



**TENNESSEE UNDERGROUND UTILITY DAMAGE PREVENTION BOARD
EXECUTIVE COMMITTEE MEETING
Meeting on March 29, 2017**

MINUTES

The Executive Committee meeting of the Tennessee Underground Utility Damage Enforcement Board commenced at 10:07 a.m. in the Ground Floor Meeting Room of 500 Deaderick Street, Nashville, Tennessee 37243.

Executive Committee Members Present:

Bob Lambert
Steven Raper
Kevin Tubberville, Chairman

Tennessee 811 Members Present:

Bill Turner

TRA Staff Present:

Sharla Dillon
Stacy Balthrop
Jaclyn Hammons
Slayde Warren
Aaron Conklin
Ryan McGehee

UUDEB Board Member on the Phone:

Kenneth King

Sharla Dillon opened the meeting, and the Committee considered the Minutes of the last meeting of February 27, 2017. There were no corrections, and the Minutes were approved on a voice vote.

Discussion of Pilot Compliance Training Program and Consideration of Authorizing Training Charge(s) for Violators for Training by Tennessee 811:

Bill Turner stated that he was asked to provide more information about the training that Tennessee 811 will provide. He said that Tennessee 811 is the notification service for the State of Tennessee, is a 24/7 operation, and provides after hours service for other states. He stated that a big part of their business is training, promoting and educating excavators and utilities. They have three full-time staff members who go out to train and promote the damage prevention efforts of Tennessee 811.

Mr. Turner stated that the training they currently provide is typically about thirty (30) minutes to an hour long, that it covers an overview of the operation and how Tennessee 811 operates, and that it digs into the underground utility damage prevention law only slightly. The training provided for the Underground Utility Damage Enforcement Board (“UUDEB”) will differ slightly. They will cover the entire operation and how Tennessee 811 operates, the Underground Utility Damage Prevention Act in its entirety, the enforcement board and how it operates, and best practices for the industry. Training will be two to three hours long, and Mr. Turner offered a proposal for the Executive Committee’s approval that on the last Wednesday of every month Tennessee 811 will open its office to any violators that have been required to go through the violation training. He said they will offer an 8:30 a.m. session and a 1:00 p.m. session at their office at 1850 Elm Hill Pike, Nashville, Tennessee, and the cost will be \$85.

Mr. Turner said that there will be times when a violator may not be able to come to Nashville, and Tennessee 811 will have to negotiate a price and then get the Executive Committee’s approval for that training. He expressed concern that there are some cases over 180 days old, as well as repeat violators, and he would like to get training going as soon as possible.

Bob Lambert asked how Tennessee 811 arrived at the rate, and Mr. Turner responded that it is based on the staff time and the materials that will be available. Steve Raper asked if \$85 covers their cost, and Mr. Turner stated that they are a nonprofit organization and will not be making money off of this training – they are just looking to recover some of their costs.

Mr. Raper asked how long the Nashville rate will apply, and Mr. Turner responded that the contract is for one year and that there are eleven months remaining on that contract. Mr. Raper inquired about the non-Nashville location, and Mr. Turner stated that because there is no pricing listed in the contract, it currently appears that the Executive Committee will have to approve any other costs for non-Nashville training sessions. He said they will have to give an estimate and explain that Executive Committee approval for that price is necessary.

Mr. Lambert asked about the possibility of setting quarterly locations in the eastern and western parts of the State, and Mr. Turner stated that the possibility has been discussed;

however, that gets complicated when you run into the need for scheduling before and/or after work hour sessions. Mr. Lambert stated that he was trying to come up with a way to set a firm price without the necessity of coming before the Board every time. Aaron Conklin asked about the length of the training sessions, and Mr. Turner responded that they will typically be between two and three hours, depending on the number of attendees and how many questions and concerns may come up.

The Executive Committee then unanimously voted to approve Mr. Turner's offer of an \$85 per person fee to attend the Nashville area once-a-month training program.

