



**TENNESSEE UNDERGROUND UTILITY DAMAGE PREVENTION BOARD  
EXECUTIVE COMMITTEE MEETING  
Meeting on August 15, 2018**

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**MINUTES**

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The Executive Committee meeting of the Tennessee Underground Utility Damage Enforcement Board commenced at 12:35 p.m., in Hearing Room G-2001 of 500 Deaderick Street, Nashville, Tennessee 37243.

**Executive Committee Members Present:**

Bob Lambert  
Kevin Tubberville, Chairman

**Executive Committee Members Absent:**

Steve Raper

**TPUC Staff Present:**

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

**Also Present:**

Bill Turner, Tennessee 811

## **Roll Call & Minutes:**

Sharla Dillon opened the meeting and took roll call that confirmed Chairman Kevin Tubberville and Bob Lambert as present and Steve Raper as absent. The Committee considered the Minutes of the meeting of July 18, 2018. A motion to approve the minutes was approved unanimously.

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

The Committee heard and ruled on the following complaints:

### **EB18-0047**

**Alleged Violator:** Paris Board of Public Utilities

**Alleged Excavator:** Unknown

**Complainant:** Property Owner

**Facility Type:** Gas

**Equipment:** Unknown

**Root Cause:** No notification made to One-Call prior to excavation.

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

### **EB18-0049**

Mr. Lambert recused himself from this violation due to the fact that the Complainant, Etowah Utilities, was his employer, prior to his recent retirement. Mr. Conklin stated, due to Mr. Lambert's recusal, the complaint will not be heard and moved to the next meeting for lack of quorum.

### **EB18-0050**

**Alleged Violator:** Portland Utilities Construction, Co., LLC

**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 Fran Sharpe ordered to attend compliance training.

### **EB18-0057**

**Alleged Violator:** Kosinski Properties

**Alleged Excavator:** Jim Keiss

**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 Jim Keiss and Tony Kosinski ordered to attend compliance training.

**EB18-0058**

**Alleged Violator:** New South Developers

**Alleged Excavator:** Unknown

**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 Tim Adams ordered to attend compliance training.

**EB18-0060**

**Alleged Violator:** Benjamin Franklin Plumbing

**Alleged Excavator:** Cole Mensing

**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 Cole Mensing ordered to attend compliance training.

**EB018-0070**

**Alleged Violator:** Arlington Construction Services

**Alleged Excavator:** Unknown

**Complainant:** Murfreesboro Electric

**Facility Type:** Electric

**Equipment:** Skid Steer

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

**Finding:** No violation.

**EB18-0075**

**Alleged Violator:** Stacy Crain

**Alleged Excavator:** Carlos Capistain

**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 Stacy Crain and Carlos Capistain ordered to attend compliance training.

**EB18-0078**

**Alleged Violator:** Harakas Construction

**Alleged Excavator:** Unknown

**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 Kurt Harakas ordered to attend compliance training.

**EB18-0074; EB18-0079; EB18-0080**

**Alleged Violator:** K&C Fence

**Alleged Excavator:** Keith Curd

**Complainant:** Utiliquest

**Facility Type:** Unknown

**Equipment:** N/A

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

**Finding:** Consolidate the three violations of K& C Fence. In violation for reporting a false emergency for locate ticket, and Keith Curd ordered to attend compliance training.

**EB18-0081**

**Alleged Violator:** RRJ Masonry

**Alleged Excavator:** Rogelio Ruiz

**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 Rogelio Ruiz ordered to attend compliance training.

**EB18-0084**

**Alleged Violator:** Alex Larue (Homeowner) and Tennessee Concepts

**Alleged Excavator:** Mike Eldridge of Tennessee Concepts

**Complainant:** Clinton Utilities Board

**Facility Type:** Sewer

**Equipment:** Excavating Equipment

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

**Finding:** No violation.

**EB18-0085**

**Alleged Violator:** Green Scene Landscaping

**Alleged Excavator:** Isaias Ordac (Owner) and Jose Garcia (Supervisor)

**Complainant:** Atmos Energy

**Facility Type:** Gas

**Equipment:** Trencher

**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 Jose Garcia ordered to attend compliance training.

**EB18-0086**

**Alleged Violator:** Green Sweep Landscaping

**Alleged Excavator:** Dustin Honeycutt (Owner) and Ben Cassell (Supervisor)

**Complainant:** Atmos Energy

**Facility Type:** Gas

**Equipment:** Trencher

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

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

**EB18-0091**

**Alleged Violator:** LG Grading

**Alleged Excavator:** Fernando and Luis Guerrero (Owner)

**Complainant:** Atmos Energy

**Facility Type:** Gas

**Equipment:** Skid Loader

**Root Cause:** No notification to One-Call prior to excavation.

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

**EB18-0093**

**Alleged Violator:** AOR Concrete

**Alleged Excavator:** Unknown

**Complainant:** Atmos Energy

**Facility Type:** Gas

**Equipment:** Hand tool

**Root Cause:** No notification to One-Call prior to excavation.

**Finding:** No violation.

**EB18-0096**

**Alleged Violator:** Lindell Cooley

**Alleged Excavator:** Lindell Cooley

**Complainant:** PRG on behalf of Charter

**Facility Type:** Telecom

**Equipment:** Backhoe

**Root Cause:** No notification to One-Call prior to excavation.

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

**EB18-0097**

**Alleged Violator:** Anderson Excavation

**Alleged Excavator:** Mark Anderson

**Complainant:** Atmos Energy

**Facility Type:** Gas

**Equipment:** Skid Steer

**Root Cause:** No notification to One-Call prior to excavation.

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

**EB18-0106**

**Alleged Violator:** Jarrett Builders

**Alleged Excavator:** Unknown

**Complainant:** Atmos Energy

**Facility Type:** Gas

**Equipment:** Backhoe

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

**Finding:** No violation.

### **Additional Discussion Requested by Legal Division**

Mr. Conklin requested discussion and directives from the Committee in regards to a matter in which the violator, a corporation, is in financial peril and closing the business. The matter has been referred to legal to open a Show Cause case, and Mr. Conklin verified with the company's counsel that the business cannot continue to operate. A Motion was moved to hold this matter in abeyance at this time.

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

Mr. Bill Turner, of TN 811, presented one fee request 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 \$612.08 to provide off-site compliance training in Kingsport, TN was seconded and unanimously approved.

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

Mr. Lambert moved to set a standard rate for the TN 811 off-site compliance training at a rate of \$500 for up to five persons, plus mileage at the IRS rate, to eliminate the necessity of Mr. Turner appearing at each Executive Committee meeting to present these fee requests and expedite training scheduling. Having received a proper second, the Motion passed unanimously.

Chairman Tubberville stated he has a conflict with the rescheduled date of the November meeting discussed during the Board meeting. It was decided to discuss alternate dates or cancellation at a later date.