

Tennessee Public Utility Commission



Title VI

Compliance Report and Implementation Plan FY 2019-2020

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OVERVIEW:

TENNESSEE PUBLIC UTILITY COMMISSION

The mission of the Tennessee Public Utility Commission is to provide regulatory oversight of Tennessee's privately held public utility companies. The Commission also has the authority to enforce state and federal safety requirements for Tennessee's intrastate gas pipelines and all natural gas distribution systems within the state, including private systems, utility districts, municipalities, and master meters.

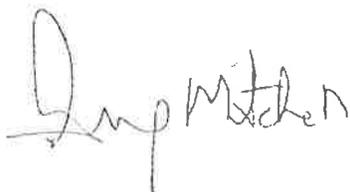
Leadership of the Commission is appointed by the Governor, Lt. Governor and Speaker of the House and is comprised of five Commissioners and an Executive Director. Commissioner Kenneth C. Hill serves as agency Chair along with Commissioner Herbert H. Hilliard as Vice Chairman, and Commissioners David L. Jones, John Hie and Robin L. Morrison. Additionally, Mr. Earl Taylor serves as the Commission's Executive Director as the appointee of the Governor, Lt. Governor, and Speaker of the House. An organizational chart of the agency is included as Attachment A.

The non-discrimination policy of the Commission states there shall be no discrimination on the basis of race, color, age, national origin, religion, disability, creed, or sex. The leadership of the Commission, by example and exercise of their authority, will continue to establish an atmosphere free of discrimination on the basis of religion, national origin, disability, sex, age, race, creed, or color.

RESPONSIBLE OFFICIALS

Responsibility for the Commission's implementation, coordination, and monitoring of Title VI of the Civil Rights Act of 1964 will rest with the Chairman's office. The Chairman's office will be responsible for appointing a member of the staff as the Title VI Coordinator and delegating all authority necessary to ensure implementation and compliance.

Contact information: Tennessee Public Utility Commission, 502 Deaderick Street, 4th floor, Nashville, TN 37243



Greg Mitchell, Title VI Coordinator
Greg.Mitchell@tn.gov



Kenneth C. Hill, Chair
Kenneth.C.Hill@tn.gov

DEFINITIONS

Cap-Tel:	Captioned Telephone
Complainant:	A person, group, or company that makes a complaint, as in a legal action.
Direct Sale:	A pipeline that transports gas to a large volume customer such as a factory or power plant. This pipeline is upstream from a distribution center or directly off of a transmission line.
GPSD:	Gas Pipeline Safety Division
Intrastate Pipeline:	An inter-connected system of pipes that run within the specified boundaries of a state.
LEP:	Limited English Proficiency
Lifeline:	An assistance program that pays for a portion of a consumer's telephone bill.
Master Meter:	A pipeline system for distributing gas within, but not limited to, a definable area, such as a mobile home park, housing project, or apartment complex, where the operator purchases metered gas from an outside source for resale through a gas distribution pipeline system. The gas distribution pipeline system supplies the ultimate consumer who either purchases the gas directly through a meter or by other means, such as by rents.
Municipal System:	A utility system operated by a city or county government.
PHMSA:	Pipeline and Hazardous Material Safety Administration
Private System:	A utility system operated by a group of private investors or a corporation.
TRC:	Tennessee Relay Center
USDOT:	United State Department of Transportation

NON-DISCRIMINATION POLICY

The Tennessee Public Utility Commission affirms its intention to comply with Title VI of the Civil Rights Act of 1964, which states that:

No person in the United States shall on the ground of race, color, or national origin, be excluded from participation in, be denied benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance.

Further, the Tennessee Public Utility Commission shall make available to the Tennessee Human Rights Commission or any other recipients where applicable, its compliance report to be reviewed by the aforementioned bodies upon request.

ORGANIZATION OF THE CIVIL RIGHTS OFFICE TITLE VI COORDINATOR

The Title VI coordinator for the Commission is Greg Mitchell. The coordinator is responsible for resolving findings of non-compliance, resolutions of complaints, and assisting in any other areas of support needed. The Title VI coordinator has the primary responsibility for policy development, oversight, coordination of training activities, and the resolution of all Title VI compliance matters.

In addition to his Title VI duties, Mr. Mitchell serves in the Office of Communications & External Affairs Division within the Commission. Mr. Mitchell can be reached at (615) 770-6883 or by email at greg.mitchell@tn.gov.

Duties of the Title VI coordinator includes:

- 1) Preparing the Commission's Title VI implementation plan and plan updates.
- 2) Establishing an appropriate Limited English Proficiency (LEP) policy.
- 3) Verifying that all aspects of the Title VI plan are being implemented.
- 4) Reviewing complaint reports and other documentation to determine if additional compliance efforts are needed.
- 5) Consulting with the Commission's Directors to resolve complaints and findings of non-compliance with Title VI.
- 6) Serving as a liaison with other state personnel on Title VI issues and concerns.
- 7) Functioning as an information resource person to help the Commission comply with applicable statutes and regulations.

DISCRIMINATORY PRACTICES

Statement of Title VI Policy

The Tennessee Public Utility Commission affirms its intention to comply with Title VI of the Civil Rights Act of 1964, which states that:

No person in the United States shall on the ground of race, color, or national origin, be excluded from participation in, be denied benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance.

Therefore, the Tennessee Public Utility Commission acknowledges that Title VI of the Civil Rights Act of 1964:

- 1) Prohibits entities from denying services or benefits based on race, color, or national origin.
- 2) Prohibits providing services or benefits to some individuals that are different or inferior (either in quantity or quality) to those provided to others.
- 3) Prohibits segregation or separate treatment in any manner related to receiving services or benefits.
- 4) Prohibits requiring different standards or conditions as prerequisites for serving individuals.
- 5) Prohibits methods of administration which directly, or through contractual relationships, would defeat or substantially impair the accomplishment of effective nondiscrimination practices.
- 6) Encourages the participation of minorities as members of planning or advisory bodies for programs receiving federal funds.
- 7) Prohibits discriminatory activity in a facility built in whole or in part with federal funds.
- 8) Requires information and services to be provided in languages other than in English when significant numbers of beneficiaries are of limited English speaking ability.

An example of a hypothetical discriminatory practice within the scope of the Commission's business functions would consist of the Commission failing to provide access to assistive communications equipment to an individual who is hearing impaired on the basis of their race, color or national origin, but showing bias towards individual who is vision impaired and is part of the state's majority racial populations.

- 9) Requires notification to the eligible population about applicable programs.
- 10) Prohibits locating facilities in any way that would limit or impede access to a federally funded service or benefit.
- 11) Requires assurance of nondiscrimination in purchasing.

The Commission upholds the principles of Title VI in its activities and there have been no situations in which such discriminatory practices have occurred in relation to the Commission's activities.

FEDERAL PROGRAMS OR ACTIVITIES

Gas Pipeline Safety Inspections

The Gas Pipeline Safety Division (“GPSD”) of the Commission utilizes a grant from the United States Department of Transportation (“USDOT”) Pipeline and Hazardous Materials Safety Administration (“PHMSA”) for the purpose of performing safety inspections of Tennessee’s natural gas pipelines and natural gas distribution operators. The GPSD monitors compliance with federal and state safety regulations pertaining to the operation and maintenance requirements of natural gas transmission pipes, valves, and other hardware, as well as drug testing standards for all natural gas distribution systems. The grant is established under, 49 U.S.C. Section 60101, *et seq.* Federal funding allocated for Commission gas pipeline inspections during the past year amounted to approximately \$739,167.

The Commission has safety jurisdiction over operators including private, municipal systems and utility districts, and over gas distribution companies including two liquefied natural gas facilities. In the past fiscal year, the GPSD performed over 500 inspections on gas pipeline operators under its mandate.

Below is an Excel breakdown by operator type of the systems subject to safety inspections performed by the Commission.

Federal Program: TPUC Gas Pipeline Inspections FY19-20	
Operator Type	Number Represented
Municipal Systems	69
Master Meter Operators	24
Utility Districts	24
Intrastate Transmission	16
Private Systems	6
Liquefied Natural Gas (LNG)	2
Total	141
Federal Funding Allocated for Inspections:	\$739,167

*The 2019 Natural Gas certification is included as **Attachment B**.

THE COMMISSION'S POLICY ON NON-DISCRIMINATION IN OTHER NON-FEDERAL PROGRAMS

The Commission receives no federal funds to support the operation of the following programs. Nevertheless the Commission has taken steps to ensure that discrimination does not occur in the operation of these programs.

Tennessee Relay Center

As a service to Tennessee's deaf, deaf-blind, hard-of-hearing, and hearing and speech-impaired community, the Commission and AT&T entered into a contract in March 2012 for the provision of relay services and operation of the Tennessee Relay Center in Tennessee. Regulated by the Commission, the Tennessee Relay Service (TRC) provides free, statewide assisted telephone service to those with speech, hearing, and visual impairments by linking conversations between people who use text telephones (TTY's) or telebraille (TB) devices and people who use standard phones.

