



**TENNESSEE UNDERGROUND UTILITY DAMAGE ENFORCEMENT BOARD
EXECUTIVE COMMITTEE
Meeting on December 17, 2024**

MINUTES

The Executive Committee meeting of the Tennessee Underground Utility Damage Enforcement Board commenced at 10:02 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
Slayde Warren
Stacy Balthrop

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 October 29, 2024, meeting. Mr. Pitts motioned to approve the Minutes which was seconded and approved.

Presentation of Investigation of Complaints:

The Committee heard and ruled on the following complaints:

EB24-0182-

Alleged Violator: The Wildwood Group

Alleged Excavator: Unknown

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Skidloader

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

Finding: In violation. Civil Penalty of \$811.

EB24-0236-

Alleged Violator: Acadia Landscape

Alleged Excavator: Doug Roberts

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. Civil Penalty of \$811.

EB24-0250-

Alleged Violator: Premier Construction

Alleged Excavator: CJ Muligach

Complainant: Knoxville Utilities Board

Facility Type: Gas

Equipment: N/A

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

Finding: In violation. Civil Penalty of \$811.

EB24-0252

Alleged Violator: Peden Construction

Alleged Excavator: Michael Franklin

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Backhoe-Trackhoe

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

Finding: In violation. Civil Penalty of \$811.

EB24-0263-

Alleged Violator: Mainstream Communications

Alleged Excavator: Mike Green

Complainant: MLGW

Facility Type: Gas

Equipment: Directional Drill

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

Finding: In violation. Civil Penalty of \$811.

EB24-0269

Alleged Violator: Doss Construction
Alleged Excavator: Blaine Doss
Complainant: Atmos Energy
Facility Type: Gas
Equipment: Backhoe-Trackhoe
Root Cause: No Notification to TN One-Call/811 Prior to Excavating/Demolishing
Finding: In violation. Civil Penalty of \$811.

EB24-0274-

Alleged Violator: Henkel Construction
Alleged Excavator: Michael Bench
Complainant: Texas Eastern Transmission, LP
Facility Type: Gas
Equipment: Jack Hammer
Root Cause: No Notification to TN One-Call/811 Prior to Excavating/Demolishing
Finding: In violation. Civil Penalty of \$811.

EB24-0283-

Alleged Violator: Harrison Construction
Alleged Excavator: Quinn Wakefield
Complainant: Atmos Energy
Facility Type: Gas
Equipment: N/A
Root Cause: No Notification to TN One-Call/811 Prior to Excavating/Demolishing
Finding: In violation. Civil Penalty of \$811.

EB24-0284-

Alleged Violator: Chatco Enterprises
Alleged Excavator: Anthony Rodriguez
Complainant: Knoxville Utilities Board
Facility Type: Gas
Equipment: Trencher
Root Cause: No Notification to TN One-Call/811 Prior to Excavating/Demolishing.
Finding: In violation. Civil Penalty of \$811.

EB24-0298-

Alleged Violator: River Valley Landscapes
Alleged Excavator: John Hundley
Complainant: Knoxville Utilities Board
Facility Type: Gas
Equipment: Backhoe-Trackhoe
Root Cause: Excavating/Demolishing Beyond 15-day Expiration
Finding: In violation. Civil Penalty of \$811.

EB24-0299-

Alleged Violator: TM Exterior Solutions LLC
Alleged Excavator: Tyler Mitchell
Complainant: N/A
Facility Type: Sewer

Equipment: Auger
Root Cause: No Notification to TN One Call/811 Prior to Excavating/Demolishing
Finding: In violation. Civil Penalty of \$811.

EB24-0303-

Alleged Violator: Taylor Underground
Alleged Excavator: Clint Sanders
Complainant: MLGW
Facility Type: Gas
Equipment: Boring Machine
Root Cause: Failure to Use Reasonable Care in the Tolerance/Safety Zone
Finding: In violation. Civil Penalty of \$811.

EB24-0315-

Alleged Violator: Seymour Electrical Solutions
Alleged Excavator: Heath Seymour
Complainant: Jackson Energy Authority
Facility Type: Gas
Equipment: Backhoe-Trackhoe
Root Cause: No Notification to TN One Call/811 Prior to Excavating/Demolishing
Finding: In violation. Civil Penalty of \$811.

EB24-0322-

Alleged Violator: Wilson and Sons Land Management
Alleged Excavator: Unknown
Complainant: Piedmont Natural Gas
Facility Type: Gas
Equipment: Mini-Excavator
Root Cause: No Notification to TN One Call/811 Prior to Excavating/Demolishing
Finding: In violation. Civil Penalty of \$811.

