



**TENNESSEE UNDERGROUND UTILITY DAMAGE ENFORCEMENT BOARD  
EXECUTIVE COMMITTEE MEETING  
Meeting on September 18, 2019**

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**MINUTES**

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The Executive Committee meeting of the Tennessee Underground Utility Damage Enforcement Board commenced at 10:02 a.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  
Jaclyn Hammons

**Also Present:**

Bill Turner  
Jason Fryer

**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 August 28, 2019. A motion to approve the Minutes was approved unanimously. Three members voting on this motion, the motion carries 3-0.

**Presentation of Investigation of Complaints:**

The Committee heard and ruled on the following complaints:

**EB19-0047-**

Mr. Steve Raper recused himself from this complaint.  
**Alleged Violator:** On Point Drilling  
**Alleged Excavator:** Unknown  
**Complainant:** Jackson Energy Authority  
**Facility Type:** Gas  
**Equipment:** Ground rod driver  
**Root Cause:** Failure to use reasonable care within tolerance zone  
**Finding:** No violation due to lack of documentation and evidence.

**EB19-0057, EB19-0058, and EB19-0063-**

Mr. Steve Raper recused himself from these complaints.  
Complaints consolidated for consideration.  
**Alleged Violator:** On Point Drilling  
**Alleged Excavator:** Unknown  
**Complainant:** Jackson Energy Authority  
**Facility Type:** Water and Sewer  
**Equipment:** Boring machine  
**Root Cause:** Failure to use reasonable care and demolishing before locate ticket was valid  
**Finding:** In violation for failure to use reasonable care in the safety zone and Matt Mommsen ordered to attend compliance training.

**EB19-0050 and EB19-0060-**

Mr. Steve Raper recused himself from these complaints.  
Complaints consolidated for consideration.  
**Alleged Violator:** Madcar Construction  
**Alleged Excavator:** Unknown  
**Complainant:** Jackson Energy Authority  
**Facility Type:** Water  
**Equipment:** Boring machine  
**Root Cause:** No notification made to Tennessee 811 and failure to use reasonable care  
**Finding:** In violation for failure to notify One-Call prior to excavation and Michael Weeks ordered to attend compliance training.

**EB19-0055-**

Mr. Steve Raper recused himself from this complaint.  
**Alleged Violator:** Madcar Construction  
**Alleged Excavator:** Unknown  
**Complainant:** Jackson Energy Authority  
**Facility Type:** Water  
**Equipment:** Boring machine  
**Root Cause:** Failure to use reasonable care  
**Finding:** No violation.

**EB19-0065-**

Mr. Steve Raper recused himself from this complaint.  
**Alleged Violator:** Madcar Construction  
**Alleged Excavator:** Unknown

**Complainant:** Jackson Energy Authority  
**Facility Type:** Electric  
**Equipment:** Boring machine  
**Root Cause:** Failure to use reasonable care  
**Finding:** No violation.

**EB19-0085-**

**Alleged Violator:** Machuca Underground  
**Alleged Excavator:** Darwin Castro  
**Complainant:** PRG/Charter  
**Facility Type:** Telecom  
**Equipment:** Trencher  
**Root Cause:** Failure to use reasonable care  
**Finding:** In violation for failure to use reasonable care in the safety zone and Darwin Castro ordered to attend compliance training.

**EB019-0087-**

**Alleged Violators:** TVA  
**Alleged Excavator:** Bruce Burysek  
**Complainant:** Energy Transfer  
**Facility Type:** Crude Oil  
**Equipment:** Bulldozer  
**Root Cause:** Failure to notify Tennessee 811  
**Finding:** No violation.

**EB19-0104-**

**Alleged Violator:** Garden of Eden Landscaping  
**Alleged Excavator:** Adam Whitford  
**Complainant:** Atmos Energy  
**Facility Type:** Gas  
**Equipment:** Trencher  
**Root Cause:** Failure to use reasonable care  
**Finding:** No violation due to insufficient evidence.

**EB19-0105-**

Mr. Steve Raper recused himself from this complaint.  
**Alleged Violator:** Bosco Contractor Services  
**Alleged Excavator:** Lou Bosco  
**Complainant:** Jackson Energy Authority  
**Facility Type:** Gas  
**Equipment:** Backhoe  
**Root Cause:** Failure to notify Tennessee 811  
**Finding:** In violation for failure to notify One-Call prior to excavation and Lou Bosco ordered to attend compliance training.