The contract embodies the Commission's policy of non-discrimination. Section D.7, assures that "no person shall be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination in the performance of this contract or in the employment practices of the Contractor on the grounds of disability, age, race, color, religion, sex, national origin, or any other classification protected by Federal, Tennessee State constitutional, or statutory law. The Contractor shall, upon request, show proof of such nondiscrimination and shall post in conspicuous places, available to all employees and applicants, notices of nondiscrimination." **The Commission does not receive Federal funds to operate the TRC.**

Tennessee CapTel Services

A contract for CapTel services was awarded to Hamilton Telecommunications for CapTel services. It includes the same contractual provision prohibiting discrimination on the grounds of disability, age, race, color, religion, sex, national origin, or any other classification protected by Federal, Tennessee State constitutional, or statutory law. **The Commission does not receive Federal funds to provide CapTel Service.**

The contract embodies the Commission's policy of non-discrimination. Section D.7, assures that "no person shall be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination in the performance of this contract or in the employment practices of the Contractor (Sprint Corporation) on the grounds of disability, age, race, color, religion, sex, national origin, or any other classification protected by Federal, Tennessee State constitutional, or statutory law. The Contractor shall, upon request, show proof of such nondiscrimination and shall post in conspicuous places, available to all employees and applicants, notices of nondiscrimination."

National Deaf Blind Equipment Distribution Program

The National Deaf Blind Equipment Distribution Program is an additional service to our deaf and blind community. The program provides assistive devices to enhance the communication abilities for Tennessee's deaf and blind citizens. While not a federal grant, the program is a reimbursement program by the FCC to the Commission.

Recording of Commission hearings

By Tennessee statute, the Commission is required to maintain a record of all Commission hearings and conferences. These services are provided through a State of Tennessee-approved court reporting service. At the request of the Commission, a qualified court reporter provides a written transcript of the Commission's hearings and conferences pursuant to all applicable rules and procedures of the Tennessee Public Utility Commission. **No federal funds are received or expended for court reporter services.**

DATA COLLECTION AND ANALYSIS

The Commission is comprised of 52 individuals performing various professional functions. As supplied by the Commission’s Personnel Manager, approximately 75% of the Commission’s personnel are Executive Service and 25% are Civil Service. The racial or national origin the staff consists of:

Racial and National Origin of Commission Staff	
Asian	2 (3%)
Black	10 (20%)
White	40 (77%)
Total	52 (100%)

Executive Service and Preferred Service Breakdown	
Executive Service	45 (77%)
Preferred Service	7 (23%)
Total	52 (100%)

Racial and National Origin of Executive Service and Preferred Service Staff	
Executive Service (White)	35 (67%)
Executive Service (Black)	8 (15%)
Executive Service (Asian)	2 (4%)
Preferred Service (White)	5 (10%)
Preferred Service (Black)	2 (4%)
	52 (100%)

For the state fiscal year July 1, 2019 to June 30, 2020, there were no complaints or lawsuits filed against the Commission alleging discrimination on the basis of race, color or national origin under any federally funded program or activity.

TENNESSEE CENSUS DATA

According to 2010 Census, data for Tennessee shows that the five most populous incorporated places across the state are:

Tennessee's Five Most Populous Incorporated Areas	
Location	Population
Memphis	646,889
Nashville-Davidson	626,681
Knoxville	178,874
Chattanooga	167,674
Clarksville	132,929

Memphis decreased by 0.5 percent since the 2000 Census while Nashville-Davidson grew by 10.0 percent; Knoxville grew by 2.9 percent; Chattanooga grew by 7.8 percent, and Clarksville grew by 28.5 percent.

The largest county in Tennessee is Shelby, with a population of 927,644. Its population grew by 3.4 percent since 2000. The other counties in the top five include Davidson, with a population of 626,681 (increase of 10.0 percent); Knox, 432,226 (increase of 13.1 percent); Hamilton, 336,463 (increase of 9.3 percent); and Rutherford, 262,604 (increase of 44.3 percent). The state's racial make-up consists of:

Total population: 6,346,105 (Source: US Census Bureau)

Tennessee's Racial Breakdown	
Location	Population
White persons	77.6%
Black persons	16.7%
Persons of Hispanic or Latino origin	4.6%
Asian	1.4%
American Indian/Alaska Natives	0.3%
Native Hawaiian or Pacific Islander	0.1%

LIMITED ENGLISH PROFICIENCY (LEP)

Tennessee Public Utility Commission utilizes the translation services of Avaza Language Services to assist in translating communications with persons with LEP. Historically, the languages the Commission has encountered have been Spanish and Arabic, the majority of which are Spanish. **ATTACHMENT G.**

Right to Transfer information: the Commission does not receive visitors who are in the LEP category into its offices. All LEP encounters occur through Avaza Language Services.

Tennessee Public Utility Commission takes the following steps to access Avaza Language Services:

1. Upon receiving the LEP call, the LEP person is placed on hold;
2. The Tennessee Public Utility Commission staff then contacts Avaza at 615-534-3405;
3. The Tennessee Public Utility Commission staff then presses 1 for Spanish or 2 for other languages;
4. The Tennessee Public Utility Commission staff provides Avaza with our agency Access code and Client ID number;
5. Tennessee Public Utility Commission staff briefs the Avaza interpreter on the nature of the call;
6. Tennessee Public Utility Commission staff conferences the interpreter with the LEP caller;
7. Calls are concluded by communicating “end of session”;
8. All LEP/Avaza encounters are provided to Tennessee Public Utility Commission staff member Mary Kraycirik for record keeping.

The Commission documents that are translated in Spanish include the Telecommunications Devices Access Program (a non-Federal program).

Telecommunications Devices Access Programs (TDAP)

El Programa de Acceso a Dispositivos de Telecomunicaciones ("TDAP") se establece en el Capítulo 417 de las Actas Públicas de 1999 (el "ACT"). De conformidad con la Ley, el programa está diseñado para distribuir dispositivos de telecomunicaciones apropiados para que las personas con discapacidad puedan utilizar efectivamente el servicio telefónico básico. La Comisión de Servicios Públicos de Tennessee recibió la responsabilidad y la autoridad para implementar y administrar este programa.

Los dispositivos se emiten por orden de llegada. Sin embargo, hay ciertos calificadores que pueden permitir a las personas recibir dispositivos de forma prioritaria. Los solicitantes pueden consultar los requisitos mínimos de elegibilidad o consultar las reglas de la Comisión de Servicios Públicos de Tennessee, capítulo 1220-4-10 en TN SOS.

Requisitos mínimos de elegibilidad

- Los solicitantes deben ser residentes permanentes del estado de Tennessee.
- Los solicitantes deben tener una discapacidad tal que la persona no pueda usar el teléfono de manera efectiva sin el uso de un dispositivo de asistencia.
- Solo se otorgará un dispositivo de asistencia por hogar a través del TDAP. El Coordinador del programa puede determinar que se necesitan dos dispositivos diferentes en caso de que haya otra persona en el hogar con una necesidad diferente.
- Los solicitantes deben poder usar el dispositivo o aceptar la capacitación adecuada antes de emitir un dispositivo.
- Una vez que un solicitante recibe un dispositivo, el solicitante se hace responsable de las reparaciones necesarias. Los tiempos de reparación extendidos pueden calificar al solicitante para un reemplazo prestado hasta que se completen las reparaciones. El solicitante debe coordinar con el Coordinador del programa para este acuerdo.
- El solicitante seguirá siendo responsable de toda la facturación telefónica y de cualquier elemento periférico necesario para el dispositivo, es decir, papel, baterías, etc.

Solicitud

La Regla 1220-4-10 ha sido adoptada por la Autoridad y firmada por el Secretario de Estado y entrará en vigencia el 5 de febrero de 2000.

Se aceptan solicitudes. Por favor envíelo a:

Tennessee Public Utility Commission Title VI Limited English Proficiency (LEP) Policy

The Tennessee Public Utility Commission is committed to ensuring that Tennessee citizens with Limited English Proficiency (LEP) are provided with the means and opportunity to participate fully in the services and information that the Commission provides. As such, we set forth the following policy directives to maintain this standard.

- The **Tennessee Public Utility Commission** will take the necessary actions and steps to ensure that persons with LEP will have an equal opportunity and purposeful access to the information and services made available by the Commission.
- The **Tennessee Public Utility Commission** will endeavor to maintain an established means of communication to persons with LEP by means of an established language translation service provider.
- The translators, interpreters and other aids needed to comply with the **Tennessee Public Utility Commission's** policy will be offered free of charge to the LEP population being served.
- Such provided services will be made available through the use of bilingual translators, available to translate from a large number of foreign languages.
- **Tennessee Public Utility Commission** staff shall be provided with translation services contact information, such as service provider information cards and informational posters, and kept current on new updates to translation services provided and new languages offered.
- The **Tennessee Public Utility Commission** will maintain a record of LEP interactions that shall be available for review by the public upon request.
- Translations of conversations with LEP persons are facilitated through Avaya Translation Services via 3-way phone conversations and are not available to the **Tennessee Public Utility Commission** at the conclusion of such calls.
- Only numeric LEP encounters are kept by the **Tennessee Public Utility Commission** and not the specific languages encountered.
- The **Tennessee Public Utility Commission** on an ongoing basis will review, assess and revise these policies with respect to serving Tennessee consumers with LEP to ensure continued compliance with the Title VI law.

