



**TENNESSEE UNDERGROUND UTILITY DAMAGE ENFORCEMENT BOARD
EXECUTIVE COMMITTEE
Meeting on June 28, 2022**

MINUTES

The Executive Committee meeting of the Tennessee Underground Utility Damage Enforcement Board commenced at 11:02 a.m., in the Ground Floor Conference Room of 502 Deaderick Street, Nashville, Tennessee 37243.

Executive Committee Members Present:

Wayne Hastings, Vice Chairman
Eddie Hood

Board Member(s) Via Telephone:

Kevin Tubberville, Chairman

TPUC Staff Present:

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

Tennessee 811 Present:

Craig Ingram (via telephone)

Roll Call & Minutes:

Roll call which confirmed Vice Chairman Wayne Hastings and Eddie Hood as present making a physical quorum while Chairman Tubberville participated by phone. The Committee considered the Minutes of the meeting of May 24, 2022. Mr. Hood motioned to approve the Minutes which were approved.

Presentation of Investigation of Complaints:

The Committee heard and ruled on the following complaints:

EB22-0061-

Alleged Violator: S&W Contracting

Alleged Excavator: Skyler Blythe

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 Skyler Blythe ordered to attend compliance training.

EB22-0066-

Alleged Violator: Hep Services

Alleged Excavator: John Payne

Complainant: Knoxville Utilities Board

Facility Type: Gas

Equipment: Excavator

Root Cause: Excavating before locate ticket was valid

Finding: In violation for excavating before locate ticket was valid, John Payne ordered to attend compliance training, and a civil penalty of \$2,500 is assessed for subsequent violation.

EB22-0067-

Alleged Violator: Haynes Service Company

Alleged Excavator: Ryan Brooks

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 Ryan Brooks ordered to attend compliance training.

EB22-0070-

Alleged Violator: 615 Plumbing

Alleged Excavator: William St. Laurent

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 William St. Laurent ordered to attend compliance training.

EB22-0071-

Alleged Violator: Harakas Construction

Alleged Excavator: Benito

Complainant: Horton Highway Utility District

Facility Type: Gas

Equipment: Skidloader

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.

EB22-0072-

Alleged Violator: Southeast Excavation

Alleged Excavator: Ethan Harris

Complainant: Knoxville Utilities Board

Facility Type: Gas

Equipment: Bobcat

Root Cause: Excavating outside of the requested locate area

Finding: In violation for excavating outside of the requested locate area, Ethan Harris ordered to attend compliance training, and a civil penalty of \$10,000 is assessed for subsequent violation.

EB22-0073-

Alleged Violator: R&A Plumbing

Alleged Excavator: Alejandra Ramos

Complainant: Metro Water & Sewer

Facility Type: Water

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 Alejandra Ramos ordered to attend compliance training.

EB22-0075-

Alleged Violator: Marable Pirkle Services

Alleged Excavator: Danny Casson

Complainant: Hamilton County Wastewater Authority

Facility Type: Sewer

Equipment: Excavator

Root Cause: Excavating before locate ticket was valid

Finding: In violation for excavating before locate ticket was valid and Danny Casson ordered to attend compliance training.

EB22-0077-

Alleged Violator: Shore Builders

Alleged Excavator: Brad Shore

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Backhoe

Root Cause: Failure to notify Tennessee 811

Finding: In violation for failure to give notice prior to excavation, Brad Shore ordered to attend compliance training, and a civil penalty of \$2,500 is assessed for subsequent violation.

EB22-0079-

Wayne Hastings recused himself from this complaint.

Alleged Violator: Ball Homes

Alleged Excavator: Ryan Hickey

Complainant: East Tennessee Natural Gas

Facility Type: Gas
Equipment: N/A
Root Cause: Excavating outside of the requested locate area
Finding: No violation

EB22-0080-

Alleged Violator: Spriggs Construction
Alleged Excavator: Nixon Delapaz
Complainant: Piedmont Natural Gas
Facility Type: Gas
Equipment: Boring machine
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 Nixon Delapaz ordered to attend compliance training.

