



**TENNESSEE UNDERGROUND UTILITY DAMAGE ENFORCEMENT BOARD
EXECUTIVE COMMITTEE
Meeting on September 27, 2022**

MINUTES

The Executive Committee meeting of the Tennessee Underground Utility Damage Enforcement Board commenced at 10:09 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

Executive Committee Member(s) Via Telephone:

Eddie Hood

TPUC Staff Present:

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

Tennessee 811 Present:

Craig Ingram

Roll Call & Minutes:

Roll call confirmed Chairman Kevin Tubberville and Vice Chairman Wayne Hastings as present, and Mr. Eddie Hood as present via phone, making a quorum.

Presentation of Investigation of Complaints:

The Committee heard and ruled on the following complaints:

EB22-0123-

Alleged Violator: Nitzchke Communications

Alleged Excavator: Evan Gray

Complainant: Metro Water and Sewer

Facility Type: Water

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 Evan Gray ordered to attend compliance training.

EB22-0129-

Alleged Violator: Upchurch Construction

Alleged Excavator: Unknown

Complainant: West Tennessee Public Utility District

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 a civil penalty of \$5,000 is assessed for subsequent violation.

EB22-0139-

Alleged Violator: Source Broadband Knoxville

Alleged Excavator: Kevin Stephens

Complainant: Knoxville Utilities Board

Facility Type: Water

Equipment: Excavator

Root Cause: Excavating before the locate ticket is valid

Finding: In violation for excavating before the locate ticket is valid and Kevin Stephens ordered to attend compliance training.

EB22-0148-

Alleged Violator: Tri Cities Greenscapes

Alleged Excavator: Matt Washburn

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Skidloader

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 Matt Washburn ordered to attend compliance training.

EB22-0152-

Alleged Violator: Alian Cable Construction

Alleged Excavator: Christopher Rodriguez

Complainant: Knoxville Utilities Board

Facility Type: Water

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 Christopher Rodriguez ordered to attend compliance training.

EB22-0160-

*Deferred to a future agenda

Alleged Violator: Whaley Construction

Alleged Excavator: Doug Whaley

Complainant: Knoxville Utilities Board

Facility Type: Gas

Equipment: Excavator

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

EB22-0163-

Alleged Violator: Sun Electrical Contracting

Alleged Excavator: Joey Guinn

Complainant: Knoxville Utilities Board

Facility Type: Gas

Equipment: Trackhoe

Root Cause: Excavating beyond the 15-day expiration

Finding: In violation for excavating beyond a 15-day expiration of locate and Joey Guinn ordered to attend compliance training.

EB22-0165-

*Deferred to a future agenda

Alleged Violator: Whaley Construction

Alleged Excavator: Randal Ball

Complainant: Knoxville Utilities Board

Facility Type: Gas

Equipment: Trackhoe

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

EB22-0166-

Alleged Violator: Trowel Trades

Alleged Excavator: Derrick Rosner

Complainant: Knoxville Utilities Board

Facility Type: Gas

Equipment: Unknown

Root Cause: Failure to notify Tennessee 811

Finding: No violation

EB22-0167-

Alleged Violator: The Pipe Doctor

Alleged Excavator: Rob Baker

Complainant: Knoxville Utilities Board

Facility Type: Gas

Equipment: Trackhoe

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 \$5,000 is assessed for subsequent violation.

EB22-0168-

Alleged Violator: Avenue Grading

Alleged Excavator: Shannon Robertson

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Backhoe-Trackhoe

Root Cause: Excavating beyond the 15-day expiration

Finding: In violation for excavating beyond a 15-day expiration of locate and a civil penalty of \$2,500 is assessed for subsequent violation.

EB22-0172-

Alleged Violator: Alian Cable Construction

Alleged Excavator: Oscar Ruiz

Complainant: Knox-Chapman Utility District

Facility Type: Water

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 Oscar Ruiz ordered to attend compliance training.

EB22-0173-

Alleged Violator: City of Millersville Public Works

Alleged Excavator: Unknown

Complainant: Entersource

Facility Type: Sewer

Equipment: N/A

Root Cause: Facility not marked or located

Finding: In violation for not marking a facility and Jerry Schrader ordered to attend compliance training.

EB22-0174-

Alleged Violator: Sharpscapes

Alleged Excavator: Jeff Walker

Complainant: USIC

Facility Type: Telecom

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 Jeff Walker ordered to attend compliance training.

EB22-0176-

Alleged Violator: Dewayne Noe Construction

Alleged Excavator: Chris Knight

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Backhoe-Trackhoe

Root Cause: Excavating beyond the 15-day expiration

Finding: In violation for excavating beyond a 15-day expiration of locate and a civil penalty of \$2,500 is assessed for subsequent violation.

EB22-0186-

Alleged Violator: Team Electric

Alleged Excavator: Jesse Rich

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Backhoe-Trackhoe

Root Cause: Excavating beyond the 15-day expiration

Finding: In violation for excavating beyond a 15-day expiration of locate and Jesse Rich ordered to attend compliance training.

EB22-0149, EB22-0175, EB22-0181, and EB22-0205 -

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. Ingram reported that 108 individuals have been trained year to date. In August there were 10 individuals from 10 organizations who attended training and 7 in September.

Staff Update

There have been 236 complaints received so far year to date. There is a total of \$268,225 in civil fines assessed. The fund balance is \$129,315. The next Executive Committee meeting is October 19.

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

The Executive Committee meeting adjourned at 10:48 a.m.