



**TENNESSEE UNDERGROUND UTILITY DAMAGE ENFORCEMENT BOARD
EXECUTIVE COMMITTEE MEETING
Meeting on September 28, 2021**

MINUTES

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:

Kevin Tubberville, Chairman
Wayne Hastings, Vice Chairman
Eddie Hood

TPUC Staff Present:

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

Also Present:

Bill Turner (via telephone)

Roll Call & Minutes:

Roll call confirmed Chairman Kevin Tubberville, Vice Chairman Wayne Hastings, and Mr. Eddie Hood as present. The Committee considered the Minutes of the meeting of August 11, 2021. Mr. Hood motioned to approve the Minutes which were unanimously approved. 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:

EB21-0098-

Alleged Violator: Fidelity First

Alleged Excavator: Bogden

Complainant: Knoxville Utilities Board

Facility Type: Gas

Equipment: Directional drill

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 Christian Robu ordered to attend compliance training.

EB21-0099-

Alleged Violator: Fidelity First

Alleged Excavator: Unknown

Complainant: Knoxville Utilities Board

Facility Type: Water

Equipment: Piercing tool

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 a civil penalty of \$625 assessed for subsequent violation.

EB21-0139-

Alleged Violator: KBU, Inc.

Alleged Excavator: Romero Rodriguez

Complainant: Knoxville Utilities Board

Facility Type: Gas

Equipment: 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 Romero Rodriguez ordered to attend compliance training.

EB21-0144-

Alleged Violator: Star Construction

Alleged Excavator: Unknown

Complainant: Knoxville Utilities Board

Facility Type: Water

Equipment: Boring machine

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

Finding: No violation

EB21-0146-

Alleged Violator: Knoxville Excavating

Alleged Excavator: Sherman Wires

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 Sherman Wires ordered to attend compliance training.

EB21-0152-

Alleged Violator: Total Farm Care & Excavation
Alleged Excavator: Gary Howell
Complainant: Atmos Energy
Facility Type: Gas
Equipment: Trackhoe
Root Cause: Failure to notify Tennessee 811
Finding: No violation

EB21-0153-

Alleged Violator: Scott's Backhoe
Alleged Excavator: Unknown
Complainant: Clarksville Gas
Facility Type: Gas
Equipment: Backhoe
Root Cause: Failure to notify Tennessee 811
Finding: In violation for failure to give notice prior to excavation and a civil penalty of \$1,250 assessed for subsequent violation.

EB21-0154-

Alleged Violator: Morgan Construction
Alleged Excavator: Unknown
Complainant: Clarksville Gas
Facility Type: Gas
Equipment: Grader
Root Cause: Failure to use reasonable care within the tolerance zone
Finding: No violation

EB21-0155-

Alleged Violator: L&R Plumbing
Alleged Excavator: Victor Gonzaks
Complainant: Atmos Energy
Facility Type: Gas
Equipment: Trackhoe
Root Cause: Failure to notify Tennessee 811
Finding: In violation for failure to give notice prior to excavation and a civil penalty of \$5,000 is assessed for willful misconduct.

EB21-0156-

Alleged Violator: AAA Directional Boring
Alleged Excavator: Victor Mora
Complainant: Atmos Energy
Facility Type: Gas
Equipment: Trackhoe
Root Cause: Failure to notify Tennessee 811
Finding: In violation for failure to give notice prior to excavation, Victor Mora ordered to attend compliance training, and a civil penalty of \$1,250 is assessed for subsequent violation.

EB21-0158-

Alleged Violator: Priority First Plumbing and Repairs

Alleged Excavator: Brad Campbell

Complainant: City of Piperton

Facility Type: N/A

Equipment: N/A

Root Cause: Reporting a false emergency for a locate ticket

Finding: In violation for reporting a false emergency for a locate ticket and Brad Campbell ordered to attend compliance training.

EB21-0159-

Alleged Violator: Cumberland Excavation

Alleged Excavator: Russ Carr

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Trackhoe

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

Finding: No violation

EB21-0161-

Alleged Violator: Jason Maurer Excavating

Alleged Excavator: Unknown

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Backhoe

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 Jason Maurer ordered to attend compliance training.

EB21-0169-

Alleged Violator: LW Paving

Alleged Excavator: Dewayne Smith

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Trackhoe

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

Finding: No violation

EB21-0170-

Alleged Violator: Dave's Grading

Alleged Excavator: David Wheeler

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Backhoe

Root Cause: Excavating beyond 15-day ticket expiration

Finding: In violation for excavating beyond 15-day ticket expiration and David Wheeler ordered to attend compliance training.

