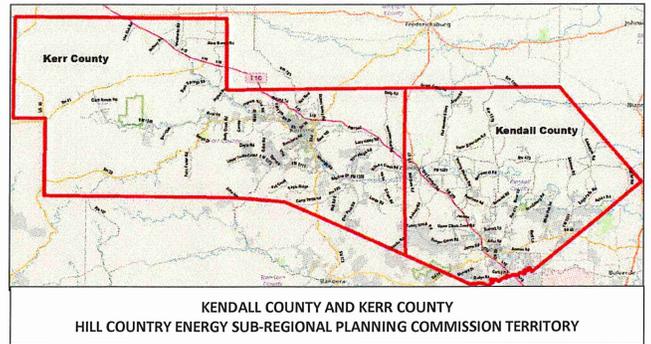


HILL COUNTRY ENERGY SUB-REGIONAL PLANNING COMMISSION



April 24, 2025

Mr. Mike Hoke, Director of Public Engagement
Public Utilities Commission of Texas
William B. Travis Building
1701 N. Congress Ave
PO Box 13326
Austin, TX 78711

Dear Mr. Hoke,

Thank you for your letter dated March 31, 2025 in response to my March 21st letter, which issued a second notice to the Public Utilities Commission of Texas (PUCT) 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 with the HCESRPC.

We appreciate the background information you provided in your letter and while we understand that the PUCT may not have the ability to affect the location or type of electric generation and that in the ERCOT region, power generation is largely deregulated, we insist on PUCT sending its representatives to meet with our Board as required under Section 391.009(c) of the Local Government Code which requires all state agencies to coordinate development planning with commissions to the greatest extent feasible.

In February 2025, the Hill Country Energy Sub-Regional Planning Commission (HCESRPC) was formed for the purpose of planning the future development of our communities, including the planning for BESS within the boundaries of our Commission. Members of our Commission include elected representatives from various local government entities within both Kendall and Kerr counties. As a statutorily created planning commission under Texas State Law, we have unique authority and expertise to ensure that all projects within our jurisdiction, whether county, state or federal, work together for the benefit of the people of both Kendall and Kerr Counties.

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Under Texas law, Local Government Code, Chapter 391, Section 391.009(c) **all** state agencies are required to “coordinate planning with commissions to ensure effective and orderly implementation of state programs at the regional level.” This directive for state agencies, such as PUCT, to coordinate plans with HCESRPC does not conflict with your responsibility for economic regulation of Texas' electric utilities or your oversight of the Electric Reliability Council of Texas, which runs the electric grid for 90% of Texas' power needs. In fact, it enhances your efforts. By planning regional projects in close coordination with planning commissions such as ours, federal and state agencies can develop an efficient and safe electric utility development plan that benefits our local communities as well as all those who benefit from an effective and efficient statewide electricity grid.

We are of the opinion that PUCT is currently failing to achieve its core goals of promoting reliability and high-quality infrastructure by allowing our Texas grid to become overly dependent on unreliable power from solar and wind generators which has created the apparent need for high-risk, unregulated lithium battery energy storage system infrastructure. In fact, BESS developers are intentionally taking advantage of the fact that power generation is largely deregulated and are targeting the unincorporated areas of small counties like Kendall and Kerr Counties, who have no authority over the development of these facilities.

According to your letter, a company that wants to sell power in the wholesale market must register with the PUCT as a power generation company, including contact information and corporate ownership structure. Have the companies locating their BESS facility in our jurisdiction registered as a power generation company with the PUCT and included contact information and corporate ownership structure? If so, we are hereby requesting that information. Your website lists all the companies, but does not provide any information on where these companies are locating their facilities.

Our commission needs to better understand the role that PUCT and its subordinate system operator, ERCOT (who manages the flow of electric power within the grid), has in the development planning associated with BESS. We also need to make PUCT fully aware of our concerns regarding BESS facilities in our counties and the potentially catastrophic damage that could be inflicted upon the health, safety and welfare of our people. PUCT should not only implement legislation but also help influence legislation impacting BESS development to protect our people and our water supplies. We need laws in place to properly regulate the location and type of energy development that is connected to our grid just as our legislators, both state and federal, must remove the economic distortion created by the federal subsidies and tax incentives available to so called “green energy” developers.

Our sub-regional planning commission is attempting to discover the state and federal agencies responsible for permitting, funding and/or development of these BESS facilities to enable planning coordination with those responsible agencies. Until then, we will continue to do all we can to oppose BESS establishment and operation within our jurisdiction.

I reiterate our belief that in addition to the legal obligation as a governmental agency subject to Chapter 391 of the Texas Local Government Code, PUCT 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.

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.

In the interest of PUCT doing everything it can to protect the health, safety and welfare of our people, we once again ask PUCT to meet with our HCESRPC Board to share information and coordinate planning for any and all BESS development in Kerr and Kendall Counties. Please send your authorized delegates to meet with us on **May 6th at 2:00 pm** at the Kendall County courthouse located at 201 E. San Antonio Ave. Boerne, Texas 78006, in the Commissioners' Courtroom on the 3rd floor. If May 6th is unacceptable, please propose an alternative date and time on or before May 21st.

We ask that PUCT representatives be prepared to answer all questions from the commission regarding the current and future plans of the PUCT as it may impact our residents and their health, safety and general welfare, as well as our economies. It would also be beneficial if PUCT would bring its subordinate system operator, ERCOT, to our coordination meeting so that they might provide their unique insights as well as benefit from hearing our concerns.

Your prompt response is appreciated.

Respectfully yours,



Richard S. Paces
President, HCESRPC

Cc: Mr. Thomas J. Gleeson, Chairman Public Utilities Commission of Texas
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, 21st District of Texas

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