



**TENNESSEE UNDERGROUND UTILITY DAMAGE PREVENTION BOARD
EXECUTIVE COMMITTEE MEETING
Meeting on April 26, 2017**

MINUTES

The Executive Committee meeting of the Tennessee Underground Utility Damage Enforcement Board commenced at 10:00 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 Member Present:

Bill Turner

TRA Staff Present:

Stacy Balthrop
Jaclyn Hammons
Slayde Warren
Aaron Conklin
Ryan McGehee

Sharla Dillon opened the meeting, and the Committee deferred approval of the Minutes of the last meeting of March 29, 2017 on a voice vote.

Presentation of Investigation of Complaints:

The Committee heard and ruled on the following complaints:

EB16-0003 –

Alleged Violator: John Grider, Hummerick Environmental Construction

Complainant: Atmos Energy

Facility Type: gas

Equipment Used: trackhoe

Root Cause: no notification to Tennessee One Call

Facts: Mr. Grider admitted that he damaged a gas line and stated that he was digging in the subgrade of an alley that the city had marked for an undercut in the construction limits for phase two of a project. Mr. Grider stated that he was unaware of where the gas line had been laid for this phase of the project, and he verified that he was not working as a contractor for the city or doing work for the city specifically. He acknowledged that he was using mechanized equipment and that he did not call in the notification of this excavation.

Recommendation: 1st violation training for Mr. Grider

Finding: 1st violation training for Mr. Grider

EB16-0005 –

Alleged Violator: Andrades Fence, owner Shamara Uscanga

Complainant: USIC

Facility Type: locator

Root Cause: reporting a false emergency for locate

Facts: Mr. Uscanga admitted that he typically calls in a short-notice ticket because he does not know when his projects will start, and he explained that he called in the emergency locate because some of the customers required a fence for their dogs and home safety. He stated that he called in the emergency locate to prevent unintended consequences to his employees and stated that he did not lie but did not have time to wait for a regular ticket.

Recommendation: Staff needs input from the Committee as to what constitutes an emergency locate in order to know how to handle complaints of this nature going forward.

Aaron Conklin stated that the statute defines what an impending emergency is, and the Committee can decide if what has been described fits into the definition. Bob Lambert stated that he did not believe this particular case posed a threat of property damage or injury to anybody and thus did not constitute an emergency locate. Kevin Tubberville pointed out that the work could have waited until the ticket was clear and that he did not believe this fit the intent of an emergency repair/ticket. Mr. Lambert also expressed concern because Mr. Uscanga routinely calls in an emergency locate without knowing when the project will start.

Finding: training for Mr. Uscanga

EB16-0007 –

Alleged Violator: Chris Cross, LSI Landscaping

Complainant: OSP on behalf of Comcast

Facility Type: cable

Equipment Used: auger

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

Facts: Mr. Cross stated that this was a new development, was still under construction, and did not show up on the maps or Google Earth at the time of the project. LSI was unsuccessful in its attempts to schedule a meeting with the utility companies, but they did request locate tickets for the area. Twelve locate tickets were called in during the installation, but the location of the damage stopped about 150 feet before the address because it was not shown on a map. Once LSI hit a line, they immediately stopped excavation, called the damaged utility, and took their landscape drawing to Tennessee 811. Tennessee 811 was able to call in additional locates to cover the missing areas. Mr. Cross stated that going forward on new developments, he will always initially speak with someone from Tennessee 811.

Recommendation: this was a technical error – at the will of the Committee

Finding: no violation: Mr. Tuberville stated that he liked that Mr. Cross was involved enough to take the initiative to actually take the plans to somebody and discuss it with them, and Mr. Lambert said that Mr. Cross went above and beyond to meet what the underground damage law expects from people.

EB16-0018 –

Alleged Violator: Rolando Figuero, L&R Plumbing

Complainant: Atmos Energy

Facility Type: gas

Equipment Used: shovel and mini excavator

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

Facts: An L&R supervisor stated that the sewer service was extremely close to the gas markings and that the excavator initially used a shovel to hand dig 2-3 feet away from the marking. The excavator then dug 3 feet with a mini excavator and struck the gas line. L&R reiterated that the services were on top of each other and it was very difficult to hand dig and expose all the utilities before using mechanized equipment.

