



**TENNESSEE UNDERGROUND UTILITY DAMAGE ENFORCEMENT BOARD  
EXECUTIVE COMMITTEE  
Meeting on February 28, 2023**

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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 William R. Snodgrass/Tennessee Tower Building at 312 Rosa L. Parks Avenue, Nashville, Tennessee 37243.

**Executive Committee Members Present:**

Wayne Hastings, Vice Chairman (via telephone)  
Eddie Hood  
Kevin Tubberville, Chairman

**TPUC Staff Present:**

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

**Tennessee 811 Present:**

Kathy Quartermaine

**Roll Call & Minutes:**

Roll call confirmed Chairman Kevin Tubberville and Mr. Eddie Hood as present making a quorum, Vice Chairman Wayne Hastings was present via telephone. The Committee considered the Minutes from the January 30th meeting. Chairman Tubberville motioned to approve the Minutes which were approved.

**Presentation of Investigation of Complaints:**

The Committee heard and ruled on the following complaints:

**EB22-0320-**

**Alleged Violator:** Hernandez Plumbing

**Alleged Excavator:** Lupe Herrera  
**Complainant:** Metro Water and Sewer  
**Facility Type:** Water  
**Equipment:** Backhoe-Trackhoe  
**Root Cause:** Excavating before the locate ticket is valid  
**Finding:** No violation

**EB22-0323-**

Vice Chairman Wayne Hastings recused himself from this complaint.  
**Alleged Violator:** Proscapes  
**Alleged Excavator:** Evan Harrel  
**Complainant:** Knoxville Utilities Board  
**Facility Type:** Gas  
**Equipment:** Trencher  
**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 Harrel is ordered to attend compliance training.

**EB22-0325-**

**Alleged Violator:** Rod Yates Construction, Inc.  
**Alleged Excavator:** Ben Robinson  
**Complainant:** Knoxville Utilities Board  
**Facility Type:** Gas  
**Equipment:** Trackhoe  
**Root Cause:** Excavating before the locate ticket is valid  
**Finding:** In violation for excavating before the locate ticket is valid and Ben Robinson is ordered to attend compliance training.

**EB22-0327-**

**Alleged Violator:** Plumbing Authority  
**Alleged Excavator:** Ray Loveday  
**Complainant:** Knoxville Utilities Board  
**Facility Type:** Gas  
**Equipment:** Trencher  
**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 \$2,500 is assessed for subsequent violation.

**EB22-0328-**

**Alleged Violator:** Massey Electric Company  
**Alleged Excavator:** John Hooks  
**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 John Hooks is ordered to attend compliance training.

**EB22-0329-**

**Alleged Violator:** Classic City Mechanical

**Alleged Excavator:** Travis Wells  
**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 \$2,500 is assessed for subsequent violation.

**EB22-0331-**

**Alleged Violator:** L&G Construction  
**Alleged Excavator:** Glen Arnold  
**Complainant:** Piedmont Natural 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 Glen Arnold is ordered to attend compliance training.

**EB23-0001-**

**Alleged Violator:** Grade A Construction  
**Alleged Excavator:** Unknown  
**Complainant:** AT&T  
**Facility Type:** Telecom  
**Equipment:** Excavator  
**Root Cause:** Excavating before the locate ticket is valid  
**Finding:** No violation

**EB23-0021-**

**Alleged Violator:** Jonesborough Water Distribution  
**Alleged Excavator:** Jimmy Green  
**Complainant:** Heath Consultants  
**Facility Type:** Water  
**Equipment:** N/A  
**Root Cause:** Reporting a false emergency for locate ticket  
**Finding:** No violation

**EB23-0022-**

**Alleged Violator:** Rembco Geotechnical Contractors, Inc.  
**Alleged Excavator:** Jake Messor  
**Complainant:** Atmos Energy  
**Facility Type:** Gas  
**Equipment:** Directional Drill  
**Root Cause:** Excavating before the locate ticket is valid  
**Finding:** In violation for excavating before the locate ticket is valid and Jake Messor ordered to attend compliance training.

**EB23-0023-**

**Alleged Violator:** Fox Commercial Contracting  
**Alleged Excavator:** Chris Fox  
**Complainant:** Atmos Energy

**Facility Type:** Gas  
**Equipment:** Backhoe-Trackhoe  
**Root Cause:** Failure to notify Tennessee 811  
**Finding:** In violation for failure to give notice prior to excavation and Chris Fox ordered to attend compliance training.

**EB23-0028-**

**Alleged Violator:** Sparkle Pools, Inc.  
**Alleged Excavator:** Gary Shemwell  
**Complainant:** Knoxville Utilities Board  
**Facility Type:** Gas  
**Equipment:** Trencher  
**Root Cause:** Excavating beyond the 15-day expiration  
**Finding:** In violation for excavating beyond a 15-day expiration of locate and Gary Shemwell ordered to attend compliance training.

**EB23-0032-**

Chairman Tubberville recused himself from this complaint.  
**Alleged Violator:** Jones Brothers Contractors  
**Alleged Excavator:** Christian Deskins  
**Complainant:** Knoxville Utilities Board  
**Facility Type:** Water  
**Equipment:** Trackhoe  
**Root Cause:** Failure to use reasonable care within the tolerance zone  
**Finding:** No violation

**EB23-0048-**

**Alleged Violator:** Joseph Baggett  
**Alleged Excavator:** Joseph Baggett  
**Complainant:** Spectrum  
**Facility Type:** Cable  
**Equipment:** Tiller  
**Root Cause:** Failure to notify Tennessee 811  
**Finding:** No violation

**EB22-0333-**

**Alleged Violator:** Ervin Cable/Florida Armstrong  
**Alleged Excavator:** Unknown  
**Complainant:** Property Owner  
**Facility Type:** Telecom  
**Equipment:** Boring machine  
**Root Cause:** Failure to notify Tennessee 811  
**Finding:** Administratively closed

**EB22-0321, EB22-0322, EB22-0324, EB22-0332, and EB23-0002 -**

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

## **Tennessee 811 and Staff Updates**

The Tennessee 811 training program update was sent out via email and Ms. Kathy Quartermaine was available for questions.

The number of complaints received in January was 53 and 28 in February. There are 54 open investigations. The year to date total is 81. There were 15 administrative closures. The assessed civil penalty total is \$338,225 and the fund balance is \$184,435. The administrative and investigative position will be reposted. The PHMSA grants will be announced in the next several weeks. Mr. Warren will have a booth at the 811 Summit on March 30, 2023. Mr. Conklin will speak at the 811 Summit.

The Staff provided an update on legislative developments, including proposed language with respect to hand-digging and a rumored proposal by the Tennessee Gas Association to expand the size of the Board's executive committee.

## **Discussion of Future Topics for the Next Executive Committee Meeting**

An advertisement designed by 811 for the Board's grant program will be sent to Board members to circulate among stakeholder groups to attract applications to the Board's grant program. March 20th is the deadline for grant applications for the board to consider. Potential legislative language and other information from the legislative update is be sent to the board members.

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

The Executive Committee meeting adjourned at 11:01 a.m.