



**TENNESSEE UNDERGROUND UTILITY DAMAGE PREVENTION BOARD  
EXECUTIVE COMMITTEE MEETING  
Meeting on June 26, 2019**

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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:**

Bob Lambert  
Steve Raper  
Kevin Tubberville, Chairman (via telephone)

**TPUC Staff Present:**

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

**Roll Call & Minutes:**

Mr. Ryan McGehee opened the meeting and took roll call which confirmed Chairman Kevin Tubberville, Mr. Bob Lambert, and Mr. Steve Raper as present. The Committee considered the Minutes of the meeting of May 22, 2019. A motion to approve the Minutes was 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:

**EB19-0005-**

**Alleged Violator:** First Choice Masonry  
**Alleged Excavator:** Unknown  
**Complainant:** United Communications  
**Facility Type:** Telecom

**Equipment:** Backhoe  
**Root Cause:** Excavating before locate ticket was valid  
**Finding:** Administratively closed

**EB19-0024-**

**Alleged Violator:** Star Construction  
**Alleged Excavator:** Drew Turner  
**Complainant:** Atmos Energy  
**Facility Type:** Gas  
**Equipment:** Directional boring machine  
**Root Cause:** Failure to use reasonable care  
**Finding:** Star construction in violation for failure to use reasonable care in the safety zone, Drew Turner ordered to attend compliance training, and a civil penalty of \$625 is assessed.

**EB19-0031-**

**Alleged Violator:** Flanagan Contracting  
**Alleged Excavator:** Santos Ruiz  
**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, Kirk Flanagan ordered to attend compliance training, and a civil penalty of \$625 is assessed.

**EB19-0051 and EB19-0052-**

Steve Raper recused himself from complaints EB19-0051 and EB19-0052.  
Complaints EB19-0051 and EB19-0052 were consolidated.  
**Alleged Violator:** Maryland Underground Cable  
**Alleged Excavator:** Unknown  
**Complainant:** Jackson Energy Authority  
**Facility Type:** Gas  
**Equipment:** Missile boring  
**Root Cause:** Failure to notify One-Call prior to excavation.  
**Finding:** In violation for failure to notify One-Call prior to excavation, excavation outside of the locate area, and Jose Garcia ordered to attend compliance training or provide proof that Mr. Garcia is no longer an employee or independent contractor of the company.

**EB19-0036, EB19-0038, EB19-0040, EB19-0041, EB19-0048, EB19-0053, EB19-0059, EB19-0064, and EB19-0074-**

Steve Raper recused himself from complaints EB19-0036, EB19-0038, EB19-0040, EB19-0041, EB19-0048, EB19-0053, EB19-0059, EB19-0064, and EB19-0074.  
Complaints EB19-0036, EB19-0038, EB19-0040, EB19-0041, EB19-0048, EB19-0053, EB19-0059, EB19-0064, and EB19-0074 were consolidated.  
**Alleged Violator:** Maryland Underground Cable  
**Alleged Excavator:** Jose Garcia  
**Complainant:** Jackson Energy Authority  
**Facility Type:** Water  
**Equipment:** Boring rig

**Root Cause:** Failure to use reasonable care

**Finding:** In violation for failure to use reasonable care in a safety zone, Silvio Rodriguez-Perdomo and Jose Garcia ordered to attend compliance training, and a civil penalty of \$625 is assessed for second violation.

**EB19-0046-**

**Alleged Violator:** Tennessee Guardrail

**Alleged Excavator:** Chris Chambless

**Complainant:** USIC

**Facility Type:** Unknown

**Equipment:** Unknown

**Root Cause:** Reporting a false emergency for a locate ticket

**Finding:** No violation

**EB019-0050-**

Steve Raper recused himself from complaint EB19-0050.

**Alleged Violators:** Madcar Construction

**Alleged Excavator:** Unknown

**Complainant:** Jackson Energy Authority

**Facility Type:** Water

**Equipment:** Boring machine

**Root Cause:** Failure to notify Tennessee 811

**Finding:** Defer to the next agenda

**EB19-0061-**

Steve Raper recused himself from complaint EB19-0061.

