

Hill Country Energy Sub-Regional Planning Commission

September 3, 2025 Meeting Minutes

A meeting of the Hill Country Energy Sub-Regional Planning Commission (HCESRPC) took place in the Kerr County Courthouse on September 3rd, 2025. It was opened at 1:02 pm with a prayer offered by Commissioner Paces and pledges of allegiance to the American Flag and the Texas Flag. There was a large public presence.

The following members of the Board were in attendance:

Rich Paces, Kerr County Commissioner, Precinct 2,
Jeff Holt, Kerr County Commissioner, Precinct 3, via TEAMS
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, decisions taken, and agreements reached in the meeting. For content of reports, information, announcements, discussion, and public comment, reference is made to the video recording of the meeting, posted at HCESRPC.com and hereby made part of these Minutes.

1. Approval of Meeting Minutes

A motion was made by Commissioner Carpenter to adopt the Draft Minutes of June 3rd, 2025 and seconded by Commissioner McCall. The motion was adopted 5-0, and **the Minutes were approved.**

2. Board Member Input on Status of BESS Facilities, their Activities and Developing Information

Commissioners Carpenter and McCall reported on the East Point BESS project, a member of the public reported on activity at the Mountain Home BESS, and another member of the audience responded to Ms. Bullard's question about the status of the Harper BESS.

3. Updates on Communication and/or Coordination with Relevant State Agencies and Other Government Officials

Commissioner Paces reported that we still can't seem to engage either PUCT or LCRA. He talked about the aftermath of a Freedom of Information type question Commissioner McCall had submitted (as a private person) to LCRA; in response LCRA is seeking an opinion from the AG's Open Records Division in support of their position that they are not required to disclose such information. Commissioner Paces then wrote a 4th letter of notification to LCRA (posted on our Website), with copies to Ken Paxton and Texas and U.S. legislature representatives, taking issue with statements made in LCRA's letter

alleging that Chapter 391 does not apply to them. There has been no response. It looks like the only option may be to hire an attorney, file a lawsuit and spend a lot of money.

Commissioner Paces noted that we have been advised by Dan Byfield to start focusing more on the federal level, and EPA in particular, and he has written a letter to the EPA Administrator, Lee Zeldin, asking him to eliminate all subsidies to wind, solar, and BESS projects (posted on our Website). He encouraged members of the public to write their own letters to the EPA, using his as a model. He has met with State Senator Pete Flores and U.S. Rep. Chip Roy, and asked them to support us by, for example, putting pressure on PUCT and LCRA to meet with us. A member of the public asked whether there had been any attempt to contact the AG's office to get them to go on record, and a discussion in that regard ensued. Commissioner Paces repeated that he had sent a copy to Ken Paxton of his letter to LCRA concerning their refusal to answer a Freedom of Information request from Jennifer McCall. Ms. Bullard proposed that we submit a request for an opinion by the Attorney General on whether the PUCT, ERCOT, LCRA etc. are statutorily required to meet with us. A member of the public suggested that it might be more impactful to send a delegation, instead of letters. Another member of the public stated that in Gillespie County they have a copy of LCRA's interconnection agreement with Peregrine Energy; she also announced that a lawsuit against the BESS owner and construction company will be filed there soon, which contains a great deal of actionable information. She reported that there had been another BESS fire in California just the past Saturday. She concluded by suggesting a protest at the Governor's Office to call attention to all these concerns and linked to the Lone Star Infrastructure Protection Act.

Ms. Bullard brought up the possibility of seeking assistance from the Office of Public Utility Counsel, who represent residential and small business consumers in various utilities issues. Even if we, as a 391 Commission, could not be represented by that organization, private parties could be. Agreement: Ms. Bullard will reach out to Ben Barkley, Chief Executive and Public Counsel of the Office of Public Utility Counsel and member of the ERCOT Board, about the possibility of lodging a complaint against PUCT for refusing to meet with us.

Ms. Bullard brought up a Resolution which will be voted upon by the Association of Soil and Water Conservation District Directors at their annual state meeting at the end of January. The Resolution, introduced by Kendall County SWCD based on our own Position Statement, directs their leadership to inform the Governor, Lt. Governor and Speaker of the House of their opposition to any further BESS installations without the involvement of local authorities. Ms. Bullard proposed that we, as a 391 Commission, write a letter to the Texas State Soil and Water Conservation Board, which is a State agency, expressing our concerns about BESS, supporting their Resolution, and urging them to allow Dr. Alexandria Rudd equal time to speak about BESS in their workshop on the Resolution. Commissioner Paces moved that Ms. Bullard write such a letter, and the Motion was adopted unanimously. She will get approval before sending it. She also invited members of the public to help contact the Soil and Water Conservation Districts in other Counties to urge them to vote in favor of the Resolution.

Commissioner Paces reported that he had heard back from TCEQ, saying that they were working on the answers to our questions.

4. Gillespie County's Request to Join the HCESRPC

Commissioner Paces gave the report, and **Ms. Bullard moved that the Hill Country Energy Sub-Regional Planning Commission is in favor of Gillespie County's adherence, and 2) that we immediately commence all necessary steps to legalize their membership.** Commissioner McCall seconded. Commissioner Paces said that he had already requested the Kerr County Attorney to make the necessary modifications to the Interlocal Agreement and Bylaws. Ms. Bullard asked whether, since our voting membership will now be increased from 5 to 7, we might consider having another citizen/landowner representative; however, it was deemed too problematic and time-consuming to introduce any substantive changes in the legal documents. **The Motion carried unanimously.**

Commissioner Carpenter spoke about the need to direct our priorities to what needs to be fixed legislatively. Commissioner Paces invited the public to join in this effort for the 90th Legislature. A member of the public noted that while legislation is important, there are other tools, citing the example of Van Zandt County, which just got an extension on their Temporary Restraining Order, concluding that it's not as if the Counties are powerless. Commissioner Holt brought up the risks of different types of battery technology and also reported that a transformer had exploded and caught fire in the LCRA substation in Comfort, which is near the high school. He said that the more complex our electrical systems are, the riskier they become. A member of the public brought up the upcoming elections and the importance of asking candidates to position themselves on the BESS issue.