Recommendation: at the will of the Committee

Finding: training for both the supervisor and excavator: The Committee agreed that it is becoming more common today to install multiple utilities in one trench, and the greater the congestion the more need there is for hand digging.

Note: This complaint was consolidated with EB16-0067 into one violation later in the meeting.

EB16-0021 –

Alleged Violator: Besco

Complainant: OSP on behalf of Comcast

Facility Type: cable

Equipment Used: Ditch Witch

Root Cause: there was a locate ticket; using mechanized equipment within 24 inches of the locate mark

Facts: Bridgette McMahan, attorney for Besco, explained that the Tennessee 811 ticket stated clear, no conflict. The excavator proceeded with excavation and mistakenly hit a cable line. A Comcast technician was dispatched immediately, and the damage was resolved by noon the same day.

Recommendation: no violation - the 811 tickets stated clear, no conflict

Finding: no violation

EB16-0022 –

Alleged Violator: Charlie Moss, Summit Constructors, Inc.

Complainant: Atmos Energy

Facility Type: gas

Equipment Used: backhoe

Root Cause: there was a locate ticket; digging with mechanized equipment in the tolerance zone and failure to hand expose

Facts: Summit responded that before excavating, they hand dug with shovels and a probing rod approximately 10 inches and were unable to locate the utility. However, they did find other utility lines and were able to avoid damaging them. They then proceeded to use a backhoe to unearth 4 to 6 inches of dirt, and that is when they hit the 2-inch gas main.

Recommendation: no violation

Mr. Lambert stated that despite his mixed emotions about this case, he would go along with the recommendation. He said that he believed Summit took due diligence and that the tracer wire being that far out of line could give a false sense of security. Steve Raper stated that because they found the tracer wire, they are responsible for trying to place that tracer wire at the right spot. Mr. Tubberville said that although they were trying to do the right thing, they didn't go far enough because sometimes other utilities cause the tracer wires to get moved.

Mr. Conklin stated that there was a motion on the table for no violation and asked if there was a second. Hearing none he asked if there was another motion. Mr. Raper asked if this was a first violation and then moved for training due to a violation based on the fact that there was a tracer wire present that only went 10 inches more, thus still being within the tolerance zone. Motion carried 2-0, with Mr. Lambert abstaining.

Finding: 1st violation training for Mr. Moss

EB16-0025 –

Alleged Violator: SLS – Charlie Scott, owner; Jim Bruner, employee and respondent; Paul Eakes, excavator

Complainant: Atmos Energy

Facility Type: gas

Equipment Used: mini excavator

Root Cause: there was a locate ticket; digging in tolerance zone and failing to hand expose

Facts: Mr. Bruner confirmed that mechanized equipment was used to cause the damage, but he said he assumed that because they had an 811 ticket they would not be in violation. He seemed to be unaware of hand digging in the tolerance zone.

Recommendation: training for Mr. Bruner and Mr. Eakes

Finding: training for Mr. Bruner and Mr. Eakes

EB16-0028 –

Alleged Violators: W&L Construction Company and Superior Traffic Control, Inc.

Complainant: AEP

Facility Type: electric

Equipment Used: hydraulic post puller

Root Cause: there was a locate ticket; facility was not located or marked

Facts: W&L Construction Company responded that the alleged damaged was not done by them, but they believe it was done by the company they subcontract to install road signs, Super Traffic Control, Inc. ("STC"), and STC is responsible for their own locates. STC stated that they did work at the location but did not have a record of installing a sign on the specific date stated in the complaint. STC provided the Tennessee 811 ticket, which clearly states no conflict for AEP. AEP was unsure of the actual damage date.

Recommendation: no violation – STC was able to provide a valid Tennessee 811 ticket

Finding: no violation

EB16-0032 –

Alleged Violator: Horst Brothers Construction

Complainant: AEP

Facility Type: electric

Root Cause: failure to notify before excavating

Facts: AEP stated that Horst Brothers Construction damaged an underground facility while excavating and failed to notify before excavating. Horst Brothers responded that they were excavating on an active locate ticket and that the damage was to the conduit and not the live wire itself. Horst Brothers stated that AEP was immediately contacted, that the conduit was repaired, that the electric line was determined to be unharmed, and that there were no outages. The locate ticket was active at the time of damage and was marked clear, no conflict.

