



**TENNESSEE UNDERGROUND UTILITY DAMAGE ENFORCEMENT BOARD
EXECUTIVE COMMITTEE
Meeting on January 30, 2023**

MINUTES

The Executive Committee meeting of the Tennessee Underground Utility Damage Enforcement Board commenced at 11:42 a.m. in the William R. Snodgrass/Tennessee Tower Building at 312 Rosa L. Parks Avenue, Nashville, Tennessee 37243.

Executive Committee Members Present:

Wayne Hastings, Vice Chairman
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:

Bill Turner

Roll Call & Minutes:

Roll call confirmed Chairman Kevin Tubberville, Vice Chairman Wayne Hastings, and Mr. Eddie Hood as present making a quorum. The Committee considered the Minutes from the December 6th 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:

EB22-0256-

Alleged Violator: HEP Services

Alleged Excavator: Jesse Roche
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 a civil penalty of \$5,000 is assessed for subsequent violation.

EB22-0257-

Alleged Violator: Pride Utility Construction
Alleged Excavator: Ivan Martinez
Complainant: Knoxville Utilities Board
Facility Type: Water
Equipment: Trackhoe
Root Cause: Excavating outside the requested locate area
Finding: In violation for excavating outside the requested locate area and Ivan Martinez ordered to attend compliance training.

EB22-0262-

Alleged Violator: Cedar Bluff Plumbing
Alleged Excavator: Unknown
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 the company's safety director, or the person in an equivalent position, is ordered to attend compliance training.

EB22-0264-

Alleged Violator: Warwick Electric
Alleged Excavator: Josh Warwick
Complainant: Knoxville Utilities Board
Facility Type: Gas
Equipment: Trackhoe
Root Cause: Failure to use reasonable care within the tolerance zone
Finding: No violation

EB22-0265-

Alleged Violator: Ron Massey Excavation
Alleged Excavator: Justin Massey
Complainant: Knoxville Utilities Board
Facility Type: Gas
Equipment: Trackhoe
Root Cause: Excavating before the locate ticket is valid
Finding: In violation for excavating before the locate ticket is valid and a civil penalty of \$2,500 is assessed for subsequent violation.

EB22-0266-

Alleged Violator: Black Oak Contracting, Inc.

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

EB22-0273-

Alleged Violator: Tommy and Sons Paving
Alleged Excavator: Tommy Boswell
Complainant: Atmos Energy
Facility Type: Gas
Equipment: Backhoe Trackhoe
Root Cause: Failure to use reasonable care within the tolerance zone
Finding: No violation

EB22-0275-

Alleged Violator: Middle Tennessee Electric
Alleged Excavator: Unknown
Complainant: David Beck
Facility Type: Electric
Equipment: N/A
Root Cause: Facility not marked or located
Finding: No violation

EB22-0278-

Alleged Violator: Cole Construction
Alleged Excavator: Bobby Cole
Complainant: Jackson Energy Authority
Facility Type: Gas
Equipment: Backhoe Trackhoe
Root Cause: Failure to notify Tennessee 811
Finding: In violation for failure to give notice prior to excavation and Bobby Cole and the company's office manager, safety director, or the person in an equivalent position are ordered to attend compliance training.

EB22-0281-

Alleged Violator: Cable Tel
Alleged Excavator: Unknown
Complainant: City of Dyersburg Gas Department
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 Mike Moore ordered to attend compliance training.

EB22-0288-

Alleged Violator: Star Construction
Alleged Excavator: Taylor Hackney
Complainant: Knoxville Utilities Board

Facility Type: Water
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 a civil penalty of \$10,000 is assessed for subsequent violation.

EB22-0290-

Alleged Violator: IST Underground
Alleged Excavator: Isay Morales
Complainant: Knoxville Utilities Board
Facility Type: Gas
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 Isay Morales ordered to attend compliance training.

EB22-0292-

Alleged Violator: IST Underground
Alleged Excavator: Isay Morales
Complainant: Knoxville Utilities Board
Facility Type: Electric
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 a civil penalty of \$2,500 is assessed for subsequent violation.

