



**TENNESSEE UNDERGROUND UTILITY DAMAGE ENFORCEMENT BOARD
EXECUTIVE COMMITTEE MEETING
Meeting on November 20, 2019**

MINUTES

The Executive Committee meeting of the Tennessee Underground Utility Damage Enforcement Board commenced at 12:23 p.m., in the Ground Floor Conference Room of 502 Deaderick Street, Nashville, Tennessee 37243.

Executive Committee Members Present:

Wayne Hastings, Vice Chairman
Bobby Pitts
Steve Raper

TPUC Staff Present:

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

Also Present:

Bill Turner, Tennessee 811
Jason Kouba, Tennessee 811

Roll Call & Minutes:

Mr. Ryan McGehee opened the meeting and took roll call which confirmed Vice Chairman Wayne Hastings, Mr. Bobby Pitts, and Mr. Steve Raper as present. The Committee considered the Minutes of the meeting of September 18, 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:

EB19-0106-

Alleged Violator: USIC
Alleged Excavator: Unknown
Complainant: Parchman Construction Company
Facility Type: Cable
Equipment: Unknown
Root Cause: Facility was not located or marked
Finding: No violation

EB19-0111-

Alleged Violator: AT&T
Alleged Excavator: Tommy McGee
Complainant: Atmos Energy
Facility Type: Gas
Equipment: Plow
Root Cause: Failure to use reasonable care
Finding: In violation for failure to use reasonable care in the safety zone and Tommy McGee ordered to attend compliance training.

EB19-0113-

Alleged Violator: AT&T
Alleged Excavator: Austin Wing
Complainant: Atmos Energy
Facility Type: Gas
Equipment: Auger
Root Cause: No notification made to Tennessee 811
Finding: In violation for failure to notify One-Call prior to excavation, Austin Wing ordered to attend compliance training, and a civil penalty of \$625 is assessed.

EB19-0122-

Alleged Violator: Bassham Excavation
Alleged Excavator: Chris Cook
Complainant: Atmos Energy
Facility Type: Gas
Equipment: Backhoe
Root Cause: Failure to use reasonable care
Finding: No violation

EB19-0126-

Alleged Violator: Bowlin Demolition
Alleged Excavator: Ernest Bowlin
Complainant: Atmos Energy
Facility Type: Gas
Equipment: Trackhoe
Root Cause: Failure to use reasonable care
Finding: No violation

EB19-0128-

Alleged Violator: Boyce Ballard Construction

Alleged Excavator: Unknown
Complainant: Atmos Energy
Facility Type: Gas
Equipment: Backhoe
Root Cause: Failure to use reasonable care within tolerance zone
Finding: No violation

Alleged Violator: Advanced Electrical Services (subcontractor)
Alleged Excavator: Eric Hill
Complainant: Atmos Energy
Facility Type: Gas
Equipment: Backhoe
Root Cause: Failure to use reasonable care within tolerance zone
Finding: In violation for failure to use reasonable care in a safety zone and Eric Hill ordered to attend compliance training.

EB019-0130-

Alleged Violator: Bishop Construction
Alleged Excavator: Andre Bishop
Complainant: PRG/Charter
Facility Type: Cable
Equipment: Backhoe
Root Cause: No notification made to Tennessee 811
Finding: No violation

Alleged Violator: Tellico Village Property Owners Association (subcontractor)
Alleged Excavator: Kevin Hamil
Complainant: PRG/Charter
Facility Type: Cable
Equipment: Backhoe
Root Cause: No notification made to Tennessee 811
Finding: In violation for failure to notify One-Call prior to excavation and Kevin Hamil ordered to attend compliance training.

EB19-0131-

Alleged Violator: New Century Excavation
Alleged Excavator: Eddin Noe
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 and Eddin Noe ordered to attend compliance training.

EB19-0134-

Alleged Violator: Brent Lail
Alleged Excavator: Brent Lail
Complainant: USIC
Facility Type: Unknown
Equipment: Unknown

Root Cause: Reporting a false emergency for a locate ticket

Finding: In violation for reporting a false emergency and Brent Lail ordered to attend compliance training.

EB19-0135-

Alleged Violator: Charles O'Brien

Alleged Excavator: Charles O'Brien

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 and Charles O'Brien ordered to attend compliance training.

EB19-0136-

Alleged Violator: Smoky Mountain Utility Services

Alleged Excavator: Brent Brown

Complainant: Jefferson Cocke County Utility

Facility Type: Unknown

Equipment: Plow

Root Cause: Excavating or demolishing before the locate ticket was valid

Finding: No violation

EB19-0137-

Alleged Violator: L&G Construction

Alleged Excavator: Donnie Brawley

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 a safety zone and Donnie Brawley ordered to attend compliance training.

EB19-0139-

Alleged Violator: Mr. Electric

Alleged Excavator: Mike Saavedra

Complainant: Horton Highway Utility District

Facility Type: Gas

Equipment: Trencher

Root Cause: No notification made to Tennessee 811

Finding: In violation for failure to notify One-Call prior to excavation and Mike Saavedra ordered to attend compliance training

EB19-0140-

Alleged Violator: Grove Park Construction

Alleged Excavator: Tim Campbell

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 and Tim Campbell ordered to attend compliance training.