Recommendation: no violation

Finding: no violation

EB16-0036 –

Alleged Violator: Joe Parlegreco, Rogers Development

Complainant: Atmos Energy

Facility Type: gas

Root Cause: no notification

Facts: Mr. Parlegreco stated that an exposed gas line was thought to be dead because it had no cap and that he was told by several individuals on the site, including an individual from Atmos, that this was the case. He said that the dig ticket may have been lapsed but marks were still visible, that he was not digging in this instance but was pulling the line loose by hand for inspections, and that he was not using mechanized equipment. Atmos stated that a backhoe was used. Although Mr. Parlegreco provided a photo of the exposed pipe, there was no evidence of the excavation process, and the damage occurred outside the locate.

Recommendation: 1st violation training for Mr. Parlegreco

Finding: training for Mr. Parlegreco

EB16-0038 –

Alleged Violator: Southern Irrigation, Shauna Kheshti, supervisor on the job

Complainant: Atmos Energy

Facility Type: gas

Root Cause: failure to hand dig in tolerance zone

Facts: Ms. Kheshti admitted that there was damage to a gas line and stated that Atmos was notified immediately. She said that she was under the impression that the crew did hand dig in this specific area. She further stated that a meeting was held with the individuals on site to review the rules and regulations of digging around utility markings and that they will make every effort to see that this does not happen again in the future. Atmos submitted photos with the complaint, and it appears that a trencher was used during excavation. Ms. Kheshti stated that the individuals on the job site are no longer with the company but that anyone at the organization would attend training if required to do so.

Recommendation: 1st violation training – at the Committee’s discretion since the two individuals are no longer with the company

Finding: training for Ms. Kheshti

EB16-0041 –

Alleged Violator: Craig Johnson, Broadband Tech Services

Complainant: USIC, Thomas Toombs, locate tech

Facility Type: cable

Root Cause: false locate request

Facts: Mr. Toombs filed a complaint stating that Craig Johnson of Broadband Tech Services (“BTS”) submitted a false emergency locate, that there was no damage, that BTS was in the process of burying a Comcast cable, and that BTS has a history of requesting false emergency locates. Mr. Johnson responded that Comcast laid a temporary line on top of the ground at several properties to temporarily restore service due to an outage and that he considered this a trip hazard. Mr. Johnson stated that Comcast specifically requested that BTS repair/bury this line to resolve the issue and that they used an emergency locate to expedite the process. He further stated that BTS always uses Tennessee One Call Center for locates and will continue to do so in the future.

Recommendation: at the Committee’s discretion - because this goes back to the issue of what constitutes an emergency

Finding: training for Mr. Johnson – this doesn’t constitute an emergency by the definition and intent

EB16-0043 –

Alleged Violator: Brandon Hannah, Exodus Industries

Complainant: OSP on behalf of Comcast

Facility Type: cable

Equipment Used: skid steer

Root Cause: there was a locate ticket; no notification made to Tennessee One Call prior to digging

Facts: Mr. Hannah stated that he was a homeowner who borrowed his father-in-law’s skid steer to do minor surface yard cleanup because of construction debris. He hit a Comcast cable line that was 2.5 inches underground. There was a valid locate ticket for the entire property at the time of damage under the name of Minion Construction. Mr. Hannah confirmed that he did not call in an 811 locate ticket but stated that the contractor and subcontractors excavating on his property had. Additionally, Comcast stated clean, no conflict on the locate ticket. The complaint stated that the damage was caused by Exodus Industries, but Mr. Hannah’s father-in-law owns Exodus, and Mr. Hannah had borrowed his equipment.

