

TENNESSEE PUBLIC UTILITY COMMISSION



Tennessee Public Utility Commission
502 Deaderick Street, 4th
Floor Nashville, Tennessee
37243

Mid-Term Progress Report 2020 State Damage Prevention Program Grant CFDA Number: 20.720

Award Number: 963JK32040014PSDP

Project Title: State Damage Prevention (SDP) Program Grants—FY2020

Date Submitted: April 12, 2021

Submitted by: Stacy Balthrop

Specific Objective(s) of the Agreement

Pay for salary and benefits for a full-time damage prevention investigator. (Element 7, Priority 1)

Work Scope

Element 7 (Fair and Consistent Enforcement of the Law): Enforcement of state damage prevention laws and regulations for all aspects of the damage prevention process, including public education, and the use of civil penalties for violations assessable by the appropriate state authority.

Accomplishments for this period (Item 1 under Article IX, Section 9.01 Progress Report: “A comparison of actual accomplishments to the objectives established for the period.”)

Grant funding was requested for salary and benefits of Tennessee Public Utility Commission (TPUC) full-time staff member to investigate alleged violations of the Tennessee Underground Utility Damage Prevention Act (The Act).

During the period of September 28, 2020 through March 27, 2021, the Tennessee Underground Utility Damage Prevention Board (The Board) received ninety-two (92) complaints of alleged violations of The Act involving multiple utilities. The Executive Committee met five (5) times during this period and determined seventy-three (73) complaints were violations of The Act. Enforcement actions included compliance training and civil penalties. Additionally, TPUC's Gas Pipeline Safety Division has provided Tennessee811 with identified areas with high excavation damage issues for targeted damage prevention education.

Quantifiable Metrics/Measures of Effectiveness (Item 2 under Article IX, Section 9.01 Progress Report: “Where the output of the project can be quantified, a computation of the cost per unit of output.”)

In comparison, for the period of January 1, 2020 through September 30, 2020, The Board received 173 complaints of alleged violations. During this time period, The Board met five (5) times and determined ninety-five (95) complaints were violations of The Act. Enforcement actions included compliance training and civil penalties. Quarterly and annual reports provide statistical enforcement data such as, violations, individuals ordered to compliance training, civil penalty amounts, root cause, and information on complainants/violators.

TENNESSEE PUBLIC UTILITY COMMISSION



Underground Utility Damage Prevention Program
 Tennessee Public Utility Commission
 502 Deaderick Street, 4th Floor
 Nashville, Tennessee 37243

Underground Utility Damage Prevention Program October— December 2020 Quarterly Report

October 21, 2020 Executive Committee Meeting

Enforcement Results

Violations	18
No Violations	5

Civil Penalty

No. of Civil Penalties	Amount	Total
0		
Total		0.00

Ordered to Training

18

Root Cause of Violations

No notification to 811	10
Failure to use reasonable care	4
Excavating/Demolishing before locate request valid	2
Excavating/Demolishing beyond 15 day expiration	2
Total	18

Violators by Region

No. of Violators

East	6
Middle	12
West	0
Total	18

Work by Violator

Construction Services	11
Landscape Services	3
Other	3
Fencing	1
Total 18	

Complainants of Violations

Gas	16
Water	1
Sewer	1
Total 18	

December 16, 2020 Executive Committee Meeting

Enforcement Results

Violations	20
No Violations	0

Civil Penalty

No. of Civil Penalties	Amount	Total
4	\$625	\$2,500
Total		\$2,500

Ordered to Training

20

Root Cause of Violations

No notification to 811	11
Failure to use reasonable care	4
Excavating/Demolishing before locate request valid	2
Excavating/Demolishing beyond 15 day expiration	1
Excavating/Demolishing outside requested locate area	1
Not reporting damage to the utility/facility	1
Total 20	

Violators by Region

No. of Violators

East	9
Middle	10
West	1
Total 20	

Work by Violator

Construction Services	17
Other	3
Total	20

Complainants of Violations

Gas	19
Water	1
Total	20

Complaints Received

Complainants	Complaints of Alleged Violation
Gas Facility Owner	42
Telecom/Cable Facility Owner	5
Water Facility Owner	2
Property Owner	4
Total	53

Of the 53 complaints received, 44 reported damage to an underground facility.

