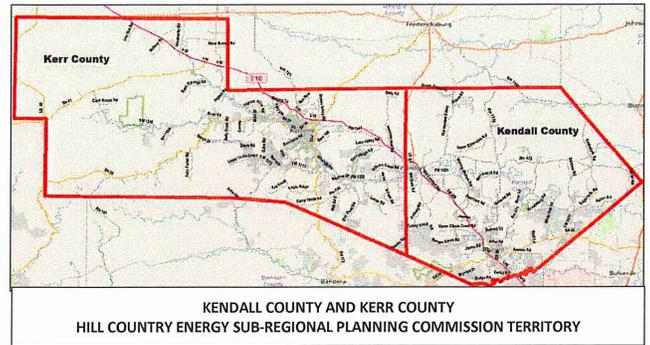


HILL COUNTRY ENERGY SUB-REGIONAL PLANNING COMMISSION



March 21, 2025

Mr. Thomas J. Gleeson, Chairman
Public Utilities Commission of Texas
William B. Travis Building
1701 N. Congress Ave
Suite 7-110
Austin, TX 78701

Dear Mr. Gleeson,

This letter is further to my letter to you dated February 14, 2025 to which we have received no reply. The HCESRPC hereby issues a second notice to the Public Utilities Commission of Texas (PUC) that they must coordinate the planning for any development, installation or operation of Battery Energy Storage System (BESS) facilities in Kendall County or Kerr County, and such coordination shall be conducted in a meaningful way and to the greatest extent feasible with the HCESRPC at the regional level as required by the Section 391.009(c) of the Local Government Code. Section 391.009(c) states:

"In carrying out their planning and program development responsibilities, state agencies shall, to the greatest extent feasible, coordinate planning with commissions to ensure effective and orderly implementation of state programs at the regional level."

We also bring your attention to the December 16, 2024 decision, in the 250th District Court located in Austin, Texas, Judge Karin Crump presiding. She adjudicated the 391.009(c) statute in a Final Judgement in WALLER COUNTY SUB-REGIONAL PLANNING COMMISSION v. MARC D. WILLIAMS, in his official capacity as Executive Director of the TEXAS DEPARTMENT OF TRANSPORTATION (copy attached).

700 Main, Ste. 101
Kerrville, Texas 78028
(830) 343-9107
Email: rpaces@co.kerr.tx.us
Website: www.HCESRPC.com

We believe that in addition to the legal obligation as a governmental agency subject to Chapter 391 of the Texas Local Government Code, PUC has a moral obligation to coordinate planning for BESS with our HCESRPC to ensure the health, safety, and welfare of our constituents first and foremost.

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.

The last thing that any 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.

Therefore, on behalf of our citizens, we once again ask PUC 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 located at 700 Main, Kerrville, Texas on one of the dates shown below or propose an alternative date and time before April 30th.

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 ask that PUC representatives be prepared to answer all questions from the commission regarding the current and future plans of the PUC as it will impact our residents and their health, safety and general welfare, as well as our economies.

We once again advise you that, any effort by your agency, your assigns, or other private contractors or developers to study, plan, or prepare to construct or install any BESS facilities within our combined jurisdictions must first be coordinated with the Hill Country Energy Sub-Regional Planning Commission.

Your prompt response is appreciated.

Respectfully yours,



Richard S. Paces
President, HCESRPC

Attachment: Final Judgement in WALLER COUNTY SUB-REGIONAL PLANNING
COMMISSION v. MARC D. WILLIAMS

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

CAUSE NO. D-1-GN-16-005374

WALLER COUNTY SUB-REGIONAL PLANNING COMMISSION, <i>Plaintiff,</i>	§ § § § § § § § § §	IN THE DISTRICT COURT
v.		TRAVIS COUNTY, TEXAS
MARC D. WILLIAMS, in his official capacity as Executive Director of the TEXAS DEPARTMENT OF TRANSPORTATION, <i>Defendant.</i>		201st JUDICIAL DISTRICT

FINAL JUDGMENT

On January 5, 2017, the Court granted the Plaintiff’s December 14, 2016 motion for partial summary judgment and ruled that Plaintiff was entitled to a judgment making certain declarations; and

On June 18, 2024, Plaintiff nonsuited without prejudice all other claims it asserted against the Defendant in this lawsuit.

After careful consideration of the pleadings, the relevant cases, and arguments of counsel, the Court enters Final Judgment in this cause as follows:

IT IS ORDERED, ADJUDGED, DECREED, and DECLARED that the Texas Department of Transportation has a duty to coordinate planning, to the greatest extent feasible, with Plaintiff Waller County Sub-Regional Planning Commission with respect to the implementation of the high-speed railway that is being planned to run between Dallas and Houston, Texas.

IT IS FURTHER ORDERED, ADJUDGED, DECREED, and DECLARED that Defendant Marc. D. Williams, in his official capacity as executive director of the Texas Department of Transportation, has acted outside his powers and authority by refusing to direct the Texas Department of Transportation to perform its statutory duty to coordinate planning, to the greatest extent feasible, with Plaintiff Waller County Sub-Regional Planning Commission with

respect to the implementation of the high-speed railway that is being planned to run between Dallas and Houston, Texas.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that any relief requested in this Cause and not expressly granted in this Final Judgment is denied.

SIGNED this 16th day of December, 2024



KARIN CRUMP
JUDGE PRESIDING
250TH DISTRICT COURT