



**TENNESSEE UNDERGROUND UTILITY DAMAGE ENFORCEMENT BOARD
EXECUTIVE COMMITTEE MEETING
Meeting on September 16, 2020**

MINUTES

The Executive Committee meeting of the Tennessee Underground Utility Damage Enforcement Board commenced at 9:00 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
Eddie Hood

TPUC Staff Present:

Aaron Conklin, Legal Advisor to the TPUC staff
Ryan McGehee, Legal Advisor to the TUUDEB
Slayde Warren
Stacy Balthrop, Director, Consumer Services Division
Monique Brazelton

Also Present:

Craig Ingram
Bill Turner, Tennessee 811

Roll Call & Minutes:

Mr. Ryan McGehee opened the meeting and confirmed Vice Chairman Wayne Hastings, Mr. Bobby Pitts, and Mr. Eddie Hood as present. The Committee considered the Minutes of the meeting of August 12, 2020. A motion to approve the Minutes by Mr. Pitts was seconded by Mr. Hastings. 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:

EB20-0058-

Alleged Violator: Roto Rooter
Alleged Excavator: Brandon Lawson
Complainant: Atmos Energy
Facility Type: Gas
Equipment: Backhoe
Root Cause: Failure to use reasonable care within tolerance zone
Finding: No violation

EB20-0069-

Alleged Violator: Broadband Tech Resources
Alleged Excavator: Zak Raskett
Complainant: Atmos Energy
Facility Type: Gas
Equipment: Backhoe
Root Cause: Failure to use reasonable care within tolerance zone
Finding: No violation

EB20-0084-

Alleged Violator: Bobby Canter
Alleged Excavator: Zak Raskett
Complainant: Atmos Energy
Facility Type: Gas
Equipment: Backhoe
Root Cause: Failure to use reasonable care within tolerance zone
Finding: In violation for failure to use reasonable care within tolerance zone and Bobby Canter ordered to attend compliance training.

EB20-0087-

Alleged Violator: East Tennessee Underground
Alleged Excavator: Rick Baker
Complainant: Knoxville Utilities Board
Facility Type: Unknown
Equipment: Mini excavator
Root Cause: No notification made to Tennessee 811
Finding: In violation for failure to notify One-Call prior to excavation, Rick Baker ordered to attend compliance training, and a civil penalty of \$625 is assessed for subsequent violation.

EB20-0092-

Alleged Violator: Team Construction
Alleged Excavator: Jason Cook
Complainant: Homeowner
Facility Type: Telecom
Equipment: Excavator
Root Cause: Excavating outside of the requested locate area
Finding: No violation

EB20-0094-

Alleged Violator: Infinium Builders
Alleged Excavator: Unknown
Complainant: Homeowner
Facility Type: Telecom
Equipment: Unknown
Root Cause: Facility was not located or marked
Finding: No violation

EB20-0108-

Alleged Violator: AAA Directional Boring
Alleged Excavator: Felipe Angel
Complainant: Atmos Energy
Facility Type: Gas
Equipment: Directional boring drill
Root Cause: Failure to use reasonable care within tolerance zone
Finding: In violation for failure to use reasonable care within tolerance zone and Felipe Angel ordered to attend compliance training.

EB20-0116-

Alleged Violator: Dement Construction
Alleged Excavator: Joe Thompson
Complainant: Atmos Energy
Facility Type: Gas
Equipment: Trackhoe
Root Cause: Failure to use reasonable care within tolerance zone
Finding: In violation for failure to use reasonable care within tolerance zone and Joe Thompson ordered to attend compliance training.

EB20-0118-

Alleged Violator: Shady Grove Utility District
Alleged Excavator: Unknown
Complainant: USIC
Facility Type: Water
Equipment: Unknown
Root Cause: Reporting a false emergency for a locate ticket
Finding: No violation

EB20-0122-

Alleged Violator: Urbano Construction
Alleged Excavator: Zhenya Formin
Complainant: Knoxville Utilities Board
Facility Type: Gas
Equipment: Excavator
Root Cause: Excavating before locate ticket was valid
Finding: In violation for excavating before locate ticket was valid and Zhenya Formin ordered to attend compliance training.

EB20-0124-

Alleged Violator: Deal & Son Grading
Alleged Excavator: Brandon Rippy

Complainant: Horton Highway Utility District
Facility Type: Gas
Equipment: Excavator
Root Cause: No notification made to Tennessee 811
Finding: In violation for failure to notify One-Call prior to excavation and Brandon Rippy ordered to attend compliance training.

EB20-0125-

Alleged Violator: Two Rivers Excavating
Alleged Excavator: Juan Rivera
Complainant: Atmos Energy
Facility Type: Gas
Equipment: Backhoe
Root Cause: No notification made to Tennessee 811
Finding: In violation for failure to notify One-Call prior to excavation, Juan Rivera ordered to attend compliance training, and a civil penalty of \$1250 is assessed for subsequent violation.

EB20-0126-

Alleged Violator: My Professional Plumber
Alleged Excavator: Unknown
Complainant: Homeowner
Facility Type: Sewer
Equipment: Backhoe
Root Cause: No notification made to Tennessee 811
Finding: No violation

EB20-0127-

Alleged Violator: Superior Traffic Control
Alleged Excavator: Unknown
Complainant: City of Spring Hill
Facility Type: Unknown
Equipment: Unknown
Root Cause: Failure to mark area with white paint or stakes
Finding: No violation

EB20-0129-

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

EB20-0061, EB20-0074, and EB20-0090 (consolidated)-

Wayne Hastings recused himself from this complaint.
Alleged Violator: Global Communications
Alleged Excavators: Mario, Jacob Gonzales, and Keith Owen
Complainant: Knoxville Utilities Board

Facility Type: Water and Gas
Equipment: Directional drills and mini excavator
Root Cause: Failure to use reasonable care within tolerance zone
Finding: No violation

EB20-0060, EB20-0062, EB20-0063, EB20-0064, EB20-0088, EB20-0089, and EB20-0093 (consolidated)-

Wayne Hastings recused himself from this complaint.

Alleged Violator: Global Communications

Alleged Excavators: Dustin Lockhart, Unknown, Ryan Harris, Terry Livingston, Mario Ayala, and Jacob Gonzales

Complainant: Knoxville Utilities Board

Facility Type: Water and Gas

Equipment: Directional drills

Root Cause: Failure to use reasonable care within tolerance zone

Finding: In violation for failure to use reasonable care within tolerance zone; Dustin Lockhart, Ryan Harris, Terry Livingston, Mario Ayala, and Jacob Gonzales ordered to attend compliance training; and a maximum civil penalty of \$5000 is assessed for willful violation.

A motion to approve the consent agenda by Mr. Pitts was seconded by Mr. Hastings. Violations found for no notification to One-Call prior to excavation in EB20-0086, EB20-0095, EB20-0099, EB20-0101, EB20-0104, EB20-0105, EB20-0106, EB20-0109, EB20-0115, EB20-0117, EB20-0119, EB20-0120, EB20-0121, EB20-0110, and EB20-0111 and assigned to the investigation staff to determine the person who will attend compliance training.

Update of Training Program by Tennessee 811

Mr. Ingram provided an update on the technology platforms being used for training violators. Mr. Turner reported that so far in 2020, 80 individuals (47 completed online training) from 67 organizations were trained with 11 pending.

The Executive Committee meeting adjourned at 9:43 a.m.