



**TENNESSEE UNDERGROUND UTILITY DAMAGE ENFORCEMENT BOARD  
EXECUTIVE COMMITTEE MEETING  
Meeting on January 25, 2022**

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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:**

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  
Slayde Warren

**Tennessee 811 Present:**

Bill Turner  
Craig Ingram

**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 December 14, 2021. Mr. Hood motioned to approve the Minutes which were unanimously approved with a correction to the draft concerning the number of complains over a twelve-month period.

**Presentation of Investigation of Complaints:**

The Committee heard and ruled on the following complaints:

**EB21-0229-**

**Alleged Violator:** Hernandez Plumbing

**Alleged Excavator:** Angelica Herrera

**Complainant:** Metro Water and Sewer

**Facility Type:** N/A

**Equipment:** N/A

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

**Finding:** In violation for reporting a false emergency for a locate ticket and a civil penalty of \$5,000 is assessed for subsequent violation.

**EB21-0235-**

**Alleged Violator:** Southern Site Contractors

**Alleged Excavator:** Lynn Osbourne

**Complainant:** Knoxville Utilities Board

**Facility Type:** Gas

**Equipment:** Excavator

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

**Finding:** No violation

**EB21-0260-**

**Alleged Violator:** Williamson County Septic Service

**Alleged Excavator:** Gene Thomlin

**Complainant:** Horton Highway Utility District

**Facility Type:** Gas

**Equipment:** Backhoe

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

**Finding:** In violation for excavating beyond the 15-day expiration and Gene Thomlin ordered to attend compliance training.

**EB21-0263-**

**Alleged Violator:** Broadband Technical Resources

**Alleged Excavator:** Casey Chadwell

**Complainant:** Atmos Energy

**Facility Type:** Gas

**Equipment:** Directional bore

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

**Finding:** In violation for excavating beyond the 15-day expiration and Casey Chadwell ordered to attend compliance training.

**EB21-0271-**

**Alleged Violator:** Mike Bailey, LLC

**Alleged Excavator:** Mike Bailey

**Complainant:** Bloomingdale Utility District

**Facility Type:** Water

**Equipment:** Excavator

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

**Finding:** In violation for failure to give notice prior to excavation and Mike Bailey ordered to attend compliance training.

**EB21-0272-**

**Alleged Violator:** Mike Bailey, LLC

**Alleged Excavator:** Mike Bailey

**Complainant:** Bloomingdale Utility District

**Facility Type:** Water

**Equipment:** Excavator

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

**Finding:** In violation for failure to give notice prior to excavation and a civil penalty of \$2,500 is assessed for subsequent violation.

**EB21-0273-**

**Alleged Violator:** Underground Utility Services

**Alleged Excavator:** Anika Hilderbrand

**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 Anika Hilderbrand ordered to attend compliance training.

**EB21-0279-**

**Alleged Violator:** T&E Cable

**Alleged Excavator:** Unknown

**Complainant:** Knoxville Utilities Board

**Facility Type:** Gas

**Equipment:** Directional drill

**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 the company's safety director or the person in an equivalent position is ordered to attend compliance training.

**EB21-0287-**

**Alleged Violator:** Design One

**Alleged Excavator:** Josh Riddle

**Complainant:** Knoxville Utilities Board

**Facility Type:** Gas

**Equipment:** Excavator

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

**Finding:** In violation for failure to give notice prior to excavation and a civil penalty of \$2,500 is assessed for subsequent violation.

**EB21-0291-**

**Alleged Violator:** SLS Services

**Alleged Excavator:** Carlos Limon

**Complainant:** Atmos Energy

**Facility Type:** Gas

**Equipment:** Skid loader

**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 Carlos Limon ordered to attend compliance training.

**EB21-0294-**

**Alleged Violator:** Zack Street Plumbing

**Alleged Excavator:** Leo Edwards

**Complainant:** Chickasaw Electric

**Facility Type:** N/A

**Equipment:** N/A

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

**Finding:** In violation for reporting a false emergency for a locate ticket and Leo Edwards ordered to attend compliance training.

**EB21-0295-**

**Alleged Violator:** Arnold Homes

**Alleged Excavator:** Robert Hastings

**Complainant:** Horton Highway Utility District

**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 Robert Hastings ordered to attend compliance training.

**EB21-0296-**

**Alleged Violator:** Lampley Plumbing

**Alleged Excavator:** Butch Lampley

**Complainant:** Metro Water and Sewer

**Facility Type:** N/A

**Equipment:** N/A

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

**Finding:** In violation for reporting a false emergency for a locate ticket and Butch Lampley ordered to attend compliance training.

**EB21-0297-**

**Alleged Violator:** Clark Grading

**Alleged Excavator:** Elmer

**Complainant:** Atmos Energy

**Facility Type:** Gas

**Equipment:** Mini skid

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

**Finding:** In violation for failure to give notice prior to excavation and a civil penalty of \$2,500 is assessed for subsequent violation.

**EB21-0298-**

**Alleged Violator:** Willow Branch Landscapes

**Alleged Excavator:** Salvador Sanchez

**Complainant:** Horton Highway Utility District

**Facility Type:** Gas

**Equipment:** Excavator

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

**Finding:** In violation for failure to give notice prior to excavation, Salvador Sanchez ordered to attend compliance training, and a civil penalty of \$10,000 is assessed for subsequent violation.

**EB21-0305-**

**Alleged Violator:** Terra Landscapes

**Alleged Excavator:** Johnny Belcastro

**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 Johnny Belcastro and Mitch Stewart ordered to attend compliance training.

**EB21-0314-**

**Alleged Violator:** Nitzchke Communications

**Alleged Excavator:** Joey Ivy

**Complainant:** Metro Water and Sewer

**Facility Type:** Water

**Equipment:** N/A

**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 a civil penalty of \$2,500 is assessed for subsequent violation.

**EB21-0255, EB21-0258, EB21-0261, EB21-0268, EB21-0269, EB21-0270, EB21-0278, EB21-0281, EB21-0283, EB21-0284, EB21-0285, EB21-0288, EB21-0289, EB21-0300, EB21-0302, and EB21-0316-**

**Alleged Violator:** First Violation

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

**Finding:** In violation for failure to give notice prior to excavation. Compliance training assigned to violators, delegated to Staff to determine individuals that must attend where specific individual is not named.

**Update of Training Program by Tennessee 811**

Mr. Bill Turner reported that 569 individuals from 467 organizations have been trained since the inception of the program. At this point in 2021, 115 individuals were trained. Thirty-three of the trainings were completed online. There was an instance of one person logging on for the training who failed to meet the identification verification.

**Discussion of Future Topics for the Next Executive Committee Meeting**

The total number of complaints received for the 2021 calendar year was 320. 16 complaints were received in December 2021 and 16 complaints were received at this point in January 2022. There were 5 administratively closed in December and 1 administratively closed so far in January.

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

The Executive Committee meeting adjourned at 10:43 a.m.