



**TENNESSEE UNDERGROUND UTILITY DAMAGE ENFORCEMENT BOARD
EXECUTIVE COMMITTEE MEETING
Meeting on August 28, 2019**

MINUTES

The Executive Committee meeting of the Tennessee Underground Utility Damage Enforcement Board commenced at 12:09 p.m., in the Ground Floor Conference Room of 502 Deaderick Street, Nashville, Tennessee 37243.

Executive Committee Members Present:

Wayne Hastings, Vice Chairman
Bobby Pitts
Steve Raper

TPUC Staff Present:

Aaron Conklin, Legal Advisor to the TPUC staff
Ryan McGehee, Legal Advisor to the TUUDEB
Slayde Warren

Roll Call & Minutes:

Mr. Ryan McGehee opened the meeting and took roll call which confirmed Vice Chairman Wayne Hastings, Mr. Bobby Pitts, and Mr. Steve Raper as present. The Committee considered the Minutes of the meeting of June 26, 2019. A motion to approve the Minutes was approved unanimously. Three members voting on this motion, the motion carries 3-0. Mr. McGehee gave an overview of ethics and conflicts of interest considerations to the new Committee members. The Committee and Staff discussed the concept of recusal from an investigation. Mr. Craig Ingram of Tennessee 811 provided an over-view of industry best practices with respect to reasonable care to the Executive Committee members.

Presentation of Investigation of Complaints:

The Committee heard and ruled on the following complaints:

EB19-0069, 19-0075, and 19-0086-

Complaints consolidated for consideration.
Alleged Violator: Smoky Mountain Utility

Alleged Excavator: Brent Brown

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Track hoe

Root Cause: Failure to use reasonable care within tolerance zone

Finding: In violation for failure the consolidated complaints, Mr. Brent Brown ordered to attend compliance training, and a civil penalty of \$625 is assessed for second violation.

EB19-0078-

Mr. Bobby Pitts asked to recuse himself from EB19-0078. The committee members acknowledged the potential conflict and allowed the voting to proceed.

Alleged Violator: Summit Constructors

Alleged Excavator: Daniel Myers

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Backhoe

Root Cause: Failure to use reasonable care

Finding: In violation for failure to use reasonable care in the safety zone, Daniel Myers ordered to attend compliance training, and a civil penalty of \$625 is assessed for second violation.

EB19-0084-

Alleged Violator: WD Gray Boring

Alleged Excavator: Arthur Gray

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Track hoe

Root Cause: No notification made to Tennessee 811

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

EB19-0088-

Alleged Violator: Rain Maker, LLC

Alleged Excavator: Darrin Bonmarito

Complainant: Hardeman-Fayette Utility District

Facility Type: Gas

Equipment: Trencher

Root Cause: No notification made to Tennessee 811

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

EB19-0090-

Alleged Violator: Earth Solutions

Alleged Excavator: Edvvin Vrizar

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Backhoe

Root Cause: No notification made to Tennessee 811

Finding: In violation for failure to notify One-Call prior to excavation, Edvvin Vrizar and Jamie Helton ordered to attend compliance training, and a civil penalty of \$625 is assessed for second violation.

EB19-0091-

Alleged Violator: Sevier County Utility District
Alleged Excavator: Randy Underwood
Complainant: USIC
Facility Type: Unknown
Equipment: Unknown
Root Cause: Reporting a false emergency for a locate ticket
Finding: No violation.

EB019-0092-

Alleged Violators: Brightridge
Alleged Excavator: Neil Hartley
Complainant: Enbridge
Facility Type: Gas
Equipment: Unknown
Root Cause: Notification to Tennessee 811 insufficient
Finding: No violation.

EB19-0093-

Alleged Violator: Nadeau Construction
Alleged Excavator: Doug Nadeau
Complainant: Atmos Energy
Facility Type: Gas
Equipment: Backhoe
Root Cause: Excavating before locate ticket was valid
Finding: In violation for excavating before locate ticket was valid and Doug Nadeau ordered to attend compliance training.

EB19-0094-

Alleged Violator: True Line Construction
Alleged Excavator: Dennis Clark
Complainant: Enbridge
Facility Type: Unknown
Equipment: Unknown
Root Cause: Failure to notify Tennessee 811
Finding: In violation for failure to notify One-Call prior to excavation and Dennis Clark and KD Moore ordered to attend compliance training.

EB19-0095-

Alleged Violator: Patriot Development
Alleged Excavator: Adam Collins
Complainant: Powell-Clinch Utility District
Facility Type: Gas
Equipment: Track hoe
Root Cause: Failure to notify Tennessee 811

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

EB19-0096-

Alleged Violator: JGX Construction

Alleged Excavator: Ricardo Mora

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Backhoe

Root Cause: Failure to notify Tennessee 811

Finding: In violation for failure to notify One-Call prior to excavation, Ricardo Mora ordered to attend compliance training, and a civil penalty of \$625 is assessed for second violation.

EB19-0097-

Alleged Violator: Burrahm Construction

Alleged Excavator: Tony Burrahm

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Backhoe

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

Finding: In violation for failure to use reasonable care in the safety zone and Tony Burrahm ordered to attend compliance training.

EB19-0099-

Alleged Violator: Khifer Grading

Alleged Excavator: Roger Fisher

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Skid loader

Root Cause: Failure to notify Tennessee 811

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

EB19-0101-

Alleged Violator: D&C Excavation

Alleged Excavator: David Leonard

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Trencher

Root Cause: Failure to notify Tennessee 811

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

EB19-0102-

Alleged Violator: Lowell Ross

Alleged Excavator: Lowell Ross

Complainant: City of Spring Hill

Facility Type: Unknown

Equipment: Unknown

Root Cause: Reporting a false emergency for a locate ticket

Finding: In violation for reporting a false emergency for a locate ticket and Lowell Ross ordered to attend compliance training.

EB19-0103-

Alleged Violator: Steve Travis

Alleged Excavator: Unknown

Complainant: Matt Bible

Facility Type: Unknown

Equipment: Mini excavator

Root Cause: Failure to notify Tennessee 811

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

EB19-0107-

Alleged Violator: Trigos Construction

Alleged Excavator: Unknown

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Skid loader

Root Cause: Failure to notify Tennessee 811

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

EB19-0108-

Alleged Violator: Conaway & Company

Alleged Excavator: Scott Conaway

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Grader

Root Cause: Failure to notify Tennessee 811

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

EB19-0115-

Alleged Violator: Pipeline Utility Contractors

Alleged Excavator: Bruce Blessing

Complainant: City of Kingsport

Facility Type: Unknown

Equipment: Unknown

Root Cause: Failure to provide sufficient notice to Tennessee 811

Finding: No violation.

EB19-0125-

Alleged Violator: AT&T

Alleged Excavator: Unknown

Complainant: Jennifer King, Homeowner

Facility Type: Electric

Equipment: Unknown

Root Cause: Failure to use reasonable care

Finding: No violation.

Discussion of future topics for next executive committee meeting.

The Executive Committee spoke about the dates of future meetings.

The Executive Committee meeting adjourned at 1:17 p.m.