



**TENNESSEE UNDERGROUND UTILITY DAMAGE PREVENTION BOARD  
EXECUTIVE COMMITTEE MEETING  
Meeting on July 18, 2018**

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**MINUTES**

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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  
Steve Raper  
Kevin Tubberville, Chairman

**Executive Committee Members Absent:**

**TPUC Staff Present:**

Ryan McGehee, legal advisor to the TUUDEB  
Aaron Conklin, legal advisor to the TPUC staff  
Stacy Balthrop  
Slayde Warren  
Jaclyn Hammons  
Sharla Dillon

**Also Present:**

Craig Ingram  
Jason Fryer

## **Roll Call & Minutes**

Sharla Dillon opened the meeting and confirmed that all Executive Committee members were present. The Committee considered the Minutes of the meeting of May 16, 2018. A motion to approve the minutes was approved unanimously.

## **Presentation of Investigation of Complaints:**

The Committee heard and ruled on the following complaints:

### **EB18-0025/EB18-0036 -**

**Alleged Violator:** First Choice Masonry

**Alleged Excavator:** Unknown

**Complainant:** Atmos Energy

**Facility Type:** Gas

**Equipment:** Track Hoe

**Root Cause:** Failure to notify One-Call prior to excavation.

**Finding:** Consolidate Complaints EB18-0025 and EB18-0036. Second violation; in violation for excavation before locate ticket was valid, Francisco Martinez ordered to attend compliance training, and assessed a civil penalty in the amount of \$625.00.

### **EB18-0027/EB18-0042**

**Alleged Violator:** Elite Technician Management

**Alleged Excavator:** Unknown

**Complainant:** Atmos Energy

**Facility Type:** Gas

**Equipment:** Trencher

**Root Cause:** Failure to notify One-Call prior to excavation

**Finding:** Consolidate Complaints EB18-0027 and EB18-0042. In violation for excavation before location ticket was valid, failure to notify One-Call prior to excavation, and Bert Copeland and Logan Greer ordered to attend compliance training.

### **EB18-0039**

**Alleged Violator:** Hardeman County Highway Department

**Alleged Excavator:** Casey Swift

**Complainant:** City of Grand Junction

**Facility Type:** Water

**Equipment:** Backhoe

**Root Cause:** Failure to notify One-Call.

**Finding:** No violation.

**EB18-0040**

**Alleged Violator:** Deal & Son Excavator

**Alleged Excavator:** Michael Hargrove

**Complainant:** Atmos Energy

**Facility Type:** Gas

**Equipment:** Backhoe

**Root Cause:** Excavation before locate ticket was valid.

**Finding:** Second violation; violation for excavation before locate ticket was valid, and assessed a civil penalty in the amount of \$625.00.

**EB18-0041**

**Alleged Violator:** Womble Construction

**Alleged Excavator:** Bryan Oakes

**Complainant:** Atmos Energy

**Facility Type:** Gas

**Equipment:** Backhoe

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

**Finding:** Violation for failure to use reasonable care in the safety zone; and Bryan Oakes ordered to attend compliance training.

**EB18-0043**

**Alleged Violator:** MLG&W

**Alleged Excavator:** Unknown

**Complainant:** Homeowner

**Facility Type:** Gas

**Equipment:** Unknown

**Root Cause:** Facility not marked or located.

**Finding:** No violation.

**EB18-0044**

**Alleged Violator:** Comcast (Revised from Pet Stop of Middle Tennessee)

**Alleged Excavator:** Unknown

**Complainant:** Business Pet Stop of Middle Tennessee, and Heather Adair, Owner

**Facility Type:** Cable

**Root Cause:** Facility not located or marked.

**Finding:** No violation. Executive Committee has noted that this particular complaint raises issues that should be discussed by the board.

**EB18-0045**

**Alleged Violator:** Hawkins & Price

**Alleged Excavator:** Gary Burchett

**Complainant:** Atmos Energy

**Facility Type:** Gas

**Equipment:** Backhoe

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

**Finding:** Third violation, violation for failure to use reasonable care in the safety zone, and assessed a civil penalty in the amount of \$1,250.00.

**EB18-0046**

**Alleged Violator:** Plumb Right

**Alleged Excavator:** Cecil Boatright

**Complainant:** Atmos Energy

**Facility Type:** Gas

**Equipment:** Backhoe

**Root Cause:** Failure to notify One-Call prior to excavation.

**Finding:** In violation for failure to notify One-Call prior to excavation, and Cecil Boatright ordered to attend compliance training.

