



**TENNESSEE UNDERGROUND UTILITY DAMAGE ENFORCEMENT BOARD  
EXECUTIVE COMMITTEE  
Meeting on July 30, 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  
Bryce Keener

**Tennessee 811 Present:**

Craig Ingram  
Bill Turner

**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 June 6th, 2024, meeting. Mr. Hood motioned to approve the Minutes and Mr. Hastings asked to clarify that he was present at the June 6<sup>th</sup> meeting in person rather than via phone. Additionally, Mr. Hastings requested the Minutes state that he abstained

from voting on EB24-0090 which involved the utility he worked for. Mr. Hastings then motioned the minutes be approved with those changes, which was seconded and approved.

**Presentation of Investigation of Complaints:**

The Committee heard and ruled on the following complaints:

**EB24-0067-**

**Alleged Violator:** Rocky Top Erosion Control

**Alleged Excavator:** Seth Holbrook

**Complainant:** Knoxville Utilities Board

**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, it is a second violation, and a civil penalty of \$2,500 assessed.

**EB23-0083-**

**Alleged Violator:** CJ Cable Installation

**Alleged Excavator:** Mirleth Cruz

**Complainant:** Atmos Energy

**Facility Type:** Gas

**Equipment:** N/A

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

**Finding:** Warning letter.

**EB24-0088-**

**Alleged Violator:** SMU Telecom Services, Inc.

**Alleged Excavator:** Unknown

**Complainant:** West Knox Utility District

**Facility Type:** Sewer

**Equipment:** Boring Machine

**Root Cause:** Not Reporting Damage to the Underground Utilities/Facilities

**Finding:** In violation for not reporting damage to the underground utilities/facilities, it is a subsequent violation, and a civil penalty of \$2,500 assessed.

**EB24-0091**

**Alleged Violator:** DUNCO Construction

**Alleged Excavator:** Terry Duncan

**Complainant:** Powell Clinch Utility District

**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 Terry Duncan ordered to attend compliance training.

**EB24-0094-**

**Alleged Violator:** Sands Fence Company

**Alleged Excavator:** Abidael Diaz  
**Complainant:** Horton Highway Utility District  
**Facility Type:** Gas  
**Equipment:** N/A  
**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 Abidael Diaz ordered to attend compliance training.

**EB24-0096**

**Alleged Violator:** Bell, Inc.  
**Alleged Excavator:** Justin Davidson  
**Complainant:** Google Fiber  
**Facility Type:** Telecom  
**Equipment:** Backhoe-Trackhoe  
**Root Cause:** Failure to Use Reasonable Care in the Safety/Tolerance Zone.  
**Finding:** No violation.

**EB24-0103-**

**Alleged Violator:** PMT Site, LLC  
**Alleged Excavator:** Dillon Bright  
**Complainant:** Metro Water & Sewer  
**Facility Type:** Water  
**Equipment:** Backhoe-Trackhoe  
**Root Cause:** Excavating/ Demolishing Outside of the Requested Locate Area  
**Finding:** No violation.

**EB24-0106-**

**Alleged Violator:** Mid-South Fence and Deck  
**Alleged Excavator:** Unknown  
**Complainant:** Atmos Energy  
**Facility Type:** Gas  
**Equipment:** Auger  
**Root Cause:** No notification to TN One-Call/811 Prior to Excavating/Demolishing  
**Finding:** No violation.

**EB24-0107-**

**Alleged Violator:** Civil Constructors  
**Alleged Excavator:** John Hooper  
**Complainant:** Piedmont Natural Gas  
**Facility Type:** Gas  
**Equipment:** 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, it is a subsequent violation, and a civil penalty of \$2,500 assessed.

**EB24-0111-**

**Alleged Violator:** Homeowner- Brenda Becton  
**Alleged Excavator:** Brenda Becton  
**Complainant:** Deloise Nabors

**Facility Type:** Electric  
**Equipment:** N/A  
**Root Cause:** Facility Not Marked or Located  
**Finding:** No violation.

**EB24-0112-**

**Alleged Violator:** Elite Technician Management  
**Alleged Excavator:** Unknown  
**Complainant:** West Tennessee Public Utility District  
**Facility Type:** Gas  
**Equipment:** Trencher  
**Root Cause:** Excavating/Demolishing Before Locate Request is Valid  
**Finding:** In violation for excavating/demolishing before locate request is valid, it is a subsequent violation, and a civil penalty of \$2,500 assessed.

**EB24-0113-**

**Alleged Violator:** Mike  
**Alleged Excavator:** Michael Stylski  
**Complainant:** Homeowner- Christy Cook  
**Facility Type:** Gas  
**Equipment:** N/A  
**Root Cause:** No Notification to TN One-Call/811 Prior to Excavating/Demolishing  
**Finding:** Warning Letter.

