



NCUDPRB MINUTES OF MEETING

NC811 NCUDPRB Board Meeting

Tuesday, January 23, 2024 – 10:00am

NC811 Event Center, Greensboro & Virtual via Microsoft Teams

Board Members Present: Chair Jake Joplin, Dan Robinett, Ann Rushing, Eric Lochner, Keith Holden, Marcus Koontz, Whit Wheeler, Freddie Young, Amy Barron, Tony Konsul, Lisa Smith-Perri (virtual)

Board Members Absent: Larry Sanders, Tim Wheeler,

Others Present: Alex Ward (board attorney), Katie Hertel (board administrator),

Guests Present: Mark Worth, Dominion Energy, Richard Walsh, Dominion Energy, Trevor Green, Dominion Energy

Quorum Present? YES NO

Meeting called to order by Board Chair at 10:00 am

Meeting chair took roll call and asked if there were any guests on the call. No guests were noted. Guests arrived after the meeting started.

October 17, 2023 Board Meeting Minutes Approved? YES NO

Ann made a motion to approve the October 2023 meeting minutes as written. The motion was seconded by Freddie. None opposed. Motion carries.

Vice Chair Position Vacancy

Keith nominated Marcus Koontz as Vice Chair. This was seconded by Eric Lochner. All in favor, none opposed. Motion carries.

Finance Report – Provided by Jake Joplin

Financial reports are where they should be for this time of the year. Top 50 invoices will go out in February. Ann made a motion to approve the financials. Dan seconded the motion. All in favor, none opposed. Motion carries.

Communication Chair Update – Provided by Ann Rushing

Ann needs photos of Tim Wheeler, Freddie Myles and will remove BJ Lanier from the website. The board continues to have two vacant positions.



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Case File Reviews

Case #527

Recusals – Dan

This case was tabled from the previous meeting. Complainant did not respond to request for additional information. Ann made a motion to dismiss the case due to lack of evidence.

Seconded by Keith.

All in favor, none opposed.

Motion carries.

Case # 555

Recusals – Dan

The excavator filed eight requests to locate utilities with no contact from the locator. Each time **Code 30 - Not Complete** was provided.

Ann made a motion finding a violation of §87-121(b)(1) lack of response within three days, and a violation of §87-122(c)(6), no response to three hour locate request. Due to circumstances and history, recommend a \$2,500 fine against Charter.

Freddie seconded the motion.

All in favor, none opposed.

Motion carries.

Case # 566

Recusals – Dan

The ticket was placed as a rush request. Charter did not respond after three working days. Another retransmit of the ticket was made and no response to that.

Ann made a motion to find a violation of §87-121(b)(1), and a \$2,500 fine due to History and circumstances against Charter Communications.

Seconded by Amy.

All in favor, none opposed.

Motion carries.

Case #579

Recusals – Dan

There was no response by the locator to the first ticket, and no response to three hour ticket.

Ann made a motion to find a violation of §87-121(b)(1) and §87-122(c)(6) and a \$2,500 fine against Charter Communications due to circumstances and history.

Seconded by Marcus.

All in favor, none opposed.

Motion carries.

Case # 584

Recusals – Dan

Ann made a motion to find a violation of §87-121(b)(1), and a \$2,500 fine due to circumstances and history against Charter Communications.

Seconded by Freddie.



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All in favor, none opposed.
Motion carries.

Case #589

Recusals – Dan

Ann motions violation of 87-121-b-1. The company did respond within the three hour timeframe.
Due to circumstances and history, Ann motions \$2,500 fine.

Seconded by Freddie.

All in favor, none opposed.

Motion carries.

Case #511

Recusals – Dan, Eric, Amy, Marcus

Ann motions a violation of §87-121(b)(1) and a violation of §87-122(c)(6) and due to circumstances and history recommends a \$2,500 fine for Duke Energy.

Seconded by Keith.

All in favor, none opposed.

Motion carries

Case #516

Recusals –none

There were no locate tickets at the initial time of excavation. Ann motions a violation of §87-122(a), and due to circumstances and gravity a \$500 fine to Green Acorn Contracting and PIPES Plus training for Judson Vickery.

Seconded by Freddie.

All in favor none opposed.

Motion carries.

Case #525

Recusals –

Ann motions to dismiss for no violation.

Seconded by Eric.

All in favor, none opposed.

Motion carries

Case # 535

Recusals – Dan, Eric, Amy, Marcus

Ann motions a violation of §87-121(b)(1) and §87-122(c)(6), due to circumstances and history, a fine of \$2,500 for Duke Energy.

Seconded by Freddie.

All in favor, none opposed.

Motion carries.



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Case #536

Recusals –

Staff attempted multiple methods of contacting the alleged violator but received no response.

