giffe

**Alleged Excavator:** Mal Giffe

**Complainant:** Atmos Energy

**Facility Type:** Gas

**Equipment:** Backhoe

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

**Finding:** Warning Letter.

**EB24-0044-**

**Alleged Violator:** East TN Underground

**Alleged Excavator:** Rich Baker

**Complainant:** Atmos Energy

**Facility Type:** Gas

**Equipment:** Boring Machine

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

**Finding:** No violation.

**EB24-0046-**

**Alleged Violator:** S&W Contracting

**Alleged Excavator:** Rodney Bridges

**Complainant:** Atmos Energy

**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 Rodney Bridges ordered to attend compliance training.

**EB24-0050-**

**Alleged Violator:** McGaha Electric

**Alleged Excavator:** Greg Friend

**Complainant:** Atmos Energy

**Facility Type:** Gas

**Equipment:** N/A

**Root Cause:** Excavating Before Locate Request is Valid

**Finding:** In violation for excavating for excavating before locate request is valid, it is a subsequent violation, and a civil penalty of \$2,500 assessed.

**EB24-0051-**

**Alleged Violator:** More than Plants

**Alleged Excavator:** Gail Blevins

**Complainant:** Atmos Energy

**Facility Type:** Gas

**Equipment:** Auger

**Root Cause:** Excavating/Demolishing Before Locate Request is Valid

**Finding:** In violation for excavating/demolishing before locate request is valid and Gail Blevins ordered to attend compliance training.

**EB24-0054-**

**Alleged Violator:** Ceco Concrete

**Alleged Excavator:** Jeronimo Cruz

**Complainant:** Meter 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 Justin Courtney ordered to attend compliance training.

**EB24-0058-**

**Alleged Violator:** Baisley Excavating

**Alleged Excavator:** JJ Larue

**Complainant:** Knoxville Utilities Board

**Facility Type:** Gas

**Equipment:** Backhoe-Trackhoe

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

**Finding:** No violation.

**EB23-0062-**

**Alleged Violator:** Dave Harness & Sons

**Alleged Excavator:** Jerry Beeler

**Complainant:** Knoxville Utilities Board

**Facility Type:** Gas

**Equipment:** Grader-Scraper

**Root Cause:** No Notification 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 \$7,500 assessed.

**EB24-0068-**

**Alleged Violator:** Sawing Logs Excavating

**Alleged Excavator:** Jason Hitson

**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 Jason Hitson ordered to attend compliance training.

**EB24-0071-**

**Alleged Violator:** Serenity Pools

**Alleged Excavator:** KC Gilbert

**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 and KC Gilbert ordered to attend compliance training.

**EB24-0073-**

**Alleged Violator:** Advanced Landscape Services

**Alleged Excavator:** Victor Trobaugh

**Complainant:** Atmos Energy

**Facility Type:** Gas

**Equipment:** Ditching 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, it is a subsequent violation, and a civil penalty of \$2,500 assessed.

**EB24-0079-**

**Alleged Violator:** Sunrise Contracting

**Alleged Excavator:** Unknown

**Complainant:** Atmos Energy

**Facility Type:** Gas

**Equipment:** Backhoe-Trackhoe

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

**Finding:** No violation.

**EB24-0085-**

**Alleged Violator:** South Fork Utility

**Alleged Excavator:** Alex Gentry

**Complainant:** Atmos Energy

**Facility Type:** Gas

**Equipment:** Backhoe-Trackhoe

**Root Cause:** Excavating/Demolishing Before Locate Request is Valid

**Finding:** In violation for excavating/demolishing before locate request is valid and Alex Gentry to attend compliance training.

**EB24-0090-**

**Alleged Violator:** Nitzchke Communications

**Alleged Excavator:** Chris Blackburn

**Complainant:** West Knox Utility District

**Facility Type:** Cable

**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 Chris Blackburn ordered to attend compliance training.<sup>1</sup>

**EB24-0042;EB24-0061; EB24-0063; EB24-0065; EB24-0069; EB24-0070; EB24-0072;EB24-0075; EB24-0077; EB24-0078; EB24-0082; EB24-0084; EB24-0097;and EB24-0098**

**Alleged Violator:** First Violation

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

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

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<sup>1</sup> Mr. Wayne Hastings abstained from voting in this matter.

### **PHMSA Evaluation Discussion**

Anticipated results for PHMSA's evaluation of Tennessee's State Damage Prevention programming were discussed at length. There is concern amongst staff that the program will receive an inadequate for 2023 due to lack of violations against operators and lack of progress in equitable enforcement for the current year. Gas Pipeline Safety Director, Bryce Keener, has been working with operators to encourage them to submit their damages to him to initiate the complaint process, however, there have been no enforcement actions against gas operators this year. Facing the inadequate rating, staff believes there will be a push towards mandatory reporting for all damages in Tennessee as there are in other states. The Committee and staff agreed that this conversation should be discussed more in depth with the full Board as it relates to future legislation involving mandatory reporting and the program's ability to adjust to it.

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

The Tennessee 811 training program update and staff updates were given. Committee members were reminded that the positions of Chairman, Vice Chairman, and Seats A, B, and C on the Committee are up for elections in August. No public comment was made during the public comment period. The Executive Committee meeting adjourned at 11:13 a.m.