



**TENNESSEE UNDERGROUND UTILITY DAMAGE ENFORCEMENT BOARD  
EXECUTIVE COMMITTEE  
Meeting on June 27, 2023**

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**MINUTES**

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The Executive Committee meeting of the Tennessee Underground Utility Damage Enforcement Board commenced at 10:05 a.m. at the Andrew Jackson State Office Building, Hearing Room G. 201, 502 Deaderick St., 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  
Brittany J. Shaw

**Tennessee 811 Present:**

Craig Ingram

**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 April 25<sup>th</sup> meeting. Mr. Hood motioned to approve the Minutes which were approved.

**Presentation of Investigation of Complaints:**

The Committee heard and ruled on the following complaints:

**EB23-0088-**

**Alleged Violator:** White Landscaping  
**Alleged Excavator:** Unknown  
**Complainant:** Atmos Energy  
**Facility Type:** Gas  
**Equipment:** Trencher  
**Root Cause:** No notification made to TN One-Call/811 prior to excavating/demolishing  
**Finding:** No violation.

**EB23-0089-**

**Alleged Violator:** Ryan Homes  
**Alleged Excavator:** Unknown  
**Complainant:** Homeowner, Resident  
**Facility Type:** Cable  
**Equipment:** Backhoe-Trackhoe  
**Root Cause:** No notification made to TN One-Call/811 prior to excavating/demolishing  
**Finding:** No violation

**EB23-0090-**

**Alleged Violator:** City of Johnson City  
**Alleged Excavator:** Butch Taylor  
**Complainant:** Atmos Energy  
**Facility Type:** Gas  
**Equipment:** Backhoe-Trackhoe  
**Root Cause:** Failure to use reasonable care within the tolerance zone/safety zone  
**Finding:** No violation.

**EB23-0094-**

**Alleged Violator:** Pipeline Utility Contractors, LLC  
**Alleged Excavator:** "Jonathan"  
**Complainant:** Atmos Energy  
**Facility Type:** Gas  
**Equipment:** N/A  
**Root Cause:** Reporting a false emergency for a locate ticket  
**Finding:** In violation for reporting a false emergency ticket and to order Bruce Blessing to attend compliance training.

**EB23-0096-**

**Alleged Violator:** Prince Utility  
**Alleged Excavator:** Mark Prince  
**Complainant:** Atmos Energy  
**Facility Type:** Gas  
**Equipment:** Backhoe-Trackhoe  
**Root Cause:** Failure to use reasonable care in tolerance/safety zone  
**Finding:** No violation.

**EB23-0104-**

**Alleged Violator:** Daugherty Excavating and Trucking  
**Alleged Excavator:** Tyler Bennett  
**Complainant:** Atmos Energy  
**Facility Type:** Gas

**Equipment:** Backhoe-Trackhoe

**Root Cause:** Failure to use reasonable care

**Finding:** In violation for failure to maintain marks after the line was located and to order Tyler Bennett to attend compliance training.

**EB23-00105-**

**Alleged Violator:** Trowel Trades, LLC.

**Alleged Excavator:** Zach Davidson

**Complainant:** Knoxville Utilities Board

**Facility Type:** Water

**Equipment:** Backhoe Trackhoe

**Root Cause:** No notification made to TN One-Call/811 prior to excavating/demolishing

**Finding:** In violation for no notification to One-Call prior to excavation and to order Derek Roesner to attend compliance training.

**EB23-0114-**

**Alleged Violator:** Ayala Construction

**Alleged Excavator:** Joel Ayala

**Complainant:** Knoxville Utilities Board

**Facility Type:** Gas

**Equipment:** Backhoe-Trackhoe

**Root Cause:** No-notification made to TN One-Call/811 prior to excavating/demolishing

**Finding:** No violation

**EB23-0115-**

**Alleged Violator:** Dave Harness & Son

**Alleged Excavator:** Jason Vanderwoude

**Complainant:** Knoxville Utilities Board

**Facility Type:** Gas

**Equipment:** Backhoe-Trackhoe

**Root Cause:** No notification made to TN One-Call/811 prior to excavating/demolishing

**Finding:** In violation for no notification to One-Call prior to excavation, it is a subsequent violation and a civil penalty in the amount of \$5,000 is assessed.

**EB23-0116-**

**Alleged Violator:** 58 Foundations

**Alleged Excavator:** Matt Pirro

**Complainant:** Knoxville Utilities Board

**Facility Type:** Gas

**Equipment:** Backhoe-Trackhoe

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

**Finding:** In violation for failure to use reasonable care within the tolerance zone and Matt Pirro ordered to attend compliance training.

**EB23-0120-**

**Alleged Violator:** MasTec-Knoxville

**Alleged Excavator:** Roger Pelfrey

**Complainant:** Knoxville Utilities Board

**Facility Type:** Water

**Equipment:** Directional Drill

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

**Finding:** In violation for failure to use reasonable care in a safety zone and to order Roger Pelfrey and a safety representative to attend compliance training.

