



**TENNESSEE UNDERGROUND UTILITY DAMAGE ENFORCEMENT BOARD**  
**Meeting on April 25, 2023**

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**MINUTES**

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The board meeting of the Tennessee Underground Utility Damage Enforcement Board commenced at 11:04 a.m., in the William R. Snodgrass/Tennessee Tower Building at 312 Rosa L. Parks Avenue, Nashville, Tennessee, 37243.

**Board Members Present:**

Kevin Tubberville, Chairman  
Wayne Hastings, Vice Chairman  
Jarrod Brackett  
Bill Hollin  
Eddie Hood  
Scott Niehaus  
Lance Sledge  
Bill Turner

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

Rob Arnold  
Earl Bolin  
Charles Key  
Bobby Pitts  
Steve Raper

**Board Members Not Present:**

**TPUC Staff Present:**

Ryan McGehee, Legal Advisor to the TUUDEB  
Kelly Cashman-Grams  
Aaron Conklin, Legal Advisor to the TPUC staff  
Stacy Balthrop

Samantha Lamon (via telephone)  
Tim Schwarz

**Also Present:**

Craig Ingram, TN 811  
Kelley Zamboni, Tennessee Gas Association

**Current Vacancies:**

Interstate Pipeline  
Natural Gas  
Public Water/Wastewater  
Municipal Electric

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

Roll call showed eight (8) members present in the room and five (5) members participating by phone. A physical quorum was met.

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

The Board considered the Minutes of the last meeting on January 30, 2023. The motion to approve the Minutes and ratify the discussion and votes taken at the January 30, 2023, meeting passed unanimously on a rollcall vote.<sup>1</sup>

The Board considered the Minutes of the special meeting on March 10, 2023. The motion to approve the Minutes passed with no opposition.

**III. Program and Legislative Updates**

The number of complaints received in March was 18 and 28 in April. There are 38 open investigations. The year-to-date total for the calendar year is 122 complaints received. In March, there were 5 administrative closures and none so far in April. The program is trending ahead by 39 complaints compared to the same time last year. The assessed civil penalty total is \$365,725 and the fund balance is \$201,935. The administrative and investigative position has been reposted. There were two PHMSA grants, the state damage prevention grant and the other is a One-Call grant. Both grants were submitted and due to be announced in October. The quarterly report has been posted on the website.

Tim Schwarz gave the staffing and appointment updates. Several terms were due to be up on June 30 and it is hoped the appointing authorities would make the appointments by then. There are four vacancies for appointments and three names have been submitted. Samantha Lamon gave an update on finances. TGA was sent a reimbursement check for their grant. Bill Turner asked for reports on uncollected penalties. Jarrod Brackett asked to get a printout of those with outstanding balances at least once a year.

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<sup>1</sup> The Board's Meeting of January 30, 2023, did not have a physical quorum.

Staff reminded Board members to review the Conflict-of-Interest policy and disclosure forms and to return those to the staff.

Staff indicated it would work with Tennessee 811 to bring the Board up to date on reports concerning the collection and allocation of fees for funding of the Board's operations as required by the memorandum of understanding between the Board and 811.

#### **IV. Grant Program Update**

TGA gave a presentation which included the showing of a television commercial funded in part by the grant provided by the board. The commercial was a part of the final products for TGA's public awareness campaign about underground utilities across the state. Print materials, social media, and radio products were also produced as part of the campaign. The print materials will be available for use by TGA members and other organizations.

The Board considered the grant application of Acts Now, Inc., the sole application the Board received, to fund scholarships for attendees to the 2024 Tennessee 811 Safety Summit ("Safety Summit").<sup>2</sup> A staff advisory memo was distributed to the Board prior to the meeting concerning the grant application. Reimbursement has not yet been requested by Acts Now for the similar grant award in 2022 for the 2023 Safety Summit. A motion to approve the grant application from ACTS Now Inc. was made and granted following a roll call vote.

#### **V. Legislative Proposals and Training Program Updates by Tennessee 811**

Craig Ingram provided the updates on the Tennessee 811 training program. 745 individuals since program inception have been trained, 43 from this year so far. Craig provided statistics on the average days from Citation to contact, which is 60 days from the date listed on the Citation issued by UDEB staff. There were no reschedule requests made in the previous month. Additional statistics were given on the breakdown of violations, training, location, and year-to-year comparisons. Chairman Tubberville and Craig Ingram discussed the number of individuals previously ordered to training in the early stages of the Program and whether it is beneficial to order multiple people to training rather than allowing 811 to offer the free training.

#### **VI. Vote to Defer Executive Committee Elections for Two Newly Created Seats**

New legislation going into effect the day of the meeting created two new seats on the Executive Committee. The Board discussed deferring elections until August to allow for more Board seats to be filled by new appointments which will not interfere with the executive committee's ability to have a quorum over the summer. The Board voted unanimously to defer elections in a rollcall vote.

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<sup>2</sup> The Safety Summit is organized and administered by Acts Now, Inc. Tennessee 811 does not have any financial arrangement with Acts Now, Inc. with respect to the Safety Summit.

Mr. Hood expressed disappointment that the expansion of the committee was not discussed with the Board before being proposed in the legislature. Vice Chairman Hastings concurred.

## **VII. Future Topics and Meeting**

Two new members will be added to the Executive Committee through election at the August meeting. A request for a list of those with uncollected fees was made again by Bill Turner. Scheduling for 2024 meetings was discussed as a possible subject. The August meeting is expected to be held in the Andrew Jackson State building.

Kelley Zamboni of TGA spoke of TGA's involvement and intentions with the recently passed legislation. No other public comment was made.

The meeting was concluded at 11:46 a.m.