



**TENNESSEE UNDERGROUND UTILITY DAMAGE ENFORCEMENT BOARD  
EXECUTIVE COMMITTEE MEETING  
Meeting on June 29, 2021**

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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., in the Ground Floor Conference Room of 502 Deaderick Street, Nashville, Tennessee 37243.

**Executive Committee Members Present:**

Wayne Hastings, Vice Chairman  
Eddie Hood  
Bobby Pitts

**TPUC Staff Present:**

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

**Also Present:**

Bill Turner

**Roll Call & Minutes:**

Roll call confirmed Mr. Bobby Pitts, Vice Chairman Wayne Hastings, and Mr. Eddie Hood as present. The Committee considered the Minutes of the meeting of April 6, 2021. A motion to approve the Minutes by Mr. Pitts was seconded by Vice Chairman Hastings 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:

**EB21-0015-**

**Alleged Violator:** Raccoon Mountain Caverns  
**Alleged Excavator:** Unknown  
**Complainant:** Property owner  
**Facility Type:** Water  
**Equipment:** Unknown  
**Root Cause:** No notification made to Tennessee 811  
**Finding:** No violation

**EB21-0017-**

**Alleged Violator:** Source Broadband  
**Alleged Excavator:** Jake Swatzell  
**Complainant:** Atmos  
**Facility Type:** Gas  
**Equipment:** Boring machine  
**Root Cause:** Failure to use reasonable care within the tolerance zone  
**Finding:** No violation

**EB21-0024-**

**Alleged Violator:** Custom Home Solutions  
**Alleged Excavator:** Ben Miller  
**Complainant:** Powell Clinch Utility District  
**Facility Type:** Gas  
**Equipment:** Skid steer  
**Root Cause:** Failure to use reasonable care within the tolerance zone  
**Finding:** In violation for failure to use reasonable care within the tolerance zone and Ben Miller ordered to attend compliance training.

**EB21-0033-**

**Alleged Violator:** SMU Telecom Services, Inc.  
**Alleged Excavator:** Christopher Berger  
**Complainant:** Atmos  
**Facility Type:** Gas  
**Equipment:** Boring machine  
**Root Cause:** Failure to use reasonable care within the tolerance zone  
**Finding:** In violation for failure to use reasonable care within the tolerance zone and Christopher Berger ordered to attend compliance training.

**EB21-0034-**

**Alleged Violator:** Dave Garza Concrete  
**Alleged Excavator:** Dave Garza  
**Complainant:** Metro Water Services  
**Facility Type:** Water  
**Equipment:** Unknown  
**Root Cause:** Reporting a false emergency for a locate ticket

**Finding:** In violation for reporting a false emergency for a locate ticket, Christopher Berger ordered to attend compliance training, and a civil penalty of \$625 is assessed for subsequent violation.

**EB21-0038-**

**Alleged Violator:** All-Pro Electric

**Alleged Excavator:** Mark Henry

**Complainant:** Atmos

**Facility Type:** Gas

**Equipment:** Ditch witch

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

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

**EB21-0040-**

**Alleged Violator:** Southern Site Contractors

**Alleged Excavator:** Kyler Clevenger

**Complainant:** Knoxville Utilities Board

**Facility Type:** Gas

**Equipment:** Trackhoe

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

**Finding:** In violation for failure to give notice prior to excavation and Kyler Clevenger ordered to attend compliance training.

**EB21-0041-**

**Alleged Violator:** Memphis Light, Gas & Water

**Alleged Excavator:** Unknown

**Complainant:** Joseph Home Services

**Facility Type:** Unknown

**Equipment:** Unknown

**Root Cause:** Failure to locate or mark facility

**Finding:** In violation for failure to locate or mark facility and Rodney Thompson ordered to attend compliance training.

**EB21-0042-**

**Alleged Violator:** D&L Dirtworx

**Alleged Excavator:** Matt Davis

**Complainant:** Knoxville Utilities Board

**Facility Type:** Gas

**Equipment:** Mini excavator

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

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

**EB21-0043-**

**Alleged Violator:** Superior Plumbing & Services

**Alleged Excavator:** Robin Smith

**Complainant:** Knoxville Utilities Board

**Facility Type:** Gas

**Equipment:** Mini excavator  
**Root Cause:** Failure to use reasonable care within the tolerance zone  
**Finding:** No violation

**EB21-0049-**

**Alleged Violator:** CNT Masonry  
**Alleged Excavator:** Curtis Ogle  
**Complainant:** Knoxville Utilities Board  
**Facility Type:** Gas  
**Equipment:** Mini excavator  
**Root Cause:** Failure to use reasonable care within the tolerance zone  
**Finding:** In violation for failure to use reasonable care within the tolerance zone and Curtis Ogle ordered to attend compliance training.

