



**TENNESSEE UNDERGROUND UTILITY DAMAGE ENFORCEMENT BOARD  
EXECUTIVE COMMITTEE  
Meeting on July 25, 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 Tennessee Public Utility Commission, 502 Deaderick Street, Ground Floor Conference Room, Nashville, TN, 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 Shaw

**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 making a quorum. The Committee considered the Minutes from the June 27, 2023, 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:

**EB23-0102-**

**Alleged Violator:** Ecoscapes

**Alleged Excavator:** Jeremiah Ray

**Complainant:** Metro Water and Sewer

**Facility Type:** Sewer

**Equipment:** Backhoe

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

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

**EB23-0140-**

**Alleged Violator:** Way Down South & Associates

**Alleged Excavator:** Unknown

**Complainant:** West Tennessee Public Utility District

**Facility Type:** Gas

**Equipment:** Plow

**Root Cause:** Excavating/Demolishing before locate request is valid.

**Finding:** In violation for excavating before locate request was valid and assess a civil penalty of \$2500 for second violation.

**EB23-0143-**

**Alleged Violator:** Way Down South & Associates

**Alleged Excavator:** Justin Nash

**Complainant:** West Kentucky & Tennessee Telecommunications Cooperative

**Facility Type:** Telecom

**Equipment:** Boring Machine

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

**Finding:** No violation

**EB23-0145-**

**Alleged Violator:** Williams Concrete

**Alleged Excavator:** Yoel Vorela

**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 assess a civil penalty in the amount of \$2500 for a second violation

**EB23-0148-**

**Alleged Violator:** Omni Tennessee, LLC

**Alleged Excavator:** Carlos Garcia

**Complainant:** Horton Highway Utility District

**Facility Type:** Gas

**Equipment:** Trencher

**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, assess a civil penalty in the amount of \$2500, and owner Pete Chodniewicz ordered to attend compliance training.

**EB23-0151-**

**Alleged Violator:** R&A Plumbing

**Alleged Excavator:** Alejandra Ramos

**Complainant:** Metro Water and Sewer

**Facility Type:** Sewer

**Equipment:** N/A

**Root Cause:** reporting false emergency for locate ticket.

**Finding:** In violation for reporting a false emergency for locate ticket and assess a civil penalty in the amount of \$2,500 for a second violation.

**EB23-0152-**

**Alleged Violator:** H and P Plumbing

**Alleged Excavator:** Juliana Hernandez

**Complainant:** Metro Water and Sewer

**Facility Type:** Water

**Equipment:** N/A

**Root Cause:** Excavating/Demolishing before locate request is valid.

**Finding:** No Violation

**EB23-0154-**

**Alleged Violator:** Premier Design Build

**Alleged Excavator:** Peter Amroetti

**Complainant:** Atmos Energy

**Facility Type:** Gas

**Equipment:** Backhoe/Trackhoe

**Root Cause:** Failure to maintain marks.

**Finding:** In violation for failure to maintain marks and Peter Amroetti ordered to attend compliance training.

**EB23-0164-**

**Alleged Violator:** The Foundation Specialists

**Alleged Excavator:** Unknown

**Complainant:** Beth Scott (Property Owner)

**Facility Type:** Gas

**Equipment:** N/A

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

**Finding:** No violation

**EB23-0168-**

**Alleged Violator:** R&A Plumbing (Mount Pleasant)

**Alleged Excavator:** William Reynolds

**Complainant:** Atmos Energy

**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 William Reynolds ordered to attend compliance training.

**EB23-0172-**

**Alleged Violator:** Star Construction Nashville

**Alleged Excavator:** Wade Park

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

**EB23-0177-**

**Alleged Violator:** J&J Plumbing

**Alleged Excavator:** Michelle Savage

**Complainant:** Metro Water and Sewer

**Facility Type:** Water

**Equipment:** N/A

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

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

**EB23-0178-**

**Alleged Violator:** Barnett Contracting

**Alleged Excavator:** Ryan Skinner

**Complainant:** Metro Water and Sewer

**Facility Type:** Water

**Equipment:** N/A

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

**Finding:** No violation

**EB23-0180-**

**Alleged Violator:** AT&T Tennessee

**Alleged Excavator:** Unknown

**Complainant:** Stansell Electric Company

**Facility Type:** Telecom

**Equipment:** N/A

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

**Finding:** In violation for facility not marked or located and Sabrina Reed ordered to attend compliance training.

**EB23-0139, EB23-0144, EB23-0146, EB23-0147, EB23-0150, EB23-0153, and EB23-0171.**

**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**

**EB23-0100-** (Robertson Backhoe) Citation has been rescinded and investigation reopened pending addition to future agenda.

The Tennessee 811 training program update and staff updates were given, and the dates for 2024 Executive Committee meetings were proposed. No member of the public sought to make comment during the public comment period. The Executive Committee meeting adjourned at 10:45 a.m.