



**TENNESSEE UNDERGROUND UTILITY DAMAGE ENFORCEMENT BOARD
EXECUTIVE COMMITTEE MEETING
Meeting on September 24, 2024**

MINUTES

The Executive Committee meeting of the Tennessee Underground Utility Damage Enforcement Board commenced at 10:05 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
Bob Pitts
Steve Raper (via phone)

TPUC Staff Present:

Aaron Conklin
Stacy Balthrop
Slayde Warren
Brittany Shaw

Tennessee 811 Present:

Marcus Bartholomew

Roll Call & Minutes:

Ms. Brittany Shaw opened the meeting and took roll call which confirmed Chairman Kevin Tubberville, Vice Chairman Wayne Hastings, Mr. Eddie Hood, and Mr. Bob Pitts as present. The Committee considered the Minutes of the August 20, 2024, meeting. Mr. Hood motioned to approve the Minutes which were unanimously approved. Mr. Steve Raper joined the meeting by phone after the minutes were approved.

Presentation of Investigation of Complaints:

The Committee heard and ruled on the following complaints:

EB24-0047-

Alleged Violator: Tyler Meredith

Complainant: Knoxville Utilities Board

Facility Type: Electric

Root Cause: No notification to TN One-Call/811 prior to excavation.

Finding: Violation. Tyler Meredith ordered to complete compliance training.

EB24-0134-

Alleged Violator: JJJ General Services, Inc.

Complainant: Metro Water and Sewer

Facility Type: Water

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

Finding: Violation. Gustavo Jimenez ordered to complete compliance training.

EB24-0170-

Alleged Violator: Rodreguiz Plumbing

Complainant: Metro Water and Sewer

Facility Type: Water

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

Finding: Violation. Hector Rodriguez to complete compliance training.

EB24-0171-

Alleged Violator: Rocky Top Concrete & Excavation

Complainant: Powell Clinch Utility District

Facility Type: Gas

Root Cause: No notification to TN One-Call/811 prior to excavation.

Finding: Violation of gross negligence. \$5,000 civil penalty and Jackson Lay and Sean Lay complete compliance training.

EB24-0179-

Alleged Violator: VP Mechanical Plumbing and Electrical

Complainant: Atmos Energy

Facility Type: Gas

Root Cause: Excavating/demolishing before locate ticket valid.

Finding: Violation. Jeremy Donnell to complete compliance training.

EB24-0180-

Alleged Violator: Rocky Top Concrete & Excavation

Complainant: Powell Clinch Utility District

Facility Type: Gas

Root Cause: Failure to use reasonable care in the tolerance zone.

Finding: Violation. \$811 civil penalty.

EB24-0183-

Alleged Violator: Skilled Services

Complainant: Knoxville Utilities Board

Facility Type: Gas

Root Cause: No notification to TN One-Call/811 prior to excavating.

Finding: Violation. Mark Woodmark ordered to complete compliance training.

EB24-0186-

Alleged Violator: Rains Electric

Complainant: Texas Eastern Transmission

Facility Type: Gas

Root Cause: Excavating before locate ticket valid.

Finding: Violation. \$811 civil penalty.

EB24-0187-

Alleged Violator: Whaley Construction

Complainant: Knoxville Utilities Board

Facility Type: Gas

Root Cause: Failure to use reasonable care in the tolerance zone.

Finding: Violation. \$5,000 civil penalty.

EB24-0189-

Alleged Violator: Clayton Thorne Construction

Complainant: Water & Wastewater Authority of Wilson County

Facility Type: Water

Root Cause: No notification to TN One-Call/811 prior to excavating.

Finding: Violation. \$811 civil penalty.

EB24-0191-

Alleged Violator: Acadia Landscaping

Complainant: Knoxville Utilities Board

Facility Type: Gas

Root Cause: No notification to TN One-Call/811 prior to excavating.

Finding: Violation. Phil Bonifation to complete compliance training.

EB24-0192-

Alleged Violator: DC Foundations

Complainant: Knoxville Utilities Board

Facility Type: Water

Root Cause: No notification to TN One-Call/811 prior to excavating.

Finding: Violation. \$5,000 civil penalty.

EB24-0195-

Alleged Violator: Northwest Plumbing

Complainant: Knoxville Utilities Board

Facility Type: Gas

Root Cause: Failure to use reasonable care in the tolerance zone.

Finding: Violation. Gary Jones to complete compliance training.

EB24-0196-

Alleged Violator: C&S Plumbers, LLC

Complainant: Atmos Energy

Facility Type: Gas

Root Cause: No notification to TN One-Call/811 prior to excavating.

Finding: Violation. \$811 civil penalty.

EB24-0197-

Alleged Violator: Z Development
Complainant: Atmos Energy
Facility Type: Gas
Root Cause: No notification to TN One-Call/811 prior to excavating.
Finding: Violation. \$811 civil penalty.

EB24-0201-

Alleged Violator: Volunteer Utility Services
Complainant: Atmos Energy
Facility Type: Gas
Root Cause: Failure to use reasonable care in tolerance zone.
Finding: Violation. \$2,500 civil penalty.

EB24-0202-

Alleged Violator: Jackson Jones Construction
Complainant: Atmos Energy
Facility Type: Gas
Root Cause: No notification to TN One-Call/811 prior to excavating.
Finding: Violation. \$811 civil penalty.

EB24-0206-

Alleged Violator: Jim Cooper
Complainant: West Tennessee Public Utility District
Facility Type: Gas
Root Cause: Failure to use reasonable care in tolerance zone.
Finding: Violation. Jim Cooper to complete compliance training.

