



**TENNESSEE UNDERGROUND UTILITY DAMAGE PREVENTION BOARD  
EXECUTIVE COMMITTEE MEETING  
Meeting on May 22, 2019**

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**MINUTES**

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The Executive Committee meeting of the Tennessee Underground Utility Damage Enforcement Board commenced at 11:33 a.m., in the Ground Floor Conference Room of 502 Deaderick Street, Nashville, Tennessee 37243.

**Executive Committee Members Present:**

Bob Lambert  
Steve Raper  
Kevin Tubberville, Chairman

**TPUC Staff Present:**

Stacy Balthrop  
Aaron Conklin, Legal Advisor to the TPUC staff  
Jaclyn Hammons  
Ryan McGehee, Legal Advisor to the TUUDEB  
Slayde Warren

**Roll Call & Minutes:**

The meeting was opened and a roll call confirmed Chairman Kevin Tubberville, Mr. Bob Lambert, and Mr. Steve Raper as present. The Committee considered the Minutes of the meeting of April 17, 2019. A motion to approve the Minutes was approved unanimously. Three members voting on this motion the motion carries 3-0.

**Presentation of Investigation of Complaints:**

The Committee heard and ruled on the following complaints:

**EB19-0002-**

**Alleged Violator:** Robinson Properties  
**Alleged Excavator:** Unknown  
**Complainant:** Property Owner

**Facility Type:** Unknown  
**Equipment:** Backhoe  
**Root Cause:** Failure to contact Tennessee 811 before excavating  
**Finding:** No violation

**EB19-0005-**

**Alleged Violator:** First Choice Masonry  
**Alleged Excavator:** Unknown  
**Complainant:** United Communications  
**Facility Type:** Telecom  
**Equipment:** Unknown  
**Root Cause:** Excavating before locate ticket was valid  
**Finding:** Defer for further investigation

**EB19-0014-**

**Alleged Violator:** Global Communications & Professional Services  
**Alleged Excavator:** Unknown  
**Complainant:** West Knox Utility District  
**Facility Type:** Water  
**Equipment:** Unknown  
**Root Cause:** Failure to use reasonable care  
**Finding:** No violation

**EB19-0020-**

**Alleged Violator:** Smoky Mountain Utility Services  
**Alleged Excavator:** Trenton Glossenger  
**Complainant:** Knoxville Utilities Board  
**Facility Type:** Electric  
**Equipment:** Mini Excavator  
**Root Cause:** Failure to use reasonable care  
**Finding:** In violation for failure to use reasonable care in a safety zone and Trenton Glossenger ordered to attend compliance training.

**EB19-0023-**

**Alleged Violator:** Prime Lawn & Properties  
**Alleged Excavator:** Tyler Rowlinson  
**Complainant:** Atmos Energy  
**Facility Type:** Gas  
**Equipment:** Auger  
**Root Cause:** No notification made to Tennessee 811  
**Finding:** In violation for no notification to One Call prior to excavation and Tyler Rowlinson ordered to attend compliance training.

**EB19-0025-**

**Alleged Violator:** Eric's Concrete  
**Alleged Excavator:** Joel Eric Alfaro  
**Complainant:** Atmos Energy  
**Facility Type:** Gas  
**Equipment:** Backhoe

**Root Cause:** Failure to notify One-Call prior to excavation.

**Finding:** In violation for failure to notify One-Call prior to excavation and Joel Eric Alfaro ordered to attend compliance training.

**EB19-0027-**

**Alleged Violator:** Stevens Septic Tank Services

**Alleged Excavator:** David Stevens

**Complainant:** Atmos Energy

**Facility Type:** Gas

**Equipment:** Trackhoe

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

**Finding:** In violation for failure to notify One-Call prior to excavation and David Stevens ordered to attend compliance training.

**EB019-0028-**

**Alleged Violators:** Katie Baker and John Coleman Hayes Construction Company Incorporated

**Alleged Excavator:** Unknown

**Complainant:** Property Owner

**Facility Type:** Gas

**Equipment:** Skid Loader

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

**Finding:** No violation for Katie Baker. Subcontractor, John Coleman Hayes Construction Company Incorporated, in violation for failure to notify One-Call prior to excavation and Jay Hayes ordered to attend compliance training.

