



TENNESSEE UNDERGROUND UTILITY DAMAGE ENFORCEMENT BOARD
Meeting on August 31, 2023

MINUTES

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

Board Members Present:

Kevin Tubberville, Chairman
Wayne Hastings, Vice Chairman
Rob Arnold
Jarrod Brackett (via telephone for a portion of the meeting; in person for a portion)
Milton Henderson
Eddie Hood
Charles Key
Scott Niehaus
Bob Pitts
Steve Raper
Lance Sledge
Bill Turner

Board Member(s) Via Telephone:

Bill Hollin

Board Members Not Present:

Earl Bolin

TPUC Staff Present:

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

Brittany Shaw
Tim Schwarz, Director, Communications

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 eleven (11) members present in the room and one (1) member 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 April 25, 2023. The motion to approve the Minutes meeting passed unanimously.

III. Program and Legislative Updates

Brittany Shaw from TPUC gave the program update. At the time of the meeting, 27 complaints were received in the month of August, with approximately 10 pending import. There were 36 open investigations. The year-to-date total was 227 compared to last year where 195 complaints were received, thus trending 32 ahead of last year. There were 2 staff administrative closures for the month of August. The total amount of civil penalties assessed since program inception is \$390,725 and the current fund balance is \$231,310.

PHMSA grant awards should be announced in September. Additionally, the agency applied for two grants: the state damage prevention grant in the amount of \$100,000 and the One-Call grant in the amount of \$60,000.

TPUC staff attended the TGA Safety Summit at Montgomery Bell State Park and is planning to continue engaging in outreach efforts at the CGA conference in April 2024.

Tim Schwarz of TPUC gave an update on vacant positions within the Board. There are currently 3 open seats and Mr. Schwarz is awaiting further communication from the administration regarding re-appointments and new appointments.

Aaron Conklin from Legal gave an update on the list of persons or entities with outstanding unpaid civil penalties as discussed at the April 25, 2023, meeting. The list was sent to the board via email. He further informed the Board that the list contains several companies or individuals

who have been non-responsive from investigation through compliance and thereafter. Letters have been sent to those with outstanding citations through 2021 and there have been several responses. Overall, progress has been made in the communications with persons and entities on the list. Ms. Shaw noted there have been several civil penalty payments made in the last month with some dating back to citations assessed in 2020. Additional methods of investigation and collection were discussed by several members of the Board.

IV. Grant Program Update

No updates were provided at this meeting.

V. Legislative Proposals and Training Program Updates by Tennessee 811

Craig Ingram provided the updates on the Tennessee 811 training program. No cancellation fees have been assessed since the last meeting. Craig informed that the time between citations and trainings are holding steady at an average of 60 days.

VI. Election for Executive Committee Seats

Ryan McGehee facilitated the election process. Motions were made for nominations to fill two new seats on the Executive Committee per the recent law increasing the size of the Committee from 3 to 5 members. Steve Raper, Bob Pitts, Jarrod Brackett, and Milton Henderson were nominated. Mr. Brackett respectfully removed himself from the running due to time and commitment restraints. After a roll call vote on each seat to be filled, ultimately Mr. Steve Raper and Mr. Bob Pitts were elected to join the Executive Committee to serve a term of three years.

VII. Future Topics and Meeting

Mr. McGehee gave an overview on financial matters to be discussed at the next meeting. The Board will need to review costs of the investigative and administrative services the Commission provides to Board in October.

Mr. Brackett made inquiry as to whether money from the operational structure can be used to fund TN 811 training and education for violators, specifically money from assessed and paid penalties. Mr. Brackett proposed this be discussed ahead of time to decide whether this topic should be proposed for the legislature's consideration.

Bill Turner discussed collecting and compiling information from stockholders about potential legislative changes.

With regard to the grant program, Mr. McGehee proposed posting grant materials earlier in an effort to gain more traction and increase submissions. Mr. Turner says the grant program should be pushed all 12 months. Mr. McGehee plans to prepare the materials for kick-off in October.

Before the meeting closed, Mr. Bill Hollin expressed gratitude for his time serving on the Board and gave a heartfelt farewell in case it was his last meeting. No public comment was made. The meeting adjourned at 11:08 a.m.