



**TENNESSEE UNDERGROUND UTILITY DAMAGE ENFORCEMENT BOARD  
EXECUTIVE COMMITTEE MEETING  
Meeting on July 20, 2021**

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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 Conference Room of 502 Deaderick Street, Nashville, Tennessee 37243.

**Executive Committee Members Present:**

Wayne Hastings, Vice Chairman (joining by phone)  
Eddie Hood  
Bobby Pitts

**TPUC Staff Present:**

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

**Also Present:**

Craig Ingram

**Roll Call & Minutes:**

Roll call confirmed Mr. Bobby Pitts, Mr. Eddie Hood, and Vice Chairman Wayne Hastings as present. The Committee considered the Minutes of the meeting of June 29, 2021. A motion to approve the Minutes by Mr. Hood was seconded by Mr. Pitts and 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:

**EB21-0064-**

**Alleged Violator:** Cody Joe Haynes

**Alleged Excavator:** Cody Joe's Construction

**Complainant:** City of Lebanon Gas

**Facility Type:** Gas

**Equipment:** Backhoe

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

**Finding:** In violation for excavating before locate ticket was valid and Cody Joe Haynes ordered to attend compliance training.

**EB21-0068-**

**Alleged Violator:** Deviney Construction

**Alleged Excavator:** Tony Fortin

**Complainant:** MLG&W

**Facility Type:** Gas

**Equipment:** Excavator

**Root Cause:** No notification made to Tennessee 811

**Finding:** In violation for failure to give notice prior to excavation and civil penalty of \$625 is assessed for subsequent violation.

**EB21-0069-**

**Alleged Violator:** JJVZ Construction

**Alleged Excavator:** Luis De Leon

**Complainant:** Columbia Power and Water Systems

**Facility Type:** Telecom

**Equipment:** Boring machine

**Root Cause:** Excavating outside of requested locate area

**Finding:** No violation

**EB21-0071-**

**Alleged Violator:** Anytime Plumbing

**Alleged Excavator:** Bill Parrot

**Complainant:** Atmos

**Facility Type:** Gas

**Equipment:** Trackhoe

**Root Cause:** Failure to use reasonable care within the tolerance zone

**Finding:** In violation for failure to use reasonable care within the tolerance zone and Michael Waggoner ordered to attend compliance training.

**EB21-0072-**

**Alleged Violator:** Summit Construction

**Alleged Excavator:** Walt Tittle

**Complainant:** Atmos

**Facility Type:** Gas

**Equipment:** Trackhoe

**Root Cause:** Excavating beyond 15-day ticket expiration

**Finding:** In violation for excavating beyond 15-day ticket expiration and Walt Tittle ordered to attend compliance training.

**EB21-0073-**

**Alleged Violator:** Hommel Concrete

**Alleged Excavator:** Tim Brown

**Complainant:** Atmos

**Facility Type:** Gas

**Equipment:** Skid steer

**Root Cause:** Failure to use reasonable care within the tolerance zone

**Finding:** In violation for failure to use reasonable care within the tolerance zone and Tim Brown ordered to attend compliance training.

**EB21-0074-**

**Alleged Violator:** Mike Caylor Construction

**Alleged Excavator:** Mike Caylor

**Complainant:** East Tennessee Natural Gas

**Facility Type:** Gas

**Equipment:** Truck

**Root Cause:** No notification made to Tennessee 811

**Finding:** No violation

**EB21-0075-**

**Alleged Violator:** The Pipe Doctor

**Alleged Excavator:** Unknown

**Complainant:** Knoxville Utilities Board

**Facility Type:** Gas

**Equipment:** Mini excavator

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

**Finding:** In violation for excavating before locate ticket was valid and Ben Taylor ordered to attend compliance training.

**EB21-0081-**

**Alleged Violator:** CNT Masonry

**Alleged Excavator:** Curtis Ogle

**Complainant:** Knoxville Utilities Board

**Facility Type:** Gas

**Equipment:** Mini excavator

**Root Cause:** Failure to use reasonable care within the tolerance zone

**Finding:** In violation for failure to use reasonable care within the tolerance zone and Curtis Ogle ordered to attend compliance training.