Presentation of Investigation of Complaints:

The Committee heard and ruled on the following complaints:

16-0001 –

Alleged Violator: Jose Aldava, H&J Concrete

Facility Type: gas

Equipment Used: skid loader

Root Cause: no notification to Tennessee 811 before excavating

Facts: Alex Monsivais, owner of H&J Concrete, stated that they were contracted by D.R. Horton to frame a driveway at Colton Drive. When they arrived, the frame was not ready and needed to be cut out. Shane Donahue, the builder for D.R. Horton, requested help cutting out the driveway. Mr. Aldava of H&J Concrete proceeded to cut out the driveway, aware that there was a gas pipeline running two feet below the dirt; however, they were only going to scrape eight inches. Next to a retaining wall on the property, the gas pipe went from two feet to four inches under the dirt, and this resulted in a damaged gas line. Mr. Monsivais admitted fault and stated that he now knows to call 811 before he digs; however, he was not planning to dig and only did so to help the builder. Kevin Nesmith, D.R. Horton construction manager, stated that when their usual vendor could not get there in a timely manner, H&J Concrete agreed to dig out the driveway. He further stated that any trade partner used by D.R. Horton is responsible for their own locate tickets. Mr. Nesmith confirmed that Mr. Donahue was the superintendent for that location. Jacklyn Hammons stated that it was her understanding that 811 tickets were not discussed prior to the work agreement between the parties.

Recommendation: training for both parties, H&J Concrete and D.R. Horton Construction

Finding: follow the recommendation: 1st violation training for both parties, with Mr. Monsivais, Mr. Aldava, Mr. Nesmith and Mr. Donahue attending the training

16-0002 –

Alleged Violator: Donny Brawley, L&G Construction

Complainant: Atmos Energy

Facility Type: gas

Equipment Used: case backhoe

Root Cause: failure to hand expose in the tolerance zone; there was an 811 ticket

Facts: Leonard Arnold, owner of L&G Construction, stated that he was told by the City to move the storm sewer line closer to the right-of-way so that Atmos Energy would not

have to move their gas line, and this required them to dig next to an old storm sewer line. Because the excavator, Donny Brawley, did not have proper depth of the gas line, he began by hand digging initially. When they did not come into contact with the gas line, it was assumed that it went under the old sewer line. That is when they began using the case backhoe, causing the damage. Mr. Arnold stated that they did know about the safety zone, and that is why they initially hand dug. David Roberts of Atmos Energy stated that prior to excavation he told Mr. Arnold that the gas line was above the old sewer line and not too far below the surface.

Recommendation: 1st violation training

Finding: follow the recommendation; 1st violation training, with Mr. Arnold and Mr. Brawley attending the training

16-0011 –

Alleged Violator: S&H Drilling

Complainant: Leslie Richardson, Federal Contracting Officer with the Department of Energy, Oak Ridge National Laboratory

Facility Type: fiber optic line

Facts: Leslie Richardson, Federal Contracting Officer with the Department of Energy, Oak Ridge National Laboratory, alleged that S&H Drilling did not have a valid Tennessee One-Call ticket when they damaged a fiber optic line. Imperial Cable Construction was performing excavation with four valid locate tickets. Blackbox, the locator for the Department of Energy, notified the Imperial Cable crew that there was an unlocatable cable and provided the general area where the cable may be located. Amber Mack and Austin Smith were listed on the locate tickets for Imperial Cable. During the course of the project, Imperial Cable Construction, which is based out of Georgia, ceased operating in Tennessee. S&H Drilling took over the operation, including Tennessee staff. Amber Mack called in locate tickets for S&H Drilling, and Austin Smith was listed as the contact person. Mr. Smith, owner of S&H Drilling, stated that he was employed by Imperial Cable at the time of the damage and only called in locate tickets under S&H Drilling after all business transfers were completed. Mr. Smith was aware of the unlocatable line that was identified by Blackbox.

Recommendation: no violation

Finding: no violation

Kevin Tubberville stated that the violation was committed by the old company, which transferred its staff and operations to another company name, and the complaint was then turned in on the new company name. He asked if this is the first case where this has happened, and Stacy Balthrop indicated that it is.