Freddie made a motion to rule on the case without evidence of receipt.

All in favor, none opposed.

Motion carries.

Ann motions a violation of §87-122-9(a)(1), failure to visually identify and due to circumstances and gravity a \$500 fine to All Signal Solutions and PIPES Plus training for Melchor Rios.

Seconded by Freddie.

All in favor. None opposed.

Motion carries.

Case #538

Recusals –

Ann motions a violation of §87-122(a)(1), no locate, due to circumstances and gravity a \$500 fine to D&S Concrete and PIPES Plus training for Humberto Pereira.

Seconded by Dan.

All in favor, none opposed.

Motion carries.

Case #539

Recusals – Dan

No damage was reported. No evidence of damage provided.

Freddie made a motion to dismiss for lack of evidence.

Seconded by Keith

All in favor, no opposed

Motion carries.

Case # 540

Recusals –

There is no record of a request to locate found.

Ann made a motion to find in violation of §87-122(a), and recommends PIPES Plus training for Richard Scarborough and a \$500 fine to StormWorx due to circumstance and gravity.

Seconded by Tony.

All in favor, none opposed.

Motion carries.

Case # 541

Recusals –

Original ticket was expired, no valid ticket found. Ann made a motion to find a violation of §87-122(a), due to circumstances and gravity, a \$500 fine to Southeast Foundation Repair and PIPES Plus training for Lawrence Janesky.

Seconded by Marcus.

All in favor, none opposed.

Motion carries.



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Case # 542

Recusals –

Anne motioned to dismiss due to lack of evidence.

Seconded by Dan.

All in favor, none opposed.

Motion carries.

Case # 545

Recusals – Dan

The board found that the details do not match the information provided.

Keith made a motion to dismiss for lack of evidence.

Seconded by Freddie.

All in favor, all opposed.

Motion carries.

Case # 546

Recusals – Eric, dan, Amy, Marcus

There was a new ticket and an update ticket, but no response to original ticket.

Ann made a motion to find in violation of §87-121(b)(1), and due to circumstances and history, recommends a \$2,500 fine against Duke Energy.

Seconded by Tony.

All n favor. None opposed.

Motion carries.

Case # 547

Recusals –

Ann makes a motion to find violation of §87-122(a) and §87-122-9(a)(1) and due to gravity and circumstances recommends PIPES Plus training for Jose Valdez, and \$500 fine.

Seconded by Freddie.

All in favor, none opposed.

Motion carries.

Case # 548

Recusals – Eric, Marcus, Amy

Excavator called in tickets as an emergency, when it does not appear to be an emergency. They are an RTE user for submitting tickets.

Did not pothole. Ticket was false emergency.

Ann makes a motion to find a violation of §87-122-9(a)(1) and §87-125(c), and due to circumstances and gravity, to recommend PIPES Plus training for Rebecca Moreno and \$1,500 find due to false emergency against Bore Tech.

Ann retracts initial motion, and makes a motion to find violation of §87-122-9(a)(1), due to circumstances and gravity, recommends PIPES Plus training for Rebecca Moreno and a \$500 fine to BoreTech,



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Seconded by Freddie.
All in favor, none opposed.
Motion carries.

Case # 549

Recusals – Eric, Marcus, Amy
Excavator did not perform potholing and struck a gas line two days after Case 548.
Ann makes a motion to find in violation of §87-122(c)(9)(a)(1) and §87-125(c) and due to circumstances, gravity an history recommends a \$1,500 fine against BoreTech.
Seconded by Freddie.
All in favor, none opposed.
Motion carries.

Case # 550

Recusals – Dan
Locator had no response to the initial ticket or 3-hour ticket. No response from alleged violator, Brightspeed.
Ann made a motion to find in violation of §87-121(b)(1) and §87-122(c)(6) and due to circumstances and history, recommends a fine of \$2,500 against Brightspeed.
Seconded by Keith.
All in favor, none opposed.
Motion carries.

Case # 551

Recusals –
Alleged violator admitted to the error in an emergent situation.
Ann makes a motion to find in violation of §87-122(a) and due to circumstances and gravity recommends a \$500 fine to The Water Specialist and PIPES Plus training for Isaac Sparrow.
Seconded by Whit.
All in favor, none opposed.
Motion carries.

Case #552

Recusals –
Alleged violator called in an emergency locate, when it was not an emergency. Ann motions to find in violation of §87-125(c) and due to circumstances recommends PIPES Plus training for Tiffany Cornelius and a \$500 fine to AC Grading. .
Seconded by Whit Wheeler.
All in favor, none opposed.
Motion carries.



