



**TENNESSEE UNDERGROUND UTILITY DAMAGE PREVENTION BOARD
EXECUTIVE COMMITTEE MEETING
Meeting on November 16, 2018**

MINUTES

The Executive Committee meeting of the Tennessee Underground Utility Damage Enforcement Board commenced at 11:40 a.m., in Hearing Room G-201 of 500 Deaderick Street, Nashville, Tennessee 37243.

Executive Committee Members Present:

Bob Lambert
Steve Raper

Executive Committee Members Absent:

Kevin Tubberville, Chairman

TPUC Staff Present:

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

Also Present:

Pete Hut, Director of Gas Pipeline Safety

Roll Call & Minutes:

Sharla Dillon opened the meeting and took roll call which confirmed Chairman Kevin Tubberville as absent, Bob Lambert and Steve Raper as present. The Committee considered the Minutes of the meeting of October 15, 2018. A motion to approve the minutes was approved unanimously. Due to Chairman Kevin Tubberville's absence, there will be two members voting on this motion that motion carries 2-0.

Presentation of Investigation of Complaints:

The Committee heard and ruled on the following complaints:

EB18-0063-

Alleged Violator: Alpha & Omega Management
Alleged Excavator: Unknown
Complainant: Atmos Energy
Facility Type: Gas
Equipment: Backhoe
Root Cause: Failure to use reasonable care in the safety zone.
Finding: Closure due to lack of information.

EB18-0108-

Alleged Violator: Harris Excavating
Alleged Excavator: Mark Schlvetter
Complainant: Atmos Energy
Facility Type: Gas
Equipment: Backhoe
Root Cause: Notification to One-Call is not sufficient
Finding: No violation.

EB18-0110-

Alleged Violator: Harris Excavating
Alleged Excavator: Mark Schlvetter
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 Mark Schlvetter and Brian Harris ordered to attend compliance training.

EB18-0116-

Alleged Violator: McKee Contracting
Alleged Excavator: Unknown
Complainant: Atmos Energy
Facility Type: Gas
Equipment: Backhoe
Root Cause: Failure to notify 811 prior to excavation.
Finding: In violation for failure to notify 811 prior to excavation and Ken McKee ordered to attend compliance training.

EB18-0121-

Alleged Violator: Potter Southeast
Alleged Excavator: Robert Potter
Complainant: Powell Clinch Utility District
Facility Type: Gas
Equipment: Grader
Root Cause: Excavating before the locate ticket was valid

Finding: In violation for excavating before the locate ticket was valid and Robert Potter ordered to attend compliance training.

EB18-0125-

Alleged Violator: Sergio's Lawn & Tree Service

Alleged Excavator: Sergio Tinoco

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 Sergio Tinoco ordered to attend compliance training.

EB18-0128-

Alleged Violator: Eutaw Construction

Alleged Excavator: Mike Singer

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Track hoe

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 Mike Singer and Tommy Whalen ordered to attend compliance training.

EB018-0129-

Alleged Violator: Dwayne Noe Construction

Alleged Excavator: Unknown

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Mini excavator

Root Cause: Excavating before the locate ticket was valid

Finding: In violation for excavating before the locate ticket was valid and Dwayne Noe ordered to attend compliance training.

EB18-0132-

Alleged Violator: Sprout Landscaping

Alleged Excavator: Josh Andrews

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Track hoe

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

Finding: In violation for failure to notify One-Call prior to excavation and Josh Andrews ordered to attend compliance training.

EB18-0134

Alleged Violator: Southern Landscape Services

Alleged Excavator: Jason Frakes

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Auger

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

Finding: In violation for failure to notify One-Call prior to excavation and Jason Frakes ordered to attend compliance training.

EB18-0137-

Alleged Violator: Summit Constructors

Alleged Excavator: Andy Spickard

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, second violation, civil penalty of \$625 to be paid and Andy Spickard ordered to attend compliance training.

EB18-0139-

Alleged Violator: B & T Landscaping

Alleged Excavator: Mr. Eli Dickson

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, second violation, civil penalty of \$625 to be paid and Eli Dickson ordered to attend compliance training.

EB18-0141

Alleged Violator: Feyen Zylstra

Alleged Excavator: Alfred Purifoy

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 Alfred Purifoy ordered to attend compliance training.

EB18-0143

Alleged Violator: Flanagan Contracting

Alleged Excavator: Gabrielael Sanchez

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Bulldozer

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

Finding: Failure to notify One-Call prior to excavation.

Finding: In violation for failure to notify One-Call prior to excavation, second violation, civil penalty of \$625 to be paid and Gabrielael Sanchez ordered to attend compliance training.

EB18-0147-

Alleged Violator: Tennessee Guardrail

Alleged Excavator: Unknown

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Hydraulic post driver

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 Derrick Howard ordered to attend compliance training.

Update of Tennessee 811 Training Program of Violators (Dillon) was referenced but none was stated.

Update of Tennessee 811 Training Program was provided in the Board meeting of November 16, 2018, that concluded prior to the beginning of the Executive Committee meeting.

Discussion of future topics for next executive committee meeting (Dillon) was referenced but none was stated.

Ms. Balthrop provided a staff update. Ms. Balthrop reported twelve (12) complaints received for the month of December. Since the Executive Committee did not meet in December; those complaints will be heard at the January 16th Executive Committee Meeting. Ms. Balthrop further confirmed the dates for the Executive Committee Meetings for 2019.

The Executive Committee meeting adjourned at 12:05 p.m.