16-0012 –

Alleged Violator: Justin Coutts, Jarrett Builders (Mr. Tubberville stated that he previously worked with someone at Jarrett Builders and that he simply wanted to make the group aware)

Complainant: David Roberts, Atmos Energy

Facility Type: gas

Root Cause: no notification to Tennessee 811 before excavating

Facts: David Roberts with Atmos Energy filed a complaint alleging damage to a gas facility and stating that there was not an 811 ticket prior to digging. Justin Coutts stated that

he believes the lack of a locate ticket is because they were digging on private property, and he takes full responsibility for the damage. He stated that the issue has been discussed with his management team, and all field personnel have been briefed on the importance of utilizing Tennessee 811. An emergency One-Call ticket was completed after the alleged damage.

Recommendation: 1st violation training

Finding: 1st violation training for Mr. Coutts

16-0016 – [carried over from Feb. 27 meeting]

Alleged Violator: Randy Hasse, RNH Construction

Complainant: David Roberts, Atmos Energy

Facility Type: gas

Equipment Used: mini excavator

Root Cause: no notification to Tennessee 811 before excavating

Facts: David Roberts with Atmos Energy filed a complaint alleging damage to a gas facility and stating that there was not an 811 ticket prior to digging. Mr. Hasse stated that he was responsible for the damage, that he was removing an existing spa and had no intention of actually breaking ground, and that while moving a pipe, he broke ground and damaged the gas line. He confirmed that he did not have an 811 ticket and that he was using mechanized equipment during this excavation. Mr. Hasse has paid for the repairs.

This complaint was presented to the Committee on 2/27/16, and Mr. Slayde Warren was asked to speak with Mr. Hasse again to determine whether he intentionally broke ground or if the ground was broken due to an attempt to move an existing piece of the spa that was above ground. Mr. Hasse confirmed that he did break ground, stating that he typically calls Tennessee 811 while working and will continue to do so in the future.

Recommendation: 1st violation training for Mr. Hasse

Finding: 1st violation training for Mr. Hasse

16-0017 –

Alleged Violator: Kris Jared, Benchmark Plumbing

Complainant: Atmos Energy

Facility Type: gas

Equipment Used: backhoe attachment

Root Cause: failure to hand expose in tolerance zone; there was a locate ticket

Facts: Atmos Energy filed a complaint alleging that Kris Jared of Benchmark Plumbing failed to hand expose in the tolerance zone, resulting in damage to an Atmos gas line. Mr. Jared stated that the locate markings were five feet from the house, and he was digging four feet from the house when he struck the gas line running to the property next door. He was excavating one foot from the locate marks, in the tolerance zone. He confirmed that he was the excavator and that he had a valid 811 ticket at the time of the damage.

Recommendation: 1st violation training for Mr. Jared

Finding: 1st violation training for Mr. Jared

16-0023 –

Alleged Violator: Chambers Building Group

Complainant: David Roberts, Atmos Energy

Facility Type: gas

Equipment Used: backhoe

Root Cause: no notification to Tennessee 811 before excavating

Facts: David Roberts with Atmos Energy filed a complaint alleging damage to an Atmos facility and stating that there was not an 811 ticket prior to digging. Reed Chambers admitted he did not have an active locate ticket before digging but stated that he knew where the gas line was because he had dug the trench for the gas line on an earlier project. He further stated that he did not know he was supposed to call in a locate ticket if he already knew the location of the facility beforehand. He apologized and stated he would call each time in the future. Mr. Chambers verified that he was the excavator and that he was using mechanized equipment.

