

Hill Country Energy Sub-Regional Planning Commission

March 26, 2025 Meeting Final Minutes

A meeting of the Hill Country Energy Sub-Regional Planning Commission (HCESRPC) took place in the Kendall County Courthouse on March 26th, 2025 and was opened at 10:02 am with the pledge of allegiance to the American Flag. Commissioner Paces then offered a prayer for a productive meeting.

The following members of the Board, as appointed by the Kendall and Kerr County Commissioners Courts, were in attendance:

Rich Paces, Kerr County Commissioner, Precinct 2,
Jeff Holt, Kerr County Commissioner, Precinct 3,
Jennifer McCall, Kendall County Commissioner, Precinct 3,
Chad Carpenter, Kendall County Commissioner, Precinct 4, via Teams online streaming,
Linda Bullard, Landowner Representative.

Texas State Representative, Wes Virdell, was unable to attend.

A quorum being present, the Commission considered, discussed and took action as described below for each item on the posted meeting agenda.

1. Approval of the March 14th Meeting Minutes

The draft Minutes from the March 14th meeting as posted on our website were considered for approval. Commissioner Carpenter made a motion to approve the minutes; Commissioner Holt seconded the motion. The motion passed by a vote of 5 – 0, and the Minutes were approved. The President will post the same on our website and announced that all HCESRPC documents will be maintained on the Website. The President announced that the Kerr County Commissioners had adopted a new rule that henceforth voting would be by raised hands, so that those unable to hear can see how each member votes. The Secretary noted that henceforth she would try to limit the Minutes to Motions, general agreements.

2. Discussion of Amended Interlocal Agreement

Commissioner Paces reported that the amended Interlocal Agreement was adopted by the Kerr County Commissioners Court on March 24th, and it will be signed. As previously reported, Kendall County had already approved it. Thus, its effective date has been changed to February 11th, 2025.

3. Board Member Input on developing information

Ms. Bullard noted that the SREC Energy Symposium, which dealt with BESS, had taken place in Austin the previous week, and since none of the Commission members had been able to attend, she asked members of the public who were there to report about it. Jeff Boerner and Barbara Ferguson

reported, and a discussion ensued, about the bills related to BESS which have been introduced into the Texas legislature. Commissioner McCall spoke to John Palacios, in Government Affairs at LCRA, who described LCRA's role in hooking up BESS. He said that the only active BESS in their system from our Sub-Region is in Mountain Home. She also reached out to a member of the Mason County 391 Commission, and he offered us the use of their non-profit. Commissioner Paces reported on an E-mail he had received from Annalisa Peace of the Greater Edwards Aquifer Alliance, informing the Kerr County Commissioners about the House Concurrent Resolution 121.

Commissioner Holt reported that Kerr County Commissioner Tom Jones and Judge Kelly were approached by a company interested in developing a BESS off Upper Turtle Creek Road in Kerr County and requesting a planning meeting. Commissioner Carpenter reported that there is discussion of an AI Data Center coming to the Comfort area.

4. Update on Coordination Notices sent to PUCT, LCRA and TCEQ

Commissioner Paces reported that he had sent second letters of notification to PUCT and LCRA. He brought to the attention of PUCT the court decision which ruled in favor of the Waller County 391 Commission that TXDOT was legally required to coordinate. Ms. Bullard added that she had followed up with Mike Hoke, PUCT Director of the Office of Public Engagement. In his second notification letter to LCRA, Commissioner Paces informed them that they are indeed subject to Chapter 391 and providing evidence that LCRA is a "governmental agency." He also made the point that if ERCOT obliges LCRA to connect a "power generator," that would not apply to BESS, since BESS does not generate power. TCEQ responded to Commissioner Paces that they were willing to meet with us but that they don't have a role to play in permitting BESS. They have agreed to send at least two representatives to meet with us on Wednesday, April 16th at 10 in the morning at the Kerr County Courthouse, and they seem very cooperative. A first notification letter was also sent to ERCOT on March 21st, requesting a planning coordination meeting. It would be good if Wes Virdell could attend certain of these planning coordination meetings. All of these letters are posted on the Website, and were copied to our State Representatives and Senators, as well as U.S. Rep. Chip Roy.

5. Potential Experts for Coordination Testimonies

Commissioner Holt presented a Case Study on the Moss Landing Fire, which can be viewed on the video of this meeting. The Battery Energy Safety and Accountability Act (Bill 303) has been introduced into the California legislature aimed at stricter regulation. Commissioner Paces has reached out to the President of KARFA, an association of all the Fire Departments and Fire Chiefs in Kerr County, both volunteer and City of Kerrville, and he is willing to testify whenever we need him. Commissioner Holt suggested that we need 5 categories of experts to give testimony. Paces recalled that the State Fire Marshall had expressed a willingness to testify about what the Fire Code does and doesn't do. Ms. Bullard proposed for future meetings Robert Bryce and the authors of the Texas A&M Engineering Extension Service *Report on Lithium-Ion Battery Fires and Emissions and Characterizations*.

6. Bills in the Texas Legislature Relevant to BESS

Commissioner Paces emphasized Senator Sparks' Bill, which would level the playing field. Ms. Bullard drafted a Focus Tool to serve as the starting point for a brainstorm about the elements which should be included in a BESS permitting framework and distributed it to the Commissioners, asking for feedback to flesh it out, both from the Commissioners and from the public. This tool would help to educate the Board and possibly be used to amend Legislation in various committees. A decision was made to put an item on an upcoming meeting agenda to discuss and provide feedback on the regulatory framework Focus Tool.

7. Administrative Matters

Ms. Bullard noted that she now has an official E-mail address, which is secretary@hcesrpc.com. She is required to retain all correspondence there, and when Kendall County appoints a Landowner Representative next year, that person will take over the E-mail address with its archive.

8. Public Comments

Comments from the Board and the public came after the next meeting was set. We had several comments from the public to provide information and documentation from the SREC Energy Committee Symposium. The video along with documents obtained have been posted on our website.

9. Set Next Meeting

The Board agreed to set the next meeting of the HCESRPC for 10 am on Wednesday, April 16th, in the Kerr County courthouse at 700 Main Street, Kerrville, TX 78028.

There being no further business before the HCESRPC, the meeting was adjourned at 11:56 am.

Submitted by Linda Bullard, Secretary