



**TENNESSEE UNDERGROUND UTILITY DAMAGE ENFORCEMENT BOARD
EXECUTIVE COMMITTEE
Meeting on December 19, 2023**

MINUTES

The Executive Committee meeting of the Tennessee Underground Utility Damage Enforcement Board commenced at 10:03 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
Eddie Hood (via phone)
Bob Pitts
Steve Raper

TPUC Staff Present:

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

Tennessee 811 Present:

Kathy Quartermaine
Jason Fryer
Craig Ingram (via phone)

Roll Call & Minutes:

Roll call confirmed Chairman Kevin Tubberville, Vice Chairman Wayne Hastings, Mr. Eddie Hood (via phone), and Mr. Bob Pitts as present, making a quorum. The Committee considered the Minutes from the November 2, 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:

EB23-0238-

Alleged Violator: Harakas Construction

Alleged Excavator: Adrian Cervantes

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Bulldozer

Root Cause: Not reporting damage to underground utilities/facilities.

Finding: In violation for not reporting damage to an underground utility and a civil penalty of \$10,000 assessed.

EB23-0241-

Alleged Violator: Rose Paving

Alleged Excavator: Unknown

Complainant: Homeowner

Facility Type: Water

Equipment: N/A

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

Finding: No violation

EB23-0245-

Alleged Violator: Dogwatch of Nashville

Alleged Excavator: Unknown

Complainant: Homeowner

Facility Type: Telecom

Equipment: Trencher

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

Finding: In violation for no-notification to One-Call/TN 811 and Amberly Betz ordered to attend compliance training.

EB23-0246

Alleged Violator: Green Sweep Landscaping

Alleged Excavator: Bryan Garber

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Backhoe-Trackhoe

Root Cause: Excavating/demolishing beyond 15-day expiration of locate ticket.

Finding: In violation for excavating/demolishing beyond the 15-day expiration and Bryan Garber ordered to attend compliance training.

EB23-0250-

Alleged Violator: Fred Hans

Alleged Excavator: Fred Hans

Complainant: Homeowner

Facility Type: Cable

Equipment: Backhoe

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

Finding: In violation for no notification to One-Call/TN 811 prior to excavating/demolishing and Fred Hans ordered to attend compliance training.

EB23-0255

Alleged Violator: Moody Excavating

Alleged Excavator: Rene Rivera

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Backhoe-Trackhoe

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

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

EB23-0256-

Alleged Violator: Joe Wood

Alleged Excavator: Joe Wood

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Backhoe-Trackhoe

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

Finding: In violation for no notification to One-Call/TN 811 prior to excavating/demolishing, it is a subsequent violation, and a penalty of \$2,500 assessed.

EB23-0258-

Alleged Violator: Comcast

Alleged Excavator: Unknown

Complainant: Superior Fence and Rail

Facility Type: Cable

Equipment: N/A

Root Cause: Facility not marked or located.

Finding: No violation

EB23-0259-

Alleged Violator: Beyond Network Technology

Alleged Excavator: Martin Murray

Complainant: AT&T

Facility Type: Telecom

Equipment: Shovel

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

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

EB23-0260-

Alleged Violator: Tycon, LLC

Alleged Excavator: Unknown

Complainant: AT&T

Facility Type: Telecom

Equipment: Boring Machine

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

Finding: No violation

EB23-0264-

Alleged Violator: Broadband Technical Resources- Hendersonville

Alleged Excavator: Mike Heiny

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Directional Drill

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 a civil penalty of \$2,500 assessed.

EB23-0269-

Alleged Violator: Coolray

Alleged Excavator: Will Kincaid

Complainant: Metro Water and Sewer

Facility Type: Water

Equipment: N/A

Root Cause: Reporting a false emergency for a locate.

Finding: In violation for reporting a false emergency for a locate and Will Kincaid ordered to attend compliance training.

EB23-0270-

Alleged Violator: Rocky Top Erosion Control

Alleged Excavator: Seth Holbrook

Complainant: Knoxville Utilities Board

Facility Type: Gas

Equipment: Backhoe-Trackhoe

Root Cause: Excavating/demolishing beyond 15-day expiration.

Finding: In violation for excavating/demolishing beyond 15-day expiration and Seth Holbrook ordered to attend compliance training.