Recommendation: training

Finding: issue a citation to Reed Chambers with Chambers Building Group for the violation and the training

16-0026 –

Alleged Violator: Tim Haun, Rogers Group

Complainant: OSP on behalf of Comcast

Facility Type: cable

Equipment Used: skid-steer

Root Cause: not reporting damage to underground utilities; there was a locate ticket

Facts: OSP submitted a complaint on behalf of Comcast against Rogers Group. Todd Nash, project manager for the Rogers Group, stated that an immediate notification was made by Tim Haun, the foreman, to Drew McCauley, the Comcast representative and their contact for repair, and the Comcast cable was repaired the same afternoon, within ten minutes. Kim Losden, OSP investigator, stated that she had no documentation showing who called in the actual damage and that she was under the impression that an excavator was to call Tennessee 811 to report the damage and have a damage report created. Ms. Hammons explained to her that Tennessee 811 does not have damage reports, and excavators are required to call the facility that they damage directly. Ms. Losden stated that the Comcast outage report does not indicate if the Rogers Group called the damage in.

Recommendation: no violation – the Rogers Group contacted Comcast for repair at the time of the damage, the OSP investigator did not know who called in the cable damage, and the repair was made very quickly

Finding: no violation

16-0027 –

Alleged Violator: RMC Construction

Complainant: David Roberts, Atmos Energy

Facility Type: gas

Equipment Used: grader

Root Cause: failure to hand expose

Facts: David Roberts with Atmos Energy filed a complaint against RMC Construction (Resource Management Company) alleging failure to hand expose. Kenny Blackburn of RMC Construction stated that he did not recall this specific incident, that several crews were running at the time, and that he would review the alleged incident. Lucas Norris, operational manager with RMC, stated he was not aware of this incident either but

would also do a review. After a second violation notice was sent to the company president, Michael Johnson, Mr. Norris responded and stated that he had been unable to locate any specific information, such as who was operating the equipment at the time. He did verify that RMC was working at the address of the alleged violation at the time, that it appears an Atmos line was damaged, and that RMC always has an active Tennessee 811 locate ticket. Mr. Norris stated that this had been addressed with his team and project foremen and that the requirement of hand digging around all utilities was addressed.

Recommendation: 1st time violation – the excavator did have an 811 dig ticket; there is evidence of damage due to failure to hand dig; RMC stated that they are responsible; there is no specific information as to who was operating the equipment

Finding: training for Mr. Blackburn and Mr. Norris. There was discussion about the possibility that the people who really need the training won't be receiving it.

16-0029 –

Alleged Violator: Robert Biscan, Biscan Construction

Complainant: OSP on behalf of Comcast

Facility Type: cable

Equipment Used: backhoe

Root Cause: digging beyond 15-day calendar-day expiration; there was an 811 ticket

Facts: OSP filed a complaint on behalf of Comcast against Biscan Construction, alleging that Biscan had an expired 811 ticket when a Comcast cable line was damaged. Josh Lysaght, superintendent with Biscan Construction, explained that when the blueprints were drawn up, there were no underground utilities in the area or adjacent to the surrounding areas. While researching this complaint, Ms. Hammons found nine outstanding 811 tickets by Biscan Construction for the location, all of which stated “clear – no conflict” for all ten utilities, except Piedmont Gas. At the time of the damage, the 811 ticket had been expired for two weeks; however, after the damage happened, Biscan Construction called in another ticket because they were still excavating, and it still stated “clear – no conflict” for Comcast.

Recommendation: no violation

Finding: no violation – it appears Biscan was attempting to do the right thing per the intent of the Act

16-0033 –

Alleged Violator: Victor Manuel, Acadia Landscaping

Complainant: OSP on behalf of Comcast

Facility Type: cable

Equipment Used: ditch witch machine

Root Cause: facility was not located or marked; there was an 811 ticket

Facts: OSP submitted a complaint on behalf of Comcast against Acadia Landscaping alleging that Victor Manuel hit an unmarked Comcast cable line and that although Acadia Landscaping had 811 locate tickets for the area, they were not for the entire property. Savannah Moore of Acadia provided a copy of the locate ticket which clearly stated to locate the entire property. Ms. Moore confirmed that Mr. Manuel was the excavator and a ditch witch was used when the damage occurred.

Recommendation: no violation – the valid 811 ticket had specific instructions to have the entire property marked for excavation

Finding: no violation

There was some discussion about how OSP obtains its information and whether most of the complaints are service drops to the houses. Ms. Hammons stated that she would look into that.

