



# NCUDPRB MINUTES OF MEETING

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## NC811 NCUDPRB Board Meeting

Tuesday, April 23, 2024 – 10:00am

NC811 Event Center, Greensboro & Virtual via Microsoft Teams

**Board Members Present:** Chair Jake Joplin, Larry Sanders, Ann Rushing, Eric Lochner, Keith Holden, Marcus Koontz, Whit Wheeler, Amy Barron, Tony Konsul, Lisa Smith-Perri, Tim Williams

**Board Members Absent:** Dan Robinett, Freddie Young

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

**Guests Present:** Charles Buck and Will Prescott Greenville Utilities

**Quorum Present?**       YES     NO

### Meeting called to order by Board Chair at 10:04 am

The Chair took roll call and asked if there were any guests on the call.

**January 23, 2024 Board Meeting Minutes Approved?**     YES     NO

Lisa made a motion to approve the January 2024 meeting minutes as written.

The motion was seconded by Keith.

All in favor, none opposed.

Motion carries.

### New Board Member Training – Provided by Jake Joplin and Alex Ward

Jake would like to host an online training session so that board members can be more with the NC811 tickets and what the coding means. A number of board members indicated they are in favor of training. Ann will lead the training and Alex will assist. Katie will send a Doodle Poll to get a date and time scheduled.

### Potential Changes to the State Statute – Provided by Jake Joplin and Alex Ward

Jake attended the April 11, 2024 kick-off meeting of utility representatives discussing potential changes to the state statute governing underground damage. The working group is hoping to suggest changes to the statute that can be brought before the legislative long session in 2025.

Changes to the law would help with clarification, change some of the enforcement issues.

The next meeting of the working group will be in June. The UDPRB has been asked to appoint a board member to attend those meetings.

Ann made a motion to appoint Jake Joplin to the role. This was seconded by Whit Wheeler.

All in favor, none opposed.

Motion carries.



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Larry Sanders noted he would like to attend when he is available or as a back-up attendee.

Jake recommended the UDPRB create a subcommittee to make and review suggestions that he can take to the larger working group. Larry, Ann, Eric, Whit volunteered to serve on this subcommittee. Alex will also attend.

Larry made the motion to create the committee to support the state statute. The motion was seconded by Tony.

All in favor, non opposed.

Motion carries.

## **Finance Report – Provided by Lisa Smith-Perri**

Lisa provided a finance report to the board. The balance sheet is currently in draft form. The Department of Commerce is backed up and has not been able to provide monthly reports, but the draft is fairly accurate. Total liabilities from 2023 to 2024 are nearly equal.

We are right on target for the first quarter of the year.

## **Communication Chair Update – Provided by Ann Rushing**

The board continues to have two vacant positions.

We have asked John Black to remove Benjamin Lanier on the website. We still need a photo of Freddie and Tim's photo has been updated.

## **Case File Reviews**

### **Case #544**

Recusals – None

The board found a failure to make a locate request to NC811. Ann made a motion to find Romanoff Electric in violation of §87-122(a), no locate, and recommend a \$2,500 fine based on history, and recommends PipesPlus training for Chris Twine, who was the senior supervisor on the job site that day.

Seconded by Tony Konsul

All in favor, none opposed.

Motion carries.

### **Case # 590**

Recusals – None

Tony stated there does not appear to be any damages in this case.

Joyner Design placed the NC811 locate request and Williams Pipeline asked for a meeting with Joyner prior to excavation. A meeting did not occur.

Ann made a motion to find Joyner Designs in violation of recommend based on circumstance that Joyner is in violation of §87-122(c)(10) and due to circumstances recommends PipesPlus training for Bruce Benfield of Joyner Designs.

Seconded by Whit.

All in favor, none opposed.

Motion carries.



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## **Case #591**

Recusals – None

Ann made a motion to find GrassMasters in violation of §87-122(a), no locate, and due to the gravity of hitting the gas line and culpability recommends a \$500 penalty to GrassMasters and PipesPlus training to William D. Cox.

Seconded by Marcus

All in favor, none opposed.

Motion carries.

## **Case #592**

Recusals – None

Ann made a motion that due to failure to locate on a 3-day ticket, §87-121(b)(1) and failure to respond to 3-hour ticket §87-122(c)(6), she recommends a \$2,500 fine and PipesPlus training to Michael Jessee or his designee.

Seconded by Keith.

