



**TENNESSEE UNDERGROUND UTILITY DAMAGE ENFORCEMENT BOARD
EXECUTIVE COMMITTEE MEETING
Meeting on December 16, 2020**

MINUTES

The Executive Committee meeting of the Tennessee Underground Utility Damage Enforcement Board commenced at 9:03 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
Eddie Hood

TPUC Staff Present:

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

Also Present:

Bill Turner
Craig Ingram

Roll Call & Minutes:

Roll call which confirmed Vice Chairman Wayne Hastings, Mr. Eddie Hood, and Mr. Bobby Pitts as present. The Committee considered the Minutes of the meeting of October 21, 2020. A motion to approve the Minutes by Mr. Pitts was seconded by Mr. Hood 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:

EB20-0114-

Alleged Violator: GR Underground
Alleged Excavator: Christian
Complainant: Piedmont Natural Gas
Facility Type: Gas
Equipment: Directional Drill
Root Cause: Failure to use reasonable care within the tolerance zone
Finding: In violation for failure to use reasonable care within tolerance zone and George Rios ordered to attend compliance training.

EB20-0148-

Alleged Violator: JW Construction
Alleged Excavator: Jeff Williams
Complainant: Knoxville Utilities Board
Facility Type: Gas
Equipment: Mini excavator
Root Cause: Excavating beyond the 15-day expiration of a locate ticket
Finding: In violation for excavating beyond the 15-day expiration of a locate ticket and Jeff Williams ordered to attend compliance training.

EB20-0150-

Alleged Violator: DC Foundations
Alleged Excavator: Brian Stone
Complainant: Knoxville Utilities Board
Facility Type: Gas
Equipment: Mini excavator
Root Cause: No notification made to Tennessee 811
Finding: In violation for failure to give notice prior to excavation, Brian Stone ordered to attend compliance training, and a civil penalty of \$625 assessed for subsequent violation.

EB20-0155-

Alleged Violator: Trowel Trades
Alleged Excavator: Derek Roesner
Complainant: Powell Clinch Utility District
Facility Type: Gas
Equipment: Track hoe
Root Cause: Failure to use reasonable care within the tolerance zone
Finding: In violation for failure to use reasonable care within tolerance zone, Devin Black ordered to attend compliance training, and a civil penalty of \$625 assessed for subsequent violation.

EB20-0159-

Alleged Violator: Billy Autry
Alleged Excavator: Billy Autry
Complainant: Atmos Energy

Facility Type: Gas
Equipment: Mini excavator
Root Cause: Not reporting damage to the underground utility facilities
Finding: In violation for not reporting damage to the underground utility facilities and Billy Autry ordered to attend compliance training.

EB20-0163-

Alleged Violator: Unknown
Alleged Excavator: Steve
Complainant: Homeowner
Facility Type: Cable
Equipment: Mini excavator
Root Cause: Failure to use reasonable care within the tolerance zone
Finding: Administratively closed for lack of evidence

EB020-0174-

Alleged Violator: Precision Plumbing
Alleged Excavator: Jeffery Perry
Complainant: Atmos Energy
Facility Type: Gas
Equipment: Backhoe
Root Cause: Excavating outside of the requested locate area
Finding: In violation for excavating outside of the requested locate area and Jeffery Perry ordered to attend compliance training.

EB20-0175-

Alleged Violator: Telegenix
Alleged Excavator: Dawson Wilson
Complainant: Horton Highway Utility District
Facility Type: Gas
Equipment: Mini excavator
Root Cause: Failure to use reasonable care within the tolerance zone
Finding: In violation for failure to use reasonable care within tolerance zone and Dawson Wilson ordered to attend compliance training.

EB20-0177-

Alleged Violator: Specialty Concrete & Excavation
Alleged Excavator: Ed Tremonti
Complainant: Knoxville Utilities Board
Facility Type: Gas
Equipment: Mini excavator
Root Cause: Excavating before the locate ticket was valid
Finding: In violation for excavating before the locate ticket was valid and Ed Tremonti ordered to attend compliance training.

EB20-0178-

Alleged Violator: Southeast Excavation
Alleged Excavator: Richard Carr
Complainant: Knoxville Utilities Board
Facility Type: Gas

Equipment: Skid steer

Root Cause: No notification made to Tennessee 811

Finding: In violation for failure to notify Tennessee 811, Richard Carr ordered to attend compliance training, and a civil penalty of \$625 is assessed for subsequent violation.

EB20-0179 and EB20-0180 (consolidated)-

Alleged Violator: Affordable Excavation

Alleged Excavator: David Cheban

Complainant: Knoxville Utilities Board

Facility Type: Gas

Equipment: Mini excavator

Root Cause: Excavating before the locate ticket was valid

Finding: In violation for excavating before the locate ticket was valid and David Cheban ordered to attend compliance training.

EB20-0186-

Alleged Violator: Johnson & Son Excavating

Alleged Excavator: Unknown

Complainant: Greater Dickson Gas Authority

Facility Type: Gas

Equipment: Mini excavator

Root Cause: No notification made to Tennessee 811

Finding: In violation for failure to notify Tennessee 811, Allen Johnson ordered to attend compliance training, and a civil penalty of \$625 is assessed for subsequent violation.

EB20-0187-

Alleged Violator: Obt Construction

Alleged Excavator: David Bell

Complainant: Greater Dickson Gas Authority

Facility Type: Gas

Equipment: Directional drill

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

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

EB20-0172, EB20-0176, EB20-0182, EB20-0183, EB20-0184, EB20-0185, EB20-0188, and EB20-0193-

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. Turner reported that for 2020 year to date, 107 individuals from 92 organizations were trained and there are 8 individuals scheduled for training. 73 individuals have completed the online training provided in lieu of in-person training due to COVID 19 concerns.

Discussion of future topics for next executive committee meeting.

The potential number of complaints for the upcoming January meeting and the upcoming rulemaking hearing were discussed.

The Executive Committee meeting adjourned at 9:40 a.m.