**EB18-0051**

**Alleged Violator:** Southern Utilities

**Alleged Excavator:** Donald Buford

**Complainant:** Atmos Energy

**Facility Type:** Gas

**Equipment:** Backhoe

**Root Cause:** Failure to notify One-Call prior to excavation.

**Finding:** In violation for failure to notify One-Call prior to excavation, and Donald Buford and Josh Johnson ordered to attend compliance training.

**EB18-0053**

**Alleged Violator:** Smith Constructors

**Alleged Excavator:** Ashley Miller

**Complainant:** Atmos Energy

**Facility Type:** Gas

**Equipment:** Backhoe

**Root Cause:** Failure to notify One-Call prior to excavating.

**Finding:** In violation for failure to notify One-Call prior to excavating, and Ashley Miller ordered to attend compliance training.

**EB18-0054**

**Alleged Violator:** Ruddle Cable Company

**Alleged Excavator:** Donnie Ruddle

**Complainant:** Atmos Energy

**Facility Type:** Gas

**Equipment:** Boring Machine

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

**Finding:** In violation for failure to use reasonable care in the safety zone, and Donnie Ruddle ordered to attend compliance training.

**EB18-0055**

**Alleged Violator:** H&J Concrete

**Alleged Excavator:** Jose Aldeva

**Complainant:** Atmos Energy

**Facility Type:** Gas

**Equipment:** Skid Loader

**Root Cause:** Excavating beyond the 15-day expiration.

**Finding:** Second violation; violation for excavating beyond 15-day expiration of locate ticket, assessed a civil penalty in the amount of \$625.00, and Jose Aldeva ordered to attend compliance training.

**EB18-0056**

**Alleged Violator:** D&M Underground

**Alleged Excavator:** Zac Sticker

**Complainant:** Atmos Energy

**Facility Type:** Gas

**Equipment:** Boring Machine

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

**Finding:** Second violation; violation for failure to use reasonable care in the safety zone, assessed a civil penalty in the amount of \$625.00, and Zac Sticker ordered to attend compliance training.

**EB18-0059**

**Alleged Violator:** Keystone Construction

**Alleged Excavator:** Mike Newsaiger

**Complainant:** Clarksville Gas & Water

**Facility Type:** Gas

**Equipment:** Backhoe

**Root Cause:** Failure to notify One-Call prior to excavation.

**Finding:** In violation for failure to notify One-Call prior to excavation, and Mike Newsaiger and Samantha Boley ordered to attend compliance training.

**EB18-0061**

**Alleged Violator:** Tree House, Inc.

**Alleged Excavator:** Jarrett Kitts

**Complainant:** Clarksville Gas & Water

**Facility Type:** Gas

**Equipment:** Drilling Device

**Root Cause:** Failure to notify One-Call prior to excavation.

**Finding:** In violation for failure to notify One-Call prior to excavation, and Jarrett Kitts ordered to attend compliance training.

**EB18-0062**

**Alleged Violator:** Oak View Landscaping

**Alleged Excavator:** Unknown

**Complainant:** Atmos Energy

**Facility Type:** Gas

**Equipment:** Backhoe

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

**Finding:** In violation for failure to use reasonable care in the safety zone, and Todd Hemminger ordered to attend compliance training.

**EB18-0064**

**Alleged Violator:** Fox's Commercial Contracting

**Alleged Excavator:** Chris Fox

**Complainant:** Atmos Energy

**Facility Type:** Gas

**Equipment:** Backhoe

**Root Cause:** Excavating beyond the 15-day expiration.

**Finding:** In violation for excavating beyond the 15-day expiration of the locate ticket, and Chris Fox ordered to attend compliance training.

**EB18-0065**

**Alleged Violator:** R.A. Heath Construction

**Alleged Excavator:** Jon Smith

**Complainant:** Clarksville Gas & Water

**Facility Type:** Gas

**Equipment:** Driller

**Root Cause:** Failure to notify One-Call prior to excavation.

**Finding:** In violation for failure to notify One-Call prior to excavation, and Jon Smith and Mike DeCosse ordered to attend compliance training.

**EB18-0066**

**Alleged Violator:** Pro-Tek Site Solutions

**Alleged Excavator:** Ashley Rockhill

**Complainant:** Atmos Energy

**Facility Type:** Gas

**Equipment:** Skid Loader

**Root Cause:** Failure to notify One-Call prior to excavating.

**Finding:** In violation for failure to notify One-Call prior to excavation, and Ennis Wallace ordered to attend compliance training.

**EB18-0067**

**Alleged Violator:** EduTech, Inc.

**Alleged Excavator:** Kim Smith

**Complainant:** Clarksville Gas & Water

**Facility Type:** Gas

**Equipment:** Mini Excavator

**Root Cause:** Failure to notify One-Call prior to excavation.

**Finding:** In violation for failure to notify One-Call prior to excavation, and Kim Smith ordered to attend compliance training.