EB23-0272-

Alleged Violator: Eli Underground

Alleged Excavator: Fernando Escobar

Complainant: Knoxville Utilities Board

Facility Type: Gas

Equipment: Boring Machine

Root Cause: Excavating outside of the requested locate area.

Finding: In violation for excavating outside of the requested locate area and Fernando Escobar ordered to attend compliance training.

EB23-0278-

Alleged Violator: Superior Traffic Control

Alleged Excavator: Unknown

Complainant: Knoxville Utilities Board

Facility Type: Gas

Equipment: N/A

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

Finding: In violation for no notification to TN One-Call/811 and the Safety Manager of the Knoxville region ordered to attend compliance training.

EB23-0282-

Alleged Violator: Taylor Plumbing
Alleged Excavator: Unknown
Complainant: Knoxville Utilities Board
Facility Type: Gas
Equipment: Mini-Excavator
Root Cause: Failure to use reasonable care in the tolerance/safety zone.
Finding: No violation

EB23-0283-

Alleged Violator: Southeast Erosion Control
Alleged Excavator: Chris Whitney
Complainant: Knoxville Utilities Board
Facility Type: Gas
Equipment: Skidloader
Root Cause: Excavating/demolishing beyond 15-day expiration.
Finding: In violation for excavating/demolishing beyond 15-day expiration and Chris Whitney ordered to attend compliance training.

EB23-0284-

Alleged Violator: R&A Plumbing
Alleged Excavator: Richard Arredondo
Complainant: Metro Water and Sewer
Facility Type: Water
Equipment: Backhoe-Trackhoe
Root Cause: Excavating/demolishing before locate request is valid.
Finding: In violation for excavating/demolishing before locate request is valid, it is a second violation, and a civil penalty of \$2,500 assessed.

EB23-0285-

Alleged Violator: Dumford Irrigation
Alleged Excavator: Patrick Lynch
Complainant: Atmos Energy
Facility Type: Gas
Equipment: N/A
Root Cause: No notification to TN One-Call/811 prior to excavating/demolishing.
Finding: Warning letter.

EB23-0286-

Alleged Violator: Alian Cable Construction
Alleged Excavator: Merlin Aldana
Complainant: Metro Water and Sewer
Facility Type: Water
Equipment: N/A
Root Cause: Reporting a false emergency for a locate.
Finding: No violation.

EB23-0287-

Alleged Violator: Tennessee Underground, LLC

Alleged Excavator: Richard Barnhardt

Complainant: Metro Water and Sewer

Facility Type: Water

Equipment: N/A

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

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

EB23-0288-

Alleged Violator: Steve Henson

Alleged Excavator: Steve Henson

Complainant: Homeowner

Facility Type: Gas

Equipment: Backhoe

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

Finding: No violation

EB23-0289-

Alleged Violator: Richardson Lawn and Landscape

Alleged Excavator: Unknown

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Auger

Root Cause: Excavating/demolishing before locate request is valid.

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

EB23-0290-

Alleged Violator: OBT Construction

Alleged Excavator: Unknown

Complainant: West Tennessee Public Utility District

Facility Type: Gas

Equipment: Directional Drill

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

Finding: No violation

EB23-0293-

Alleged Violator: Donald Caskey

Alleged Excavator: Donald Caskey

Complainant: Homeowner

Facility Type: Cable

Equipment: Mini-Excavator

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

Finding: Warning letter.

EB23-0294-

Alleged Violator: Turn Key Builders

Alleged Excavator: Percy Baker

Complainant: Metro Water and Sewer
Facility Type: Water
Equipment: N/A
Root Cause: Reporting a false emergency for a locate ticket.
Finding: Warning letter.

EB23-0295-

Alleged Violator: Canr Construction
Alleged Excavator: Erica Young
Complainant: Metro Water and Sewer
Facility Type: Water
Equipment: N/A
Root Cause: Reporting a false emergency for a locate ticket.
Finding: In violation for failure for reporting a false emergency for a locate ticket and Erica Young ordered to attend compliance training.

EB23-0239, EB23-0240, EB23-0244, EB23-0247, EB23-0249, EB23-0251, EB23-0253, EB23-0257, EB23-0265, EB23-0271, EB23-0273, EB23-0274, EB23-0275, EB23-0276, EB23-0277, EB23-0279, EB23-0280, EB23-0281, and EB23-0296.

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 11:02 a.m.