Recommendation: no violation

Finding: no violation

EB16-0044 –

Alleged Violator: Mike Haggard, Baker Construction

Complainant: OSP on behalf of Comcast

Facility Type: cable

Root Cause: failure to use reasonable care in the tolerance zone

Facts: Comcast filed a complaint against Baker Construction stating that a Comcast facility was damaged due to Baker not using reasonable care within the tolerance zone. Baker responded that they were excavating on a current locate ticket and that the locates were wrong. Baker further stated that they discussed this with OSP on-site, and they included pictures showing that they were excavating outside the tolerance zone by approximately 3-5 feet. Baker did contact Comcast when the damage occurred.

Recommendation: no violation – it appears in the photos that Baker was operating outside the tolerance zone; they did have an active ticket; they immediately contacted the utility after the damage occurred; and they have no prior violations

Finding: no violation

EB16-0045 –

Alleged Violator: Hasty & Sons Plumbing

Complainant: Comcast

Facility Type: cable

Root Cause: there was a One Call ticket; not using reasonable care in the tolerance zone

Facts: Hasty & Sons Plumbing stated that they waited the proper amount of time to allow all services to be located before beginning excavation. There was a marked Comcast line crossing the entire front of the property that had to be crossed to supply services to the house. Laura Fagan of Hasty & Sons explained that sewer lines have to connect to the sewer taps that are already installed, and this required crossing over a Comcast line in this instance. She stated that they took reasonable care to avoid hitting the line and that they immediately stopped and called Comcast to report the damage. The line was repaired in less than an hour, and the repaired line was backfilled and covered after all appropriate inspections.

Recommendation: no violation

Finding: no violation

EB16-0047 –

Alleged Violator: Duracap Asphalt Company, Camden Guyton, project manager

Complainant: OSP on behalf of Comcast

Facility Type: cable

Root Cause: there was a locate ticket; insufficient notification to One Call

Facts: Mr. Guyton stated that Duracap Asphalt Company had previously been excavating, but on the day of the damage the excavator was removing grass and accidentally damaged the line. He stated that they did have a valid Tennessee 811 locate ticket and initially met with the locator on the property to explain that the entire property needed to be

marked. The Tennessee 811 locate ticket does specifically state to mark the entire property, and it also states clear, no conflict for Comcast.

Recommendation: no violation

Finding: no violation

EB16-0048 –

Facts: Stacy Balthrop stated that the address that the complainant provided for the location of damage did not match the address for the 811 ticket they provided, and the respondent stated that they were not at the damage location. Ms. Balthrop said that the address of the alleged damage and the 811 ticket are about half a mile apart, so she was unable to verify the complaint.

Recommendation: no violation

Finding: no violation

EB16-0051 –

Alleged Violator: Jim Edminds, JUS Property Management

Complainant: OSP on behalf of Comcast

Facility Type: cable

Equipment Used: backhoe

Root Cause: there was a locate ticket; no notification made to Tennessee One Call prior to digging

Facts: JUS Property Management responded that they did have a valid 811 ticket and that Comcast was trying to place the blame on the excavator because they did not locate the line. The Tennessee 811 ticket confirms that the line was not located, and the damage happened within the time period of the locate being valid.

Recommendation: no violation

Finding: no violation

EB16-0060 –

Alleged Violator: Pine Enterprises, Santiago Estrada, site supervisor

Complainant: Atmos Energy

Facility Type: gas

Root Cause: there was an active dig ticket; failure to hand expose in tolerance area

Facts: Atmos filed a complaint against Pine Enterprises alleging damage due to failure to hand expose. Regina Stansbury, company contact for Pine Enterprises, acknowledged and accepted responsibility for the damage. She stated that they did have an active dig ticket, that they “pot holed” an area to determine locations of all marked utilities, and that they used all due diligence to avoid damage. She further stated that their employees have been counseled on this. Atmos alleged that this specific company is something of a problem for them and that it has caused damage in the past. Atmos reported that Pine Enterprises stated at the site that the individual was using a shovel, but it was clear to Atmos that it was a backhoe or excavator, and photos presented in evidence appear to support that.