EB24-0323-

Alleged Violator: Williams Foundations, LLC
Alleged Excavator: Unknown
Complainant: Piedmont Natural Gas
Facility Type: Gas
Equipment: N/A
Root Cause: No Notification to TN One Call/811 Prior to Excavating/Demolishing
Finding: In violation. Civil Penalty of \$811.

EB24-0327-

Alleged Violator: Maury Fence Company
Alleged Excavator: David Perry
Complainant: Atmos Energy
Facility Type: Gas
Equipment: Auger
Root Cause: No Notification to TN One Call/811 Prior to Excavating/Demolishing
Finding: In violation. Civil Penalty of \$811.

EB24-0328-

Alleged Violator: Brightview Landscapes

Alleged Excavator: Devin Pekara

Complainant: Atmos Energy

Facility Type: Gas

Equipment: N/A

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

Finding: In violation. Civil Penalty of \$811.

EB24-0329-

Alleged Violator: Gwinn Construction

Alleged Excavator: George Gwinn

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Backhoe-Trackhoe

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

Finding: In violation. Civil Penalty of \$811.

\$2,500 Recommendations

EB24-0268-

Alleged Violator: SBW Constructors

Alleged Excavator: Javier Caba

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Backhoe

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

Finding: In violation. Civil Penalty of \$2,500.

\$5,000 Recommendations

EB24-0238-

Alleged Violator: Southeast Excavation

Alleged Excavator: Ashton Farley

Complainant: Knoxville Utilities Board

Facility Type: Gas

Equipment: Grader-Scraper

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

Finding: In violation. Civil Penalty of \$5,000.

EB24-0270-

Alleged Violator: GPRS, LLC

Alleged Excavator: Jake Fitzpatrick

Complainant: West Tennessee Public Utility District

Facility Type: Gas

Equipment: Directional Drill

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

Finding: In violation. Civil Penalty of \$5,000.

\$7,500 Recommendations

EB24-0198-

Alleged Violator: Volunteer Utility Services
Alleged Excavator: Isaac Whillock
Complainant: Atmos Energy
Facility Type: Gas
Equipment: Directional Drill
Root Cause: Failure to Use Reasonable Care in the Tolerance/Safety Zone
Finding: In violation. Civil Penalty of \$7,500.

EB24-0286-

Alleged Violator: Taylor Plumbing
Alleged Excavator: Anthony Charles
Complainant: Knoxville Utilities Board
Facility Type: Gas
Equipment: Mini-Excavator
Root Cause: Failure to Use Reasonable Care in the Tolerance/Safety Zone
Finding: In violation. Civil Penalty of \$15,000.

Consent

EB24-0279-

Alleged Violator: RCC Concrete Services
Alleged Excavator: Unknown
Complainant: Piedmont Natural Gas
Facility Type: Gas
Equipment: Mini-Excavator
Root Cause: No Notification to TN One Call/811 Prior to Excavating/Demolishing
Finding: Approve Consent Agreement to Pay \$2,500.

EB24-0281-

Alleged Violator: Salvador Alvera
Alleged Excavator: Salvador Alvera
Complainant: Atmos Energy
Facility Type: Gas
Equipment: N/A
Root Cause: No Notification to TN One Call/811 Prior to Excavating/Demolishing
Finding: Approve Consent Agreement to Send Three Employees to Training.

EB24-0295 -

Alleged Violator: Rainscapes Irrigation
Alleged Excavator: Daniel Langford
Complainant: Knoxville Utilities Board
Facility Type: Gas
Equipment: Trencher
Root Cause: Failure to Use Reasonable Care in the Tolerance/Safety Zone
Finding: Approve Consent Agreement to Send Three Employees to Training.

EB24-0302-

Alleged Violator: Big Owl's Services LLC

Alleged Excavator: Alex Adams

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Auger

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

Finding: Approve Consent Agreement to Send Three Employees to Training.

EB24-0305-

Alleged Violator: Greenbriar Landscape Co., Inc.

Alleged Excavator: Giovanni Venegas

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Grader-Scraper

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

Finding: Approve Consent to Pay \$811.00.

EB24-0307-

Alleged Violator: Dennis Ditinno Irrigation & Lighting

Alleged Excavator: Dennis Ditinno

Complainant: Atmos Energy Corporation

Facility Type: Gas

Equipment: Trencher

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

Finding: Approve Consent to Send Three Employees to Training

EB24-0309-

Alleged Violator: Corey Robertson

Alleged Excavator: Corey Robertson

Complainant: Horton Highway Utility District

Facility Type: Gas

Equipment: Mini-Excavator

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

Finding: Approve Consent to Pay \$811.00.