**EB19-0029-**

**Alleged Violator:** Master Drillers

**Alleged Excavator:** Chuck McCallister

**Complainant:** Atmos

**Facility Type:** Gas

**Equipment:** Drill

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

**Finding:** Administratively closed at request of the complainant

**EB19-0030-**

**Alleged Violator:** Carmen Industries

**Alleged Excavator:** Troy Hopkins

**Complainant:** Atmos

**Facility Type:** Gas

**Equipment:** Boring Equipment

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

**Finding:** In violation for failure to use reasonable care in the tolerance zone and Troy Hopkins ordered to attend compliance training.

**EB19-0035-**

**Alleged Violator:** Diesel Telecom

**Alleged Excavator:** Unknown

**Complainant:** Property Owner

**Facility Type:** Gas  
**Equipment:** Trencher  
**Root Cause:** Failure to use reasonable care within tolerance zone  
**Finding:** Administratively closed due to use of hand tools

**EB19-0037-**

**Alleged Violator:** Tennessee Guardrail  
**Alleged Excavator:** Chris Chambliss  
**Complainant:** USIC  
**Facility Type:** Unknown  
**Equipment:** Unknown  
**Root Cause:** Reporting false emergency for a locate ticket  
**Finding:** No violation

**EB19-0039-**

**Alleged Violator:** Hutchison Drilling  
**Alleged Excavator:** Craig Hutchison  
**Complainant:** Atmos  
**Facility Type:** Gas  
**Equipment:** Trencher  
**Root Cause:** Failure to use reasonable care  
**Finding:** In violation for failure to use reasonable care in the safety zone and Craig Hutchison ordered to attend compliance training.

**EB19-0042-**

**Alleged Violator:** Ark Construction  
**Alleged Excavator:** Cody Plaster  
**Complainant:** Atmos  
**Facility Type:** Gas  
**Equipment:** Backhoe  
**Root Cause:** Failure to notify Tennessee 811  
**Finding:** Subsequent violation for failure to notify One-Call prior to excavation, Ark Construction ordered to pay civil penalty of \$625, and Cody Plaster and Scott Melton ordered to attend compliance training.

**EB19-0043-**

**Alleged Violator:** Midas Management & Construction  
**Alleged Excavator:** Francisco Lopez  
**Complainant:** Atmos Energy  
**Facility Type:** Gas  
**Equipment:** Backhoe  
**Root Cause:** Failure to notify Tennessee 811  
**Finding:** In violation for failure to notify One-Call prior to excavation and Francisco Lopez ordered to attend compliance training.

**EB19-0044-**

**Alleged Violator:** Hallway Plumbing  
**Alleged Excavator:** Unknown  
**Complainant:** Atmos Energy

**Facility Type:** Gas  
**Equipment:** Backhoe  
**Root Cause:** Failure to notify Tennessee 811  
**Finding:** In violation for failure to notify One-Call prior to excavation and Dale Brignac ordered to attend compliance training.

**EB19-0045-**

**Alleged Violator:** Tennessee Guardrail  
**Alleged Excavator:** Chris Chambliss  
**Complainant:** Unknown  
**Facility Type:** Unknown  
**Equipment:** Unknown  
**Root Cause:** Reporting false emergency for a locate ticket  
**Finding:** No violation

**EB19-0056-**

**Alleged Violator:** Design & Construction  
**Alleged Excavator:** Ron Coggins  
**Complainant:** PRG on behalf of Charter  
**Facility Type:** Cable  
**Equipment:** Grader  
**Root Cause:** Excavating beyond 15 day notice  
**Finding:** In violation for excavation beyond 15 day notice and Ron Coggins ordered to attend compliance training.

**Update of Tennessee 811 Training Program of Violators**

The training program update was provided in the full Board meeting that concluded prior to the Executive Committee.

**Discussion of future topics for next executive committee meeting was referenced but none was stated.**

Mr. Conklin gave a brief update concerning potential rule-making and Ms. Balthorp provided an update that included discussion of the email notification update sent to those that file complaints.

Mr. Raper inquired whether a speaker could come to provide an update regarding the Open Meetings Act/Sunshine Law. Mr. McGehee replied that he would try to arrange for Janet Kleinfelter from the Tennessee Attorney General's Office to come and speak on the subject at the next Board meeting in August or thereafter.

The Executive Committee meeting adjourned at 12:11 p.m.