



**TENNESSEE UNDERGROUND UTILITY DAMAGE ENFORCEMENT BOARD
EXECUTIVE COMMITTEE
Meeting on September 26, 2023**

MINUTES

The Executive Committee meeting of the Tennessee Underground Utility Damage Enforcement Board commenced at 10:00 a.m. at the Tennessee Public Utility Commission, 502 Deaderick Street, Ground Floor Conference Room, Nashville, TN, 37243.

Executive Committee Members Present:

Kevin Tubberville- Chairman
Wayne Hastings- Vice Chairman (via phone)
Eddie Hood
Steve Raper
Bob Pitts

TPUC Staff Present:

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

Tennessee 811 Present:

Bill Turner
Craig Ingram

Roll Call & Minutes:

Roll call confirmed Chairman Kevin Tubberville, Vice Chairman Wayne Hastings, Mr. Eddie Hood, Mr. Steve Raper and Mr. Bob Pitts as present, making a quorum. The Committee considered the Minutes from the August 31, 2023, 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:

EB23-0188-

Alleged Violator: Core Homes, LLC
Alleged Excavator: Unknown
Complainant: Mandi Marks
Facility Type: Telecom
Equipment: Excavator
Root Cause: No Notification to TN 811/One-Call prior to excavating/demolishing
Finding: No violation

EB23-0190-

Alleged Violator: Advance Lawn Solutions
Alleged Excavator: Unknown
Complainant: Atmos Energy
Facility Type: Gas
Equipment: Trencher
Root Cause: Failure to use reasonable care in the tolerance/safety zone
Finding: In violation for failure to use reasonable care in the tolerance/safety zone and Jim Swett ordered to attend compliance training.

EB23-0192

Alleged Violator: New Century Excavation
Alleged Excavator: John Gill
Complainant: Metro Water and Sewer
Facility Type: Water
Equipment: Backhoe-Trackhow
Root Cause: No notification made to TN One-Call/811 prior to excavation/demolishing
Finding: In violation for no notification made to TN One-Call/811 prior to excavation/demolishing and John Gill ordered to attend compliance training.

EB23-0193-

Alleged Violator: Civil Constructors
Alleged Excavator: Dalton Norvell
Complainant: Metro Water and Sewer
Facility Type: Sewer
Equipment: Excavator
Root Cause: Failure to reasonable care in the tolerance/safety zone
Finding: No violation

EB23-0194 and EB23-0213 (Consolidated)

Alleged Violator: L&R Plumbing, LLC
Alleged Excavator: Site Foreman
Complainant: Metro Water and Sewer
Facility Type: Water
Equipment: N/A
Root Cause: Excavating/Demolishing beyond 15-day expiration and failure to use reasonable care in the tolerance/safety zone

Finding: In violation for excavating/demolishing beyond the 15 day expiration and failure to use reasonable care in the tolerance/safety zone and a civil penalty of \$10,000 assessed.

EB23-0195-

Alleged Violator: Civil Constructors

Alleged Excavator: Joey Birckhead

Complainant: Metro Water and Sewer

Facility Type: Water

Equipment: N/A

Root Cause: Reporting a false emergency for locate ticket

Finding: In violation for reporting a false emergency for a locate ticket and Joey Birckhead ordered to attend compliance training.

EB23-0199-

Alleged Violator: Scott's Septic Tank Service

Alleged Excavator: Stephanie Scott

Complainant: Utiliquest

Facility Type: Electric

Equipment: Unknown

Root Cause: Reporting a false emergency for locate ticket

Finding: Warning Letter

EB23-0201-

Alleged Violator: OBT Construction

Alleged Excavator: Unknown

Complainant: West Tennessee Public Utility District

Facility Type: Gas

Equipment: Backhoe-Trackhoe

Root Cause: Failure to use reasonable care in the tolerance/safety zone

Finding: In violation for failure to use reasonable care in the safety zone (subsequent offense) and a civil penalty of \$2,500 assessed.

EB23-0202-

Alleged Violator: E&E Excavating

Alleged Excavator: Luke Paul

Complainant: Knoxville Utilities Board

Facility Type: Gas

Equipment: Backhoe-Trackhoe

Root Cause: Excavating/Demolishing before locate request is valid

Finding: In violation for excavating/demolishing before locate request is valid and Luke Paul ordered to attend compliance training.

EB23-0206-

Alleged Violator: Keith DeLong Construction

Alleged Excavator: Phil McAlister

Complainant: Knoxville Utilities Board

Facility Type: Gas

Equipment: Backhoe-Trackhoe

Root Cause: Excavating/Demolishing beyond 15-day expiration

Finding: In violation for excavating beyond 15-day expiration and Phil McAlister ordered to attend compliance training.

EB23-0207-

Alleged Violator: Black Oak Contracting INC

Alleged Excavator: Steve Hill

Complainant: Knoxville Utilities Board

Facility Type: Water

Equipment: Backhoe-Trackhoe

Root Cause: No notification made to TN One-Call/811 prior to excavating/demolishing

Finding: No violation

EB23-0212-

Alleged Violator: Serina Wilkerson

Alleged Excavator: Serina Wilkerson

Complainant: Lester Barnes

Facility Type: Water

Equipment: Unknown

Root Cause: No notification to TN One-Call/811 prior to excavating/demolishing

Finding: Warning Letter

EB23-0213 (Consolidated with EB23-0194)-

Alleged Violator: L&R Plumbing, LLC

Alleged Excavator: Unknown

Complainant: Metro Water and Sewer

Facility Type: Water

Equipment: Backhoe-Trackhoe

Root Cause: Failure to use reasonable care in the tolerance/safety zone

Finding: See EB23-0194

EB23-0226-

Alleged Violator: Total Property Solutions

Alleged Excavator: Chris Seals

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Backhoe-Trackhoe

Root Cause: Failure to use reasonable care in the tolerance/safety zone

Finding: In violation for failure to use reasonable care in the tolerance/safety zone and Chris Seals ordered to attend compliance training.

EB23-0100, EB23-0196, EB23-0197, EB23-0198, EB23-0203, EB23-0204, EB23-0205, EB23-0208, EB23-0210, EB23-0211, EB23-0214, EB23-0222, and EB23-0223.

Alleged Violator: First Violation

Root Cause: Failure to notify Tennessee 811

Finding: In violation for failure to give notice prior to excavation.

Discussion of Future Topics for the Next Executive Committee Meeting

The Tennessee 811 training program update and staff updates were given. No public comment was made during the public comment period. The Executive Committee meeting adjourned at 11:03am.