EB22-0294-

Alleged Violator: Specialty Fencing
Alleged Excavator: Clint Nicholes
Complainant: Atmos Energy
Facility Type: Gas
Equipment: Auger
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 Clint Nicholes ordered to attend compliance training.

EB22-0301-

Alleged Violator: Jarrett Builders, Inc.
Alleged Excavator: Ray Warren
Complainant: Atmos Energy
Facility Type: Gas
Equipment: Backhoe 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 Ray Warren ordered to attend compliance training.

EB22-0306-

Alleged Violator: Rylex Construction
Alleged Excavator: Gibson
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 Mark Murray ordered to attend compliance training.

EB22-0307-

Alleged Violator: Turner Homes
Alleged Excavator: Michael Buffell
Complainant: Knoxville Utilities Board
Facility Type: Gas
Equipment: Trackhoe
Root Cause: Excavating outside the requested locate area
Finding: In violation for excavating outside the requested locate area and Michael Buffell ordered to attend compliance training.

EB22-0308-

Alleged Violator: C&C Drilling
Alleged Excavator: Craig Cadarette
Complainant: Knoxville Utilities Board
Facility Type: Gas
Equipment: Directional Drill
Root Cause: Excavating beyond the 15-day expiration
Finding: No violation

EB22-0309-

Alleged Violator: Louden County Fence Company
Alleged Excavator: Alexander Mendoza
Complainant: Knoxville Utilities Board
Facility Type: Gas
Equipment: Auger
Root Cause: Excavating before the locate ticket is valid
Finding: In violation for excavating before the locate ticket is valid and Alexander Mendoza ordered to attend compliance training.

EB22-0310-

Alleged Violator: Alian Cable Construction
Alleged Excavator: Unknown
Complainant: Knoxville Utilities Board
Facility Type: Water
Equipment: N/A
Root Cause: Excavating before the locate ticket is valid
Finding: In violation for excavating before the locate ticket is valid and a civil penalty of \$5,000 is assessed for subsequent violation.

EB22-0312-

Alleged Violator: Don Wood Plumbing
Alleged Excavator: Unknown
Complainant: Atmos Energy
Facility Type: Gas

Equipment: Backhoe-Trackhoe

Root Cause: Excavating before the locate ticket is valid

Finding: In violation for excavating before the locate ticket is valid and the company's safety director, or the person in an equivalent position, is ordered to attend compliance training.

EB22-0313-

Alleged Violator: Jackson Boring and Trenching

Alleged Excavator: Roy Johnson

Complainant: Metro Water and Sewer

Facility Type: Water

Equipment: Directional Drill

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

Finding: No violation

EB22-0314-

Alleged Violator: Acer Landscape and Lighting

Alleged Excavator: Unknown

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Backhoe Trackhoe

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.

EB22-0317-

Alleged Violator: C&C Plumbing

Alleged Excavator: Steve Mosier

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Backhoe 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 Steve Mosier ordered to attend compliance training.

EB22-0319-

Alleged Violator: MasTec

Alleged Excavator: John-Luke Beer

Complainant: Metro Water and Sewer

Facility Type: Water

Equipment: N/A

Root Cause: Reporting a false emergency for locate ticket

Finding: No violation

EB22-0330-

Alleged Violator: Hicks Services

Alleged Excavator: Jacob Hicks

Complainant: Knoxville Utilities Board

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 Jacob Hicks ordered to attend compliance training.

EB22-0252, EB22-0254, EB22-0255, EB22-0260, EB22-0261, EB22-0263, EB22-0271, EB22-0272, EB22-0280, EB22-0284, EB22-0285, EB22-0286, EB22-0287, EB22-0289, EB22-0293, EB22-0295, EB22-0297, EB22-0298, EB22-0299, EB22-0300, EB22-0302, EB22-0305, EB22-0311, and EB22-0326-

Alleged Violator: First Violation

Root Cause: Failure to notify Tennessee 811

Finding: In violation for failure to give notice prior to excavation.

Discussion of Future Topics for the Next Executive Committee Meeting

The Tennessee 811 training program update and staff update were given at the full Board meeting that preceded this meeting.

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

The Executive Committee meeting adjourned at 12:29 p.m.