Recommendation: training for Santiago Estrada, the supervisor – the excavator has not been identified

Finding: training for Mr. Estrada

EB16-0065 –

Alleged Violator: Tritschlers Landscape Contractor, LLC and Rochford Realty Construction

Complainant: OSP on behalf of Comcast

Facility Type: cable

Equipment Used: backhoe

Root Cause: no notification to Tennessee One Call and an expired 811 locate ticket

Facts: Tritschlers Landscape Contractor explained that they were told by the general contractor, Rochford Realty Construction, that there was a valid Tennessee 811 ticket for that location and that they did not need to call one in. Tritschlers stated that they usually call in their own locate tickets and that they did not know the ticket had expired. They also stated that they would not have excavated on an expired locate ticket and going forward will call in their own locate. Rochford provided the original ticket and the second locate called in after the damage, but they could not provide a valid 811 locate ticket for the time of the damage.

Recommendation: 1st violation training for Rochford Realty Construction

Finding: training for Will Kimbro, Rochford Realty Construction

Mr. Lambert pointed out that a notice should be sent to Rochford telling them that they do not need to be the one calling in the locate tickets, that the contracted excavator should call in the locates.

EB16-0067 –

Alleged Violator: L&R Plumbing

Complainant: Atmos Energy

Facility Type: gas

Equipment Used: trackhoe

Root Cause: there was a locate ticket; digging prior to the mark-by time

Facts: This is the second violation for L&R Plumbing, and the decision on the previous violation was training for both the supervisor and excavator (see EB16-0018). Mr. Arellanes admitted fault in this incident and stated that they were sent to dig the same day that the ticket was called in.

Recommendation: 2nd violation – at the will of the Committee

Mr. Tubberville asked about the time frame between the two incidents, and Ryan McGehee stated that it was six weeks. However, Jaclyn Hammons pointed out that L&R did not receive the notice of the first complaint before the second alleged violation occurred. After some discussion, it was decided that the two complaints should be consolidated into one violation and that both owners of the company should attend training.

Finding: consolidate this complaint and EB16-0018 into one violation and send both owners of L&R Plumbing to training

EB16-0071 –

Alleged Violator: Gaylon Butler, Oakland, LLC

Complainant: OSP on behalf of Comcast

Facility Type: cable

Equipment Used: backhoe

Root Cause: there was a locate ticket; Tennessee 811 ticket was not sufficient

Facts: Oakland, LLC's chief manager stated that they were digging under an effective Tennessee 811 ticket, that they were taking reasonable care by hand digging around

the marked utility lines, and that there were no visible marks around the damaged Comcast line. OSP provided photos which showed no visible cable markings around the damage area, and the locate ticket provided by Oakland stated to mark the entire property at this lot. Also, Comcast was not listed on the Tennessee One Call ticket.

Recommendation: no violation – Oakland provided a valid 811 locate ticket

Finding: no violation

EB17-0011 –

Alleged Violator: Andy Friar

Complainant: Comcast

Facility Type: cable

Facts: Ms. Balthrop stated that there is no additional information on this complaint, and Mr. Lambert responded that based on the information provided, Mr. Friar was outside the tolerance zone.

Recommendation: no violation

Finding: no violation

EB17-0026 –

Alleged Violator: Dary Taheri, Taheri Construction

Complainant: Atmos Energy

Facility Type: gas

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

Facts: Mr. Taheri stated that he did not participate in any excavation but was only preparing a sidewalk to pour concrete. He said that since the project did not require digging more than 12 inches, there would be no underground utilities. Mr. Taheri admitted to the damage but appeared confused as to when Tennessee 811 should be utilized. This was a first-time violation. Atmos submitted a photo clearly showing significant damage from excavation.

Recommendation: training for Mr. Taheri

Finding: training for Mr. Taheri

EB17-0058 –

Alleged Violator: Acorn Electric, Nancy Murphy, president; John McGee, excavator

Complainant: Atmos Energy

Facility Type: gas

Equipment Used: backhoe

Root Cause: failure to notify before excavating

Facts: Nancy Murphy, president of Acorn Electric, stated that there was damage to a gas line during excavating, that Atmos was immediately reimbursed for the damages, and that she counseled the manager of the project on the importance of always calling Tennessee 811 before excavating. Ray Garsh, a supervisor with Acorn Electric stated that John McGee was the excavator on this project, that he was on a backhoe when the damage occurred, and that Acorn Electric accepts responsibility for the damage due to failure to notify Tennessee 811.