EB21-0171-

Alleged Violator: Redman Excavating

Alleged Excavator: Unknown

Complainant: Property Owner
Facility Type: Telecom
Equipment: Mini skid
Root Cause: Excavating before the locate ticket was valid
Finding: No violation

EB21-0172-

Alleged Violator: Hiller Plumbing Heating and Cooling
Alleged Excavator: Joy Saylor
Complainant: Metro Water & Sewer
Facility Type: N/A
Equipment: N/A
Root Cause: Reporting a false emergency for a locate ticket
Finding: In violation for reporting a false emergency for a locate ticket and Joy Saylor ordered to attend compliance training.

EB21-0173-

Alleged Violator: Design Blasting Services
Alleged Excavator: Ryan Coleman
Complainant: Colonial Pipeline Company
Facility Type: Gas
Equipment: N/A
Root Cause: Failure to notify Tennessee 811
Finding: No violation

EB21-0176-

Alleged Violator: West Tennessee Public Utility
Alleged Excavator: Unknown
Complainant: City of South Fulton
Facility Type: N/A
Equipment: Mini skid
Root Cause: Reporting a false emergency for a locate ticket
Finding: No violation

EB21-0177-

Alleged Violator: Bluegrass Plumbing
Alleged Excavator: Randy Atkinson
Complainant: Clarksville Gas
Facility Type: Gas
Equipment: Backhoe
Root Cause: Failure to use reasonable care within the tolerance zone
Finding: No violation

EB21-0178-

Alleged Violator: Bluegrass Plumbing
Alleged Excavator: Randy Atkinson
Complainant: Clarksville Gas
Facility Type: Gas
Equipment: Backhoe
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 Randy Atkinson ordered to attend compliance training.

EB21-0182-

Alleged Violator: Plumbers of Nashville
Alleged Excavator: Tony Smith
Complainant: Metro Water & Sewer
Facility Type: Water
Equipment: Trackhoe
Root Cause: Reporting a false emergency for a locate ticket
Finding: No violation

EB21-0183-

Alleged Violator: Design & Construction Services, Inc.
Alleged Excavator: Thomas Coggins
Complainant: Knoxville Utilities Board
Facility Type: Water
Equipment: Mini excavator
Root Cause: Failure to use reasonable care within the tolerance zone
Finding: No violation

EB21-0186-

Alleged Violator: Van Tyler Excavating
Alleged Excavator: Casey Watkins
Complainant: Knoxville Utilities Board
Facility Type: Gas
Equipment: Mini excavator
Root Cause: Failure to use reasonable care within the tolerance zone
Finding: No violation

EB21-0187-

Alleged Violator: Whaley Construction
Alleged Excavator: Brian Morris
Complainant: Knoxville Utilities Board
Facility Type: Gas
Equipment: Backhoe
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 a civil penalty of \$625 is assessed for subsequent violation.

EB21-0190-

Alleged Violator: American Foundation & Waterproofing
Alleged Excavator: Unknown
Complainant: Knoxville Utilities Board
Facility Type: Gas
Equipment: Mini excavator
Root Cause: Failure to use reasonable care within the tolerance zone
Finding: No violation

EB21-0198-

Alleged Violator: Champion Fence Company

Alleged Excavator: Charlie Dominguez

Complainant: Knoxville Utilities Board

Facility Type: Gas

Equipment: Mini excavator

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

Finding: No violation

EB21-0200-

Alleged Violator: BK Construction

Alleged Excavator: Brian Koppenaar

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Backhoe

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 Brian Koppenaar ordered to attend compliance training.

EB21-0133, EB21-0136, EB21-0140, EB21-0157, EB21-0160, EB21-0162, EB21-0165, EB21-0167, EB21-0168, EB21-0174, EB21-0180, EB21-0184, EB21-0191, EB21-0199, and EB21-0206-

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

Mr. Turner reported that 543 individuals from 441 organizations have been trained since the inception of the program. At this point in 2021, 89 individuals were trained and there are 15 individuals scheduled for training. Since May of 2020, 152 individuals have completed the online training provided in lieu of in-person training due to COVID-19 concerns. The Committee clarified that online compliance training should be made available as an option for violators until the first Board meeting in 2022.

Discussion of Future Topics for the Next Executive Committee Meeting

Future discussion topics include the potential number of complaints and damage notices and how the numbers compare to previous years. The Committee also discussed the schedule of future meeting dates currently on the calendar.

No member of the public sought to make comment during the public comment period.

The Executive Committee meeting adjourned at 11:13 a.m.