



**TENNESSEE UNDERGROUND UTILITY DAMAGE ENFORCEMENT BOARD
EXECUTIVE COMMITTEE MEETING
Meeting on May 13, 2020**

MINUTES

The Executive Committee meeting of the Tennessee Underground Utility Damage Enforcement Board commenced at 10:59 a.m., via WebEx Telephonic Conferencing per Executive Order No. 16 which permits an electronic meeting without a physical quorum in order to accomplish necessary business for the public health and safety of Tennesseans.

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
Stacy Balthrop

Also Present:

Bill Turner
Craig Ingram

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 January 29, 2020. A motion to approve the Minutes by Mr. Raper was seconded by Mr. Hastings and 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:

EB19-0159-

Mr. Pitts recused himself from this vote.

Alleged Violator: Global Communications

Alleged Excavator: Randy Harris

Complainant: KUB

Facility Type: Gas

Equipment: Drill

Root Cause: Failure to use reasonable care within tolerance zone

Finding: In violation for failure to use reasonable care within tolerance zone and Randy Harris ordered to attend compliance training.

EB19-0169-

Alleged Violator: Corbel Communications

Alleged Excavator: Steve Pedraza

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Mini Excavator

Root Cause: Failure to use reasonable care within tolerance zone

Finding: In violation for failure to use reasonable care within tolerance zone and Steve Pedraza and Daniel Garcia ordered to attend compliance training.

EB19-0172-

Alleged Violator: Shore Builders

Alleged Excavator: Ed Shore

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Track hoe

Root Cause: Failure to use reasonable care within tolerance zone

Finding: No violation.

EB19-0175-

Alleged Violator: RD Construction

Alleged Excavator: Warren Gore

Complainant: KUB

Facility Type: Gas

Equipment: Hydraulic post driver

Root Cause: Failure to use reasonable care within tolerance zone

Finding: In violation for failure to use reasonable care in a tolerance zone, Warren Gore ordered to attend compliance training, and a civil penalty of \$625 is assessed for subsequent violation.

EB19-0177-

Alleged Violator: Ark Construction

Alleged Excavator: Miguel Chavez

Complainant: Horton Highway Utility District

Facility Type: Gas

Equipment: Skid steer

Root Cause: No notification made to Tennessee 811

Finding: In violation for failure to notify One-Call prior to excavation, Miguel Chavez ordered to attend compliance training, and a civil penalty of \$1,250 is assessed for subsequent violation.

EB19-0178-

Alleged Violator: Todd Davis Concrete

Alleged Excavator: Todd Davis

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 within tolerance zone and Todd Davis ordered to attend compliance training.

EB019-0182-

Alleged Violator: Green Scene Landscaping

Alleged Excavator: Jesus Garcia

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Trencher

Root Cause: Failure to use reasonable care within tolerance zone

Finding: In violation for failure to use reasonable care within tolerance zone and Jesus Garcia ordered to attend compliance training.

EB19-0189-

Alleged Violator: Total Property Management

Alleged Excavator: Spencer Gatlin

Complainant: USIC

Facility Type: Unknown

Equipment: Unknown

Root Cause: No notification made to Tennessee 811

Finding: No violation

EB19-0193-

Alleged Violator: Total Property Management

Alleged Excavator: Spencer Gatlin

Complainant: USIC

Facility Type: Unknown

Equipment: Unknown

Root Cause: No notification made to Tennessee 811

Finding: No violation

EB19-0194-

Alleged Violator: Skilled Services

Alleged Excavator: Shawn Tipton

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Track hoe

Root Cause: Excavating before a locate ticket was valid

Finding: In violation for excavation before a locate ticket was valid and Shawn Tipton ordered to attend compliance training.

EB19-0198 & EB19-0199 (consolidated)-

Alleged Violator: Chapela Property Improvements

Alleged Excavator: Nick Muth

Complainant: KUB

Facility Type: Water

Equipment: Mini excavator

Root Cause: No notification made to Tennessee 811

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

EB20-0004-

Alleged Violator: Metro Sewer & Drain

Alleged Excavator: Tyler Whaley

Complainant: USIC

Facility Type: Unknown

Equipment: Unknown

Root Cause: Reporting a false emergency for a locate ticket

Finding: No violation

EB20-0008-

Alleged Violator: L&R Plumbing

Alleged Excavator: Fernando Castellanos

Complainant: Metro Water

Facility Type: Unknown

Equipment: Unknown

Root Cause: Reporting a false emergency for a locate ticket

Finding: In violation for reporting a false emergency for a locate ticket, Fernando Castellanos ordered to attend compliance training, and a civil penalty of \$2,500 is assessed for subsequent violation.

EB20-0010-

Alleged Violator: JUS Property Management

Alleged Excavator: Jeff Jennings

Complainant: KUB

Facility Type: Water

Equipment: Directional drill

Root Cause: Failure to use reasonable care within tolerance zone

Finding: In violation for failure to use reasonable care within tolerance zone and Jeff Jennings ordered to attend compliance training.

EB20-0011-

Alleged Violator: Metro Sewer & Drain

Alleged Excavator: Unknown

Complainant: USIC

Facility Type: Unknown

Equipment: Unknown

Root Cause: Reporting a false emergency for a locate ticket

Finding: No violation

EB20-0013-

Alleged Violator: Metro Sewer & Drain
Alleged Excavator: Unknown
Complainant: USIC
Facility Type: Gas
Equipment: Probe rod
Root Cause: Failure to notify Tennessee 811
Finding: No violation

EB20-0014-

Alleged Violator: Smoky Mountain Utilities
Alleged Excavator: Unknown
Complainant: East Tennessee Natural Gas
Facility Type: Unknown
Equipment: Plow
Root Cause: Excavating before the locate ticket was valid
Finding: No violation

EB20-0015-

Alleged Violator: Cleary Construction
Alleged Excavator: Jeremy Page
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 Jeremy Page ordered to attend compliance training.

EB20-0017-

Alleged Violator: Southern Creations Landscaping
Alleged Excavator: Butch Hamby
Complainant: Horton Highway Utility District
Facility Type: Gas
Equipment: Trencher
Root Cause: Failure to notify Tennessee 811
Finding: In violation for failure to notify One-Call prior to excavation, Butch Hamby ordered to attend compliance training, and a civil penalty of \$625 is assessed.

EB20-0020-

Alleged Violator: East Tennessee Underground
Alleged Excavator: Gonealo Reyes
Complainant: KUB
Facility Type: Gas
Equipment: Directional drill
Root Cause: Failure to use reasonable care within tolerance zone
Finding: In violation for failure to use reasonable care in a safety zone and Rick Baker and Gonealo Reyes ordered to attend compliance training.

EB20-0021-

Alleged Violator: Nitzsche Communications

Alleged Excavator: Tim Witt

Complainant: KUB

Facility Type: Gas

Equipment: Directional drill

Root Cause: Failure to use reasonable care within tolerance zone

Finding: In violation for failure to use reasonable care and Tim Witt ordered to attend compliance training.

EB20-0029-

Alleged Violator: Rawso Constructors

Alleged Excavator: J. Hercules

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 and Tim Witt ordered to attend compliance training.

EB20-0049-

Alleged Violator: Chatta-Rooter

Alleged Excavator: John Bartlett

Complainant: USIC

Facility Type: Sewer

Equipment: Unknown

Root Cause: Reporting a false emergency for a locate ticket

Finding: No violation.

Discussion of future topics for next executive committee meeting.

The consent agenda was unanimously approved.

The number of complaints for the upcoming June 17th meeting was discussed.

The Executive Committee meeting adjourned at 11:43 a.m.