**Alleged Violator:** CY Construction

**Alleged Excavator:** Unknown

**Complainant:** Jackson Energy Authority

**Facility Type:** Gas

**Equipment:** Boring machine

**Root Cause:** Failure to use reasonable care

**Finding:** In violation for failure to use reasonable care in the tolerance zone and You'sef Abdel-Jaber ordered to attend compliance training.

**EB19-0062-**

Steve Raper recused himself from complaint EB19-0062.

**Alleged Violator:** Cole Construction

**Alleged Excavator:** Bobby Cole

**Complainant:** Jackson Energy Authority

**Facility Type:** Gas

**Equipment:** Trackhoe

**Root Cause:** Failure to notify Tennessee 811

**Finding:** In violation for failure to notify One-Call prior to excavation and Bobby Cole ordered to attend compliance training.

**EB19-0066-**

**Alleged Violator:** Upchurch Construction

**Alleged Excavator:** John Hobbs

**Complainant:** Property Owner

**Facility Type:** Cable  
**Equipment:** Backhoe  
**Root Cause:** Failure to use reasonable care within tolerance zone  
**Finding:** In violation for failure to use reasonable care in the tolerance zone and John Hobbs ordered to attend compliance training.

**EB19-0067-**

**Alleged Violator:** Michael McLain  
**Alleged Excavator:** Michael McLain  
**Complainant:** City of Celina  
**Facility Type:** Water  
**Equipment:** Dozer  
**Root Cause:** Failure to notify Tennessee 811  
**Finding:** No violation

**EB19-0068-**

**Alleged Violator:** Michael's Plumbing  
**Alleged Excavator:** Michael McGregor  
**Complainant:** Atmos  
**Facility Type:** Gas  
**Equipment:** Trencher  
**Root Cause:** Failure to notify Tennessee 811  
**Finding:** In violation for failure to notify One-Call prior to excavation and Michael McGregor ordered to attend compliance training.

**EB19-0071-**

**Alleged Violator:** Ashby Community Development  
**Alleged Excavator:** Unknown  
**Complainant:** Atmos  
**Facility Type:** Gas  
**Equipment:** Backhoe  
**Root Cause:** Failure to notify Tennessee 811  
**Finding:** In violation for failure to notify One-Call prior to excavation and Rusty Temple ordered to attend compliance training.

**EB19-0079-**

**Alleged Violator:** Eubank Electric  
**Alleged Excavator:** Dwayne Eubank  
**Complainant:** Atmos Energy  
**Facility Type:** Gas  
**Equipment:** Track hoe  
**Root Cause:** Failure to use reasonable care within tolerance zone  
**Finding:** In violation for failure to use reasonable care in the tolerance zone and Dwayne Eubank ordered to attend compliance training.

**EB19-0081-**

**Alleged Violator:** Olvera Brothers Concrete  
**Alleged Excavator:** Petro Mendez  
**Complainant:** Atmos Energy  
**Facility Type:** Gas

**Equipment:** Grader

**Root Cause:** Failure to notify Tennessee 811

**Finding:** In violation for failure to notify One-Call prior to excavation and Petro Mendez and Armando Olvera ordered to attend compliance training.

**EB19-0082-**

**Alleged Violator:** JGX Construction

**Alleged Excavator:** Ricardo Mora

**Complainant:** Atmos Energy

**Facility Type:** Gas

**Equipment:** Backhoe

**Root Cause:** Failure to notify Tennessee 811

**Finding:** In violation for failure to notify One-Call prior to excavation and Javier Ortiz and Ricardo Mora ordered to attend compliance training.

**EB19-0098-**

**Alleged Violator:** Willow Branch Landscaping

**Alleged Excavator:** Francisco Leos

**Complainant:** Horton Highway Utility District

**Facility Type:** Gas

**Equipment:** Skid steer

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

**Finding:** In violation for failure to use reasonable care in the tolerance zone and Francisco Leos and Hunter Walton ordered to attend compliance training.

**Update of Tennessee 811 Training Program of Violators (Mr. Bill Turner).**

Mr. Turner provided an update of the program and was available to answer questions.

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

Chairman Tubberville completed the last meeting for his appointed term. Mr. Pitts will be joining the Executive Committee at the next meeting which will be scheduled for August 28<sup>th</sup>, 2019. The Staff provided an overview on the number of open contested case and show-cause matters.

The Executive Committee meeting adjourned at 10:46 a.m.