EB22-0082-

Alleged Violator: Southeast Excavation
Alleged Excavator: Unknown
Complainant: Knoxville Utilities Board
Facility Type: Gas
Equipment: Backhoe
Root Cause: Failure to notify Tennessee 811
Finding: In violation for failure to give notice prior to excavation and a civil penalty of \$10,000 is assessed for subsequent violation.

EB22-0084-

Alleged Violator: Land Company Development
Alleged Excavator: Michael Deming
Complainant: Metro Water & Sewer
Facility Type: Water
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 Michael Deming ordered to attend compliance training.

EB22-0086-

Alleged Violator: United Structural Systems
Alleged Excavator: Brian Rankhorn
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 Brian Rankhorn ordered to attend compliance training.

EB22-0087-

Alleged Violator: Ervin Cable
Alleged Excavator: Unknown
Complainant: Property Owner
Facility Type: N/A

Equipment: "Ditching" machine
Root Cause: Excavating outside of the requested locate area
Finding: No violation

EB22-0092-

Alleged Violator: Willow Branch Landscapes
Alleged Excavator: Eddie Bowtista
Complainant: Horton Highway Utility District
Facility Type: Gas
Equipment: Mini excavator
Root Cause: Failure to use reasonable care within the tolerance zone
Finding: No violation

EB22-0093-

Alleged Violator: Two Rivers Excavating
Alleged Excavator: John Carter
Complainant: Horton Highway Utility District
Facility Type: Gas
Equipment: Backhoe
Root Cause: Failure to notify Tennessee 811
Finding: In violation for failure to give notice prior to excavation and John Carter ordered to attend compliance training.

EB22-0096-

Alleged Violator: Tennessee Guardrail
Alleged Excavator: Chris Chambliss
Complainant: Atmos Energy
Facility Type: Gas
Equipment: Auger
Root Cause: Failure to use reasonable care within the tolerance zone
Finding: No violation

EB22-0100-

Alleged Violator: Lamberth and Sons Plumbing
Alleged Excavator: Michael Goodwin
Complainant: Horton Highway Utility District
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 Michael Goodwin ordered to attend compliance training.

EB22-0063-

Alleged Violator: Middle Tennessee Trucking
Alleged Excavator: David Null
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 and David Null ordered to attend compliance training.

EB22-0081-

Wayne Hastings recused himself from this complaint.

Alleged Violator: Maddox Company

Alleged Excavator: Brian Elliott

Complainant: Knoxville Utilities Board

Facility Type: Gas

Equipment: Mini excavator

Root Cause: Failure to notify Tennessee 811

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

EB22-0085-

Alleged Violator: Hull Hooper, Inc.

Alleged Excavator: Michael Hull

Complainant: Property Owner

Facility Type: Cable

Equipment: Bobcat

Root Cause: Failure to notify Tennessee 811

Finding: No violation

EB22-0089-

Alleged Violator: Joon Properties

Alleged Excavator: Unknown

Complainant: Property Owner

Facility Type: N/A

Equipment: Excavator

Root Cause: Failure to notify Tennessee 811

Finding: In violation for failure to give notice prior to excavation and Avi Spielman, the company's safety director, or the person in an equivalent position is ordered to attend compliance training.

Update of Training Program by Tennessee 811

Mr. Ingram reported that 654 individuals have been trained since the inception of the program. To date in 2022, 85 individuals have been trained. There have been 15 cancellations fees assessed for cancellation within the forty-eight hour window. Of the 755 confirmed violations where training was ordered there has been no contact in 154, contact was made in 45, and training was completed in 550.

Staff Update

As discussed in previous meetings, the new full-time staff position has been posted and applications are being reviewed. There have been 137 complaints received so far year to date. There is a total of \$187,725 in civil fines assessed.

Discussion of Future Topics for the Next Executive Committee Meeting

The schedule of upcoming industry events was discussed. The next Executive Committee meeting is July 26. TGA would like to speak about their contract at the next Executive Committee or full Board meeting.

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

The Executive Committee meeting adjourned at 11:51 a.m.