Slayde Warren reported that this is Acorn Electric's second alleged violation and that the Committee ordered training for Acorn's first alleged violation. That training is still pending, and the company president admits fault on both alleged violations. Mr. Warren

pointed out that if confirmed by the Committee, the second violation is subject to training and a \$625 civil penalty.

Recommendation: civil penalty of \$625; training for excavator and additional staff – at the Committee’s discretion.

Mr. Tubberville stated that Scott Pierson and his supervisor were recommended for training the last time. Mr. Lambert asked where the \$625 penalty number came from, and Ms. Balthrop stated that it is on the penalty scale that was provided to the Committee at its orientation meeting. Mr. McGehee pointed out that the Committee is not bound to that – that it wasn’t adopted – and that they can fine any amount or not at all.

Finding: assess a civil penalty of \$625; training for Mr. Garsh, Mr. McGee, and Ms. Murphy

Presentation of Cost/Fee Request by Tennessee 811 for training of violators

Bill Turner first gave a brief update. He stated that as the Committee identifies the violators, that information is sent out to the proposed violator. At the February 27, 2017 meeting, there were six people identified as being in violation, and three of those have contacted Tennessee 811 for training. At the March 29, 2017 meeting, twelve companies were found in violation, and four of those have contacted Tennessee 811 for training. Earlier in the day Tennessee 811 completed its first training opportunity, and Chris Jared and Craig Ingram conducted the training. He reported that there would be two additional violators attending training that afternoon.

Mr. Turner reported that from the first round of three violators, one agreed to come to the Tennessee 811 office for training at the \$85 per person rate approved at the last meeting. The two additional responders requested a price for Tennessee 811 to come to them – one in Johnson City and one in Maryville. He stated that the plan is to go to them for training at \$500, which can include up to five people to be trained, plus a basic mileage rate according to IRS reimbursement. Maryville round trip is 350 miles, and that calculates to \$187.25 for mileage reimbursement, plus \$500 for up to five people. Johnson City round trip is 568 miles, and that calculates to \$303.88 for mileage reimbursement, plus \$500 for up to five people. Three of the four violators from the March 29, 2017 meeting have agreed to come to the Tennessee 811 office, and they are waiting to hear back from the fourth.

Mr. Turner stated that the training at Tennessee 811 is scheduled as the last Wednesday of every month, but they are willing to work with everyone if that is not convenient. The off-site training is based on the violator’s schedule and Tennessee 811’s availability, and they are trying to be as flexible as possible. Mr. Raper inquired if the on-site training rates are good for a year, and Mr. Turner responded that Tennessee 811’s contract is for a year, that they are simply trying to cover their cost to perform the training, and that he believes they are the most equipped to do the training. Mr. Turner pointed out that, although he understands that some people may not be able to travel across the state for training, there is value in getting them to come to the Tennessee 811 office, as it gives the attendees an opportunity to see how locate requests are processed, meet some of their agents, and see how the entire 811 process works.

Mr. Raper asked if the \$85 fee covers their costs, and Mr. Turner replied that it is more of a break even, or even a bit of a loss based on their time and effort, but he feels there is benefit in having them come to Tennessee 811. It is the same with the off-site training.

Mr. Lambert inquired about the length of the training programs, and Mr. Turner said they still expect two to three hours. He reported that the early morning training was a one-on-one session that lasted two hours and fifteen minutes, but a larger group would take longer.

Mr. Lambert inquired about Tennessee 811's PIPE program. Mr. Turner said PIPE stands for "Partners in Protecting Everyone" and is geared toward educating and training emergency responders, as well as including local officials and excavators. The program is especially driven to the gas industry and is about an hour and fifteen minutes long. The gas industry funds the program, and they do 25 programs across the state, touching every county in Tennessee. Mr. Lambert stated that the local utilities reimburse the costs, and this program helps meet federal public awareness program requirements. He asked if it might be possible to connect the training programs somehow since the PIPE programs are all over the State. Mr. Turner stated that it is possible the three Tennessee 811 liaisons could coordinate this training, but due to time requirements for violators to complete training, it may not always be possible.