**EB19-0109-**

**Alleged Violator:** Jim Slider, Homeowner  
**Alleged Excavator:** Unknown  
**Complainant:** Amigos Construction  
**Facility Type:** Unknown

**Equipment:** Unknown  
**Root Cause:** Failure to notify Tennessee 811  
**Finding:** No violation.

**EB19-0110-**

**Alleged Violator:** Dale's Backhoe  
**Alleged Excavator:** Dale Clark  
**Complainant:** Amigos Construction  
**Facility Type:** Unknown  
**Equipment:** Unknown  
**Root Cause:** Failure to notify Tennessee 811  
**Finding:** No violation.

**EB19-0114-**

**Alleged Violator:** Tommy Woods  
**Alleged Excavator:** Tommy Woods  
**Complainant:** Horton Highway Utility District  
**Facility Type:** Gas  
**Equipment:** Auger  
**Root Cause:** Failure to notify Tennessee 811  
**Finding:** In violation for failure to notify One-Call prior to excavation and Tommy Woods ordered to attend compliance training.

**EB19-0116-**

**Alleged Violator:** Choate's Air, Heat & Plumbing  
**Alleged Excavator:** Patrick Crase  
**Complainant:** Texas Gas Transmission  
**Facility Type:** Gas  
**Equipment:** Unknown  
**Root Cause:** Excavating before locate ticket was valid  
**Finding:** No violation.

**EB19-0117-**

**Alleged Violator:** L&R Plumbing  
**Alleged Excavator:** Daniel Jvarez  
**Complainant:** Atmos Energy  
**Facility Type:** Gas  
**Equipment:** Track hoe  
**Root Cause:** Failure to use reasonable care  
**Finding:** In violation for failure to use reasonable care, David Jvarez and Bryan Arellanes ordered to attend compliance training, and a civil penalty of \$2,500 assessed.

**EB19-0118-**

**Alleged Violator:** Robert Adams Backhoe  
**Alleged Excavator:** Robert Adams  
**Complainant:** Atmos Energy  
**Facility Type:** Gas  
**Equipment:** Unknown  
**Root Cause:** Failure to notify Tennessee 811

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

**EB19-0119-**

**Alleged Violator:** Premier Landscapes

**Alleged Excavator:** Daniel Sota

**Complainant:** Atmos Energy

**Facility Type:** Gas

**Equipment:** Track hoe

**Root Cause:** Failure to use reasonable care

**Finding:** In violation for failure to use reasonable care and Daniel Sota ordered to attend compliance training.

**EB19-0120-**

**Alleged Violator:** Dale's Backhoe

**Alleged Excavator:** Dale Clark

**Complainant:** Amigos Construction

**Facility Type:** Unknown

**Equipment:** Unknown

**Root Cause:** Failure to notify Tennessee 811

**Finding:** No violation.

**EB19-0121-**

**Alleged Violator:** Two Rivers Excavating

**Alleged Excavator:** Jaun Rivera

**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 and Jaun Rivera ordered to attend compliance training.

**EB19-0123-**

Mr. Steve Raper recused himself from this complaint.

**Alleged Violator:** City of Jackson Engineering Dept.

**Alleged Excavator:** Josh Richardson

**Complainant:** PRG/Charter

**Facility Type:** Telecom

**Equipment:** Unknown

**Root Cause:** Failure to use reasonable care

**Finding:** No violation.

**EB19-0129-**

**Alleged Violator:** Jarrett Builders

**Alleged Excavator:** John Bryan

**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 and John Bryan ordered to attend compliance training.

**EB19-0132 and EB19-0133-**

Complaints consolidated for consideration.

**Alleged Violator:** Fast Forward Broadband

**Alleged Excavator:** Rodney Browning

**Complainant:** Humphreys County Utility District

**Facility Type:** Gas

**Equipment:** Unknown

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

**Finding:** No violation.

**EB19-0138-**

**Alleged Violator:** Fast Forward Broadband

**Alleged Excavator:** Rodney Browning

**Complainant:** Humphreys County Utility District

**Facility Type:** Gas

**Equipment:** Plow

**Root Cause:** Failure to use reasonable care

**Finding:** In violation for failure to use reasonable care and Rodney Browning ordered to attend compliance training.

**Update of Tennessee 811 Training Program of Violators (Mr. Bill Turner).**

In 2019, ninety-one individuals from sixty-one organizations have completed training. Throughout the life of the program, 330 individuals from 250 organizations have completed training.

**Discussion of future topics for next executive committee meeting.**

Citation mailings were up to date. PHMSA audit was rescheduled to December 10<sup>th</sup>.

The Executive Committee meeting adjourned at 11:04 a.m.