16-0039 –

Alleged Violator: Larry Davis, Avian Glen Winery

Complainant: Atmos Energy

Facility Type: gas

Equipment Used: backhoe

Root Cause: facility not located or marked

Facts: Atmos Energy alleges that Larry Davis, Avian Glen Winery, damaged an underground gas facility, that he was using a backhoe, and that he did not utilize Tennessee 811 for a locate. Amy Parsons, office manager at Avian Glen Winery, acknowledged that Mr. Davis did cause the damage and that Tennessee 811 was not contacted for a locate. She stated that everyone in the business has been briefed on the necessity of calling Tennessee 811. Ms. Parsons stated that Mr. Davis suffered a stroke and is off for an indefinite amount of time.

Recommendation: training

Finding: training for Mr. Davis – however, there is a sixty day time limit for completing training, but because Mr. Davis may have a health issue which will limit his ability to attend training in that time period, an additional amount of time may be allowed for him to complete the training

16-0040 –

Alleged Violator: The Flats Apartments of East Ridge

Complainant: OSP on behalf of Comcast

Facility Type: cable

Equipment Used: hand saw

Root Cause: no notification made to Tennessee 811 prior to digging

Facts: OSP filed a complaint on behalf of Comcast alleging that The Flats Apartments severed a cable while breaking ground in several locations on the property, and no notification was made to Tennessee 811 prior to digging. Zeffon Wills, manager of The Flats Apartments, acknowledged that the cable was accidentally cut but stated that the cable had been above ground for an extended period of time, creating a hazard, and that he did not feel the complex was responsible. A photo was submitted by OSP which does show a cable of significant length lying above ground. The complaint was filed in November 2016, and as of January 2017 the cable was still above ground. Mr. Eldridge, the investigator with OSP, stated that non-mechanized equipment, a hand saw, was used and that it was his opinion it had been intentionally cut because portions of it had been above ground for an extended period of time.

Finding: no violation due to this being an above-ground issue

16-0050 –

Alleged Violator: Stansell Electric Company (actual excavator unknown)

Complainant: Atmos Energy

Facility Type: gas

Equipment Used: backhoe

Root Cause: failure to hand expose in tolerance area; a Tennessee 811 locate ticket was active during excavation

Facts: Atmos Energy filed a complaint against Stansell Electric Company alleging that Stansell damaged an underground facility while excavating and that Stansell failed to hand expose in the tolerance area. David Henderson, safety director for Stansell Electric, acknowledged that the company was responsible for the damage, that they did have a Tennessee 811 ticket, and that a backhoe was being used. He stated that this is a very busy construction site in Williamson County, and excavating can be very difficult. Mr. Henderson also stated that he was unable to identify specifically who was excavating and would have been responsible for the damage. He further pointed out that Stansell Electric has an outstanding safety record, has been in business for over twenty years, and that they will cooperate in any way. Also, the company's response to the notice of complaint indicated that the law had been reviewed and all individuals in the organization had been notified of the importance of following locate guidelines when excavating.

Recommendation: training, excavator unknown

Finding: training for Mr. Henderson and the foreman on the job the day of the damage

16-0053 –

Alleged Violator: Kelly Owsley, Rogers Group (2nd violation presented today, but first one deemed no violation)

Complainant: OSP on behalf of Comcast

Facility Type: cable

Equipment Used: excavator and hand tools

Root Cause: failure to use reasonable care; there was a locate ticket

Facts: OSP filed a complaint on behalf of Comcast alleging that Rogers Group had an 811 ticket but failed to exercise due care when excavating. Todd Nash, Rogers Group project manager, stated that Kelly Owsley was grading and scraping asphalt on a curve when he uncovered a conduit, approximately nine inches underground. Mr. Owsley immediately stopped excavation, inspected to see if a cable was present, and checked for any damage. The conduit contained a Comcast cable, but Mr. Owsley did not see any damage to the line, so he began using hand tools, a shovel and a rake, around the conduit in order to finish the work. Rogers Group was notified by Comcast of the damage and repairs two days later. Mr. Nash stated that they always try to use reasonable care and that they were not expecting the line to be so shallow.