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Case # 553

Recusals – Dan

Ann makes a motion to find in violation of §87-121(b)(1) based on circumstance, and recommends PIPES Plus training for Joseph Harshberger.

Seconded by Eric.

All in favor, none opposed.

Motion carries.

Case # 554

Recusals – Dan, Eric, Amy, Marcus

Duke admits they failed to locate on time.

Ann makes a motion to find in violation of §87-121(b)(1) and due to circumstances and history, recommends a \$2,500 fine.

Seconded by Keith

All in favor, none opposed.

Motion carries.

Case #556

Recusals – Dan

There was no response to ticket or three hour ticket request. Ann makes a motion to find in violation of §87-121(b)(1) and §87-122(c)(6), due to circumstances and history recommends a \$1,500 fine against AT&T.

Seconded by Keith.

All in favor, none opposed.

Motion carries.

Case # 557

Recusals – Dan, Eric, Amy, Marcus

Ann makes a motion to find in violation of §87-121(b)(1) and §87-122(c)(6) and due to circumstances and history recommends a \$2,500 fine against Duke Energy.

Seconded by Freddie.

All in favor, none opposed.

Motion carries.

Case # 558

Recusals – Dan

Google has asked for a 10 day extension. The Board Attorney said there is no obligation to give them more time to respond.

Ann notes the positive response shows they are in violation.

Freddie makes a motion to move forward and try the cases. Amy seconds the motion.

All in favor, none opposed.

Motion carries.

Ann makes a motion to find in violation of §87-121(b)(1) and §87-122(c)(6) and due to circumstances but no history, recommends PIPES Plus training for Wesley Speicher and a \$500 fine to Google.



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Seconded by Freddie.
All in favor, none opposed.
Motion carries.

Case # 559

Recusals – Dan

Ann makes a motion to find in violation of §87-121(b)(1) and 87-122(c)(6) and notes circumstances and history and recommends a \$500 fine to Frontier Communications.

Seconded by Keith.

All in favor, none opposed.
Motion carries.

Case #560

Recusals –

Ann makes a motion to find in violation of §87-121(b)(1) and §87-122(c)(6) and recommends PIPES Plus training for John Thibodoux and a \$500 fine.

Seconded by Marcus

All in favor, none opposed.
Motion carries.

Case # 561

Recusals –

Ann makes a motion to find in violation of §87-121(b)(1) and §87-122(c)(6) and due to circumstances and no history, recommends PIPES Plus training for Tammy Wilfong and \$500 fine to Verizon.

Seconded by Tony.

All in favor, none opposed.
Motion carries.

Case # 562

Recusals – Dan, Eric, Amy, Marcus

Ann makes a motion to dismiss for lack of evidence.

Seconded by Freddie.

All in favor, none opposed.
Motion carries.

Case # 563

Recusals –

Ann makes a motion that due to no ticket placed, there is a violation of §87-122(a) and recommends PIPES Plus training for Joseph Robidoup and a \$500 fine to Spark Power.

Seconded by Freddie.

All in favor.

Motion carries.

Case # 564

Recusals – Dan, Eric, Amy, Marcus



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Ann makes a motion to find in violation of §87-121(b)(1) and due to circumstances and history, recommends a \$2,500 fine against Duke Energy.

Seconded by Freddie.

All in favor.

Motion carries.

Case # 565

Recusals –

Ann makes a motion to find in violation of §87-121(b)(1). Due to circumstances, recommends PIPES Plus training for Shelly Price.

Seconded by Freddie.

All in favor.

Motion carries.

Case # 567

Recusals –

Did not report the damage. 87-126-a.

Ann makes a motion to find in violation of §87-126(a), failure to report damage and due to circumstances, recommends PIPES Plus training for Robert Wellons of Wellons Construction.

Seconded by Keith.

All in favor, none opposed.

Motion carries.

Case # 568

Recusals –

Ann makes a motion to dismiss for lack of evidence.

Seconded by Amy

All in favor, none opposed.

Motion carries.

Case # 569

Recusals –

Ann makes a motion to dismiss for lack of evidence.

Seconded by Keith.

All in favor, none opposed.

Motion carries.

Case # 570

Recusals –

Ann makes a motion to find in violation of § 87-121(b)(1) and §87-122(c)(6) and recommends PIPES Plus training for Brenton Bent, City of Rocky Mount and \$500 fine to City of Rocky Mount.



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Seconded by Dan
All in favor, none opposed.
Motion carries.

Case #571

Recusal – Dan
Ann makes a motion that due to history and circumstances, violation of 87-121-b-1 late response, \$2,500 fine.
Seconded by Keith.
All in favor, none opposed.

Case # 572 – file missing

Recusals – Dan
Ann makes a motion to find in violation of §87-121(b)(1) and due to circumstances and history recommends a \$2,500 fine against AT&T.
Seconded by Freddie.
All in favor, none opposed.
Motion carries.

