



TENNESSEE UNDERGROUND UTILITY DAMAGE ENFORCEMENT BOARD
Special Meeting via WebEx on March 10, 2023

MINUTES

The board meeting of the Tennessee Underground Utility Damage Enforcement Board commenced at 2:09 p.m., in the Andrew Jackson Building, 4th Floor Conference, 502 Deaderick Street, Nashville, Tennessee 37243.

Board Members Present via WebEx:

Rob Arnold
Earl Bolin
Jarrod Brackett
Wayne Hastings, Vice-Chairman
Eddie Hood
Charles Key
Scott Niehaus
Bobby Pitts
Steve Raper
Curtis Randy Russom
Lance Sledge
Kevin Tubberville, Chairman

Board Members Physically Present:

Bill Turner

Current Vacancies:

Interstate Pipeline
Public Water/Wastewater
Municipal Electric

TPUC Staff Present:

Aaron Conklin, Legal Advisor to the TPUC staff
Ryan McGehee, Legal Advisor to the TUUDEB
Tim Schwarz, Legislative Liaison of TPUC

TPUC Staff via WebEx:

Stacy Balthrop, Director of the Consumer Services Division
Kelly Cashman-Grams, TPUC General Counsel
Slayde Warren, Utility/Telecom Consultant, TPUC Consumer Services Division

I. Opening of Meeting and Roll Call

Roll call confirmed all serving Board members present via WebEx or physically present.

II. Adoption of Resolution of Necessity

The Board considered and voted unanimously on a rollcall vote to approve a Resolution of Necessity describing the facts supporting the necessity to meet without a physical quorum. In summary, the Board met to consider proposed legislation that would impact the Tennessee Underground Utility Damage Prevention Act in Tenn. Code Ann. § 65-31-101, *et seq* (“Act”). Due to the impending filing and calendaring of the proposed legislation by March 14, 2023, and the travel time and schedule conflicts entailed in bringing the fourteen members of the Board together in a timely fashion, the Board found it was a necessity to meet without a physical quorum.

III. Proposed Amendment to HB 802/SB

The essential concepts of the proposed amendment to HB 802 were previously discussed by the Board on January 30, 2023. The Board discussed compromise language that had been negotiated by Tennessee 811 and AT&T with respect to one call notice requirements for hand-digging and the depth requirement of the compromise language. Upon request, Staff clarified that the proposed amendment did not impact other exemptions of the Act. The Board further discussed electronic white lining and its reliability within the context of the proposed amendment.

On a rollcall vote, the Board voted to support the amendment by a vote of 13-1.

IV. Proposed Amendment to HB 798/SB

The Tennessee Gas Association has proposed an amendment to add two additional member seats to the Board’s Executive Committee. The Board discussed the proposed amendment and the attendance and meeting record of the Executive Committee. Some Board members expressed that the proposed amendment should have been brought to the Board before being proposed at the legislature.

On a rollcall vote, the Board voted not to support the amendment by a vote of 10-4.

VI. Other Business

Randy Russom announced he would resign from the Board. Board members and Staff expressed regret for the resignation and thanked Mr. Russom for his service and his straight-talking character.

No member of the public sought comment. A recording of this meeting is available on the Damage Prevention Webpage of the Tennessee Public Utility Commission: www.tn.gov/tpuc/divisions/uudp-underground-utility-damage-prevention.html

Approved By:

Handwritten signature of Kevin Tubberville in black ink.

Kevin Tubberville, Chairman
Tennessee Underground Utility
Damage Enforcement Board