

Hill Country Energy Sub-Regional Planning Commission

June 3, 2025 Meeting Minutes

A meeting of the Hill Country Energy Sub-Regional Planning Commission (HCESRPC) took place in the Kendall County Courthouse on June 3rd, 2025. It was opened at 2:00 pm with a prayer offered by Commissioner Holt and pledges of allegiance to the American Flag and the Texas Flag.

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 1,

Chad Carpenter, Kendall County Commissioner, Precinct 4,

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.

NOTE: These Minutes are a record of Motions voted upon, agreements reached, and decisions taken in the meeting. For announcements, information, reports, general discussion, and public comment, reference is made to the video recording of the meeting, posted at www.HCESRPC.com and hereby made part of these Minutes.

1. Approval of Meeting Minutes

Approval of the May 20th, 2025 Meeting Minutes. A motion was made by Commissioner Paces to adopt the Draft Minutes of May 20th, 2025 as amended and circulated by himself. The motion was seconded by Commissioner Holt, and the Minutes were approved 5-0.

2. Board Member Input on Developing Information

Each member of the Board reported on developments with the BESS projects in our jurisdiction, their activities, or information which had come to their attention since the last meeting.

Agreements reached:

- Commissioner McCall will forward to the Board a detailed spreadsheet listing solar, wind and BESS projects with their interconnecting entities, supplied by Nancy White.
- Ms. Bullard will forward to the Board an article about \$14 billion in green energy investment being canceled or delayed due to uncertainty about federal support.

3. Update on Communication and/or Coordination with PUCT, LCRA, ERCOT and TCEQ

Commissioner McCall reported on a TEAMS meeting between herself, together with Nancy White, and the President of ERCOT, along with their Public Affairs representative. She made an audio recording of the discussion. Commissioner McCall explained what HCESRPC is and expressed some of our concerns about BESS and asked them to meet with us for planning coordination. Ms. White spoke mostly about cybersecurity issues. ERCOT said that they would get back to us about setting up a meeting with our Commission. A discussion ensued.

Commissioner Holt reported that PUCT's Director of Public Engagement, Mike Hoke, had called him, as a result of Wes Virdell's having recommended that he respond to and engage with the Hill Country Energy SRPC. Their phone call lasted about 30 minutes, and in the end Commissioner Holt invited two representatives of PUCT and two from ERCOT to meet with us, adding that if they are unable to travel to Kerrville to meet with us in person, which we prefer, it is acceptable to do a TEAMS meeting. He requested that the representatives of each agency include one person from a leadership position and one person from operations and assured Mr. Hoke that this would be an information session. Mr. Hoke said that he would talk to a few people and see what works best for dates. A wide-ranging general discussion ensued.

Agreements reached:

- Commissioner McCall will follow up with an E-mail to the ERCOT President to say that both she and Ms. White have sent the information requested regarding cybersecurity issues and other BESS concerns, inquire whether he has seen our previous correspondence, and remind him that we await their response about setting up a meeting with us.
- Commissioner Holt will draft a letter to Mike Hoke, since he had the conversation with him, and Commissioner Paces will send it. It should be copied to Pablo Vegas, the President of ERCOT.
- Commissioner McCall will draft a FOIA request to LCRA.
- In any future meetings with state agencies, the public should be informed that they are allowed to attend, but that Chapter 391 of the Texas Local Government Code prohibits the public from taking the floor; however, they are welcome to submit questions in advance to members of the Board which they would like to have addressed to the agency representatives.

4. Potential Legal Services

Commissioners Paces and McCall had a telephone conversation with Paul Terrell, the attorney recommended by Dan Byfield and who worked on the Waller County 391 Commission. He is going to get back with an estimate of how much it might cost for his services should it become necessary to take legal action to bring the state agencies to the table. They also discussed with him filing FOIA requests as an alternative to legal action, since state agencies are legally obliged to respond, unless it concerns critical infrastructure. It was noted that specific questions had been included in the last letter to LCRA. A discussion ensued about the content of a FOIA request to LCRA, which should request information about everything BESS-related in our two counties which they are coordinating, excluding what is in the critical infrastructure plan.

Ms. Bullard brought up the idea of proposing an agenda item for a regular meeting of the PUCT to deal with our BESS-related questions and concerns as a 391 Commission.

Agreements reached:

- For the time being, we will put on the back burner both the search for an attorney and asking AG Paxton for a ruling, and instead explore Freedom of Information Act requests as a means of obtaining the specific information we are seeking from the state agencies. Commissioner McCall will draft a FOIA request to LCRA, based on questions raised in the discussion.
- Commissioner Paces may seek to bring our message to local media outlets, and call out the state agencies in public.
- Ms. Bullard will work on requesting an agenda item for an upcoming meeting of PUCT.