Case # 573

Recusals – Dan
Ann made a motion to find in violation of § 87-121(b)(1) and due to history and circumstance, recommends a fine of \$1,500 against Google Fiber.
Seconded by Freddie.
All in favor, none opposed.
Motion carries.

Case # 574

Recusals – Lisa
OWASA says the response code was entered in error.
Keith makes a motion to find in violation of §87-121(b)(1) and §87-121(b)(3)(c) and recommends Pipes Plus for Todd Taylor.
Seconded by Freddie.
All in favor, none opposed.
Motion carries.

Case # 575

Recusals – Dan
Ann makes a Motion to find in violation of §87-121(b)(1) and §87-122(c)(6) and recommends a \$2,500 fine to AT&T.
Seconded by Amy.
All in favor. None opposed.
Motion carries.

Case # 576



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Recusals – Amy, Dan, Eric, Marcus

Ann makes a motion to find in violation of §87-121(b)(1) and 87-122(c)(6) and due to history and circumstance, recommends a \$2,500 fine against Duke Energy.

Seconded by Keith.

All in favor, none opposed.

Motion carries.

Case # 577

Recusals – Dan

Ann makes a motion to find in violation of §87-121(b)(1) and § 87-122(c)(6) and due to history and circumstances recommends a \$2,500 fine.

Seconded by Tony.

All in favor, none opposed.

Motion carries.

Case # 578

Recusals – Dan

Ann makes a motion to find in violation of §87-121(b)(1) and §87-122(c)(6) and due to history and circumstance recommends \$1,500 fine against Frontier Communications.

Seconded by Keith

All in favor. None opposed.

Motion carries.

Case # 580

Recusals – Dan

Ann makes a motion to find in violation of §87-121(b)(1) and §87-122(c)(6) and due to history and circumstance recommends a \$2,500 fine.

Seconded by Tony.

All in favor, none opposed.

Motion carries.

Case # 581

Recusals – Amy , Eric, Dan, Marcus

Ann makes a motion to find in violation of §87-121(b)(1) and §87-122(c)(6) and due to history and circumstances recommends a fine of \$2,500 against Duke Energy.

Seconded by Freddie.

All in favor, none opposed.

Motion carries.

Case # 582

Recusals – Dan

Ann makes a motion to find in violation of §87-121(b)(1) and §87-122(c)(6) and due to history and circumstances recommends a fine of \$2,500 against Frontier Communications..

Seconded by Keith.

All in favor, none opposed.



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Motion carries.

Case # 585

Recusals – Dan

Ann makes a motion to find in violation of §87-121(b)(1) and due to circumstances and history, recommends a \$2,500 fine for AT&T.

Seconded by Marcus

All in favor, none opposed.

Motion carries.

Case # 586

Recusals – Eric, Amy, Marcus, Dan

Ann makes a motion to find in violation of §87-121(b)(1) and due to circumstances and history, recommends a penalty of \$2,500.

Seconded by Keith.

All in favor, none opposed.

Motion carries.

Case # 587

Recusals – Dan

Ann makes a motion to find in violation of §87-121(b)(1) and due to history and circumstances recommends a \$2,500 fine to Google Fiber.

Seconded by Tony.

All in favor, none opposed.

Motion carries.

Case # 588

Recusals – Dan

Ann makes a motion to find in violation of §87-121(b)(1) and due to circumstances and history recommends a penalty of \$2,500 to Frontier Communications.

Seconded by Tony.

All in favor, none opposed.

Motion carries.

Case # 590

Recusals –

No evidence that the alleged violator has yet been contacted. USPS has a last recorded contact of December 20, 2023.

Ann makes a motion to table this case until the next meeting to make contact with alleged violator.

Seconded by Amy.

All in favor, none opposed.

This concludes the cases at 2:32 p.m.



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There were no comments from the public.

Announcements and General Discussion

The board discussed how to increase responsiveness.

Amy suggests board members go back to their contacts to ask them to use 811 correctly in terms of entering tickets and closing tickets.

Ann reports 7.2% volume increase in tickets in 2023 over 2022.

14,273,647 ticket transmissions in 2023.

Freddie suggested the owners and contractors need to talk more.

Small utilities do not have the resources, electronic or manpower to complete all the locate requests.

Freddie made a motion to draft a letter to the 811 board and both parties of the Hanna Utilities cases.

Amy seconded the motion.

All in favor, none opposed.

Motion carries.

Ann made a motion to adjourn.

Seconded by Dan

Adjourned at 3:13 p.m.

Next meeting is April 23, 2024 at 10 a.m.

APPROVED