- Commission staff is advised to contact the agency's Title VI coordinator, Greg Mitchell, if additional LEP resources are needed.
- Language translation will be provided through the State of Tennessee's contract service provider, Avaza Language Service Corporation, or through another State of Tennessee approved vendor of such services.
- Language Translation Service Contact information: Avaza Translation Service, 5209 Linbar Drive, Suite 603, Nashville, TN 37211.

COMPLAINT PROCEDURES

Timeline for Filing

Any person alleging discrimination based on race, color, or national origin has a right to file a complaint within 180 days of the alleged discrimination. At the complainant's discretion, the complaint can be filed with the appropriate federal agency, the Commission, or the Tennessee Human Rights Commission. These procedures comply with Tenn. Code Ann. § 4-21-905 (2005). **ATTACHMENT D**

Receipt of Complaints

All complaints, written or verbal, are accepted. In the event that a complainant sets forth allegations verbally and refuses to reduce such allegations to writing, the person to whom the complaint is made will reduce the elements of the complaint to writing. It will not be necessary to know the identity of the complainant as long as the information is sufficient to determine the applicability of the complaint to the programs of the Commission and indicates the possibility of a violation. **ATTACHMENT E**

Elements of a Complaint

The Commission will obtain the following information from the complainant:

- 1) Name (optional), address and telephone number.
- 2) The location and name of the entity delivering the service.
- 3) The nature of the incident that led the complainant to feel discrimination was a factor.
- 4) The basis of the complaint, i.e. race, color, or national origin.
- 5) Names, addresses, and telephone numbers of individuals who may have knowledge of the event.
- 6) The date(s) on which the alleged discriminatory event(s) occurred.

Complaint Resolution

- 1) Complaints will be reviewed by the Commission's Title VI coordinator. The coordinator will determine whether the complaint will be referred to an appropriate federal agency or will be investigated by the Commission.
- 2) Complaints will be reported to the THRC within 10 days.
- 3) Complaints to be investigated by the Commission will be handled within 90 days of receipt.
- 4) A letter will be sent to acknowledge receipt of the complaint and to request a time and date the complainant can be reached by telephone to discuss the complaint.

- 5) Complainants will not be parties to the Title VI investigation and will not enjoy a status different from other persons interviewed.
- 6) A preliminary review will be conducted on all complaints to substantiate or refute the allegations.
- 7) If the preliminary review indicates that there may be a problem, then a full complaint investigation will be initiated. A letter will be sent to the complainant explaining that an investigation will be started and that the complainant's assistance will be needed in the future.
- 8) If appropriate, the Commission will coordinate with other agencies on matters involving interdepartmental issues and reviews.
- 9) If the allegations are not substantiated, a letter containing a description of the investigated allegations, the scope of the investigation, the facts learned, and a closing statement summarizing the basis on which the determination was made will be sent to the complainant. The complainant will be advised of his/her right to file a complaint with other applicable governmental entities if dissatisfied with the resolution of the complaint.
- 10) If the complaint is substantiated, a letter will be sent notifying the complainant that the complaint has been investigated and substantiated and that efforts are being made to correct the deficiency.

The Tennessee Public Utility Commission received no complaints during the 2019-2020 fiscal year and no litigation. Moreover, there were no lawsuits or litigation filed against the Commission related to Title VI during the fiscal year reporting period in which the Commission's Title VI plan was submitted.

TITLE VI TRAINING

The Commission's Title VI coordinator has attended all scheduled Title VI meetings, workshops, and informational sessions that have been sponsored by the Tennessee Human Rights Commission (The agency has in previous terms attended Title VI sessions spearheaded by the Legislative Black Caucus of the Tennessee General Assembly as well as the Tennessee Urban League). The Commission's Title VI coordinator, Mr. Mitchell is committed to attending additional Title VI training opportunities, both within Tennessee and outside, as they become available.

During the prior fiscal year the Commission conducted its annual Title VI training for all of its employees. **The training was conducted and completed by Commission staff between June 15 and June 30 of 2020**, and consisted of an interactive web-based method of engagement, through which staff was informed and trained on the Title VI law and reminded of the Commission's commitment to the law. The training covered the critical areas of the Commission's commitment to providing its services without partiality to one's race, color or national origin and the agency's dedication to serving Tennessee's citizens with Limited English Proficiency (LEP). Staff participation and completion of the training was recorded and monitored by the Title VI coordinator to ensure that 100% involvement and completion was achieved. We are pleased to report that our goal was achieved with all staff members.

The Commission's Title VI training for fiscal year July 1st 2020 – June 30th, 2021 will be conducted in the 2nd quarter of 2021.

SUB-RECIPIENT MONITORING

Not applicable. There are no sub-recipient relationships that exist with entities outside the Commission. **As such, the Tennessee Public Utility Commission utilizes no vendors in the inspection of Tennessee's intra-state natural gas pipelines. All such inspections are performed by the Tennessee Public Utility Commission's Gas Pipeline Safety engineers.**

Pursuant to the Commission's utilization of a federal grant from the United States Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) to perform safety inspections of Tennessee's natural gas pipelines and natural gas distribution operators, the Commission's federal grant is narrowly directed at performing safety inspections of natural gas pipes, valves and other hardware that cross the state.

PUBLIC NOTICE AND OUTREACH

The Commission participates in state-wide outreach programs to inform diverse groups about the services provided by and through the agency. Notices of the programs are published on the agency's web page and on its social media platforms like Facebook, Twitter, and Instagram and through press releases. In addition, in previous years information has been shared on local radio stations and by public service announcements.

The following are the outreach activities the Tennessee Public Utility Commission has engaged in:

- **I Can-Connect Program for Deaf/Blind citizens:** The Tennessee Public Utility Commission partners with the Helen Keller National Center to provide information about the "I Can Connect Program." I Can Connect, also known as the Deaf-Blind distribution program - is a national effort across the United States to provide assistive communication equipment to Tennessee's deaf and blind citizens.
- **Tennessee Relay Service:** relay service is an operator assisted service that allows people who are deaf, hard of hearing, deafblind, or have a speech disorder to place calls to standard telephone users via a keyboard or assistive device. The Tennessee Public Utility Commission partners with Sprint and Hamilton Relay/CapTel to inform eligible citizens of the availability Relay service and Caption telephone equipment to Tennessee's deaf and hard of hearing population.
- **The Telecommunications Devices Access Program (TDAP):** the TDAP program is designed to distribute appropriate telecommunications devices so that persons who have a disability may effectively use basic telephone service.

The Tennessee Public Utility Commission promotes these programs to Tennessee's citizens primarily through its website and through its social media platforms Facebook, Twitter, and Instagram. In addition, the policy is posted in the agency's common area accessible to visitors and employees.

The Commission's Title VI implementation plan is available upon request to any interested group and minority members of these groups may review the plan and provide suggestions and recommendations for future plans.

There are no sub-recipient relationships with entities beyond the Commission. Therefore, there are no planning boards or advisory bodies for the federal grants the agency receives from the U.S. Department of Transportation/PHMSA and U.S. Department of Energy.

COMPLIANCE REPORTING

Federal or state departments/agencies to which the Commission furnishes or shares Title VI compliance reports: **Not applicable.**

There exist no sub-recipient relationships with entities outside the Commission. Title VI federal compliance reporting is not applicable. There are no Federal codes or regulations promulgated pursuant to 49 U.S.C. Section 60101 regarding compliance with Title VI. However, in the application for the gas pipeline safety grant, the Commission must certify its assurance regarding non-discrimination. The only Title VI-related document produced by the USDOT related to Title VI is its LEP Guidance, which was issued December 14, 2005 in the Federal Register (Vol. 70, No. 239).

EVALUATION PROCEDURES

As a condition of receipt of the federal grant from the United States Department of Transportation (USDOT) Pipeline and Hazardous Materials Safety Administration (PHMSA), the Commission has certified that it will comply with the requirements set forth in Title VI. As such, the Commission maintains that it will administer in a nondiscriminatory manner its statutory duties as a condition of receiving the federal funds from the grantor.

Pursuant to the federal grant, the State of Tennessee enters into a certification agreement each year with the Secretary of the Department of Transportation and accepts the responsibility for regulation of intrastate natural gas pipeline facilities. The program is administered by the United States Department of Transportation Pipeline and Hazardous Materials Safety Administration and the Tennessee Public Utility Commission is the regulating state agency. The Tennessee Public Utility Commission Gas Pipeline Safety Division enforces safety regulations in accordance with the Tennessee Code Annotated ("Tenn. Code Ann.") § 65-2-102, the Tennessee Comprehensive Rules and Regulations ("Tenn. Comp. R. & Regs.") 1220-4-5 and Title 49 of the Code of Federal Regulations ("CFR") Chapter 1, Subchapter D, Parts 191, 192, 193, 195 and 199, as incorporated in the Tennessee rules by reference.

Hence, the grant received from United States Department of Transportation Pipeline and Hazardous Materials **does not have beneficiaries associated with the administration of the grant**, as the grant is utilized for the inspection of Tennessee's 40,000 miles of distribution and transmission natural gas pipelines, in which the TPUC's gas pipeline engineers perform annually.

There are no Commission sub-recipients in the administration of the federal grant from the USDOT/PHMSA as all pipeline inspections are performed by the Commission's Gas Pipeline Safety Division.