**EB23-0114-**

**Alleged Violator:** LM Roofing, LLC  
**Alleged Excavator:** Chad Miller  
**Complainant:** Homeowner  
**Facility Type:** Water  
**Equipment:** N/A  
**Root Cause:** Excavating/Demolishing Outside of the Requested Locate Area  
**Finding:** No violation.

**EB24-0116-**

**Alleged Violator:** Landowner-Ricky Bradley  
**Alleged Excavator:** Ricky Bradley  
**Complainant:** East TN Natural Gas  
**Facility Type:** Gas  
**Equipment:** Trencher  
**Root Cause:** No Notification to TN One-Call/811 Prior to Excavating/Demolishing  
**Finding:** Warning Letter.

**EB24-0124-**

**Alleged Violator:** Massey Electric Company  
**Alleged Excavator:** Evan Haywood  
**Complainant:** Knoxville Utilities Board  
**Facility Type:** Gas  
**Equipment:** Mini-Excavator  
**Root Cause:** Failure to Use Reasonable Care in the Safety/Tolerance Zone  
**Finding:** Warning Letter.

**EB24-0126-**

**Alleged Violator:** Sharpscapes

**Alleged Excavator:** Teddy Bush

**Complainant:** Knoxville Utilities Board

**Facility Type:** Gas

**Equipment:** Mini-Excavator

**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, it is a subsequent violation, and a civil penalty of \$5,000 assessed.

**EB24-0129-**

**Alleged Violator:** Pipewrench Plumbing

**Alleged Excavator:** Chris Webb

**Complainant:** Knoxville Utilities Board

**Facility Type:** Water

**Equipment:** Mini-Excavator

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

**Finding:** No violation.

**EB24-0131-**

**Alleged Violator:** Source Broadband Knoxville

**Alleged Excavator:** John Hall

**Complainant:** Knoxville Utilities Board

**Facility Type:** Electric

**Equipment:** Directional Drill

**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 John Hall ordered to attend compliance training.

**EB24-0132-**

**Alleged Violator:** The Plumbing Authority

**Alleged Excavator:** Ray Loveday

**Complainant:** Knoxville Utilities Board

**Facility Type:** Water

**Equipment:** Directional Drill

**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 subsequent violation, and a civil penalty of \$2,500 assessed.

**EB24-0151-**

**Alleged Violator:** Woodsmith BuildCo, LLC

**Alleged Excavator:** Shawn Turner

**Complainant:** East TN Natural Gas

**Facility Type:** Gas

**Equipment:** Skidloader

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

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

**EB24-0153-**

**Alleged Violator:** Fenix Construction, LLC

**Alleged Excavator:** David Ray

**Complainant:** Piedmont Natural Gas

**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 Early Brashear ordered to attend compliance training.

**EB24-0039; EB24-0055; EB24-0089; EB24-0092; EB24-0099; EB24-0100; EB24-0104; EB24-0105; EB24-0108; EB24-0109; EB24-0117; EB24-0121; EB24-0125; EB24-0127; EB24-0135; EB24-0136; EB24-0139; EB24-0145; EB24-0149 and EB24-0150**

**Alleged Violator:** First Violation

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

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

**New NAV Process and Penalty Scale**

Stacy Balthrop presented the Committee with a new NAV packet containing an updated penalty scale which now offers mitigation options to alleged violators. Senior Counsel Aaron Conklin, clarified the change is in response to the new law effective on July 1 and further noted that Stacy spent some time speaking with other states regarding their processes. Additional discussion regarding specifics of the new process occurred and ended with an approved motion to adopt the new penalty scale.

**Update on PHMSA Equitable Enforcement Measures**

Gas Pipeline Safety Director Bryce Keener informed the Committee that as of July 8<sup>th</sup>, his office implemented a form which was sent to all gas operators in the state requiring them to complete it within 30 days and return to his office for damages involving locating issues. As of the date of the meeting, he had received approximately 12 of them. He anticipates he will have a better idea of how many will be coming in by Labor Day. Additionally, Bryce spoke with David Appelbaum of PHMSA who stated they were going to delay the adequacy-inadequacy finding of the damage prevention programs until later this year since the implementation of the form. Bryce closed by stating he was going to continue to look at the data and update the Committee and Board accordingly.

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

The Tennessee 811 training program update and staff updates were given. Mr. Pitts asked whether there was a significant increase in the number of open complaints. A brief discussion ensued regarding the high number of complaints received in July in relation to the amount of time given for initial contact and alleged violator response. It was noted that there were several new complainants filing complaints in addition to the usual complainants filing more. 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 11:15 a.m.