All in favor, none opposed.

Motion carries.

## **Case #593**

Recusals – Eric, Amy, Marcus

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

Seconded by Tony.

All in favor, none opposed.

Motion carries.

## **Case #594**

Recusals – None

Ann stated that you can tell by the damage that the gas line was struck and there was no report of a locate. The board received no response from the company. Based on gravity and culpability, no history, Ann makes a motion to find in violation of 87-122(a), no locate, and due to gravity and culpability, recommends a \$500 fine to McGhee Concrete and PipesPlus training to Adrienne Solomon.

Seconded by Tony.

All in favor, none opposed.

Motion carries.

## **Case #600**

Recusals – None

The ticket appears to be valid. The board did not receive a response from the alleged violator.

The lines that were severed were on the private property. The meter was on the other side of the fence.

This is a very unique neighborhood.

Ann made a motion to dismiss the case for lack of evidence.

Jake asked if there was any requirement to notify someone if something is hit. Ann suggested that would be a civil case.



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Ann retracts her recommendation and makes a motion to dismiss due to no violation of the law.  
Seconded by Larry Sanders.  
All in favor, none opposed.  
Motion carries.

## **Case #602**

Recusals – None

The board reviewed and determined there is a valid ticket. There are markings shown in the pictures.  
Tony makes a recommendation to dismiss the case due to no violation.  
Seconded by Whit.  
All in favor, none opposed.  
Motion carries.

## **Case #609**

Recusals – None

Ann makes a motion to find in violation of §87-121(b)(1) no response to 3-day ticket and §87-122(c)(6) no response to 3-hour ticket, and due to no history, but circumstances, recommends PipesPlus training for Michael Koch or his designee.  
Seconded by Eric Lochner  
All in favor, none opposed.  
Motion carries.

## **Case #610**

Recusals –None

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

## **Case #611**

Recusals – Eric, Marcus, Amy

Ann makes a motion to find Duke Energy in violation of §87-121(b)(1) and §87-122(c)(6) and due to circumstances and history, recommends a \$2,500 fine to Duke Energy.  
Seconded by Keith.  
All in favor, none opposed.  
Motion carries.

## **Case #612**

Recusals – Tim Williams

Keith makes a motion to find Charter Communications in violation of §87-121(b)(1) and §87-122(c)(6) and due to circumstances and history, recommends a \$2,500 fine to Charter Communications.  
Seconded by Tony  
All in favor, none opposed.  
Motion carries.



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## **Case #613**

Recusals – None

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 fine of \$2,500 to Brightspeed.

Seconded by Marcus.

All in favor, none opposed.

Motion carries.

## **Case #614**

Recusals – Eric, Marcus, Amy

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 fine of \$2,500 to Duke Energy.

Seconded by Tony.

All in favor, none opposed.

Motion carries.

## **Case #615**

Recusals – None

Ann makes a motion to find in violation of §87-121(b)(1) and §87-122(c)(6) and due to circumstances recommends PipesPlus training to Beth Riffe or designee.

Seconded by Keith.

All in favor, none opposed.

Motion carries.

## **Case #616**

Recusals – Tim Williams

Jake 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 fine of \$2,500 to Charter Communications.

Seconded by Ann.

All in favor, none opposed.

Motion carries.

## **Case #617**

Recusals – Tim

The contractor called in a locate ticket but did not wait the required 72 hours before performing the work. The contractor was notified to stop work but the work had already been completed.

Ann made a motion to find RG Communications in violation of §87-122(c)(2) and due to circumstances recommend PipesPlus training for Ramon Gonzalez or his designee.

Seconded by Whit.

All in favor, none opposed.

Motion carries.

## **Case #618**

Recusals – None



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The alleged violator called in an NC811 ticket for property that he does not appear to own. The complainant implies that NC811 is negligent in marking the ticket. Alex says there does not appear to be a violation of the statute.

No response from the alleged violator.

Keith makes a motion to dismiss for no violation of state statute.

Seconded by Eric.

All in favor, none opposed.

Motion carries.

## **Case #619**

Recusals –

Alex stated that Sandec was hired to perform soil testing. RDG cited §87-124 to be exempt from requesting a locate. However, Sandec was onsite so should have been the party to request the ticket and locate.

Only the homeowner is exempt under §87-124, not a contractor.