TENNESSEE PUBLIC UTILITY COMMISSION



Tennessee Public Utility Commission
502 Deaderick Street, 4th Floor
Nashville, Tennessee
37243

January-March 2021 Underground Utility Damage Prevention Program Quarterly Report

January 12, 2021 Executive Committee Meeting

Enforcement Results

Violations	10
No Violations	3

Civil Penalty

No. of Civil Penalties	Amount	Total
2	\$ 625	\$ 1,250
1	\$ 1,250	\$ 1,250
Total		\$ 2,500

Ordered to Training

9

Root Cause of Violations

No notification to 811	8
Failure to use reasonable care	1
Facility was not located or marked	1
Total 10	

Violators by Region

No. of Violators

East	4
Middle	5
West	1
Total 10	

Work by Violator

Construction Services	7
Landscape Services	2
Utility Services	1
Total	10

Complainants of Violations

Gas	7
Cable	1
Telecom	1
Water	1
Total	10

February 9, 2021 Executive Committee Meeting

Enforcement Results

Violations	14
No Violations	1
Administrative Closure	1

Civil Penalty

No. of Civil Penalties	Amount	Total
1	\$2500	\$2500
Total		\$4375

Ordered to Training

12

Root Cause of Violations

No notification to 811	10
Failure to use reasonable care	3
Excavating/Demolishing beyond 15 day expiration	1
Total	14

Violators by Region

No. of Violators

East	10
Middle	3
West	1
Total	14

Work by Violator

Construction Services	8
Landscape Services	3
Other	3
Total 14	

Complainants of Violations

Gas	11
Telecom	2
Water	1
Total 14	

March 10, 2021 Executive Committee Meeting

Enforcement Results

Violations	11
No Violations	1
Consolidation	1

Civil Penalty

No. of Civil Penalties	Amount	Total
0	0	0

Ordered to Training

11

Total

Root Cause of Violations

No notification to 811	3
Failure to use reasonable care	5
Excavating/Demolished beyond 15 day expiration	2
Excavating/Demolishing before locate request is valid	1

Total 11

Violators by Region

No. of Violators

East	7
West	1
Middle	3

Total 11

Work by Violator

Construction Services	5
Landscape Services	2
Utility Services	1
Other	3

Total 11

Complainants of Violations

Gas	11
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Total 11

Complaints Received January-March 2021

Complainants	Complaints of Alleged Violation
Gas Facility Owner	32
Telecom/Cable Facility Owner	4
Water Facility Owner	5
Sewer	1
Property Owner	2
Other	1

Total 45

Of the 45 complaints received, 37 reported damage to an underground facility.

TENNESSEE PUBLIC UTILITY COMMISSION



Underground Utility Damage Enforcement Board
 Andrew Jackson Building
 502 Deaderick Street, 4th Floor
 Nashville, Tennessee 37243

Underground Utility Damage Prevention Program Calendar Year 2020

Enforcement Results	
Violations	133
No Violations	48
Administrative Closures	19
Consolidations	11
Total	211

Sanctions	
Ordered to Training	142
Ordered to Pay Civil Penalty	\$21,875

Root Cause of Violations	
No notification made to Tennessee One-Call/811	83
Failure to use reasonable care	33
Excavating beyond 15 day expiration	5
Excavating/demolishing before locate request is valid	7
Reporting a false emergency	3
Excavating/Demolishing outside requested locate area	1
Not reporting damage to underground utility/facility	1
Total	133

Violator Type	
Construction Services	104
Landscaping Services	17
Government Services	1
Fencing Services	1
Other	10
Total	133

Complainants of Violations	
Gas	116
Water	8
Locator	3
Cable/Telecom	4
Electric	1
Sewer	1
Total	133

Complaints Received
226

**Issues, Problems or Challenges (Item 3 under Article IX, Section 9.01 Progress Report:
“The reasons for slippage if established objectives were not met. “)**

There are no issues, problems, or challenges to report.

Plans for Next Period (Remainder of Grant)

The remainder of the grant period will continue to utilize funding for salary and benefits for a full-time damage prevention investigator for enforcement of state damage prevention laws and regulations for all aspects of the damage prevention process, including public education, and the use of civil penalties for violations assessable by the appropriate state authority.

Requests of the AOR and/or PHMSA

No actions requested at this time.