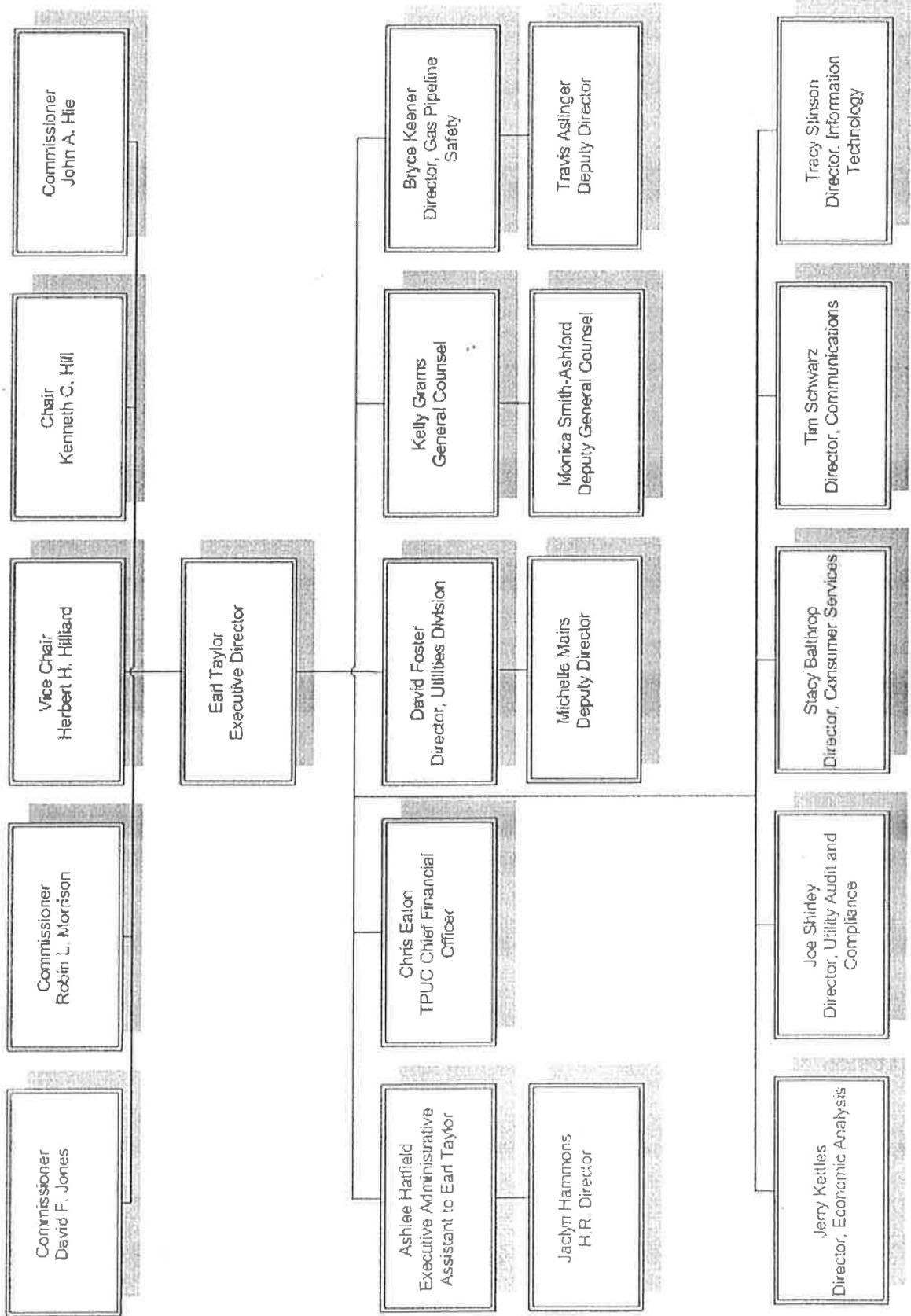
Moreover, the Commission evaluates the **Telecommunications Devices Access Program (TDAP)**, the need-based program that provides specialized devices to persons who

are deaf, blind, hard of hearing, and/or vision impaired; by the number the devices distributed to persons whose disability determines need for a particular device.

Relay Service provides a communications link a between persons who are deaf, hard of hearing, deafblind, or have a speech disorder to place calls to standard telephone users via a keyboard or assistive device to persons without such disabilities. The service is accessed by user need as determined by the person's particular disability.

The **I-Can-Connect** Program is a national program funded at the federal level (FCC) across the United States to provide communication equipment for Tennessee's deaf and blind population according to the Helen Keller standards.

Tennessee Public Utility Commission





U.S. Department
of Transportation
**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue SE
Washington DC 20590

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2137-0584. Public reporting for this collection of information is estimated to be approximately 58.5 hours per response, including the time for reviewing instructions, gathering the data needed, and completing and reviewing the collection of information. All responses to this collection of information are mandatory. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, Pipeline and Hazardous Materials Safety Administration (PHMSA), PHP-30, 1200 New Jersey Ave SE, Washington, D.C. 20590

Pipeline Safety

2019 Gas Base Grant Progress Report

for

Tennessee Public Utility Commission

Please follow the directions listed below:

1. Review the entire document for completeness.
2. Review and have an authorized signatory sign and date page 2.
3. Scan the signed document to your computer and email it to Carrie.Winslow@dot.gov.



FedSTAR Information

Electronic Submission Date: 3/4/2020 1:19:52 PM

2019 Grant Payment Summary

TENNESSEE

Grant PO Number -
693JK31930040PGSB

Grant Allocation

State Estimated Program Costs	\$ 1,248,203
Original Allocation - Grant Award	\$ 676,099
Original Allocation Percentage	54.17%

Funding Summary

Year-End Final Costs (adjusted if necessary)*	\$ 1,195,142
Final Funding Percentage	61.85%
Total Federal Funding (MayPay Final)	\$ 739,167
State Portion of Funding	\$ 455,975

Deduction Summary

Grant Review CY2016	\$ -
Grant Review CY2017	\$ -
Grant Review CY2018	\$ -
Total Grant Review Deduction	\$ -

Payment Summary

Total Federal Funding (MayPay Final) minus Grant Review Deductions	\$ 739,167
Mid-Year Payment Made to State	\$ -
Final Payment to State	\$ 676,099
Supplemental Payment After Reallocation (if applicable)	\$ 63,068

*Comments

0

***The above represent Close-Out of Grant Funding for applicable year



Pipeline and Hazardous Materials Safety Administration
1200 New Jersey Avenue, SE
Washington DC 20590

OFFICE OF PIPELINE SAFETY

2019 Gas Base Grant Progress Report

Office: Tennessee Public Utility Commission



Authorized Signature

Bryce Keener

Printed Name

Director

Title

3/4/20

Date



PROGRESS REPORT ATTACHMENTS (GAS)

PHMSA Form No. PHMSA F 999-92

INSTRUCTIONS:

These attachments request information either for the entire calendar year (CY 2019: January 1 through December 31, 2019) or as of (or on) December 31, 2019. Please report actual as opposed to estimated numbers on the attachments. Be careful to provide complete and accurate information since the PHMSA State Programs will be validating the attachments during the state's next annual evaluation.

- **Attachment 1: State Jurisdiction and Agent Status Over Facilities.** Requires the state to indicate those pipeline operator types over which the state agency has jurisdiction under existing law. If the state does not have jurisdiction over an operator type, indicate why not in the column designated No, using the one alpha code (A or B) which best describes the reason. If the state agency has jurisdiction over an operator type, place an X in the column designated Yes and provide information on the number of operators, the number and percent of operators inspected, the number of inspection units, and the number and percent of inspection units inspected. If the jurisdiction over a type of operator is under a Section 60106 Agreement, indicate X/60106 in the column designated Yes. If an operator has multiple types of system (i.e. gas distribution and intrastate transmission), each type should be counted in corresponding category. Total operator count listed in Attachment 3 may not match Attachment 1 totals due to multiple types of systems per operator. If the same operator/inspection unit is visited more than once during the year, count only once under number of operators inspected/number of inspection units inspected on Attachment 1. The multiple visits would, however, be reflected under total inspection person-days in Attachment 2.
- **Attachment 2: Total State Field Inspection Activity.** Requires the state to indicate by operator type the number of inspection person-days spent during CY 2019 on inspections; standard comprehensive; design, testing, and construction; on-site operator training; integrity management; operator qualification; investigating incidents or accidents; damage prevention activities; and compliance follow-up. Attachment 2 should include drug and alcohol inspections. Counting "In Office" Inspection Time - An inspector may choose to review pipeline company procedure manuals or records away from the company facility in order to effectively use on-site inspection time. The amount of time spent reviewing procedures and records may be counted as part of the inspection process. It is important that an inspector only record time for activities that normally would be completed as part of an on-site inspection. For example, an inspector may attribute the three hours he or she spent reviewing a pipeline operator's procedure manual and records prior to an on-site inspection towards the total inspection time. Each supervisor must carefully review the reported time to ensure the time attributed is consistent with the activity completed and is carefully delineated from normal office duties.
- **Attachment 3: Facility Subject to State Safety Jurisdiction.** States should only list the facilities that are jurisdictional under Parts 192 and 193 (Gas) and Part 195 (Hazardous Liquid) of which the state has safety authority over. This attachment requires the business name and address of each person subject to the pipeline safety jurisdiction of the state agency as of December 31, 2019. Also indicate the operator type (e.g., intrastate transmission) consistent with the listing in Attachment 1 and include the number of inspection units in each operator's system. The operator identification number (OPID) assigned by PHMSA must also be included on this attachment. If an operator has multiple types of system (i.e. gas distribution and intrastate transmission), each type should be counted in corresponding category. Total operator count listed in Attachment 3 may not match Attachment 1 totals due to multiple types of systems per operator.
- **Attachment 4: Pipeline Incidents.** Requires a list of incidents investigated by or reported to the state agency that involved personal injury requiring hospitalization, a fatality, property damage exceeding \$50,000, and others deemed significant by the operator. Clearly identify the operator's reported cause AND the state's determination of the cause of the incident using the one most appropriate alpha code footnoted in the attachment. We summarize this information for Congress by classifying the cause into one of eight top-level categories: (A) corrosion failure; (B) natural force damage; (C) excavation damage; (D) other outside force damage; (E) material failure of pipe or weld; (F) equipment failure; (G) incorrect operation; (H) other accident cause. Within each top-level cause you will find multiple sub-causes, select the appropriate cause code. You can also choose (IP) Investigation Pending for those incidents remaining under investigation as of December 31. Then provide a summary of incident investigations.