Ann made a motion to find in violation of §87-122(a) and due to circumstances and no history, recommends PipesPlus training for Chris Hodges, the owner of RDG Land and Construction.

Seconded by Larry Sanders.

All in favor, none opposed.

Motion carries.

## **Case #620**

Recusals – None

Mr. Willis alleges that Red Cedar Homes cut his Spectrum Cable lines and the ticket did not include his home area.

Ann makes a motion to dismiss the case due to no violation.

Seconded by Whit.

Eric asked if they reported the damage. The board had discussion around the lack of documentation.

All in favor, none opposed.

Motion carries.

## **Lunch 12-12:30**

### **Case #621**

Recusals – None

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 to Brightspeed.

Seconded by Keith.

All in favor, none opposed.

Motion carries.

### **Case #622**

Recusals – None

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

Seconded by Eric Lochner.



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All in favor, none opposed.  
Motion carries.

## **Case #623**

Recusals – None

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 to AT&T.

Seconded by Marcus.

All in favor, none opposed.

Motion carries.

## **Case #624**

Recusals – None

Windstream is alleging that Calini and Associates failed to remark lines after severe weather, a violation of §87-122(c)(7).

Ann made a motion to find Calini in violation of §87-122(c)(7) and §87-122(c)(9) no potholing and recommends PipesPlus training to Jonathon Porter as a first offense with no history.

Seconded by Marcus.

All in favor, none opposed.

Motion carries.

## **Case #625**

Recusals – None

Same circumstances as Case #625. Ann made a motion to find Calini in violation of §87-122(c)(7) and §87-122(c)(9) no potholing and recommends a \$500 fine to Calini and Associates due to history.

Seconded by Amy

Larry raised a concern with saying there is history in this instance since the damage happened during the same work/event. Amy stated Calini hadn't been informed they did something wrong, so history should not be used until the next meeting when they have been informed. Keith said there was damage in multiple locations which would inform the excavator of underground utilities and the need to call NC811. Ann pointed out that the damage was also spread over multiple dates. Tim pointed out that copper would be in the bit and they would know there was damage.

All in favor, none opposed.

Motion carries.

## **Case #626**

Recusals – None

Same circumstances as Case #625. Ann made a motion to find Calini in violation of §87-122(c)(7) and §87-122(c)(9) no potholing and recommends a \$1,500 fine to Calini and Associates due to history and gravity.

Seconded by Eric.

All in favor, none opposed.

Motion carries.

## **Case #627**



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Recusals – None

Ann made a recommendation to dismiss this case for no violation of the statute.

Seconded by Amy.

All in favor, none opposed.

Motion carries.

## **Case #628**

Recusals – Eric, Amy and Marcus

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

Seconded by Tony.

All in favor, none opposed.

Motion carries.

## **Case #629**

Recusals – None

Ann made a recommendation to find in violation of §87-122(a), no locate and due to no history, but gravity and culpability to recommend a \$500 fine to Garcia Utility United and Pipes Plus training of Estaban Hernandez.

Seconded by Eric.

All in favor, none opposed.

Motion carries.

## **Case #630**

Recusals – None

Ann made a motion to find in violation of §87-122(a) no locate, and due to gravity and culpability, recommends a \$500 fine to Chatham Landscapes, Inc., and Pipes Plus training to Kristen Hirschfield.

Seconded by Marcus.

All in favor, none opposed.

Motion carries.

## **Case #631**

Recusals – None

Ann made a motion to find Cherokee Scout Reservation/Dave Douglas in violation of §87-122(c)(10) and due to gravity recommends Pipes Plus Training for Dave Douglas.

Seconded by Marcus.

All in favor, none opposed.

Motion carries.

## **Case #632**

Recusals – None

Ann made a motion to find in violation of §87-122(a), no locate, and due to no history circumstances recommends PipesPlus for Olga Menendez.

Seconded by Tim Williams.

All in favor, none opposed.





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Motion carries.

This concludes the cases at 1:40 p.m.

There were no comments from the public.

## **Announcements and General Discussion**

Jake drafted a letter to the NC811 Board about the locates not getting done on time. NC811 directed the UDRPB to the statute review board.

Jake also drafted a letter to go to excavators who experience a lack of locates, recommending they participate in the local UCC meeting to increase coordination and communication.

Keith made a motion to adjourn.

Seconded by Whit.

Adjourned at 1:50 p.m.

Next meeting is July 10, 2024 at 10 a.m.

APPROVED