



TENNESSEE UNDERGROUND UTILITY DAMAGE ENFORCEMENT BOARD
Meeting on April 22, 2025

MINUTES

The board meeting of the Tennessee Underground Utility Damage Enforcement Board commenced at 10:31 a.m., at the Tennessee Public Utility Commission, 502 Deaderick Street, Ground Floor Conference Room, Nashville, TN, 37243.

Board Members Present:

Kevin Tubberville, Chairman
Wayne Hastings, Vice Chairman
Earl Bolin (via WebEx)
Jarrod Bracket
Milton Henderson
Eddie Hood
Scott Niehaus
Bob Pitts
Steve Raper
Lance Sledge
Tim Settles
Bill Turner

TPUC Staff Present:

Ryan McGehee, Legal Advisor to the TUUDEB
Aaron Conklin, Legal Advisor to the TPUC staff (via WebEx)
Stacy Balthrop, Director, Consumer Services Division
Brittany Shaw, UUDEB Staff
Slayde Warren, UUDEB Staff
Samantha Lamon, TPUC Chief Financial Officer
Tim Schwarz, Director of Communications
Bryce Keener, Director of Pipeline Safety

Presenter in Attendance:

Mr. Craig Ingram, TN 811

Current Vacancies:

Interstate Pipeline
Public Water/Wastewater

I. Opening of Meeting and Roll Call

Eleven (11) members were present in the room and one (1) member participating by phone at Roll Call. A physical quorum was met.

II. Review and Adopt Board Meeting Minutes

The Board considered the Minutes of the last meeting on October 29, 2024. Mr. Turner requested corrections and motioned to approve the minutes with the corrections. The motion passed unanimously.

III. Program and Legislative Updates

Ms. Balthrop provided a program update and quarterly report in the meeting packet. Mr. Henderson sought clarification about the PHMSA annual evaluation and Staff provided information about the annual PHMSA evaluation. Mr. Turner verified that the current PHMSA grants expire at the end of September. A financial update was provided in the meeting packet. Mr. Turner commented that the costs are trending higher than the prior year. Mrs. Lamon stated that there was an increase in hours from certain allocated staff; however, the increase was mostly due to annual increases in salary costs. Mrs. Lamon explained the difference in total hours billed between 2024 and 2025 is the difference in holiday hours. Mr. Turner thanked Mrs. Lamon for putting the financial update together, as he found it very helpful. The fund balance of \$263,872 was provided. Mr. Turner sought clarification on how violators pay civil penalties and how penalties are processed by the fiscal division. Mr. Turner requested a financial document of deposits and checks that come out of the utility fund. Mrs. Lamon stated that she will have to determine the best way to document the information, but indicated that she would work on a report to share with the Board.

Mr. Schwarz provided the legislative update. He stated that there was a funding bill dealing with federal grants and the legislative intent behind it is to provide oversight when agencies pursue federal grants. Mr. Schwarz stated that he believes under the proposed legislation, UUDEB will be exempt, as it is a federally required program. Mr. Schwarz did not have new information on the Board vacancies.

Mr. Bryce Keener provided information on the annual report data he is collecting from gas operators, including the increase in gas tickets, damages associated to One-Call, locating, and excavation. Mr. Keener stated that the annual evaluation for the Gas Pipeline Safety Division will be the week of June 2nd and he is expecting a very heavy damage prevention based audit. Mr. Keener stated that collecting data on locating practices has been challenging. Mr.

Henderson asked about reporting to PHMSA the actions the Board has taken. Mr. Keener stated that he has had multiple conversations with PHMSA representatives regarding enforcement of the 192 Rules and the state law, and he has strongly advocated for the work we are doing as the Gas Pipeline Safety Division and the Board. Mr. Tuberville discussed the issues of tracer wire and updating maps. Mr. Keener discussed CGA training modules. Mr. Bracket asked about expanding gas pipelines in the state as it relates to PHMSA. Mr. Keener stated that expansion and updates to systems does not have anything to do with our feedback from PHMSA. Mr. Henderson asked Mr. Keener about addressing the inequitable enforcement issue in this year's audit. In addition, Mr. Turner asked about PHMSA's inequitable enforcement concerns and whether data collections performed by the Gas Pipeline Safety Division will satisfy PHMSA's concern. Mr. Keener stated that he has had multiple conversations about the fair and equitable issue, and this is where mandatory reporting is a possibility instead of the permissive complaint system we are currently utilize. Mr. Keener stated that the 192 rules do not have a whole lot of teeth as it relates to damage prevention. Ms. Balthrop added that the PHMSA adequacy evaluation includes 192 enforcement. There was further discussion related to the fair and equitable issue and the data that the gas pipeline safety division is collecting. Mr. Keener discussed other states after which he has modeled the data collection. Mr. Raper asked about which states were reviewed and Mr. Keener identified Indiana, Kentucky, Connecticut, Oregon, Virginia, and stated six other state programs have been reviewed.

The Board considered the grant application from the underground damage prevention fund in accordance with Tenn. Code Ann. 65-31-117(b). Mr. Turner motioned to deny the grant application received as the request did not meet statutory requirements. Mr. Pitts seconded the motion. There was a roll call vote, and the motion to deny the application was passed. Mr. Bolin abstained from the vote.

Mr. Turner presented a financial update and report of the breakdown by company of the assessment for the Board's costs. He stated that the percentage of impact on billing was 1.15%, or 1.5 cents per ticket that was assessed to Tennessee 811 members to reimburse the total cost of the 2025 billing of \$89,000.

Mr. Ingram provided the training update. He stated that the on-demand training has not been completed and is talking with CGA about incorporating their training modules with the on-demand training. The training report that was submitted to the Board prior to the meeting was discussed.

Ms. Balthrop announced that Brittany Shaw is moving to Chicago and the Board wished her well. Mr. Bracket moved that the Board issue a proclamation in recognition and appreciation of Ms. Shaw's service to the Board.

Mr. Sledge discussed the damage prevention programs in Alabama and Mississippi. He stated that Mississippi uses a third party to handle all aspects of the program, with a total cost of just under \$100,000 annually. He further stated that in Alabama, the PSC hands the information off to the Board, and the Board handles everything, and then hands it back to the PSC. There is nothing billed back for the board costs in Alabama. Mr. Sledge stated that Alabama is looking at using a third party, which would require legislative changes. Mr. Sledge asked if the Board could use a third party to reduce costs and improve efficiencies, and additionally, turn

the unpaid civil penalties over to a third party for collections. Mr. Turner requested that this issue be researched and placed on the agenda of the next meeting.

Mr. Turner designated Mr. Ingram as the Tennessee 811 representative on the Board.

The meeting was adjourned at 11:43pm.