- **Attachment 5: State Compliance Actions.** This requires a summary of state pipeline inspection and compliance actions. [In the Number of Compliance Actions Taken column, keep in mind one compliance action can cover multiple probable violations.]
- **Attachment 6: State Record Maintenance and Reporting.** Requires a list of records and reports maintained and required by the state agency.
- **Attachment 7: State Employees Directly Involved in the Pipeline Safety Program.** This attachment requires a list by name and title of each employee directly involved in the pipeline safety program. Be sure to include the percentage of time each employee has been involved in the pipeline safety program during 2019. If an employee has not been in the pipeline safety program the full year of 2019, please note the number of months working on the program. Indicate a Qualification Category for each of the state's inspectors (see Attachment 7a). The categories are shown in descending order of education and experience. Please enter the number of the highest description applicable to each inspector. Finally, provide in summary form the number of all staff (supervisors, inspectors/investigator, damage prevention/technical and clerical/administrative) working on the pipeline safety program and the person-years devoted to pipeline safety. Person-years should be reported in hundreds (e.g., 3.25).
- **Attachment 8: State Compliance with Federal Requirements.** This requires the state to indicate whether it is in compliance with applicable federal requirements. If a particular requirement is not applicable to the state (e.g. offshore inspections), indicate NA in the column designated Y/N/NA and indicate in the notes section why the regulation is not applicable. If a regulation has been adopted, indicate the date adopted (e.g., 05/01/04) in the appropriate column. If the regulation is applicable but has not been adopted indicate N in the Y/N/NA column and explain why not in the appropriate column (e.g., requires legislative action). If the state has not adopted the maximum penalty amounts for a related series of violations please indicate civil penalty levels in effect in the state as of December 31. For State Adoption of Part 198 State One Call Damage Prevention Program if a state has any penalty amount for its damage prevention law please mark item 7.h as "Adopted but Different Dollar Amounts" and list the penalty amount in the Note section. Note at the end of Attachment 8 we are requesting each state to indicate the frequency its legislature meets in general session. This information will be taken into account when determining if applicable federal regulations have been adopted within 24 months of the effective date or two general sessions of the state legislature.
- **Attachment 10: Performance and Damage Prevention Questions.** This attachment requires a narrative of each states goals and accomplishments. In addition it requires a narrative on each states progress toward meeting the nine elements of an effective damage prevention program as described in the PIPES Act of 2006.



DEFINITIONS

- **Inspection Unit.** An inspection unit is all or part of an operator's pipeline facilities that are under the control of an administrative unit that provides sufficient communication and controls to ensure uniform design, construction, operation, and maintenance procedures for the facilities. (See Glossary of Terms in Guidelines for States Participating in the Pipeline Safety Program for application of the inspection unit concept to transmission and hazardous liquid pipeline systems, distribution systems, liquefied gas systems, municipality, master meter system, regulated gathering pipeline systems, and propane-air systems/petroleum gas systems.)
- **Inspection Person-Day.** An inspection person-day is all or part of a day spent by a state agency representative including travel in an on-site examination or evaluation of an operator or his system to determine if the operator is in compliance with federal or state pipeline safety regulations, in an on-site investigation of a pipeline incident, or in job-site training of an operator. Time expended on such activities should be reported as one inspection person-day for each day devoted to safety issues, regardless of the number of operators visited during that day.
- **Probable Violation.** A probable violation is a non-compliance with any section or, where a section is divided into subsections (a), (b), (c), etc., any subsection of federal or state pipeline regulations. Each numbered section should be counted separately. Multiple non-compliances of a numbered section discovered on the same inspection should be counted as one probable violation with multiple pieces of evidence.
- **Compliance Action.** A compliance action is an action or series of sequential actions taken to enforce federal or state pipeline regulations. One compliance action can cover multiple probable violations. A compliance action may take the form of a letter warning of future penalties for continued violation, an administratively imposed monetary sanction or order directing compliance with the regulations, an order directing corrective action under hazardous conditions, a show-cause order, a criminal sanction, a court injunction, or a similar formal action.



Attachment 1 - Stats on Operators

STATE JURISDICTION AND AGENT STATUS OVER GAS FACILITIES AS OF DECEMBER 31, 2019

Operator Type	State Agency Jurisdiction/ Agent Status		No. of Operators	Operators Inspected		No. of Inspection Units	Units Inspected	
	No ¹	Yes		#	%		#	%
Distribution								
Private		X/60105	6	6	100.0%	14	14	100.0%
Municipal		X/60105	69	69	100.0%	69	69	100.0%
Master Meter		X/60105	25	25	100.0%	27	27	100.0%
LPG		X/60105	0	0	N/A	0	0	N/A
Other		X/60105	24	24	100.0%	28	28	100.0%
Transmission								
Intrastate		X/60105	16	16	100.0%	16	16	100.0%
Interstate	F		0	0	N/A	0	0	N/A
LNG								
Intrastate		X/60105	2	2	100.0%	2	2	100.0%
Interstate	F		0	0	N/A	0	0	N/A
Other								
Gathering Lines		X/60105	0	0	N/A	0	0	N/A
Offshore Facilities	A		0	0	N/A	0	0	N/A
Total			142	142	100.0%	156	156	100.0%

¹Codes: A - None in state and does not have jurisdiction;

B - State does not have jurisdictional authority (Provide current status or action being taken to obtain authority in notes section below)

F - No, State is currently not an interstate agent.

X/60105P = Yes, I have Section 60105 (Certification) over some of the operator type (meaning: I have 60105 authority over some, but not all of this operator type and do not have a 60106 agreement with PHMSA to inspect them). These operators are identified in the notes below.

X/IA - Yes, I have Interstate Agent jurisdiction over this type of operator

Distribution "Other" - ie Co-ops, Public Utility Districts, etc.

States should explain any special circumstances

General Instructions - All above facilities should only include facilities as defined by federal pipeline regulations and should not include extended jurisdiction by state regulation.

Attachment 1 Notes:

Attachment 2 - State Inspection Activity

**TOTAL STATE FIELD INSPECTION ACTIVITY AS
OF DECEMBER 31, 2019**

Operator Type	Standard Comprehensive	Design, Testing and Construction	On-Site Operator Training	Integrity Management	Operator Qualification	Investigating Incidents or Accidents	Damage Prevention Activities	Compliance Follow-up	Total
Distribution									
Private	49	9	0	0	0	9	0	6	73
Municipal	294	0	2	0	0	0	0	7	303
Master Meter	70	0	0	0	0	0	0	2	72
LPG	0	0	0	0	0	0	0	0	0
Other	103	12	0	0	0	0	0	0	115
Transmission									
Intrastate	62	0	0	0	0	0	0	0	62
Interstate	0	0	0	0	0	0	0	0	0
LNG									
Intrastate	6	0	0	0	0	0	0	0	6
Interstate	0	0	0	0	0	0	0	0	0
Other									
Gathering Lines	0	0	0	0	0	0	0	0	0
Offshore Facilities	0	0	0	0	0	0	0	0	0
Total	584	21	2	0	0	9	0	15	631

