



**TENNESSEE UNDERGROUND UTILITY DAMAGE ENFORCEMENT BOARD
EXECUTIVE COMMITTEE
Meeting on December 6, 2022**

MINUTES

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 (via telephone)
Eddie Hood
Kevin Tubberville, Chairman

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:

Craig Ingram
Bill Turner

Roll Call & Minutes:

Roll call confirmed Chairman Kevin Tubberville and Mr. Eddie Hood as present, and Vice Chairman Wayne Hastings as present via phone, making a quorum. The Committee considered the Minutes from the November 3rd meeting. Chairman Tubberville motioned to approve the Minutes which were approved.

Presentation of Investigation of Complaints:

The Committee heard and ruled on the following complaints:

EB22-0208-

Alleged Violator: Thompson & Thompson, Inc.
Alleged Excavator: Ethan Clayton
Complainant: Greater Dickson Gas Authority
Facility Type: Gas
Equipment: Mini Excavator
Root Cause: Failure to use reasonable care within the tolerance zone
Finding: No violation

EB22-0215-

Alleged Violator: Whaley Construction
Alleged Excavator: Francisco
Complainant: Knoxville Utilities Board
Facility Type: Gas
Equipment: Trackhoe
Root Cause: Facility not marked or located
Finding: No violation

EB22-0221-

Alleged Violator: Eddie Hernandez
Alleged Excavator: Eddie Hernandez
Complainant: Knoxville Utilities Board
Facility Type: Gas
Equipment: Trackhoe
Root Cause: Excavating beyond the 15-day expiration
Finding: In violation for excavating beyond a 15-day expiration of locate and Eddie Hernandez ordered to attend compliance training.

EB22-0223-

Alleged Violator: Glenn Turner
Alleged Excavator: Glenn Turner
Complainant: Knoxville Utilities Board
Facility Type: Gas
Equipment: Trackhoe
Root Cause: Excavating before the locate ticket is valid
Finding: No violation

EB22-0230-

Alleged Violator: Southern Site Contractors
Alleged Excavator: Chrisey Bradley
Complainant: Atmos Energy
Facility Type: Gas
Equipment: Backhoe Trackhoe
Root Cause: Failure to use reasonable care within the tolerance zone
Finding: No violation

EB22-0235-

Alleged Violator: PCS of Tennessee
Alleged Excavator: Will Preston
Complainant: Atmos Energy
Facility Type: Gas
Equipment: Backhoe Trackhoe
Root Cause: Excavating beyond the 15-day expiration
Finding: In violation for excavating beyond a 15-day expiration of locate and Will Preston ordered to attend compliance training.

EB22-0236-

Alleged Violator: American Exscapes
Alleged Excavator: Roman Berrea
Complainant: Horton Highway Utility District
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 a civil penalty of \$2,500 is assessed for subsequent violation.

EB22-0243-

Alleged Violator: Star Construction
Alleged Excavator: Carl Hatcher
Complainant: Atmos Energy
Facility Type: Gas
Equipment: Boring Machine
Root Cause: Failure to use reasonable care within the tolerance zone
Finding: No violation

EB22-0246-

Alleged Violator: J Industries
Alleged Excavator: Jeremy Lee
Complainant: Atmos Energy
Facility Type: Gas
Equipment: Backhoe Trackhoe
Root Cause: Excavating before the locate ticket is valid
Finding: No violation

EB22-0248-

Alleged Violator: Thomas Construction
Alleged Excavator: John McClanahan
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 John McClanahan ordered to attend compliance training.

EB22-0249-

Alleged Violator: Quality Hardscapes

Alleged Excavator: Pedro Flores
Complainant: Atmos Energy
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 Pedro Flores ordered to attend compliance training.

EB22-0253-

Alleged Violator: HMH Construction
Alleged Excavator: Chris Graves
Complainant: Knoxville Utilities Board
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 Chris Graves ordered to attend compliance training.

EB22-0258-

Alleged Violator: Design & Construction Services
Alleged Excavator: Thomas Coggins
Complainant: Knoxville Utilities Board
Facility Type: Electric
Equipment: Trackhoe
Root Cause: Excavating beyond the 15-day expiration
Finding: No violation

EB22-0259-

Alleged Violator: AT&T Tennessee
Alleged Excavator: Unknown
Complainant: Trugreen
Facility Type: Cable
Equipment: Trencher
Root Cause: Facility not marked or located
Finding: No violation

EB22-0268-

Alleged Violator: Platinum Builders Solutions
Alleged Excavator: Unknown
Complainant: Atmos Energy
Facility Type: Gas
Equipment: Backhoe Trackhoe
Root Cause: Excavating beyond the 15-day expiration
Finding: In violation for excavating beyond a 15-day expiration of locate and Danny Crutcher ordered to attend compliance training.

EB22-0240, EB22-0245, EB22-0247, EB22-0250, EB22-0251, EB22-0274, EB22-0276, and EB22-0279 -

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 121 individuals have been trained year to date. Since the beginning of the program, 690 individuals from 584 organizations have been trained. Mr. Ingram said they are speaking with a vendor about the potential use of a video based training option.

Staff Update and Discussion of Future Topics for the Next Executive Committee Meeting

In November, 28 complaints were received. There were 47 open investigations at the time of the meeting. There have been 312 complaints received so far year to date. There were five administrative closures. There is a total of \$308,225 in civil fines assessed and \$164,975 were received. The fund balance is \$164,435. The next Executive Committee Meeting is on January 30th. The grant program will be discussed at the January meeting.

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

The Executive Committee meeting adjourned at 10:34 a.m.