Mr. Tubberville asked about the cost of off-site training if more than five people might attend the session, and Mr. Turner stated they had proposed \$85 for each additional person. Mr. Raper asked if there are any other state examples with which to compare the cost, and Mr. Turner said that Tennessee's bill was modeled largely after the Georgia Damage Prevention Act, which has been in place for many years. He stated that the major difference is that Georgia has multiple companies doing the training. Tennessee 811 has chosen a model similar to one company, but he could not give an off-site price because it is a negotiated rate. The Georgia 811 people only offer on-site training at their facility at a cost of \$550 for up to five people.

Mr. McGehee asked about the training proposals to be approved during this meeting, and Mr. Turner stated that American Foundation & Basement Repair in Maryville and Acorn Electric in Johnson City were the two entities. He pointed out that Acorn Electric had an additional violation at today's meeting, but since the total number of people required to attend training is five, both requirements can be met at the same session. Maryville would be at a cost of \$687.25, and Johnson City at a cost of \$803.88. Mr. Turner stated that it is his understanding that he is required to get cost approval from the Executive Committee each time a request is made for off-site training.

Mr. Lambert asked if other violators located in the same general area would be notified of a training opportunity in their area in an effort to help with cost, and Mr. Turner replied that it is his understanding that training falls on the violator, so each violator has to be treated separately. Mr. McGehee stated that there is some flexibility with scheduling combined training at one location, with each violator responsible for the cost.

Mr. Raper asked if we are unique in making the training portable, and Mr. Turner responded that we are, but they are already all over the State and will combine this training with what they are already providing. Mr. Raper stated his appreciation for Tennessee 811 being proactive in this endeavor. Mr. Tubberville stated that he believes these costs are fair, but he would like additional information later on as to whether they are breaking even or losing money.

The Committee approved, on voice vote, the Maryville location training at \$500 plus the estimated 350 mile cost, for a total of \$687.25, and the Johnson City location training at \$500 plus the estimated 568 mile cost, for a total of \$803.88.

Discuss Future Topics for Next Executive Committee Meeting

Mr. Lambert suggested they look at streamlining the off-site training so that Mr. Turner does not have to come before the board every meeting to try to set up individual training sites. He recommended they think about possibly scheduling something in other parts of the State on a quarterly basis. Mr. McGehee stated that we have to go through the CPO office, and that was one of the requirements they imposed. He said they want to see a track record before considering streamlining. Mr. Tubberville stated that he believes the Acorn situation, where they have not been able to attend training for the first violation yet and now have a second violation, is a good example of a need for streamlining. Mr. McGehee indicated that we can always go back to CPO to see if we can get it changed. He stated that it would have been good to have that cost data in the contract and confirmed that we should have a firm price after this initial one-year period which can be considered in the next contract.

Ms. Balthrop stated that she wanted to address some feedback from the last meeting. The Committee had expressed a desire to hear more complaints at the meetings, but she stated that more time would be needed between meetings in order to increase the number. The average of the first four meetings is about 25, and that may end up being the average caseload for a monthly meeting. Mr. Lambert responded that he does not think meeting every two months is good because we owe it to the violators and complainants to hear them as soon as possible, plus there could be room scheduling issues for the meetings. He stated that he is not happy that we are still hearing cases from last year but that he understands it can take several attempts at contact with the violators. Mr. Lambert praised the fantastic job the staff is doing and expressed his appreciation for the thoroughness of the investigations and the information the Committee is receiving.

There was some discussion about changing the date for the next Executive Committee meeting, but because the full board meeting is scheduled on the same date, it was decided to leave the date as scheduled, on May 24th. Mr. McGehee reminded the Committee that one of them could participate electronically as long as two other Committee members are present. Mr. Raper requested to participate electronically at the next meeting.

Ms. Balthrop stated that a problem has arisen when a company receives a citation requiring an employee to go to training and that person is no longer with the company. She asked if the Committee wants that violation to come back before them or allow her to negotiate with the company to send someone else. The Committee decided to let staff handle that, provided it is a level up – a supervisor or foreman.

The Executive Committee meeting adjourned at 12:04 p.m.