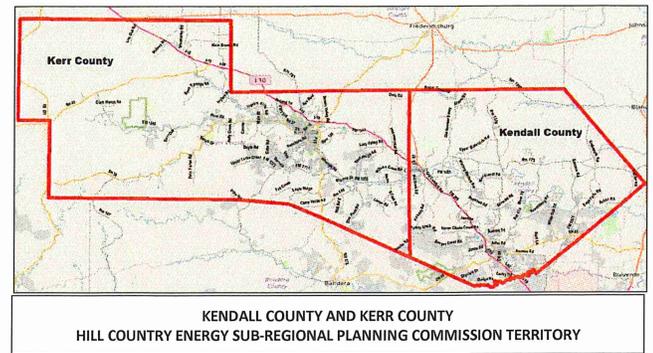


# HILL COUNTRY ENERGY SUB-REGIONAL PLANNING COMMISSION



March 21, 2025

Mr. Thomas E. Oney,  
Executive Vice President of External Affairs & CPO  
LCRA  
P.O. Box 220  
Austin, TX 78767 - 0220

Dear Mr. Oney,

We are in receipt of your letter dated March 5, 2025 informing the Hill Country Energy Sub-Regional Planning Commission (HCESRPC) that the Lower Colorado River Authority (LCRA) is a political subdivision of the state and is not a state agency subject to Chapter 391.009 of the Local Government Code. However, we believe that LCRA is indeed a state governmental agency subject to Chapter 391 of the Local Government Code based on its creation by the Texas legislature and the definition clearly stated in the Texas SPECIAL DISTRICT LOCAL LAWS CODE, TITLE 6, SUBTITLE G, CHAPTER 8503 (a) "A conservation and reclamation district to be known as the "Lower Colorado River Authority" is created. The authority is a **governmental agency** and a body politic and corporate."

You also clarified in your letter that LCRA TSC is required to provide transmission service to generation resources seeking interconnection. However, it seems odd that this requirement would apply to Battery Energy Storage Systems (BESS) as they are clearly not a generator of energy, but merely store electricity for a short period of time before returning it into the grid with some amount of actual loss as part of a commercial transaction.

We look to LCRA as the primary provider of electricity in our region, and we believe that in addition to the legal obligation as a governmental agency subject to Chapter 391 of the Texas Local Government Code, you have a moral obligation to coordinate planning for BESS with our HCESRPC and put our constituents' (your consumers) health, safety, and welfare first and foremost in all your business ventures, and specifically with regard to the possible installation of BESS facilities in our communities.

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By delaying the coordination of BESS development plans with us, you are implicitly supporting the unwanted and unregulated installation of these potentially hazardous facilities for which there is little to no oversight. The consequences of thermal runaway lithium battery fires, which cannot be controlled nor extinguished, and which release extremely toxic and harmful chemicals into the air, contaminate the surrounding soil, and eventually would likely contaminate our precious surface water and groundwater on which we depend, are dire indeed.

The ongoing Crabapple wildfire in Gillespie County is just one example of how easily wildfires spread out of control in our semi-arid and drought prone hill country. Approximately 10,000 acres of land has burned taking with it over 30 buildings including 9 homes and destroying the lives of many.

Regardless of statutory requirements to interconnect projects to the power grid on a nondiscriminatory basis, the last thing that any responsible corporation or state governmental agency should do is place our citizens at risk from potentially hazardous facilities that have little positive economic impact and would never have been contemplated without the former administration's false climate crisis narrative and the federal funding for unreliable "renewable" energy. The potential liability and reputation losses that LCRA may incur in the all too likely probability of a thermal runaway BESS fire are quite significant.

Therefore, on behalf of our citizens, we once again ask LCRA to meet with our HCESRPC to coordinate planning for any and all BESS development in Kerr and Kendall Counties. Please send your authorized delegates to meet with us at the Kerr County courthouse on one of the dates shown below or propose an alternative date and time before April 30<sup>th</sup>.

1. March 28, 2025 at either 10:00 am or 2:00 pm.
2. April 16, 2025 at either 10:00 am or 2:00 pm.
3. April 25, 2025 at either 10:00 am or 2:00 pm.

We look forward to working with you to ensure the health, safety and welfare of our citizens.

Respectfully yours,



Richard S. Paces

President, HILL COUNTRY ENERGY SUB-REGIONAL PLANNING COMMISSION

Cc: Wes Virdell, State Representative, District 53  
Ellen Troxclair, State Representative, District 19  
Pete Flores, State Senator, District 24  
Donna Campbell, State Senator, District 25  
Chip Roy, US Congress, 21<sup>st</sup> District of Texas