5. Potential Experts for Coordination Testimonies

Our meetings with the state agencies should consist of their providing information in response to our questions, and us presenting our reasons for opposing BESS. The role of experts in such meetings is to represent what our concerns with BESS are. This could be a volunteer fire chief; a fire engineering firm was suggested to Commissioner McCall by Van Zandt County's Fire Marshal; Nancy White could address cybersecurity.

6. Bills in the Texas Legislature Relevant to BESS

Ms. Bullard provided a brief update about the BESS Bills in the Legislature, which has now concluded its 89th session. Twelve Bills concerning the grid were adopted, but only two of them directly address BESS:

- CSHB 3809 by Darby relating to the removal of Battery Energy Storage facilities. This one has been signed by the Governor.
- HB 3824 by King relating to fire safety standards and emergency operations plans for the operation of battery energy storage. The Governor is expected to sign it.
- In addition, CSSB 75 by Hall et al., relating to resilience of the electric grid, was adopted and has been sent to the Governor.
- Finally, of interest to us, the Governor signed into law HB 150 by Capriglione, which establishes a Texas Cyber Command, to be located in San Antonio, and which directly includes 391 geographic areas as part of its framework of task forces.

It is not anticipated that there will be a Special Session dealing with the grid.

A review of the situation of the grid-related bills at the conclusion of the 89th Legislature was compiled by the Secure the Grid Subcommittee and will be posted to our Website.

7. Discussion and Appropriate Action on Other Administrative Matters

We have not heard anything further from Gillespie County regarding their interest in joining our 391 Commission, and Commissioner Paces stated that there was no indication in the meeting he and Commissioner Holt had with the Gillespie County representatives whether their whole Court was in favor of it or not. Ms. Bullard stressed the importance of our entire Commission meeting with representatives of Gillespie County to ensure that we are aligned and can work

well together. She proposed that as soon as their Commissioners Court has expressed the wish to join our commission, Gillespie County be invited to send those Commissioners most likely to be appointed to serve on the HCESRPC to our next meeting. Following a discussion with them at a regular HCESRPC meeting, our Commission could vote on a motion requesting Kerr and Kendall Counties to approve Gillespie County joining our HCESRPC. Commissioner Paces stated that the exact procedure could be worked out, but the first step is for Gillespie County to decide whether they want to join with us.

Commissioner McCall announced that she had a proposed date of Saturday, June 28th for a potential Town Hall with Nancy White. Due to Commissioner Paces absence June 27th through July 3rd, that date was not preferred. We also need to find a venue, and Commissioner Paces suggested the Center Point elementary school cafeteria, which has an excellent sound system, drop-down screen, projection, and everything needed for a large Town Hall. Ms. Bullard proposed that we could also bring experts to testify at our regular Commission meetings, even without a state agency being present, to educate ourselves on specific issues, and make our meetings more interesting to the public.

Agreement reached: Commissioner McCall will look into another date for our Town Hall with Nancy White. She will also check about possible use of the audio/visual equipment in the Kendall County Courthouse.

8. Public Comments

Susan Bell, Kerrville, offered to reach out to a contact she has in California who works for PG&E and is a source for environmental impacts and safety measures being introduced after the Moss Landing fire. She also asked if Commissioner Holt could give a debriefing at the next Fredericksburg Tea Party meeting so they would be aware that Gillespie County is exploring the 391 Commission idea, and could possibly express their support for it to their County Commissioners Court. Bill Peacock will be speaking there on BESS bills at the conclusion of the 89th Legislature. She proposed that various political groups could ask their members to send letters to President Trump, and Commissioner Paces pointed out that there is an example letter to President Trump on our website. He noted that our commission has to be cautious in communicating with the Governor, but that does not apply to the public. He supported these suggestions, agreeing that we need to get the momentum back from public engagement.

A brief discussion ensued about lithium mining.

9. Set Next Meeting

The next meeting will take place in the Kerr County Courthouse on Monday, July 7, 2025 at 1:00 p.m., unless we hear from PUCT proposing a different date. Ms. Bullard requested an item be added to the agenda of our next meeting to discuss the vision, strategy and plan for our work going forward, beyond coordination with state agencies.

The meeting was adjourned at 3:40, after 1 hour and 40 minutes.

Submitted by Linda Bullard, Secretary

Approved by the HCESRPC Board Sept. 3, 2025

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