



U.S. Department  
of Transportation  
**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

August 10, 2020

Via Email

Kenneth C. Hill  
Chairman  
Tennessee Public Utility Commission  
502 Deaderick Street, 4th Floor  
Nashville, TN 37243

Dear Chairman Hill:

On August 7, 2020, a representative of the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) conducted an evaluation of the Tennessee Public Utility Commission's (Commission) enforcement of the Tennessee State excavation damage prevention law. PHMSA conducted this evaluation pursuant to 49 United States Code § 60114 and 49 Code of Federal Regulations (CFR) Part 198, Subpart D -- State Damage Prevention Enforcement Programs. Based on this evaluation, PHMSA has determined that the enforcement of the Tennessee excavation damage prevention law is "adequate."

Notwithstanding this determination, PHMSA would like to bring to your attention an issue involving the requirements of 49 CFR 198.55 (a)(5). This is one of the evaluation criteria for a states' damage prevention enforcement program and assesses the state's excavation damage investigation practices. Specifically, PHMSA reviews the state's policy regarding equitable and consistent application of enforcement to both operators and excavators. In calendar year 2019, Tennessee's gas distribution operators reported a total of 3,186 excavation damages to their pipeline facilities in the annual reports submitted to PHMSA. Based on the information gained during our evaluation, only 130 (4 percent) of these damages were investigated by the Commission and only 24 (18 percent) of those damages led to civil penalties. Additionally, the State did not pursue any enforcement actions for the 798 (25 percent) excavation damages that were attributed to the pipeline operators for not having complied with their responsibilities in accordance with the Tennessee Underground Utility Damage Prevention Act, specifically, § 65-31-108. PHMSA appreciates a response relative to this issue within 60 days from the date of this letter.

PHMSA appreciates your dedication to safety. As you are aware, excavation damage continues to be a leading cause of pipeline failures, some of which have resulted in fatalities, serious injuries, and environmental damage. Nationwide statistics show that effective enforcement of state damage prevention laws reduces excavation damage and pipeline incidents, resulting in enhanced public safety.

Chairman Hill  
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Should you or your staff have any questions regarding this letter, please contact Mr. David Appelbaum, PHMSA State Evaluator, at (202) 617-6329 or by email at [David.Appelbaum@dot.gov](mailto:David.Appelbaum@dot.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Massoud Tahamtani', with a large, sweeping flourish extending to the right.

Massoud Tahamtani  
Deputy Associate Administrator, Policy and Programs  
Office of Pipeline Safety

cc: Ms. Stacy Balthrop, Director, Consumer Services Division,  
Tennessee Public Utility Commission