



**TENNESSEE UNDERGROUND UTILITY DAMAGE PREVENTION BOARD**  
**Meeting on January 29, 2020**

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**MINUTES**

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The board meeting of the Tennessee Underground Utility Damage Enforcement Board commenced at 10:02 a.m., in the Ground Floor Conference Room of 502 Deaderick Street, Nashville, Tennessee 37243.

**Board Members Present:**

Rob Arnold  
Earl Bolin  
Doug Burgess  
Wayne Hastings, Vice-Chairman  
Bill Hollin  
Eddie Hood  
Stephanie Howell  
Kevin Kruchinski (via telephone)  
Scott Niehaus  
Bobby Pitts  
Kevin Raley  
Steve Raper  
Kevin Tubberville, Chairman  
Bill Turner

**Board Member(s) Absent:**

Craig Jensen

**TPUC Staff Present:**

Stacy Balthrop, Director of the Consumer Services Division  
Kelly Cashman-Grams, General Counsel  
Aaron Conklin, Legal Advisor to the TPUC staff  
Ryan McGehee, Legal Advisor to the TUUDEB  
Tim Schwarz, Director, Communications

## **Members of the Public With Public Comment:**

David Appelbaum, U.S. Pipeline and Hazardous Materials Safety Administration  
Rodney Carmical, Tennessee County Highway Officials Association  
Jake Jones, National Utility Contractors Association, Middle TN Chapter  
Denise Paige, Tennessee Municipal League  
Don Scholes, Tennessee Association of Utility Districts  
Braxton Williams, Jackson Energy Authority/Tennessee Gas Association

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

Chair Tubberville opened the meeting and Mr. Ryan McGehee took roll call. Chair Tubberville went over some staffing updates.

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

The Board considered the Minutes of the last meeting of November 20, 2019. Mr. Pitts moved to approve the Minutes and after receiving a proper second from Mr. Niehaus, the motion to approve the Minutes passed unanimously on a voice vote.

### **III. Program Update**

Ms. Stacy Balthrop provided an update of the complaints were received in December and up to the date of the meeting and indicated PHMSA would be announcing grant funding opportunities in the Spring. Mr. Aaron Conklin provided a report of the ongoing enforcement and show-cause proceedings. Mr. David Appelbaum from PHMSA provided an over-view of enforcement issues PHMSA was touting during state enforcement program audits and answered several questions from Board members and a question from Mr. Don Scholes.

### **IV. Legislation and Rule Discussion**

Written legislative proposals, discussed in the previous meeting of the Board, were on the agenda. Subjects discussed included in this discussion were: damage notices, white paint requirements, locate billing, hand digging, civil penalties, executive committee composition, underground damage prevention fund, bidding, and gas pipeline safety penalties. Mr. Carmical, Ms. Paige, Mr. Jones, and Mr. Williams shared their questions and comments on these issues. All of the proposals were consolidated together and approved in concept with the exception of “Sections 8 and 9” concerning expanding the membership of the Board to eighteen members and Executive Committee from three to five members. The motion to endorse sections 8 and 9 failed with eight nays, five ayes, and one abstention.

### **V. Memorandums of Understandings (MOU)**

Drafts of the MOUs between TPUC and the Board and TN 811 and the Board were presented and discussed. Mr. Pitts motioned to approve the MOUs as presented to the board and after receiving a proper second from Mr. Hood, the motion to approve the MOUs passed with one abstention.

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

Mr. Turner reported the training of 349 individuals from 267 organizations. For 2019 year to date, 108 individuals from seventy-seven organizations were trained with twenty-nine pending, and eighteen in training today.

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

Mr. Conklin invited Board members to provide comments concerning any proposed rules.

The Board meeting adjourned at 12:51 p.m.