EB24-0312-

Alleged Violator: Ford Construction Company

Alleged Excavator: Chad Fultz

Complainant: Brownsville Energy Authority

Facility Type: Sewer

Equipment: Trackhoe

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

Finding: Approve Consent to Pay \$811.00

EB24-0313-

Alleged Violator: HEP Services

Alleged Excavator: William LeClaire

Complainant: Atmos Energy

Facility Type: Gas
Equipment: Backhoe-Trackhoe
Root Cause: Failure to Use Reasonable Care in the Tolerance/Safety Zone
Finding: Approve Consent to Send Three Employees to Training.

EB24-0314-

Alleged Violator: Davis Dozing and Sons
Alleged Excavator: James H. Davis
Complainant: Atmos Energy
Facility Type: Gas
Equipment: Trackhoe
Root Cause: Excavating/Demolishing Beyond 15-Day Expiration
Finding: Approve Consent to Send Three Employees to Training.

EB24-0319-

Alleged Violator: Hill Construction
Alleged Excavator: Johnny Blair
Complainant: Atmos Energy
Facility Type: Gas
Equipment: Backhoe-Trackhoe
Root Cause: Failure to Use Reasonable Care in the Tolerance/Safety Zone
Finding: Approve Consent to Send Three Employees to Training

EB24-0325-

Alleged Violator: Mid Tenn Irrigation, LLC
Alleged Excavator: Joe Fink
Complainant: Atmos Energy
Facility Type: Gas
Equipment: Trencher
Root Cause: Failure to Use Reasonable Care in the Tolerance/Safety Zone
Finding: Approve Consent to Send Joe Fink to Training.

EB24-0326-

Alleged Violator: James Fullerton
Alleged Excavator: James Fullerton
Complainant: Atmos Energy
Facility Type: Gas
Equipment: N/A
Root Cause: No Notification to TN One Call/811 Prior to Excavating/Demolishing
Finding: Approve Consent to Send James Fullerton to Training.

EB24-0332-

Alleged Violator: Outer Elements
Alleged Excavator: Neighbor
Complainant: N/A
Facility Type: Sewer
Equipment: Excavator
Root Cause: No Notification to TN One Call/811 Prior to Excavating/Demolishing
Finding: Approve Consent to Send Three Employees to Training.

EB24-0333-

Alleged Violator: Noland Service Company

Alleged Excavator: Mike Noland

Complainant: Atmos Energy

Facility Type: Gas

Equipment: N/A

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

Finding: Consent to Approve Sending Three Employees to Training.

EB24-0334-

Alleged Violator: Nashville Irrigation and Lighting

Alleged Excavator: Tony Wheeler

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Trencher

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

Finding: Approve Consent to Pay \$811.00.

EB24-0339-

Alleged Violator: A- Ok Septic

Alleged Excavator: Tommy Stanfill

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Backhoe-Trackhoe

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

Finding: Approve Consent to Pay \$811.00.

EB24-0343-

Alleged Violator: Visionary Lawn and Landscapes

Alleged Excavator: Khahn Chow

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Trackhoe

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

Finding: Approve Consent to Pay \$811.00

EB24-0173;EB24-0294; and EB24-0300;

Finding: No Violation

Discussion of Enforcement Efforts from Gas and Pipeline Safety

Gas Pipeline Safety Director Bryce Keener gave an update on enforcement efforts since July 2024. To date, Mr. Keener received 164 submissions from 28 operators detailing damages that resulted from locating errors. Out of the 164, Keener stated that he would not seek enforcement on 56 of them and would seek enforcement on 108. Out of the 28 operators, only 10 of those would fall under non-enforceable damages. A letter has gone out to those with enforcement requirements, and they will have until the first quarter of 2025 to complete them. Mr. Keener stated that he had an upcoming meeting with Middle Tennessee Gas and six other

operators to review their DIMP and TIMP programming. A newsletter will go out to all of the operators twice a year. During a brief discussion between Mr. Keener and members of the Executive Committee, Mr. Keener indicated that he would not be filing complaints against operators with the Board but would utilize his 192 enforcement authority in his efforts to satisfy PHMSA requirements.

Discussion of Future Topics for the Next Executive Committee Meeting

The Tennessee 811 and program updates were reserved for the full Board meeting and there was no public comment made during the public comment period. The Executive Committee meeting adjourned at 10:59am.