



**TENNESSEE UNDERGROUND UTILITY DAMAGE ENFORCEMENT BOARD  
EXECUTIVE COMMITTEE MEETING  
Meeting on June 17, 2020**

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**MINUTES**

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The Executive Committee meeting of the Tennessee Underground Utility Damage Enforcement Board commenced at 10:00 a.m., via WebEx Telephonic Conferencing per Executive Order No. 16 which permits an electronic meeting without a physical quorum in order to accomplish necessary business for the public health and safety of Tennesseans.

**Executive Committee Members Present:**

Wayne Hastings, Vice Chairman  
Bobby Pitts  
Steve Raper

**TPUC Staff Present:**

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

**Also Present:**

Bill Turner  
Craig Ingram

**Roll Call & Minutes:**

Mr. Ryan McGehee opened the meeting and took roll call which confirmed Vice Chairman Wayne Hastings, Mr. Bobby Pitts, and Mr. Steve Raper as present. The Committee considered the Minutes of the meeting of May 13, 2020. A motion to approve the Minutes by Mr. Pitts was seconded by Mr. Raper and 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:

**EB20-0002-**

**Alleged Violator:** Alex Henn  
**Alleged Excavator:** Alex Henn  
**Complainant:** Atmos Energy  
**Facility Type:** Gas  
**Equipment:** Backhoe  
**Root Cause:** Failure to use reasonable care within tolerance zone  
**Finding:** No violation

**EB20-0007-**

**Alleged Violator:** Comcast  
**Alleged Excavator:** Unknown  
**Complainant:** Christopher Chamberlin  
**Facility Type:** Water  
**Equipment:** Unknown  
**Root Cause:** Excavating outside the requested locate area  
**Finding:** No violation

**EB20-0018 and EB20-0022 (consolidated)-**

**Alleged Violator:** James Goodwin  
**Alleged Excavator:** James Goodwin  
**Complainant:** East Tennessee Natural Gas  
**Facility Type:** Unknown  
**Equipment:** Unknown  
**Root Cause:** No notification made to Tennessee 811  
**Finding:** In violation for failure to notify One-Call prior to excavation and James Goodwin ordered to attend compliance training

**EB20-0019-**

**Alleged Violator:** Smoky Mountain Utilities  
**Alleged Excavator:** Unknown  
**Complainant:** Knoxville Utilities Board  
**Facility Type:** Gas  
**Equipment:** Trencher  
**Root Cause:** Excavating before the ticket was valid  
**Finding:** In violation for excavating before the locate ticket was valid, Brent Brown ordered to attend compliance training, and a civil penalty of \$1250 is assessed for subsequent violation.

**EB20-0023-**

**Alleged Violator:** Willow Branch Landscaping  
**Alleged Excavator:** Francisco Mata  
**Complainant:** Horton Highway Utility District  
**Facility Type:** Gas  
**Equipment:** Skid Steer  
**Root Cause:** Failure to use reasonable care within tolerance zone

**Finding:** In violation for failure to use reasonable care within tolerance zone, Francisco Mata ordered to attend compliance training, and a civil penalty of \$1250 is assessed for subsequent violation.

**EB20-0025-**

**Alleged Violator:** MasTec Utility Services

**Alleged Excavator:** Brian Conner

**Complainant:** Knoxville Utilities Board

**Facility Type:** Electric

**Equipment:** Directional drill

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

**Finding:** In violation for failure to use reasonable care within tolerance zone and Brian Conner and Casey Sams ordered to attend compliance training.

**EB020-0027-**

**Alleged Violator:** Barry Construction

**Alleged Excavator:** Colin Sels

**Complainant:** USIC

**Facility Type:** Unknown

**Equipment:** Unknown

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

**Finding:** No violation

**EB20-0028-**

**Alleged Violator:** Rick Jones

**Alleged Excavator:** Rick Jones

**Complainant:** Horton Highway Utility District

**Facility Type:** Gas

**Equipment:** Excavator

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

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

**EB20-0034-**

**Alleged Violator:** Batson Landscaping

**Alleged Excavator:** Perry Batson

**Complainant:** Homeowner

**Facility Type:** Cable

**Equipment:** Skid Steer

**Root Cause:** No notification made to Tennessee 811

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

**EB20-0036-**

**Alleged Violator:** Precision Tech

**Alleged Excavator:** Dan Lee

**Complainant:** Town of Englewood

**Facility Type:** Gas

**Equipment:** Mini excavator

**Root Cause:** No notification made to Tennessee 811

**Finding:** No violation

**EB20-0052-**

**Alleged Violator:** Metro Sewer & Drain  
**Alleged Excavator:** Unknown  
**Complainant:** USIC  
**Facility Type:** Unknown  
**Equipment:** Unknown  
**Root Cause:** Reporting a false emergency for a locate ticket  
**Finding:** No violation

**EB20-0057-**

**Alleged Violator:** ICF Builders  
**Alleged Excavator:** Unknown  
**Complainant:** Aaron Brewington, Property Owner  
**Facility Type:** Unknown  
**Equipment:** Unknown  
**Root Cause:** No notification made to Tennessee 811  
**Finding:** No violation

**EB20-0059-**

**Alleged Violator:** Double J Enterprises  
**Alleged Excavator:** Randall Vaughn  
**Complainant:** Atmos Energy  
**Facility Type:** Gas  
**Equipment:** Backhoe  
**Root Cause:** Excavating beyond 15-day expiration  
**Finding:** No violation

**EB20-0075-**

**Alleged Violator:** Metro Drain & Sewer  
**Alleged Excavator:** Paige Reynolds  
**Complainant:** USIC  
**Facility Type:** Unknown  
**Equipment:** Unknown  
**Root Cause:** Reporting a false emergency for a locate ticket  
**Finding:** No violation

**EB20-0009, EB20-0024, EB20-0032, EB20-0035, EB20-0055, EB20-0071, and EB20-0080-**

**Alleged Violator:** First Violation  
**Root Cause:** Failure to notify Tennessee 811  
**Finding:** In violation for failure to give notice prior to excavation and a fine is assessed

**Update of Training Program by Tennessee 811**

Mr. Turner reported the training of 349 individuals from 267 organizations. For 2020 year to date, 37 individuals from 29 organizations were trained. When approval was received for online training four individuals completed the training, seven are scheduled for June 24<sup>th</sup>, and 21 more are scheduled.

**Discussion of future topics for next executive committee meeting.**

A legislation update for 2020 was provided by Mr. Turner. The proposed 2020 legislation for changes to the Underground Utility Damage Prevention Act did not advance in both houses due to the COVID-19 related adjournment and state budget legislative priorities over all other proposed legislation.

The number of complaints for the upcoming July 15<sup>th</sup> meeting was discussed.

The Executive Committee meeting adjourned at 10:33 a.m.