**EB21-0051-**

**Alleged Violator:** Drakes Creek Builders  
**Alleged Excavator:** Brent House  
**Alleged Violator:** Evener Home Improvement  
**Alleged Excavator:** John Evener  
**Complainant:** Atmos  
**Facility Type:** Gas  
**Equipment:** Skid loader  
**Root Cause:** Excavating beyond the 15-day ticket expiration  
**Finding:** No violation for Drakes Creek Builders; Evener Home Improvement in violation for excavating beyond the 15-day ticket expiration and John Evener ordered to attend compliance training.

**EB21-0059-**

**Alleged Violator:** Cornerstone Construction  
**Alleged Excavator:** Ben Berry  
**Alleged Violator:** Green Sweep Landscaping  
**Complainant:** Atmos  
**Facility Type:** Gas  
**Equipment:** Backhoe  
**Root Cause:** No notification made to Tennessee 811  
**Finding:** No violation for Cornerstone Construction; Green Sweep Landscaping in violation for failure to give notice prior to excavation and Darrell Caple ordered to attend compliance training.

**EB21-0065-**

**Alleged Violator:** Willow Branch Landscapes  
**Alleged Excavator:** Brittany Bowden  
**Complainant:** Horton Highway Utility District  
**Facility Type:** Unknown  
**Equipment:** Unknown  
**Root Cause:** Reporting a false emergency for a locate ticket  
**Finding:** In violation for reporting a false emergency for a locate ticket, Brittany Bowden ordered to attend compliance training, and a civil penalty of \$1250 is assessed for subsequent violation.

**EB21-0066-**

**Alleged Violator:** Halls Groundskeeping  
**Alleged Excavator:** Matt Hall  
**Complainant:** Property owner  
**Facility Type:** Unknown  
**Equipment:** Unknown  
**Root Cause:** No notification made to Tennessee 811  
**Finding:** No violation

**EB21-0077-**

**Alleged Violator:** Arthur the Plumber  
**Alleged Excavator:** Christin Smotherman  
**Complainant:** Metro Water  
**Facility Type:** Water  
**Equipment:** Unknown  
**Root Cause:** Reporting a false emergency for a locate ticket  
**Finding:** In violation for reporting a false emergency for a locate ticket and Christin Smotherman ordered to attend compliance training.

**EB21-0078-**

**Alleged Violator:** Arthur the Plumber  
**Alleged Excavator:** Christin Smotherman  
**Complainant:** Metro Water  
**Facility Type:** Water  
**Equipment:** Unknown  
**Root Cause:** Reporting a false emergency for a locate ticket  
**Finding:** In violation for reporting a false emergency for a locate ticket and a civil penalty of \$625 is assessed for subsequent violation.

**EB21-0026, EB21-0027, EB21-0028, EB21-0030, EB21-0031, EB21-0035, EB21-0037, EB21-0039, EB21-0044, EB21-0045, EB21-0047, and EB21-0048-**

**Alleged Violator:** First Violation  
**Root Cause:** Failure to notify Tennessee 811  
**Finding:** In violation for failure to give notice prior to excavation.

**Update of Training Program by Tennessee 811 and Legislative Update**

Mr. Turner reported that for 2021 year to date, 52 individuals were trained and there are 4 individuals scheduled for training. Since May of 2020, 123 individuals have completed the online training provided in lieu of in-person training due to COVID-19 concerns. Since the beginning of the program, 506 individuals from 408 organizations have completed training. Mr. Turner reported that there were four cancellations since the last Executive Committee Meeting and only one was charged a cancellation fee of \$85.

Mr. Turner provided an update on the new damage notice process mandated by the new legislation. 811 has been working on updating the ticket format to meet the requirements and it will be available on July 1<sup>st</sup>.

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

Elections for the Executive Committee were discussed under the provisions of the new law, including extension of terms from one year to three years. Elections will be held on August 11, 2021. The ongoing use of online training was discussed and it was noted that the topic will be discussed and likely the subject of a vote at the next Board meeting on August 11<sup>th</sup>. The Staff provided an update. The meeting opened a public comment period; no one sought to make public comment.

The Executive Committee meeting adjourned at 11:09 a.m.