Recommendation: no violation – the excavator used reasonable care

Finding: no violation

16-0063 –

Alleged Violator: David Goins, D&G Contracting

Complainant: OSP on behalf of Comcast

Facility Type: cable

Equipment Used: drop hammer on a Bobcat

Root Cause: no notification made to Tennessee 811 prior to excavation

Facts: OSP filed a complaint on behalf of Comcast stating that D&G Contracting damaged the facility while excavating for a sidewalk replacement. David Goins, owner and operator of D&G Contracting, stated that the concrete was marked, but he did not have a valid dig ticket. He admitted to causing the damage and explained he did not hit the line

while drilling. The line was damaged when removing the broken concrete because it was only two inches under the concrete slab. He apologized for causing the damage and called in an 811 locate ticket the next day.

Recommendation: 1st violation training for Mr. Goins

Finding: 1st violation training for Mr. Goins

16-0068 –

Alleged Violator: Lenoir City Utilities

Complainant: Dominick Amari, a geotechnological consultant and locator

Root Cause: failure to locate

Facts: Dominick Amari stated that he was digging on private property, and Lenoir City Utilities refused to fully locate their lines. Mr. Amari said that Lenoir City Utilities refused to locate the underground electric from the transformer box to the electric meter. Jeremy Walden, director of operations for Lenoir City Utilities, stated that they do not own underground secondary lines, that it is stated in their rules, and that the customer is responsible for installing all conduit and cable from the transformer secondary to the meter. Lenoir City Utilities does not install or supervise the installation. They do connect the customer's secondary to their transformer.

Recommendation: no violation – Lenoir City Utilities does not own the lines at issue in this complaint, and they do not locate lines that they do not own

Mr. Lambert stated that he was surprised to learn that Lenoir City Utilities does not own the secondary lines, but he understands why they would not be responsible for the locate. Mr. Conklin pointed out that it would be incumbent on the homeowner to get a private service to locate. The Committee then had some discussion about liability and public safety for future requests to locate when the company doesn't own the lines.

Finding: no violation

16-0070 –

Alleged Violator: Rocky Harrell, Consolidated Utility District

Complainant: OSP on behalf of Comcast

Facility Type: cable

Equipment Used: trench digger

Root Cause: excavating on an expired locate ticket

Facts: OSP filed a complaint against Consolidated Utility District alleging that Consolidated damaged a Comcast facility while excavating and that the Tennessee 811 locate request had expired. William Dunnill, general manager at Consolidated, submitted a response stating that the excavation was completed on a dig ticket that had recently expired but that the original locate ticket was "clear – no conflict." Mr. Dunnill stated that when Comcast arrived after the damage, their maps had no record of cable lines in that area.

Recommendation: at the will of the Executive Committee

There was some discussion about the fact that there was no subsequent locate after the damage which once again indicated "clear – no conflict." Mr. Conklin pointed out that as a utility district, this violator must be treated differently. He stated that the Committee can find a violation and order training, but in order to assess a civil penalty for a subsequent violation there must be a finding of a willful pattern of misconduct. Specifically, he stated that by statute "a civil penalty cannot be levied against a county, city, town, utility district, or other political subdivision unless the Executive Committee finds that the county, city, town, utility district, or other political subdivision has engaged in a pattern of willful

noncompliance with the requirements.” The Committee also expressed concern that Comcast is providing inaccurate information to the locators and then coming back to the alleged violator with a complaint when damage occurs.

Finding: no violation – the utility district thought they were digging in a clear area. Also, contact Comcast to let them know they need to update their records to avoid incorrect “no conflict” tickets in the future, and contact the utility district to remind them to make sure they update their tickets in the future.