EB19-0141-

Alleged Violator: Dave Gaza Construction

Alleged Excavator: Dave Gaza

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Track hoe

Root Cause: Failure to notify Tennessee 811

Finding: In violation for failure to notify One-Call prior to excavation and Dave Gaza ordered to attend compliance training.

EB19-0142-

Alleged Violator: Jonathan Lusby

Alleged Excavator: Jonathan Lusby

Complainant: Greater Dickson Gas Authority

Facility Type: Gas

Equipment: Bulldozer

Root Cause: Failure to notify Tennessee 811

Finding: In violation for failure to notify One-Call prior to excavation and Jonathan Lusby ordered to attend compliance training.

EB19-0143-

Alleged Violator: Logan Excavating

Alleged Excavator: Eddie Dixon

Complainant: Greater Dickson Gas Authority

Facility Type: Gas

Equipment: Mini excavator

Root Cause: Failure to notify Tennessee 811

Finding: In violation for failure to notify One-Call prior to excavation and Eddie Dixon ordered to attend compliance training.

EB19-0144-

Alleged Violator: CKF Excavating

Alleged Excavator: Chuck Eades

Complainant: Greater Dickson Gas Authority

Facility Type: Gas

Equipment: Bulldozer

Root Cause: Failure to notify Tennessee 811

Finding: In violation for failure to notify One-Call prior to excavation and Chuck Eades ordered to attend compliance training.

EB19-0146-

Alleged Violator: Tridens Builders

Alleged Excavator: Joey Jones

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Skid loader

Root Cause: Failure to notify Tennessee 811

Finding: In violation for failure to notify One-Call prior to excavation and Johnny Crumby ordered to attend compliance training.

EB19-0147-

Alleged Violator: Integrated Solutions

Alleged Excavator: Greg Thompson

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Track hoe

Root Cause: Failure to notify Tennessee 811

Finding: In violation for failure to notify One-Call prior to excavation and Greg Thompson ordered to attend compliance training.

EB19-0148-

Alleged Violator: Hawkins & Price Excavating

Alleged Excavator: Danny Kritzwiser

Complainant: Horton Highway Utility District

Facility Type: Gas

Equipment: Track hoe

Root Cause: Failure to use reasonable care

Finding: In violation for failure to use reasonable care, Danny Kritzwiser ordered to attend compliance training, and a civil penalty of \$625 is assessed.

EB19-0149-

Alleged Violator: P&E Builders

Alleged Excavator: Paul Proctor

Complainant: John Anderson

Facility Type: Telecom

Equipment: Bulldozer

Root Cause: Failure to notify Tennessee 811

Finding: No violation

EB19-0150-

Alleged Violator: Southern Utilities

Alleged Excavator: Unknown

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Trencher

Root Cause: Failure to notify Tennessee 811

Finding: In violation for failure to notify One-Call prior to excavation, Don Buford and Josh Johnson ordered to attend compliance training, and a civil penalty of \$625 is assessed.

EB19-0152-

Alleged Violator: Aaron Carlton

Alleged Excavator: Aaron Carlton

Complainant: Horton Highway Utility District

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 Aaron Carlton ordered to attend compliance training.

EB19-0154-

Alleged Violator: Two Rivers Excavating

Alleged Excavator: Francisco Rivera

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Backhoe

Root Cause: Failure to use reasonable care

Finding: In violation for failure to use reasonable care, Francisco Rivera ordered to attend compliance training, and a civil penalty of \$625 is assessed.

EB19-0160-

Alleged Violator: Noland Fence

Alleged Excavator: Jeremy Nichols

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Auger

Root Cause: Failure to notify Tennessee 811

Finding: In violation for failure to notify One-Call prior to excavation and Jeremy Nichols ordered to attend compliance training.

EB19-0162-

Alleged Violator: Truitt Electric

Alleged Excavator: Chris Moore

Complainant: Knoxville Utilities Board

Facility Type: Gas

Equipment: Mini excavator

Root Cause: Failure to notify Tennessee 811

Finding: In violation for failure to notify One-Call prior to excavation and Chris Moore and Mike Truitt ordered to attend compliance training.

EB19-0163-

Alleged Violator: Mainline Excavating

Alleged Excavator: Joshua Seibers

Complainant: Knoxville Utilities Board

Facility Type: Gas

Equipment: Mini excavator

Root Cause: Failure to notify Tennessee 811

Finding: In violation for failure to notify One-Call prior to excavation and Joshua Seibers ordered to attend compliance training.

EB19-0164-

Alleged Violator: Southern Creations

Alleged Excavator: Jorge Dominguez

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Auger

Root Cause: Excavating or demolishing beyond the 15-day expiration

Finding: In violation for excavating beyond the 15-day expiration and Jorge Dominguez ordered to attend compliance training.

EB19-0167-

Alleged Violator: Jay Brewer

Alleged Excavator: Unknown

Complainant: PRG/Charter

Facility Type: Cable

Equipment: Grader

Root Cause: Excavating or demolishing beyond the 15-day expiration

Finding: No violation

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

Update for program was given during the meeting of the full Board preceding the meeting of the Executive Committee.

Discussion of future topics for next executive committee meeting.

Meeting dates for 2020 were planned.

The Executive Committee meeting adjourned at 1:14 p.m.