**EB23-0122-**

**Alleged Violator:** AT&T Tennessee

**Alleged Excavator:** Unknown

**Complainant:** Wisser Consultants, LLC

**Facility Type:** Telecom

**Equipment:** N/A

**Root Cause:** Facility was not marked or located

**Finding:** No violation.

**EB23-0123-**

**Alleged Violator:** Riverside Remodeling

**Alleged Excavator:** Mitchell Murphy

**Complainant:** Metro Water and 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 to order Mitchell Murphy to attend compliance training.

**EB23-0124-**

**Alleged Violator:** M&W Drilling

**Alleged Excavator:** James Scott

**Complainant:** Metro Water and Sewer

**Facility Type:** Water

**Equipment:** N/A

**Root Cause:** Excavating/demolishing before locate request was valid

**Finding:** In violation for excavating before a locate request was valid and to order James Scott to attend compliance training.

**EB23-0125-**

**Alleged Violator:** Stansell Electric Company- East TN

**Alleged Excavator:** Gianna Gaiser

**Complainant:** Atmos Energy

**Facility Type:** Gas

**Equipment:** Backhoe-Trackhoe

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

**Finding:** In violation for failure to use reasonable care within the tolerance zone and Gianna Gaiser ordered to attend compliance training.

**EB23-0126-**

**Alleged Violator:** Wilson Construction

**Alleged Excavator:** Albert Wilson

**Complainant:** Metro Water & Sewer

**Facility Type:** Water

**Equipment:** N/A

**Root Cause:** Excavating/Demolishing outside of the requested locate area

**Finding:** No violation

**EB23-0129-**

**Alleged Violator:** Highland Contracting

**Alleged Excavator:** Austin Church

**Complainant:** Atmos Energy

**Facility Type:** Gas

**Equipment:** Backhoe-Trackhoe

**Root Cause:** Failure to use reasonable care in the tolerance/safety zone

**Finding:** In violation for failure to use reasonable care in the safety zone and to order Austin Church and an owner's representative to attend compliance training.

**EB23-0131-**

**Alleged Violator:** Clark Grading

**Alleged Excavator:** Jake Henry

**Complainant:** Atmos Energy

**Facility Type:** Gas

**Equipment:** Backhoe-Trackhoe

**Root Cause:** No notification made to TN One-Call/811 prior to excavating/demolishing

**Finding:** In violation for no notification to One-Call prior to excavation and to order Jake Henry to attend compliance training.

**EB23-0135-**

**Alleged Violator:** Smart Scapes, LLC

**Alleged Excavator:** Kelly Williamson

**Complainant:** Metro Water and Sewer

**Facility Type:** Water

**Equipment:** N/A

**Root Cause:** Excavating/Demolishing beyond 15-day expiration

**Finding:** No violation

**EB23-0095-**

**Alleged Violator:** Superior Landscape

**Alleged Excavator:** Unknown

**Complainant:** Atmos Energy

**Facility Type:** Gas

**Equipment:** N/A

**Root Cause:** No notification made to TN One-Call/811 prior to excavating demolishing

**Finding:** No violation

**EB23-0112-**

**Alleged Violator:** KTN Excavation

**Alleged Excavator:** Unknown

**Complainant:** Knoxville Utilities Board

**Facility Type:** Gas

**Equipment:** Backhoe-Trackhoe

**Root Cause:** No notification to TN One-Call/811 prior to excavating/demolishing

**Finding:** In violation for no notification to One-Call prior to excavation and order a safety manager to attend compliance training.

**EB23-0113-**

**Alleged Violator:** KTN Excavation

**Alleged Excavator:** Kendred Newby

**Complainant:** Knoxville Utilities Board

**Facility Type:** Gas

**Equipment:** Backhoe-Trackhoe

**Root Cause:** No notification to TN One-Call/811 prior to excavating/demolishing

**Finding:** In violation for no-notification to One-Call prior to excavation, it to be a subsequent violation and assess a civil penalty in the amount of \$2,500 and to order Kendred Newby or a person as determined by board staff to attend compliance training.

**EB23-0091, EB23-0097, EB23-0098, EB23-0100, EB23-0103, EB23-0106, EB23-0107, EB23-0108, EB23-0109, EB23-0111, EB23-0117 EB23-0118, EB23-0119, EB23-0121, EB23-0128, EB23-0132, EB23-0133, EB23-0134, EB23-0136, and EB23-0137.**

**Alleged Violator:** First Violation

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

**Finding:** In violation for failure to give notice prior to excavation. The Executive Committee defers to investigative staff to determine the appropriate person(s) to be ordered to attend compliance training.

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

The Tennessee 811 training program update and staff update were given.

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

The Executive Committee meeting adjourned at 11:31 a.m.