



**TENNESSEE UNDERGROUND UTILITY DAMAGE PREVENTION BOARD
Meeting on November 16, 2018**

MINUTES

The board meeting of the Tennessee Underground Damage Enforcement Board was called to order at 10:00 a.m. in the Hearing Room G-201 of 502 Deaderick Street, Nashville, Tennessee 37243 by Chairman Kevin Tubberville.

Board Members Present

Earl Bolin
Wayne Hasting, Vice-Chairman
Eddie Hood
Craig Jensen
Kevin Kruchinski
Bob Lambert
Scott Niehaus
Bobby Pitts
Kevin Raley
Steve Raper
Rick Tunnell
Bill Turner

Board Member(s) Via Telephone

Bill Hollin
Kenneth W. King

Board Member(s) Absent

Kevin Tubberville, Chairman
Johnathan Campbell

TPUC Staff Present

Stacy Balthrop
Aaron Conklin, Legal Advisor to the TPUC Staff
Sharla Dillon
Chris Eaton
Ryan McGehee, Legal Advisor to the TUUDEB
Tim Schwartz

I. Opening of Meeting and Roll Call

Vice-Chairman Hastings opened the meeting at 10:00 a.m. Roll-call was taken of the Board members.

II. Review and Adopt Board Meeting Minutes

The Board considered the Minutes of the last meeting of August 15, 2018. The Minutes were approved unanimously on a voice-vote.

III. Scheduling 2019 Board Meetings

Prior to the meeting Board members were provided with a list of dates that the Executive Committee would be meeting.¹ The Board discussed scheduling conflicts. Board members were reminded that they could participate by phone. The discussion was moved to the end of the agenda to allow Staff time to review open dates for the Hearing Room.

IV. Staff Update

Stacy Balthrop of the Commission Staff provided an overview of the most recent audit meeting with federal PHMSA staff. Ms. Balthrop indicated she was optimistic the Board would receive a finding of adequate again. Tim Schwarz, legislative affairs director with the Commission, provided an update of the Board's sunset hearing in August which ended with a recommendation of a two year extension and required a comptroller time study. Mr. Pitts indicated an interest in revisiting the legislative mandated attendance policy. The Board briefly discussed the matter, but a motion for the Board to seek out discussions with Chairman Mike Bell, member of the Tennessee Senate, failed for a lack of a second.

¹ Generally, the Underground Utility Damage Enforcement Board has scheduled to meet on a quarterly basis from a list of twelve dates that the Executive Committee meets.

Mr. Conklin, the attorney for the investigative staff of the Commission, provided a report of the ongoing enforcement and show-cause proceedings. Mr. Conklin also generally discussed the need for basic rules and regulations and the process of rule-making.

V. Commission Invoice for Fourth Quarter, FY 18

Mr. Chris Eaton of the Commission was present and answered questions for Board members concerning the invoice that was provided to Board members on October 30, 2018. A motion to approve by Vice Chairman Hasting was seconded by Mr. Hood. The invoice was approved on a voice vote.

VI. Update of Training Program by Tennessee 811 and Overview of the Apportionment of Fees/Funding for the Board

Mr. Turner reported the training is going well and the classes continued to be offered at the TN 811 facility and that feedback had been very positive. Mr. Turner stated that year to date TN 811 has conducted 27 classes, with four being trained off-site. He continued to report there have been 122 individuals trained from 104 organizations.

As part of apportionment presentation, Mr. Turner provided historical background of Tennessee 811 and its various services and partnerships. He provided an over-view of the ticket process, membership fees, and the process and proportional manner by which members are billed.

VII. Tennessee 811's Request to Discuss/Review Memorandums of Understandings Between Tennessee 811, the Board and the TPUC

Mr. Turner provided redline copies of proposed revisions to the MOUs between Tennessee 811, the Board and the Commission for members to review. This item will be discussed at the next meeting of the Board.

VIII. General Discussion

Mr. Turner also briefly discussed potential legislative concepts that the one-call industry and Tennessee 811 has considered or may consider. There was a brief and general discussion of private utilities and requirements for marking lines with respect to lines owned by a customer as opposed to a utility. A short discussion followed concerning a standard policy for resetting a utility's accumulated violations to zero after the passage of time.

IX. Scheduling 2019 Board Meetings (Continued)

After considerable discussion, to accommodate as many members as possible, the Board elected to schedule meetings on February 13, May 22, August 28 and November 20.

The Board meeting was adjourned at 11:29 A.M.