



TENNESSEE UNDERGROUND UTILITY DAMAGE PREVENTION BOARD
Meeting on February 23, 2022

MINUTES

The board meeting of the Tennessee Underground Utility Damage Enforcement Board commenced at 10:03 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
Kevin Kruchinski
Scott Niehaus
Bobby Pitts
Curtis Russom
Kevin Tubberville, Chairman
Bill Turner

Board Member(s) Via Telephone:

Steve Raper

Board Member(s) Absent:

Kevin Raley

3 Current Vacancies:

Cable Industry
Large Incumbent Local Exchange Carriers
Cooperative Electric Systems

TPUC Staff Present:

Stacy Balthrop, Director of the Consumer Services Division
Slayde Warren
Monique Brazelton
Kelly Cashman-Grams (via telephone)
Aaron Conklin, Legal Advisor to the TPUC staff
Ryan McGehee, Legal Advisor to the TUUDEB
Chris Eaton

Also Present:

Brett Howell
Brooke Sinclair

I. Opening of Meeting and Roll Call

Chair Tubberville opened the meeting and roll call confirmed a quorum was present.

II. Review and Adopt Board Meeting Minutes

The Board considered the Minutes of the last meeting on November 3, 2021. The motion to approve the Minutes passed unanimously on a voice vote.

III. Program Update

The number of complaints received in January was 23 with approximately 15 so far in February and year to date total is near 40. Staff will be presenting at the Tennessee 811 Summit on March 31st. The next Executive Committee Meeting is scheduled for March 29th and the next Board Meeting will be on May 24th.

IV. Finances and Vacancies

Mr. Chris Eaton summarized the end of the calendar year budget update; costs were similar to previous years. Mr. Turner requested that the outstanding uncollected civil penalty amounts also be included in the updates at future meetings, for example the totals that are 90 days past due or 180 days past due.

Mr. McGehee provided a legislative update that indicated names have been submitted to fill the three vacancies on the Board although there is was no time-table available for when formal appointments will be made by appointing authorities.

V. The Grant Process

In the week prior to the meeting, Staff provided a memorandum outlining a proposed grant process. Mr. Turner and Mr. Pitts questioned why the Board's proposed legislation in 2020 did not fully exclude the Central Procurement Office ("CPO") from any review of the Board's distribution of funds. Staff responded that the legislation accomplished allowing the Board to enter into a transparent and more flexible grant process for funding programs and proposals under Tenn. Code Ann. § 65-31-107 rather than submit to competitive bidding.

The Staff's proposed grant process included announcing a public grant opportunity of March 1st, a deadline of April 1st and a draft grant application based on application used by the Indiana Damage Prevention program for similar grant funding.¹ Following a due diligence review by the Staff, the grants would be reviewed beginning on April 26th by an ad hoc grant committee comprised of Board members\ with the expectation that they will meet prioritize the grant applications. Staff will work with CPO utilizing the CPO's grant contract template. The full Board would consider the grant applications and vote whether to approve and provide funding.

Mr. Pitts motioned to set a cap on spending the grant funds for the first year at \$40,000 maximum per grant application. The motion passed unanimously on a voice vote. Fifty percent of the total funds available may be distributed for the grants as of the balance of the Board's fund on April 26th. Board members discussed various opportunities at upcoming conferences to publicize the grant opportunity.

VI. Update on Training Program by Tennessee 811

Mr. Turner reported that 584 individuals from 482 organizations have been trained since the inception of the program. From February 2021 through January 2022, 122 individuals have been trained and approximately 64% have been completed online. Since the approval of charging training cancellation fees, 11 people have canceled without notice and have had an \$85 penalty charged.

For the first six months in 2021, there were 785 damages reported to Tennessee 811. Tennessee 811 are working on an analytics program to be able to see the root cause of damages, what type of work caused the damage, what the resulting damage was (broken down by county or month), as well as the compliance data from the enforcement board. This information will allow them to do more public outreach and education to help people report damages correctly.

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

The Board meeting adjourned at 11:42 a.m.

¹ Prior to the public announcement of the grant opportunity, the Grant Deadline was extended to April 7th.