**EB21-0085-**

**Alleged Violator:** Taylor Plumbing

**Alleged Excavator:** David Johnson

**Complainant:** Knoxville Utilities Board

**Facility Type:** Gas

**Equipment:** Mini excavator

**Root Cause:** Excavating beyond 15-day ticket expiration

**Finding:** In violation for excavating beyond 15-day ticket expiration and David Johnson ordered to attend compliance training.

**EB21-0086-**

**Alleged Violator:** Gregory Builders

**Alleged Excavator:** Jason Gregory

**Complainant:** Knoxville Utilities Board

**Facility Type:** Gas

**Equipment:** Mini excavator

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

**Finding:** In violation for excavating before locate ticket was valid and Jason Gregory ordered to attend compliance training.

**EB21-0087-**

**Alleged Violator:** Trust Homes

**Alleged Excavator:** Unknown

**Complainant:** Property Owner

**Facility Type:** Gas

**Equipment:** Unknown

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

**Finding:** No violation

**EB21-0088-**

**Alleged Violator:** Paradise Construction

**Alleged Excavator:** James

**Complainant:** Property Owner

**Facility Type:** Cable

**Equipment:** Backhoe

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

**Finding:** No violation

**EB21-0091-**

**Alleged Violator:** Rollins Excavating

**Alleged Excavator:** Vincent Pagano

**Complainant:** Atmos Energy

**Facility Type:** Gas

**Equipment:** Backhoe

**Root Cause:** Failure to use reasonable care within the tolerance zone

**Finding:** In violation for failure to use reasonable care within the tolerance zone and Jay Beebe ordered to attend compliance training.

**EB21-0105-**

**Alleged Violator:** Wadescapes Lawn

**Alleged Excavator:** Bruce Wade

**Complainant:** Property owner

**Facility Type:** Unknown

**Equipment:** Unknown

**Root Cause:** No notification made to Tennessee 811

**Finding:** No violation

**EB21-0122-**

**Alleged Violator:** United Services  
**Alleged Excavator:** Ben Mays  
**Complainant:** Knoxville Utilities Board  
**Facility Type:** Gas  
**Equipment:** Mini excavator  
**Root Cause:** Facility not marked or located  
**Finding:** No violation

**EB21-0124-**

**Alleged Violator:** Lloyd's Electric  
**Alleged Excavator:** Unknown  
**Complainant:** Knoxville Utilities Board  
**Facility Type:** Gas  
**Equipment:** Trencher  
**Root Cause:** Failure to use reasonable care within the tolerance zone  
**Finding:** In violation for failure to use reasonable care within the tolerance zone and Brian Lloyd ordered to attend compliance training.

**EB21-0129-**

**Alleged Violator:** Hampton Backhoe  
**Alleged Excavator:** Susan Hampton  
**Complainant:** USIC  
**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 Susan Hampton ordered to attend compliance training.

**EB21-0054, EB21-0055, EB21-0057, EB21-0058, EB21-0060, EB21-0062, EB21-0070, EB21-0079, EB21-0080, EB21-0082, EB21-0083, EB21-0084, EB21-0092, EB21-0121, EB21-0123, and EB21-0130-**

**Alleged Violator:** First Violation  
**Root Cause:** Failure to notify Tennessee 811  
**Finding:** In violation for failure to give notice prior to excavation.

**Update of Training Program by Tennessee 811 and Legislative Update**

Mr. Ingram reported that for 2021 year to date, 59 individuals were trained and there are 4 individuals scheduled for training. Since May of 2020, 126 individuals have completed the online training provided in lieu of in-person training due to COVID-19 concerns. There have been 69 damage notices since the new format was instituted on July 1.

Mr. Ingram indicated Tennessee 811 was preparing to end online training. Commission Staff indicated electronic training is authorized through the August 11, 2021, and that the Board will discuss the future of electronic training at that time.

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

The Executive Committee scheduled the Executive Committee meeting of August 11, 2021, to take place at 9:00 am Central, before the meeting of the Underground Board scheduled to take place at 10:00 am Central.

The Executive Committee meeting adjourned at 10:45 a.m.