**EB18-0068**

**Alleged Violator:** Hand Backhoe

**Alleged Excavator:** Rome Hand

**Complainant:** Clarksville Gas & Water

**Facility Type:** Gas

**Equipment:** Backhoe

**Root Cause:** Failure to notify One-Call prior to excavating.

**Finding:** In violation for failure to notify One-Call prior to excavation, and Rome Hand to attend compliance training.

**EB18-0069**

**Alleged Violator:** Commercial Construction & Maintenance

**Alleged Excavator:** Roby Pendleton

**Complainant:** Clarksville Gas & Water

**Facility Type:** Gas

**Equipment:** Backhoe

**Root Cause:** Failure to notify One-Call prior to excavating.

**Finding:** In violation for failure to notify One-Call prior to excavation, and Roby Pendleton ordered to attend compliance training.

**EB18-0071**

**Alleged Violator:** Nitzschke Communications

**Alleged Excavator:** Dennis Bray

**Complainant:** Knoxville Utilities Board

**Facility Type:** Gas

**Equipment:** Directional Drill

**Root Cause:** Excavating before locate ticket was valid.

**Finding:** In violation for excavating before locate ticket was valid, and Dennis Bray ordered to attend compliance training.

**EB18-0073**

**Alleged Violator:** U.S. Trackwork

**Alleged Excavator:** Albert MacMillan

**Complainant:** Greater Dickson Gas Authority

**Facility Type:** Gas

**Equipment:** Backhoe

**Root Cause:** Failure to notify One-Call prior to excavation.

**Finding:** In violation for failure to notify One-Call before excavation, and Albert MacMillan ordered to attend compliance training.

**EB18-0082**

**Alleged Violator:** C.R. Barger & Sons, Inc.

**Alleged Excavator:** Charles Barger

**Complainant:** Property Owner

**Facility Type:** Empty Conduit

**Equipment:** Borer

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

**Finding:** No violation.

**EB18-0083**

**Alleged Violator:** Rockwood Electric Utility

**Alleged Excavator:** Kendall Bear, General Manager

**Complainant:** Property Owner

**Facility Type:** Not applicable.

**Equipment:** Empty Conduit

**Root Cause:** Facility not located or marked prior to excavating.

**Finding:** No violation.

**EB18-0087**

**Alleged Violator:** Kim Sutton

**Alleged Excavator:** Aqua Clear Water Systems

**Complainant:** USIC

**Facility Type:** Not applicable.

**Equipment:** Not applicable.

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

**Finding:** No violation.

**EB18-0088**

**Alleged Violator:** Concord Properties

**Alleged Excavator:** Amy Elder

**Complainant:** PRG

**Facility Type:** Cable

**Equipment:** Backhoe

**Root Cause:** Excavating/demolishing beyond the 15-day expiration.

**Finding:** In violation for excavating beyond the 15-day expiration of the locate ticket, and Amy Elder and Gary Roberts ordered to attend compliance training.

**EB18-0090**

**Alleged Violator:** B&T Landscaping

**Alleged Excavator:** Unknown

**Complainant:** Atmos Energy

**Facility Type:** Gas

**Equipment:** Skid Loader

**Root Cause:** Failure to notify One-Call prior to excavating.

**Finding:** In violation failure to notify One-Call prior to excavating, and Tim Tinnin ordered to attend compliance training.

**EB18-0092**

**Alleged Violator:** Civil Construction

**Alleged Excavator:** Brandon Henley

**Complainant:** Atmos Energy

**Facility Type:** Gas

**Equipment:** Backhoe

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

**Finding:** In violation for failure to use reasonable care in the safety zone, and Johan Sides ordered to attend compliance training.

**Presentation of Cost/Fee Request by One-Call for Training of Violators:**

Mr. Craig Ingram, on behalf of TN 811, presented two fee requests to be paid by violators for off-site training the violators requested in lieu of traveling to Nashville for compliance training. A motion to approve a fee of \$650.96 to provide off-site compliance training in Chattanooga, TN to Brown Brothers in relation to Complaint EB17-0248 was approved unanimously. A motion to approve a fee of \$699.47 to provide off-site compliance training in Maryville, TN to M-Squared Custom Homes related to Complaint EB17-0133 was approved unanimously.

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

Ms. Jaclyn Hammons reported receipt of 19 complaints in June, 12 to date in July, and a total of 34 open investigation cases. She further reported that the Quarterly Reports are now available on the website.