EB24-0207-

Alleged Violator: Earth Tech
Complainant: Knoxville Utilities Board
Facility Type: Water
Root Cause: No notification to TN One-Call/811 prior to excavating.
Finding: Violation. Reed West to complete compliance training.

EB24-0217-

Alleged Violator: Appalachian Power
Complainant: Atmos Energy
Facility Type: Gas
Root Cause: No notification to TN One-Call/811 prior to excavating.
Finding: Violation. \$811 civil penalty.

EB24-0218-

Alleged Violator: Wilson Home Improvement
Complainant: Knoxville Utilities Board
Facility Type: Gas
Root Cause: Excavating beyond 15-day expiration.
Finding: Violation. Zach Wilson to complete compliance training.

EB24-0219-

Alleged Violator: Pipe Doctor

Complainant: Knoxville Utilities Board

Facility Type: Gas

Root Cause: Failure to use reasonable care in tolerance zone.

Finding: Violation of gross negligence or willful misconduct. \$2,500 civil penalty.

EB24-0220-

Alleged Violator: Pipe Doctor

Complainant: Knoxville Utilities Board

Facility Type: Gas

Root Cause: Failure to use reasonable care in tolerance zone.

Finding: Willful violation. \$5,000.

EB24-0221-

Alleged Violator: Tony Daugherty

Complainant: Horton Highway Utility District

Facility Type: Gas

Root Cause: Failure to use reasonable care in tolerance zone.

Finding: Warning

EB24-0224-

Alleged Violator: A Jump Above

Complainant: Knoxville Utilities Board

Facility Type: Gas

Root Cause: No notification to TN One-Call/811 prior to excavating.

Finding: Warning

EB24-0225-

Alleged Violator: Tycon, LLC

Complainant: Knoxville Utilities Board

Facility Type: Gas

Root Cause: Excavating before locate request is valid.

Finding: Violation. Jorge Martinez to complete compliance training.

EB24-0231-

Alleged Violator: Tim Lane

Complainant: Atmos Energy

Facility Type: Gas

Root Cause: No notification to TN One-Call/811 prior to excavating.

Finding: Violation. \$811 civil penalty.

EB24-0241-

Alleged Violator: Reese Johnson, LLC

Complainant: Knoxville Utilities Board

Facility Type: Sewer

Root Cause: No notification to TN One-Call/811 prior to excavating

Finding: Violation. \$811 civil penalty.

EB24-0247-

Alleged Violator: Knight's Excavating
Complainant: Knoxville Utilities Board
Facility Type: Gas
Root Cause: No notification to TN One-Call/811 prior to excavating.
Finding: Violation. \$811 civil penalty.

EB24-0248-

Alleged Violator: Verascapes Commercial Landscaping Solutions
Complainant: Knoxville Utilities Board
Facility Type: Water
Root Cause: No notification to TN One-Call/811 prior to excavating.
Finding: Violation. \$811 civil penalty.

EB24-0251-

Alleged Violator: East Tennessee Rooter and Plumbing
Complainant: Knoxville Utilities Board
Facility Type: Gas
Root Cause: No notification to TN One-Call/811 prior to excavating.
Finding: Violation. \$811 civil penalty.

EB24-0259-

Alleged Violator: Fleenor Security
Complainant: Atmos Energy
Facility Type: Gas
Root Cause: No notification to TN One-Call/811 prior to excavating.
Finding: Warning

EB24-0260-

Alleged Violator: Southern Constructors
Complainant: Atmos Energy
Facility Type: Gas
Root Cause: No notification to TN One-Call/811 prior to excavating.
Finding: Violation. \$811 civil penalty.

EB24-0275-

Alleged Violator: Glisson Land Development
Complainant: Atmos Energy
Facility Type: Gas
Root Cause: No notification to TN One-Call/811 prior to excavating.
Finding: Violation. \$811 civil penalty.

EB24-0226-

Alleged Violator: Cypress Concrete
Complainant: Jackson Energy Authority
Facility Type: Gas
Root Cause: No notification to TN One-Call/811 prior to excavating.
Finding: No Violation

Alleged Violator: Edgefield Enterprises

Complainant: Jackson Energy Authority

Facility Type: Gas

Root Cause: No notification to TN One-Call/811 prior to excavating

Finding: Violation. Employee ordered to complete compliance training.

Consent agenda for first-time violation for failure to give notice to the state one-call service prior to excavation:

EB24-0193, EB24-0194, EB24-0208, EB24-0209, EB24-0212, EB24-0213, EB24-0215, and EB24-0232-

Root Cause: No notification to TN One-Call/811 prior to excavating

Finding: Completion of compliance training course.

Consent agenda for finding of No Violation:

EB24-0176, EB24-0177, EB24-0210, EB24-0216, EB24-0222, EB24-0227, EB0229-

Finding: No violation

Update of Training Program by Tennessee 811

Mr. Bartholomew discussed the violator training report. The on-demand training platform was scheduled to roll out October 1.

Update from Staff

The Board received 44 complaints in August 2024, and 16 complaints were received at this point in September 2024. The calendar year complaints received was 299, which was 51 more the previous year. There were 10 administratively closed complaints in August, and nine at this point in September. There were 69 open investigations. The total assessed civil penalties was \$498,097 and the fund balance was \$292,987, which included a \$299 reimbursement from grants. Consent and Settlement Agreements, outreach, and meeting dates for 2025 were discussed.

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

The Executive Committee meeting adjourned at 11:10 a.m.