



**TENNESSEE UNDERGROUND UTILITY DAMAGE ENFORCEMENT BOARD
EXECUTIVE COMMITTEE MEETING
Meeting on December 14, 2021**

MINUTES

The Executive Committee meeting of the Tennessee Underground Utility Damage Enforcement Board commenced at 10:20 a.m., in the Ground Floor Conference Room of 502 Deaderick Street, Nashville, Tennessee 37243.

Executive Committee Members Present:

Kevin Tubberville, Chairman
Wayne Hastings, Vice Chairman
Eddie Hood

TPUC Staff Present:

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

Tennessee 811 Present:

Bill Turner
Craig Ingram (via telephone)

Roll Call & Minutes:

Roll call confirmed Chairman Kevin Tubberville, Vice Chairman Wayne Hastings, and Mr. Eddie Hood as present. The Committee considered the Minutes of the meeting of November 3, 2021. Mr. Hood motioned to approve the Minutes which were unanimously approved.

Presentation of Investigation of Complaints:

The Committee heard and ruled on the following complaints:

EB21-0233-

Alleged Violator: Harakas Construction

Alleged Excavator: Jose Ceballos

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Trackhoe

Root Cause: Failure to notify Tennessee 811

Finding: In violation for failure to give notice prior to excavation and Jose Ceballos ordered to attend compliance training.

EB21-0238-

Alleged Violator: Tennessee Excavating Company

Alleged Excavator: Steve Dickey

Complainant: Knoxville Utilities Board

Facility Type: Gas

Equipment: 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, Steve Dickey ordered to attend compliance training, and a civil penalty of \$2,500 is assessed for subsequent violation.

EB21-0239-

Alleged Violator: MasTec USG

Alleged Excavator: Roger Pelfrey

Complainant: Knoxville Utilities Board

Facility Type: Gas

Equipment: Mini skid

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 Roger Pelfrey ordered to attend compliance training.

EB21-0240-

Alleged Violator: Taylor Plumbing

Alleged Excavator: Jamie Sexton

Complainant: Knoxville Utilities Board

Facility Type: Gas

Equipment: 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, the company's safety director or the person in an equivalent position is ordered to attend compliance training, and a civil penalty of \$5,000 is assessed for subsequent violation.

EB21-0241-

Alleged Violator: Stronghold Underground, LLC

Alleged Excavator: William

Complainant: Pleasant View Utility District

Facility Type: Sewer

Equipment: Boring machine

Root Cause: Failure to notify Tennessee 811

Finding: In violation for failure to give notice prior to excavation, the company's safety director or the person in an equivalent position is ordered to attend compliance training, and a civil penalty of \$2,500 is assessed for subsequent violation.

EB21-0242-

Alleged Violator: Blount Excavating

Alleged Excavator: Pablo Garcia

Complainant: Knoxville Utilities Board

Facility Type: Gas

Equipment: 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 Pablo Garcia ordered to attend compliance training.

EB21-0245-

Alleged Violator: Joslin Plumbing and Heating

Alleged Excavator: Josh Cooper

Complainant: Atmos Energy

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 Josh Cooper ordered to attend compliance training.

EB21-0250-

Alleged Violator: Forthright

Alleged Excavator: Jeremiah Dickerson

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 Jeremiah Dickerson ordered to attend compliance training.

EB21-0254-

Alleged Violator: RH Underground

Alleged Excavator: Moises Gonzales

Complainant: Metro Water and Sewer

Facility Type: N/A

Equipment: Mini skid

Root Cause: Reporting a false emergency for a locate ticket

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

EB21-0257-

Alleged Violator: J&M Grading

Alleged Excavator: Hayden Potter

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Trackhoe

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

Finding: No violation

EB21-0262-

Alleged Violator: Ebenezer Utilities

Alleged Excavator: Luis Rodriguez

Complainant: Metro Water and Sewer

Facility Type: Gas

Equipment: N/A

Root Cause: Excavating before the locate ticket was valid

Finding: In violation for excavating before the locate ticket was valid and a civil penalty of \$2,500 is assessed for subsequent violation.

EB21-0267-

Alleged Violator: Southerland Construction

Alleged Excavator: Brian Southerland

Complainant: Metro Water and Sewer

Facility Type: Water

Equipment: N/A

Root Cause: Reporting a false emergency for a locate ticket

Finding: No violation

EB21-0216, EB21-0224, EB21-0227, EB21-0231, EB21-0232, EB21-0234, EB21-0236, EB21-0246, EB21-0247, EB21-0248, EB21-0251, EB21-0252, EB21-0253, EB21-0256, EB21-0264, EB21-0266, and EB21-0275-

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

Mr. Turner reported that 562 individuals from 460 organizations have been trained since the inception of the program. At this point in 2021, 108 individuals were trained. In October, 20 of the 27 trainings were completed online. There were an additional two cancellations that will be fined for not giving proper notice before the meeting deadline.

Discussion of Future Topics for the Next Executive Committee Meeting

Future discussion topics include a possible consideration for civil penalties to be assessed without ordering compliance training unless there is an egregious situation to allow for resolution of contested and show cause cases. A grant memo is expected in February for the committee to review. The number of complaints received for the previous twelve month period was 313.

No member of the public sought to make comment during the public comment period.

The Executive Committee meeting adjourned at 11:20 a.m.