Drug and Alcohol

Total Count of Drug and Alcohol Inspections

Attachment 2 Notes

Attachment 3 - List of Operators

GAS FACILITIES SUBJECT TO STATE SAFETY JURISDICTION AS OF DECEMBER 31, 2019

Operator Business Name Operator ID Address	Distribution (Operator type & Inspection Units)				Transmission (Operator type & Inspection Units)		LNG(Operator type & Inspection Units)		Other (Operator type & Inspection Units)	
	Private	Municipal	Master Meter	LPG Other	Intrastate	Interstate	Intrastate	Interstate	Gathering Lines (Jurisdictional)	Offshore Facilities (State Waters)
Adamsville Gas Department 49 Box 301, Adamsville, TN 38310	0	1	0	0	0	0	0	0	0	0
AGC Flat Glass 32188 600 AFG Road, Church Hill, TN 37642	0	0	0	0	1	0	0	0	0	0
AGL Resources 2288 2207 Olan Mills Drive, Chattanooga, TN 37421	1	0	0	0	1	0	0	0	0	0
Alexian Village of Tennessee 35982 100 James Boulevard, Signal Mountain, TN 37377	0	0	1	0	0	0	0	0	0	0
Athens Utilities Board 774 P. O. Box 689, Athens, TN 37303	0	1	0	0	0	0	0	0	0	0
Atlas Energy 38884 106 Ridge View Way, Clinton, TN 37716	0	0	0	0	1	0	0	0	0	0
Atmos Energy 20211 810 Crescent Centre Drive Ste. 600, Franklin, TN 37067	8	0	0	0	1	0	0	0	0	0
B W Pipeline 32659 728 South Jefferson, Cookeville, TN 38501	0	0	0	0	1	0	0	0	0	0

Gallatin Natural Gas System 6040 239 Hancock Street, Gallatin, TN 37066	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Galloway Gas Company 6035 Box 168, Galloway, TN 38036	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
General Gas LLC 39126 3213 Hwy 25E, Suite 4, Tazewell, TN 37879	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0
Georgetown Condominiums 35985 5025 Hillsboro Road, Bldg. 2, Nashville, TN 37215	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Gibson County Utility District 6370 P. O.Box 350, Trenton, TN 38382	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Greater Dickson Gas Authority 6716 605 East Walnut Street, Dickson, TN 37055	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Green Hills Terrace Apartments (Ghertner Company) 35986 1900 Richard Jones Road, Nashville, TN 37215	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Halls Gas Department 7025 208 N. Church Street, Halls, TN 38040	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hardeman-Fayette Utility District 7060 P. O. Box 7, Moscow, TN 38057	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Harriman Utility Board 7090 P. O. Box 434, Harriman, TN 37748	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hawkins County Utility District 7170 202 Park Boulevard, Rogersville, TN 37857	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Henderson Gas Utilities 7215 P. O. Box 68, Henderson, TN 38340	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Henning Gas Department 7225 260 North Main Street, Henning, TN 38041	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hohenwald Natural Gas System 7310 118 W. Linden Avenue, Hohenwald, TN 38462	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0



Munford Gas Company 12697 1397 Munford Avenue, Munford, TN 38058	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Navitas 32647 3186-D Airway Ave, Costa Mesa, CA 92626	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Newbern Housing Authority 39664 100 Flower Valley Drive, Newbern, TN 38059	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Newbern Utilities 13430 302 East Main Street, Newbern, TN 38059	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Oak Ridge Utility District 14010 P. O. Box 4189, Oak Ridge, TN 37831-4189	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Obion Gas System 14040 P. O. Box 547, Obion, TN 38240	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Paris-Henry County Utility District 15126 P. O. Box 309, Paris, TN 38242	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Parsons Natural Gas System 15140 P O Box 128, Parsons, TN 38363	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Parsons-Decaturville Housing Authority 35977 155 Miller Street Apt. 301C, Parsons, TN 38363	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Pentad Group 35987 2101 Merchants Road, Ste. 2, Germantown, TN 38138	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Piedmont Natural Gas 15518 83 Century Boulevard, Nashville, TN 37214	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Pikeville Natural Gas System 15560 P. O. Box 225, Pikeville, TN 37367	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Poplar Grove Utility District 30669 P. O. Box 129, Tipton, TN 38071	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Portland Housing Authority 35978 P. O. Box 37, Portland, TN 37148	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0



	Distribution (Operator type & Inspection Units)				Transmission (Operator type & Inspection Units)		LNG(Operator type & Inspection Units)		Other (Operator type & Inspection Units)		
	Private	Municipal	Master Meter	LPG	Other	Intrastate	Interstate	Intrastate	Interstate	Gathering Lines (Jurisdictional)	Offshore Facilities (State Waters)
Inspection Unit totals by type	14	69	27	0	28	16	0	2	0	0	0

Total Operators **134**

Attachment 3 Notes:

- ESG Transmission - Deactivated 11/6/18
- Trimble Gas - Purchased by Gibson County 10/5/18
- Piedmont - combined 2 private locations into 1 due to only physical assets only be at additional location.
- Memphis Light Gas & Water - combined from 4 municipalities down to 1.
- AGL Resources - Known as Chattanooga Gas



Attachment 4 - Incidents/Accidents

SIGNIFICANT⁴ GAS INCIDENTS/ACCIDENTS JANUARY 1, THROUGH DECEMBER 31, 2019

Date of Incident	Location - City/County/etc.	System Type	Injuries #	Fatalities #	Property Damage ³ \$	Operator Cause Code ¹	State Cause Code ¹
07/03/2019	BRISTOL	GD	3	0	\$5,000.00	H2	IP
Name of Operator:		ATMOS ENERGY CORPORATION - KY/MID-STATES (MID-STATES)					
Operator ID:		20211	Report No:		20190083		
Summary ²		Work being done in 4'x4' hole to tighten clams on metal line. Flash fire occurred during maintenance process. 2 employees in hole burned significantly and transported to hospital; 1 employee outside of hole suffered minor injuries. Still waiting on Atmos to provide final report with laboratory findings from the incident, results expected within first half of 2020. Classified as incident due to hospitalization of employees.					
08/23/2019	HIXSON	GD	0	1	\$206,700.00	H2	IP
Name of Operator:		CHATTANOOGA GAS CO					
Operator ID:		2288	Report No:		20190106		
Summary ²		House fire that ended up burning down structure. At this time we have no further information because the incident is being investigated by the home owners insurance company. Once findings are reported back from insurance company, further action may need to take place. Determination of if fire was caused by service line or internal customer piping. Classified as incident due to amount of property damage and hospitalization of home owner. Home owner passed away shortly after incident happened.					
11/16/2019	SEVIERVILLE	GD	0	0	\$345,399.00	D2	D1
Name of Operator:		SEVIER COUNTY UTIL DIST					
Operator ID:		18192	Report No:		20190143		
Summary ²		Drunk driver drove vehicle over embankment and hit meter. Driver was taken to jail, meter and all gas related equipment was replaced within 48 hours. Classified as incident due to amount of property damage.					



¹High Level Cause Codes: A - Corrosion failure; B - Natural Force Damage; C - Excavation Damage; D - Other Outside Force Damage; E - Pipe, Weld or Joint Failure; F - Equipment Failure; G - Incorrect Operation; H - Other Incident Cause; IP - Investigation Pending;

²Please include a summary or report of the state agency's investigation of each of the above incidents.

³Interstate agents should use the 191.3 Incident definition for listing incidents investigated on interstate facilities.

⁴Significant: Investigated by or reported to the state agency, involving personal injury requiring hospitalization, fatality, property damage exceeding \$50,000 and other incidents otherwise considered significant which involved jurisdictional facilities.

Attachment 4 Notes

Inspection days for Sevier County not listed on Attachment 2 due to annual inspection happening 2 days after incident occurred. Incident close out was reviewed during annual inspection.



Attachment 5 - Stats on Compliance Actions

STATE COMPLIANCE ACTIONS -- CALENDAR YEAR (CY) 2019

Probable Violation Categories	Intrastate	Interstate
Number carried over from all previous CY's	14	0
Number Found During CY	9	0
Number submitted for DOT action [60106 Agreement agent only]	0	0
Number corrected during CY (including carry over from previous year(s))	21	0
Number to be corrected at end of CY (including carry over)	2	0

Number of Compliance Actions Taken ¹
(see definition)

8

Civil Penalties

Number assessed during CY	0
Dollars assessed during CY	\$0.00
Number collected during CY	0
Dollars collected during CY	\$0.00

¹Do not double count for a related series of actions.

Attachment 5 Notes

No civil penalties were assessed during 2019.



