



TENNESSEE UNDERGROUND UTILITY DAMAGE PREVENTION BOARD
Meeting on May 24, 2022

MINUTES

The board meeting of the Tennessee Underground Utility Damage Enforcement Board commenced at 10:04 a.m., in the Ground Floor Conference Room of 502 Deaderick Street, Nashville, Tennessee 37243.

Board Members Present:

Earl Bolin
Doug Burgess
Wayne Hastings, Vice-Chairman
Bobby Pitts
Curtis Russom
Kevin Tubberville, Chairman
Bill Turner

Board Member(s) Via Telephone:

Rob Arnold
Bill Hollin
Eddie Hood
Steve Raper

Board Member(s) Absent:

Kevin Kruchinski
Scott Niehaus

TPUC Staff Present:

Stacy Balthrop, Director of the Consumer Services Division
Aaron Conklin, Legal Advisor to the TPUC staff
Ryan McGehee, Legal Advisor to the TUUDEB
Tim Schwarz

Also Present:

Roger Cox
Craig Ingram

I. Opening of Meeting and Roll Call

Roll Call confirmed a quorum.

II. Review and Adopt Board Meeting Minutes

The Board considered the Minutes of the last meeting on February 23, 2022. The motion to approve the Minutes passed unanimously on a voice vote.

III. Program and Legislative Updates

The number of complaints received in April was 31 with approximately 16 so far in May and year to date total is 100. In April, there were 8 administrative closures and in May there was one. The assessed civil penalty total since the Board's establishment in 2016 is \$185,225 with \$79,000 outstanding.

Two Federal Pipeline and Hazardous Materials Safety Administration ("PHMSA") grant applications were submitted by Staff to cover a portion of the Board's operating expenses related to investigations and enforcement. The State Damage Prevention grant, which have a ceiling of up to \$100,000.00, is expected to cover approximately \$98,000.00 in costs for a full-time investigator. The One-Call grant would cover a portion of the salary for a full-time administrative and investigative employee and, assuming the grant is awarded, would be \$40,000.00. One-Call Grants are set at \$60,000.00 but the Staff has been led to expect the actual award would be \$40,000.00. The amount of the award is dependent upon the number of applications PHMSA receives and awards. PHMSA is expected to make grant awards in September.

The previously awarded grants to the Board run through the end of September. Staff is working on the PHMSA evaluation and checklist which is due June 30th. PHMSA has not requested a meeting to review the evaluation and checklist.

Members of the Staff participated in the Tennessee Damage Prevention Summit ("Summit") in March and reported good turnout and many questions regarding the complaint process and the Board's new grant program. Slayde Warren, the Board's investigator, attended the Common Ground Alliance conference in California in April and the Damage Prevention Council held at Piedmont Natural Gas Company in Tennessee.

The next Executive Committee Meeting is scheduled for June 28th and the next Board Meeting will be on August 30th. Mr. Tim Schwarz gave an update that three new appointments were expected to join the Board, a fourth vacancy was to be addressed, and efforts for reappointing expiring terms. The Sunset Hearing for the Board is on June 28th at the Tennessee General Assembly.

IV. Grant Committee Update

Vice Chairman Wayne Hastings summarized the Grant Committee meeting that occurred on April 26th. The committee reviewed the application materials that were sent out to the full Board. The Grant Committee, per the full Board's decision in February, was limited to a maximum of half of the funds that were available on April 26th. The Grant Committee's first priority was TGA's application (#3) as they felt that it could have the biggest impact. The committee agreed to fully fund application #3 at \$40,000 for the public awareness campaign that was submitted. TGA's proposal demonstrated that they are committed to working with the Tennessee Association of Utility Districts and the Tennessee Municipal Electric Power Association to put out broader messaging about safe excavation practices for TV, radio, social media, and promoting those safe excavation practices. TGA is directed to submit quarterly reports to give the committee progress updates on the production of the public awareness campaign.

The Grant Committee's second priority was the ACTS Now proposal (application #4). The committee discussed a modification of what was submitted. ACTS Now requested assistance for the registration cost of the Summit. The committee discussed approving up to 30 scholarships for the summit for first-time attendees that are either excavators or small utilities with less than 5,000 customers. The full scholarship goes up to \$299 each and the Grant Committee recommended approving up to 30 scholarships which would be a maximum of \$8,970. It is a reimbursement model. The Grant Committee's recommendation to the full board is to approve these two proposals from applications #3 and #4.

Staff gave an update on the status of the contracts for the two proposals. Copies of the contracts were sent to the Board members via email and hard copies were available at the meeting. Most of the terms of the contract are state mandated boilerplate provisions. Tennessee 811 has a partnership arrangement with the Summit but there is no financial arrangement between them with respect to the Summit. Tennessee 811 also has a business relationship with ACTS for the publication of a public education magazine. Grant scholarships to the Summit would apply to excavators and small utilities (under 5,000 customers) that have never attended the summit. Mr. Bobby Pitts motioned to accept the ACTS Now proposal with the modification of making funds available for up to a maximum of 50 scholarships. Mr. Bolin seconded the motion and it passed on a roll call vote. Mr. Turner moved to accept the Grant Committee's recommendation of approving TGA's application (#3) for \$40,000. Mr. Bolin seconded the motion and it passed on a roll call vote.

V. Update on Training Program by Tennessee 811

Mr. Turner reported that 640 individuals from 535 organizations have been trained since the inception of the program. For the 2022 calendar year, 71 individuals have been trained and 52 have been completed online. There are 15 people scheduled for training in June. Since the approval of charging training cancellation fees, 15 people have canceled without notice and have had an \$85 penalty charged. Mr. Turner said he would look into how other states handle enforcement training and cancellation fees.

VI. Future Topics and Meeting

The Board will schedule the next year's meetings on August 30th. The election for chairman and vice chairman will also occur at the August meeting. Possible legislative changes will be addressed as well as a demonstration of the data analytics program by Tennessee 811. Additionally, potential changes and improvements to the training program could be discussed.

No member of the public sought to make comment during the public comment period.

The Board meeting adjourned at 10:50 a.m.