



TENNESSEE UNDERGROUND UTILITY DAMAGE ENFORCEMENT BOARD
Meeting on November 3, 2022

MINUTES

The board meeting of the Tennessee Underground Utility Damage Enforcement Board commenced at 10:13 a.m., in the Ground Floor Conference Room of 502 Deaderick Street, Nashville, Tennessee 37243.

Board Members Present:

Earl Bolin
Jarrod Brackett
Doug Burgess
Wayne Hastings, Vice-Chairman
Bill Hollin
Eddie Hood
Charles Key
Scott Niehaus
Bobby Pitts
Curtis Randy Russom
Lance Sledge
Kevin Tubberville, Chairman
Bill Turner

Board Member(s) Via Telephone:

Rob Arnold
Steve Raper

Current Vacancies:

Interstate Pipeline
Public Water/Wastewater

TPUC Staff Present:

Stacy Balthrop, Director of the Consumer Services Division
Aaron Conklin, Legal Advisor to the TPUC staff
Ryan McGehee, Legal Advisor to the TUUDEB

Tim Schwarz
Housta Massey (via telephone)

Also Present:

Kelley Zamboni, Tennessee Gas Association

I. Opening of Meeting and Roll Call

Roll call was taken and confirmed a quorum.

II. Review and Adopt Board Meeting Minutes

The Board considered the Minutes of the last meeting on August 30, 2022. The motion to approve the Minutes passed unanimously on a voice vote.

III. Legislative and Policy Updates

Mr. Tim Schwarz gave an update that there are two current vacancies on the board representing interstate pipeline and public water/wastewater. Lieutenant Governor McNally's office is aware of the vacancy.

Mr. Aaron Conklin told the board about meeting with the Attorney General's office to discuss civil penalty collections. Once the cases are referred, the Attorney General's office handles them at no cost. The costs are assessed to the violator. Mr. Conklin fielded questions regarding the collection process and write-off procedures.

IV. Program and Financial Updates

The number of complaints received in September was 49 and 31 in October. There are 41 open investigations. The year to date total is 275. In September and October, there were a total of 15 administrative closures. The assessed civil penalty total is \$283,225. The total received is \$159,975 and the fund balance is \$159,435. PHMSA awarded TPUC two grants this year. The One Call grant amount is \$46,770 and the state damage prevention grant amount is \$93,074. The total for both grants is \$139,844. The board received an adequate rating on the annual PHMSA evaluation.

Ms. Samantha Lamon has been hired to fill Mr. Chris Eaton's position at TPUC. Ms. Housta Massey was available to answer questions regarding the invoice. Mr. Turner commented on the cost of the court reporter rising and motioned that the invoice be approved. The motion to approve the invoice passed on a roll call vote.

V. TGA Grant Update

Ms. Kelley Zamboni presented the messaging and content TGA is using grant funds for and asked for the board's approval. The content includes all underground utilities. They propose to use a graphic that includes, "this message is brought to you by the Tennessee Association of Broadcasters, funded in part by a grant from the Underground Utility Damage Enforcement Board." Chairman Tuberville asked if the contract allowed for the link to be

shared on the 811 or other websites. Ms. Zamboni said she will check to see if the commercial could be linked on other websites such as the 811 website.¹

TGA is proposing two ads: one with a football theme and one that is more generic. The football themed message will air seasonally from around mid or late July through February. The generic message will be aired throughout the year and will not be seasonal. Board members spoke in support of the messaging presentation.

VI. Additional Legislative and Training Program Updates by Tennessee 811

Mr. Turner discussed potential legislative proposals including physical white lining vs. electronic or virtual white lining, more detailed questions to screen false emergencies and whether a locator can charge a penalty to a utility for misrepresenting an emergency, adding a requirement for a locate ticket when professional excavators are hand digging, large (time or distance) project locates, unnecessary update tickets, extenuating circumstances for weather-related issues, updating design locate ticket options, subsurface utility engineering (SUE) requirements for larger projects, the current number of ticket life days, excavator certification, and building an online training module for first time violators that would track their progress. Mr. Turner fielded several questions as the Board discussed several of the proposed legislative concepts and their practical application. No formal vote was taken.

Mr. Turner reported that 682 individuals from 576 organizations have been trained since the inception of the program. Of the 16 cancellation fees assessed, 9 were waived.

VII. Future Topics and Meeting

January 30, 2023 was set as the next Board meeting. Legislative concepts will be on the agenda for the next meeting. Whether the Board's grant fund would be renewed for 2023 will be on the agenda for the next meeting.

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

The Board meeting adjourned at 12:15 p.m.

¹ Ms. Zamboni provided an update later in the meeting that the Tennessee Association of Broadcasters agreed that the advertisements could be posted on Tennessee 811's or any other utility's websites.