Attachment 6 - List of Records Kept

GAS STATE RECORD MAINTENANCE AND REPORTING DURING CY 2019

Records Maintained by the State Agency

Inspector's weekly itinerary/log sheet and time sheets.
Report of Gas inspections.
Spreadsheet of violations cited and cleared.
Letters to Gas operators reporting compliance and non-compliance with the Minimum Federal Safety Standards.
Inventory control records of equipment and field inspection tools.
Pipeline Safety Program financial records.
Cathodic Protection Status Reports
Accident Investigation Reports.
Inspection checklist forms for standard and specialized inspections.
Tennessee's Underground Utility Damage Prevention Law.
Office of Pipeline Safety Training manuals, computer based training discs, and supplemental materials.
Current WINDot compliance software and Pipeline safety regulations handbooks.
Operator qualification rule guidelines and training information including protocols
Pipeline Safety Grant information
Inspection Risk Management Model
Bare Steel Replacement Program for Atmos Energy
Maintain current specifications for projects designed/constructed by various operators.
Electronic database containing detailed operator and inspection information including violations, inspection type, inspection person days, inspection date(s), etc.
Cast Iron Replacement Programs for all operators where applicable
Mechanical Coupling Replacement/Repair Programs for all operators where applicable

Reports Required from Operators

Construction notifications
Copies of Annual DOT report form (Distribution)
Copies of DOT accident/incident reports
Copies of Mechanical Fittings Failure reports
Copies of Safety Related Condition reports
Copies of Annual DOT report form (Transmission)

Attachment 6 Notes

Attachment 7 - Staffing and TQ Training

STATE EMPLOYEES DIRECTLY INVOLVED IN THE GAS PIPELINE SAFETY PROGRAM DURING CY 2019

Name/Title	% Time	# Months	Qual. Cat.	
Supervisor				
Pete Hut	100	3	I	
Director				
Bryce Keener	100	9	III	
Director				
Travis Aslinger	89	12	I	
Deputy Director				
Inspector/Investigator				
Tim Thompson	100	9	II	
TPUC Utility Inspector 2				
Travis Aslinger	11	12	I	
TPUC Utility Inspector 2				
Shinisha Freeman	100	12	I	
Env. Prot. Specialist 3				
Phillip Hendricks	100	12	I	
Env. Prot. Specialist 3				
Ted Wilkinson	100	12	III	
TPUC Utility Inspector 2				
Regina Brown	100	12	III	
TPUC Utility Inspector 2				
Diana Hawkins	100	12	III	
TPUC Utility Inspector 1				
Clerical and Administrative Support				
Vicky Nelson	100	12	NA	
Administrative Assistant				

Summary

<u>Employee Type</u>	<u>No. of Staff</u>	<u>Person-Years</u>
Supervisor	3	1.89
Inspectors/Investigators	7	5.86
Damage Prevention/Technical	0	
Clerical/Administrative	1	1.00
Total	11	8.75

Attachment 7 Notes



Attachment 8 - Compliance with Federal Regulations

STATE COMPLIANCE WITH FEDERAL REQUIREMENTS AS OF DECEMBER 31, 2019

No.	Effective Date	Impact	Adoption Date	Adoption Status
1		<p>Maximum Penalties Substantially same as DOT (\$213,268/\$2,132,268). State must adopt minimum penalties of at least (\$100,000/\$1,000,000). Indicate actual amount in notes.</p> <p>TCA Section 65-28-108: Any person who violates any provisions of section 65-28-104 to 65-28-111 or any regulation issued under such section is subject to a civil penalty not to exceed ten thousand dollars (\$10,000) for each violation for each day that such violation persists, except that the maximum civil penalty shall not exceed five hundred thousand dollars (\$500,000) for any continuing series of violations</p>	09/1971	Adopted Other
2		Part 192 Amendments		
01-90	Pre 2002	[All applicable amendments prior to and including 2002]	12/2000	Adopted
Note ¹				
91	4/23/2004	Definition of high consequence areas for gas transmission lines	04/2004	Adopted
Note ¹				
92	9/4/2003	Procedures for Producer-operated outer continental shelf natural pipelines that cross directly into state waters	09/2003	Adopted
Note ¹				
93	10/15/2003	various changes to gas pipeline safety standards from NAPSR recommendations	10/2003	Adopted
Note ¹				
94	5/6/2005	Modification to the definition of a Transmission Line	05/2005	Adopted
Note ¹				
95	5/26/2004	Pipeline integrity management for transmission lines in HCAs	05/2004	Adopted
Note ¹				

96	9/14/2004	Pressure limiting and regulating stations	09/2004	Adopted
Note ¹				
97	7/28/2004	Passage of internal inspection devices on new and retrofitted transmission pipelines	07/2004	Adopted
Note ¹				
98	9/9/2004	Performance of periodic underwater inspections	09/2004	Adopted
Note ¹				
99	6/20/2005	API RP 1162 Public awareness campaign	06/2005	Adopted
Note ¹				
100	7/15/2005	PSIA Statutory changes to Operator Qualification Program	07/2005	Adopted
Note ¹				
101	11/25/2005	Adoption of NACE Standard as a direct assessment standard	11/2005	Adopted
Note ¹				
102	4/14/2006	Definition of a Gathering Line	04/2006	Adopted
Note ¹				
103	7/10/2006	Incorporate by Reference various Standards	07/2006	Adopted
Note ¹				
103a	2/1/2007	Update Incorporated by Reference and Correction	2/2007	Adopted
Note ¹				
72 FR 20055	4/23/2007	Design and Construction Standards to Reduce Internal Corrosion in Gas Transmission Pipelines	04/2007	Adopted
Note ¹				
104	5/23/2007	Integrity Management Program Modifications and Clarifications	05/2007	Adopted
Note ¹				
105	12/13/2007	Applicability of Public Awareness Regulations to Certain Gas Distribution Operators	12/2007	Adopted
Note ¹				

106-73 FR 16562	3/28/2008	Administrative Procedures, Updates and Technical Amendments (73 FR 16562)	3/2008	Adopted
Note ¹				
107-73 FR 62147	10/17/2008	Standards for Increasing the Maximum Allowable Operating Pressure for Gas Transmission Pipelines (73 FR 62147)	10/2008	Adopted
Note ¹				
108-73 FR 79002	12/24/2008	PA-11 Design Pressures (73 FR 79005)	12/2008	Adopted
Note ¹				
109-74 FR 2889	1/16/2009	Administrative Procedures, Address Updates , and Technical Amendments	1/2009	Adopted
Note ¹				
110-74 FR 17099	4/14/2009	Incorporation by Reference Update:American Petroleum Institute (API) Standards 5L and 1104	4/2009	Adopted
Note ¹				
111-74 FR 62503	11/30/2009	Editorial Amendments to Pipeline Safety Regulations	11/2009	Adopted
Note ¹				
112-74 FR 63310	12/3/2009	Control Room Management/Human Factors	12/2009	Adopted
Note ¹				
113-74 FR 63906	12/4/2009	Integrity Management Program for Gas Distribution Pipelines	12/2009	Adopted
Note ¹				
114 - 75 FR 48593	8/11/2010	Periodic Updates of Regulatory References to Technical Standards and Miscellaneous Edits	8/2010	Adopted
Note ¹				
115 - 75 FR 72878	11/26/2010	Updates to Pipeline and Liquefied Gas Reporting Requirements	11/2010	Adopted
Note ¹				
116 - 76 FR 5494	4/4/2011	Mechanical Fitting Failure Reporting Requirements	4/2011	Adopted
Note ¹				



117-76 FR 35130	8/15/2011	Control Room Management/Human Factors	8/2011	Adopted
Note ¹				
118 - 78 FR 58897	9/28/2013	Administrative Procedures, Updates, and Technical Corrections (Not applicable to States)	9/2013	Adopted
Note ¹				
119 - 80 FR 168	3/6/2015	Periodic Updates of Regulatory References to Technical Standards and Miscellaneous Edits	3/6/2015	Adopted
Note ¹				
120 - 80 FR 12779	10/1/2015	Miscellaneous Changes to Pipeline Safety Regulations (Part 192.305 DELAYED)	10/1/2015	Adopted
Note ¹				
121 - 81 FR 70989	4/14/2017	Expanding the Use of Excess Flow Valves in Gas Distribution Systems to Applications Other Than Single-Family Residences	04/14/2017	Adopted
Note ¹				
122 - 82 FR 7972	3/24/2017	Operator Qualification, Cost Recovery, Accident and Incident Notification, and Other Pipeline Safety Changes	3/24/2017	Adopted
Note ¹				
124 - 83 FR 58694	1/22/2019	Use of Plastic Piping Systems in the Transportation of Natural and Other Gas	1/22/2019	Adopted
Note ¹		new amendment for 2019		
3		Part 193 Amendments (applicable only where state has jurisdiction over LNG)		
01-17	Pre 2002	[All applicable amendments prior to and including 2002]	01/2001	Adopted
Note ¹				
18	4/9/2004	Updated LNG standards by section	04/2004	Adopted
Note ¹				
19	7/10/2006	Incorporate by Reference various Standards	07/2006	Adopted
Note ¹				

20-73 FR 16562	3/28/2008	Administrative Procedures, Updates and Technical Amendments (73 FR 16562)	03/2008	Adopted
Note ¹				
21-74 FR 2889	1/16/2009	Administrative Procedures, Address Updates and Technical Amendments	1/2009	Adopted
Note ¹				
22 - 75 FR 48593	8/11/2010	Periodic Updates of Regulatory References to Technical Standards and Miscellaneous Edits	1/2009	Adopted
Note ¹				
23 - 75 FR 72878	11/26/2010	Updates to Pipeline and Liquefied Gas Reporting Requirements	11/2010	Adopted
Note ¹				
24 - 78 FR 58897	9/28/2013	Administrative Procedures, Updates, and Technical Corrections	9/2013	Adopted
Note ¹				
25 - 80 FR 168	3/6/2015	Periodic Updates of Regulatory References to Technical Standards and Miscellaneous Edits	3/6/2015	Adopted
Note ¹				
4		Part 199 - Drug Testing	05/1991	Adopted
Note ¹				
5		Part 199 Amendments		
01-19	Pre 2002	[All applicable amendments prior to and including 2002]	01/2001	Adopted
Note ¹				
20	3/12/2003	Definition of Administrator	03/2003	Adopted
Note ¹				
21	12/31/2003	Instructions for Single Use Form for MIS	12/2003	Adopted
Note ¹				
22	7/14/2004	New address for reporting	07/2004	Adopted
Note ¹				