17-0006 –

Alleged Violator: Ed Gouge, Ed Gouge Construction

Complainant: Atmos Energy

Facility Type: gas

Root Cause: no notification made to Tennessee 811 before digging

Facts: David Roberts with Atmos Energy filed a complaint against Ed Gouge Construction alleging damage and no notification made to Tennessee 811 prior to digging. Ed Gouge stated that there was no notification made to Tennessee 811 because the lines had already been marked on a recent installation, and they were still visible. He said that the line was damaged due to the close proximity of the multiple lines and that it was completely accidental. Mr. Gouge has not responded to additional requests for information. There were active locates for other contractors during this incident but none for Mr. Gouge.

Recommendation: 1st violation training for Mr. Gouge

Finding: training for Mr. Gouge

17-0014 –

Alleged Violator: Vestal Mitchell, Knoxville KOA Campground

Complainant: Comcast

Facility Type: cable

Equipment Used: backhoe attachment

Root Cause: no locate ticket – no notification made to Tennessee One-Call prior to excavation

Facts: Debora Cunningham with KOA Campground explained that she was unaware of the need to call Tennessee 811 prior to digging if there were no gas lines in the area that could cause injury. She stated that a water line had broken in the campground, and she asked a retired friend to use a backhoe attachment in order to fix it. Vestal Mitchell was operating the backhoe when he accidentally hit a Comcast cable line. Ms. Cunningham has now read the law, spoken with someone from the Underground Damage Prevention Program, and promises to always call prior to digging in the future.

Recommendation: 1st violation training (perhaps for Ms. Cunningham as owner/operator of KOA Campground) - at the will of the Executive Committee

Finding: training for Ms. Cunningham

17-0016 –

Alleged Violator: Steve Cherry, GEM Construction

Complainant: Atmos Energy

Facility Type: gas

Equipment Used: mini excavator

Root Cause: failure to hand expose in the tolerance zone – there was a locate ticket

Facts: Atmos Energy submitted a complaint against GEM Construction Group alleging that GEM failed to hand expose in the tolerance zone. Steve Cherry admitted to damaging the Atmos gas line and stated that Jason Cherry was replacing an existing sewer line and that the gas line was marked and crossed their excavation path at four different places. When the gas line was damaged, it was right up against an existing 4-inch PVC sewer cleanout. Jason Cherry initially hand dug around the gas line, but while attempting to remove the excavated dirt with the mini excavator, the tooth of the bucket punctured the line. Steve Cherry stated that GEM employees have been given new safety measures to ensure that this does not happen in the future.

Recommendation: no violation – the excavator used reasonable care by hand digging around the gas line, and safety measures have been implemented by the company

Finding: no violation

17-0023 –

Alleged Violator: South Branch Nursery/Quality Land Management

Complainant: Atmos Energy

Facility Type: gas

Facts: Atmos Energy filed a complaint against South Branch Nursery/Quality Land Management. Mr. Roberts with Atmos Energy requested cancellation of this investigation stating that he was given incorrect information about the damage that occurred, emphasizing that South Branch did not cause any damage.

Recommendation: administratively close the complaint – and request for permission to administratively close withdrawn complaints in the future

Finding: administratively close the complaint – and reminder that staff was given the ability to make that judgment in a previous meeting

17-0033 –

Alleged Violator: Rick Miller, Marable Pirkle Services

Complainant: OSP on behalf of Comcast

Facility Type: cable

Equipment Used: post hole digger

Root Cause: poor excavation practices

Facts: OSP filed a complaint on behalf of Comcast alleging damage to a coax cable line. Thomas Eldridge, OSP investigator, confirmed that a post hole digger was used, not mechanized equipment.

Recommendation: no violation – a hand tool, not mechanized equipment, was used

Finding: no violation

The Committee discussed the backlog of complaints. Ms. Balthrop reported that 150 complaints have been received since October 2016, and the Executive Committee has ruled on approximately 41. She stated that the complaints are presented to the Committee as the investigations are completed, and the staff is working diligently to get the older complaints worked out of the system. Ms. Balthrop further stated that approximately 25 complaints are filed each month, but that number has increased slightly as the weather has improved.

The Executive Committee meeting adjourned at 11:50 a.m.