



**TENNESSEE UNDERGROUND UTILITY DAMAGE PREVENTION BOARD**  
**Meeting on February 13, 2019**

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**MINUTES**

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The board meeting of the Tennessee Underground Utility Damage Enforcement Board commenced at 10:09 a.m., in the Ground Floor Conference Room of 502 Deaderick Street, Nashville, Tennessee 37243.

**Board Members Present:**

Earl Bolin  
Wayne Hastings, Vice-Chairman  
Bill Hollin  
Eddie Hood  
Craig Jensen  
Kenneth W. King  
Kevin Kruchinski  
Bob Lambert  
Bobby Pitts  
Steve Raper  
Kevin Tubberville, Chairman  
Rick Tunnell  
Bill Turner

**Board Member(s) Via Telephone:**

Kevin Raley

**Board Member(s) Absent:**

Jonathan Campbell  
Scott Niehaus

**TPUC Staff Present:**

Aaron Conklin, Legal Advisor to the TPUC staff  
Ectory Lawless  
Ryan McGehee, Legal Advisor to the TUUDEB

## **I. Opening of Meeting and Roll Call**

Ms. Ectory Lawless opened the meeting and took roll call.

## **II. Review and Adopt Board Meeting Minutes**

The Board considered the Minutes of the last meeting of November 16, 2018. Mr. Turner moved to approve the Minutes and after receiving a proper second from Mr. Hood, the motion to approve the Minutes passed unanimously on a voice vote.

## **III. Program Update**

Prior to the meeting, Mr. Ryan McGehee provided the quarterly report that covers the enforcement activity from October to December of 2018 in addition to updating the board on the number of complaints filed in January. Mr. Aaron Conklin provided a report of the ongoing enforcement and show-cause proceedings. Mr. Conklin answered questions and provided information about the Executive Committee's finding that the unresponsive conduct of L&R Plumbing was willful misconduct. The Committee issued the civil penalty as well as requiring all officers of the company to attend training. Mr. McGehee disclosed that the Comptroller review requested by the Senate Govt. Ops. Committee had begun and that there would be updates to the Board when the Staff was provided information.

## **IV. Commission Invoice for First Quarter, FY2019**

Mr. Chris Eaton was not present to answer questions about the invoice. Mr. McGehee offered to attempt to make him available by phone for questions. Mr. Turner noted that the court reporter fee had risen due to a new contract negotiation. A motion to approve the invoice was made by Mr. Hood and seconded. The invoice was approved on a voice vote.

## **V. Update of Training Program by Tennessee 811**

Mr. Turner reported the training of 252 individuals from 200 organizations. In January, ten individuals from nine organizations were trained with fourteen scheduled for training in February. He also gave an update on the total of training fees collected of approximately \$24,000.00 since the beginning of the program and that overall feedback of the training has been positive. A sample survey by Mr. McGehee reflects positive feedback about the training.

## **VI. Common Ground Alliance's latest DIRT Report**

Mr. Craig Ingram of Tennessee 811 gave a presentation of data and summary points from the 2017 DIRT report of national damage information, including damages in Canada. Tennessee had 7,891 damages reported in 2017, up from 7,580 in 2016.

## **VII. General Discussion and Topics for Next Meeting**

Mr. Bill Turner stated that he is working with the Commission General Counsel on a draft of the recommended changes to the MOU for the Board's consideration. Chairman Tubberville suggested the MOUs and Training Requirements be rolled together to the next meeting. Mr. Turner raised a discussion about operators that are not currently members of

Tennessee 811 as required by the Act. There was a general discussion about how the Board can urge operators to join TN 811 without the filing of individual complaints. There was also discussion about the financial challenges of rural and smaller operators that may impact their path to meeting TN 811 membership requirements.

Mr. Turner asked Mr. Conklin for an update on the rules that are being drafted and that the update be provided at the next meeting. Mr. McGehee said he scheduled former Tennessee Supreme Court Justice Bill Koch to speak about conflicts of interest at the next meeting as well. Mr. Turner distributed copies of the list of about seventy people who are not members of Tennessee 811.

The Board meeting adjourned at 11:04 a.m.