23	3/8/2005	Administration name change	03/2005	Adopted
Note ¹				
24-73 FR 16562	3/28/2008	Administrative Procedures, Updates and Technical Amendments (73 FR 16562)	03/2008	Adopted
Note ¹				
25 - 78 FR.58897	9/28/2013	Administrative Procedures, Updates, and Technical Corrections	09/2013	Adopted
Note ¹				
26 - 80 FR 168	3/6/2015	Periodic Updates of Regulatory References to Technical Standards and Miscellaneous Edits	3/6/2015	Adopted
Note ¹				
27 - 82 FR 7972	3/24/2017	Operator Qualification, Cost Recovery, Accident and Incident Notification, and Other Pipeline Safety Changes	3/24/2017	Adopted
Note ¹				
6		State Adoption of Part 198 State One-Call Damage Prevention Program		
a.		Mandatory coverage of areas having pipeline facilities	07/1999	Adopted
Note ¹				
b.		Qualification for operation of one-call system	07/1999	Adopted
Note ¹				
c.		Mandatory excavator notification of one-call center	07/1999	Adopted
Note ¹				
d.		State determination whether calls to center are toll free	07/1999	Adopted
Note ¹				
e.		Mandatory intrastate pipeline operator participation	07/1999	Adopted
Note ¹				
f.		Mandatory operator response to notification	07/1999	Adopted
Note ¹				

g.	Mandatory notification of excavators/public	07/1999	Adopted
Note ¹			
h.	Civil penalties/injunctive relief substantially same as DOT	07/1999	Adopted but Different Dollar Amounts
Note ¹	UUDP Board requires training for first offense, and \$2,500 for additional offenses up to a maximum of \$5,000.		

¹If Adoption Status is No, Please provide an explanation

State Attendance at 2019 NAPS Regional Meeting:

Frequency of General Legislative Session: Annually

Attended full time (Lead rep or alternative pipeline staff)

Attachment 8 Notes

TPUC is proposing a bill for this legislation session to raise our Civil Penalties from \$10,000/\$100,000 to \$100,000/\$1,000,000.



Attachment 10 - Performance and Damage Prevention Questions

CALENDAR YEAR (CY) 2019

Planned Performance: What are your Planned Annual and Long-term goals for your Pipeline Safety Program?

For 2019 we started a 3 year inspection cycle with a focus on specific topics for our annual inspections. In 2019 our inspection topics were focused but not limited to Regulators, Relief, and Odorant. By focusing on specific inspection topics we feel that we have the ability to provide a more focused inspection, therefore being able to provide a more technical assistance based inspection. One of the biggest goals for GPSD is to increase the amount of technical assistance we are providing our operators. We are trying to create a culture with our operators that encourages them to ask specific questions on how to better run their systems. The role of the Deputy Director is still evolving and the main goal in 2020 for this role is to train our new inspector and to provide additional specialized assistance to our operators on topics such as Integrity Management, specifically related to DIMP. The role of the Deputy Director is to also support new gas system managers thru one on one trainings, along with providing group training sessions to our operators via the Tennessee Gas Association. We still have 3 inspectors, not including our 1 new hire, working on completing their TQ training with a hopeful goal of finishing by the end of 2020.

Past Performance: What did the Pipeline Safety Program accomplish during the subject year (to this document) to contribute toward the program's annual and long-term goals?

Changes in the way inspectors schedule their annual inspections and travel have been implemented to help boost moral as well as efficiency with individuals time management. We have also worked very hard on changing the overall perception of GPSD in the eyes of our operators. We have in years past been viewed as a regulatory agency that is not helpful or takes excessive action on things that can be corrected easily with a little additional attention. By applying this added attention we are helping our operators better understand their systems and how to operate them in the most efficient way possible.

1. Has the state or agency reviewed the Damage Prevention Assistance Program (DPAP) document in the last twelve months?

Yes

2. Has the state or agency developed or is in the process of developing a plan to address the nine elements contained in the PIPES Act of 2006 for an effective State Damage Prevention Program?

Yes

If yes to question 2, where does the state or agency stand on implementation of the nine elements contained in the PIPES Act of 2006? Please provide a description of how the state or agency has or will meet each element. If not, please provide a brief passage explaining the reasons why the state or agency has not.

The State of Tennessee implements the 9 elements of the PIPES Act of 2006 through its Underground Utility Damage Prevention Board. The Board operates independently of and is not under jurisdiction of the Gas Pipeline Safety program. The UUDPB received an "Adequate" from PHMSA for its 2018 program inspection.

Attachment 10 Notes

TENNESSEE PUBLIC UTILITY COMMISSION



Title VI Limited English Proficiency (LEP) Policy

The Tennessee Public Utility Commission is committed to ensuring that Tennessee citizens with Limited English Proficiency (LEP) are provided with the means and opportunity to participate fully in the services and information that the Tennessee Public Utility Commission provides. As such, we set forth the following policy directives to maintain this standard.

- The **Tennessee Public Utility Commission** will take the certain actions and steps to ensure that persons with Limited English Proficiency (LEP) will have an equal opportunity and purposeful access to the information and services made available by the TRA.
- The **Tennessee Public Utility Commission** will endeavor to maintain an established means of communication to persons with LEP by means of an established language translation service provider.
- The translators, interpreters and other aids needed to comply with the **Tennessee Public Utility Commission's** policy will be offered without cost to the LEP population being served.
- Such provided services will be made available through the use of bilingual translators, fluent in multiple languages.
- **CSD** staff shall be provided with translation services contact information, such as service provider information cards and informational posters and kept current on new updates to translation services provided, such as new languages offered.
- **CSD** will maintain a record of LEP interactions. This information shall be available for review by the public if requested.
- If requested, the translation of **Tennessee Public Utility Commission** documents will be provided to persons with LEP.
- **CSD** staff is advised to contact the agency's Title VI coordinator, if additional LEP resources are needed.

TENNESSEE PUBLIC UTILITY COMMISSION



Title VI Complaint Form

Name: (Optional)

Address:

Phone:

Email:

Please describe the incident in detail (use a separate sheet if necessary)

Circle below the basis of the complaint:

Race Color National Origin

Name, address and phone number of other individuals who may have knowledge of the discriminatory event (if applicable):

Date of the alleged discriminatory event:

Please mail or fax form to: Tennessee Public Utility Commission, Title VI Coordinator, 502 Deaderick St, Nashville, TN 37243, Fax: (615) 741-5015, or to the Tennessee Human Rights Commission, William R. Snodgrass Building, Tennessee Towers, 312 Rosa L. Parks Blvd, 23rd floor, Fax (615) 253-1886.

ATTACHMENT D

Tennessee Public Utility Commission Title VI Complaint Log

Name (optional)	Address, City, Zip	Phone	Email
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1)

2)

3)

4)

5)

*Please complete a complaint form to describe the incident in detail

ATTACHMENT E



2020 Title VI Training

Each year the Tennessee Public Utility Commission is required to reaffirm its commitment to comply with the Title VI law of the Civil Rights Act of 1964. The following training module is designed to ensure that each employee understands and is aware of the Tennessee Public Utility Commission's commitment to Title VI and our efforts to support it.

1. As an employee of the Tennessee Public Utility Commission, do you reaffirm the agency's commitment to the Title VI law of the Civil Rights Act of 1964 that prohibits entities from denying services or benefits based on race, color, or national origin?

Yes or No?

2. The Tennessee Public Utility Commission is committed to serving citizens with Limited English Proficiency to ensure that they are provided with equal opportunity and access to the services and information provided by the Commission. Do you?

Support or Oppose?

3. The Tennessee Public Utility Commission utilizes language translation services for Limited English Proficiency (LEP) citizens. Do you agree to assist LEP citizens by forwarding such inquiries to the appropriate division or person for assistance?

Yes or No

4. Title VI also prohibits providing services or benefits in a discriminatory manner. One such example would include overlooking certain population sectors of the state to promote a consumer assistance program in favor of other population sectors. As a Tennessee Public Utility Commission employee do you reaffirm the agency's commitment to providing services or benefits without partiality?

Yes or No?

5. Any person alleging discrimination based on race, color, or national origin has a right to file a complaint with the Tennessee Public Utility Commission within 180 days of the alleged incident. As a Tennessee Public Utility Commission employee do you reaffirm the agency's commitment to the complaint filing process and agree to forward all such complaints to the appropriate division?

Yes or No?

6. Title VI allows for complaints to be filed either in written form or verbally and the identity of the person filing the complaint is not necessary. As a Tennessee Public Utility Commission employee do you reaffirm the agency's commitment to the complaint filing process?

Yes or No?

7. All Title VI complaints may be filed with the Tennessee Public Utility Commission's Consumer Services Division or with the Executive Director's office.

Accept or Oppose?

Tennessee Public Utility Commission



Limited English Proficiency (LEP) encounters FY 19-20

Month	Encounters
Jul 2019	1
Aug 2019	2
Sep 2019	0
Oct 2019	2
Nov 2019	0
Dec 2019	0
Jan 2020	1
Feb 2020	1
Mar 2019	0
Apr 2019	1
May 2019	0
Jun 2019	1
Total Encounters	9