



**TENNESSEE UNDERGROUND UTILITY DAMAGE ENFORCEMENT BOARD
EXECUTIVE COMMITTEE
Meeting on November 2, 2023**

MINUTES

The Executive Committee meeting of the Tennessee Underground Utility Damage Enforcement Board commenced at 9:00 a.m. at the Tennessee Public Utility Commission, 502 Deaderick Street, Ground Floor Conference Room, Nashville, TN, 37243.

Executive Committee Members Present:

Kevin Tubberville- Chairman
Wayne Hastings- Vice Chairman
Eddie Hood
Bob Pitts

TUUEB Executive Committee Member(s) Not Present:

Steve Raper

TPUC Staff Present:

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

Tennessee 811 Present:

Bill Turner
Craig Ingram

Roll Call & Minutes:

Roll call confirmed Chairman Kevin Tubberville, Vice Chairman Wayne Hastings, Mr. Eddie Hood, and Mr. Bob Pitts as present, making a quorum. The Committee considered the

Minutes from the September 26, 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, LLC

Alleged Excavator: Jeremiah Ray

Complainant: Metro Water and Sewer

Facility Type: Sewer

Equipment: Backhoe

Root Cause: Reporting a false emergency.

Finding: In violation for no notification to TN One-Call/ 811 prior to excavating/demolishing and Jeremiah Ray ordered to attend compliance training.

EB23-0216-

Alleged Violator: HL Construction

Alleged Excavator: Brian Sells

Complainant: Homeowner

Facility Type: Water

Equipment: Excavator

Root Cause: Not reporting damage to the underground utilities/facilities

Finding: No violation

EB23-0225

Alleged Violator: Go Flo Plumbing

Alleged Excavator: Iveth Reyes

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 Iveth Reyes ordered to attend compliance training.

EB23-0227-

Alleged Violator: Choice One Plumbing

Alleged Excavator: Scott Bryars

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Backhoe-Trackhoe

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

Finding: In violation for failure to use reasonable care in the tolerance/safety zone and a civil penalty in the amount of \$2,500 assessed.

EB23-0228

Alleged Violator: Stanley Excavation, LLC

Alleged Excavator: Joey Stanley

Complainant: Atmos Energy

Facility Type: Gas
Equipment: Backhoe-Trackhoe
Root Cause: Excavating/Demolishing beyond 15-day expiration
Finding: In violation for excavating/demolishing beyond the 15-day expiration and Joey Stanley ordered to attend compliance training

EB23-0229-

Alleged Violator: Bryant Fence Company
Alleged Excavator: Unknown
Complainant: Knoxville Utilities Board
Facility Type: Gas
Equipment: Auger
Root Cause: Failure to use reasonable care in tolerance/safety zone
Finding: In violation for failure to use reasonable care in the tolerance/safety zone and Safety Manager or Company Owner ordered to attend compliance training.

EB23-0230-

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

EB23-0242-

Alleged Violator: Tri Star Irrigation
Alleged Excavator: Daniel Harris
Complainant: Atmos Energy
Facility Type: Gas
Equipment: Trencher
Root Cause: Excavating/Demolishing beyond 15-day expiration
Finding: In violation for excavating/demolishing beyond the 15-day expiration and Daniel Harris ordered to attend compliance training.

EB23-0261-

Alleged Violator: Jarrett Builders, Inc.
Alleged Excavator: Mikey Hendley
Complainant: Midwest Water Ops-Clearwater Solutions
Facility Type: Sewer
Equipment: N/A
Root Cause: Excavating/Demolishing before locate request is valid
Finding: No violation

EB23-0262-

Alleged Violator: Benjamin Franklin Plumbing- Franklin
Alleged Excavator: Kyle Turner
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 tolerance/safety zone and Kyle Turner ordered to attend compliance training.

EB23-0215, EB23-0218, EB23-0219, EB23-0221, EB23-0231, EB23-0232, EB23-0233, EB23-0234, EB23-0236, EB23-0237, EB23-0243 and EB23-0254

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 reserved for the Board meeting. No public comment was made during the public comment period. The Executive Committee meeting adjourned at 9:23am.