5. PUCT Rulemaking and Potential HCESRPC Participation, in regard to newly-enacted BESS Legislation, Large Loads, and Grid Resilience

Ms. Bullard explained PUCT's Rulemaking process for implementing new laws, of which there are two which directly concern BESS. A "Control Number" for those does not yet appear to have been issued so that they can be tracked, but she is monitoring PUCT for that. She reported on a PUCT workshop which had taken place the previous day, where PUCT was seeking input on the definition of BESS; none of the 6 people who testified on this point said that the current definition should be changed, which defines BESS as a generating resource. Commissioner Paces clarified that BESS are not electricity generators, that they store electricity and power is actually lost in the process of storing it and then putting it back in the grid; it is just a tool to try to stabilize the grid for about 4 hours of discharge. There was also a discussion about attending regular open meetings of the PUCT and speaking to specific agenda items, asking them to table a specific agenda item, or making public comment. The next open meetings of the PUCT are Sept. 11, Oct. 16, and 23. The meetings take place at the PUCT offices in Austin, and they start at 9:30 a.m.

Commissioner Paces moved that we should explore getting a specific item on the PUCT Open Meeting Agenda, seconded by Commissioner McCall. Agreement: Ms. Bullard will provide information to post on the Website about the calendar of PUCT Open Meetings, their agendas, and how to watch them livestreamed or recorded.

6. The role of 391 Commissions in the Texas Cyber Command (SB 150), and Protecting Critical Infrastructure (GA-49)

Ms. Bullard stated that because 391 Commissions are specifically named in the new law SB150 as an operational structure for implementing the Texas Cyber Command, this should be on our radar screen. Commissioner Paces noted that he had referred to this in his letter to LCRA, because they used it as justification as to why they could not disclose certain things in response to Ms. McCall's FOIA.

Ms. Bullard then spoke about the Lone Star Infrastructure Protection Act, which became law in 2021 and prohibits doing business in critical infrastructure areas, including the electric grid, with entities from Russia, China, Iran, and North Korea, or giving them access to such infrastructure. GA 49 is an Executive Order from last year which reiterates that earlier law. Although the law lacks enforcement mechanisms or penalties, we might consider undertaking a legal action similar to Van Zandt County's, which would be to get a District Judge to declare a moratorium on any further BESS installation activity until evidence is provided that they are in compliance with the Lone Star Infrastructure Protection Act and GA-49. There is also a federal law to the same effect, which is CIP 10, and at the federal level two such investigations have already been launched, one against Microsoft and the other against a wind turbine project. A member of the public pointed out that you would file an injunction in District Court. Commissioner Paces stated that the problem is that there's no basis to file an injunction until you have a development plan or that this requirement has not been met on a facility that's already operating. So all we can do is tell the developer that when they get it built, if they haven't supplied this, we're going to shut you down. An important and lengthy discussion with the public ensued on this matter and the action options provided by this law. One important suggestion from a Gillespie County resident was to have our County Attorneys send letters to LCRA demanding the interconnectivity agreements for the BESS facilities, and on the basis of that we can get our District Attorney to issue an injunction. The same participant brought up that the County Engineer has the authority to enforce the Floodplain development ordinance, which is another way to get a hold on construction, if the facility is in the floodplain.

7. Discussion and Appropriate Action on other Administrative Matters

Ms. Bullard brought up her concern about posting video recordings of our meetings on our Website, which the Open Meetings Act does not require us to do, and she explained the reasons for her apprehension. A discussion ensued about the advantages and disadvantages of posting our meeting videos on the Website, and workarounds for the limitations imposed on our efforts by the Open Meetings Act.

8. Public Comment

Commissioner Paces called on those who had signed up to speak. One had already left, and one withdrew her request in view of the extensive public participation during the course of the meeting. Pat Long expressed her gratitude to the Commission for all its hard work and commitment. Thomas McComack lives about 4 miles from the Mountain Home BESS site and expressed his view that we must have massive public pressure to force elected representatives and appointed officials to listen to us. Another view was expressed that they don't care what we think, the only thing that matters is to make the companies' lives miserable by requiring them to provide documents and meet

requirements, etc., as they are doing in Van Zandt County. David Nash of Gillespie County stated that he wanted to have one of those strategic discussions and has some ideas about how to proceed.

Michael Stouts, a recent arrival in the area, said that he hasn't found anybody in his circles who knows anything about this and asked if there was any kind of point person or project manager people could contact if they have questions. A general discussion ensued. Audrey Boerner from Kerr and Kendall Counties pointed out that the 391 Commissions which have had success so far have been the ones who had a lawyer involved. We need to find a lawyer who's willing to do *pro bono* work and help us, because LCRA is going to continue blowing us off when all they have is a letter.

Commissioner Carpenter recalled that we are not allowed to use any County resources except the building, not even their sound equipment, which we have to bring in ourselves, and certainly not an attorney to represent us. But he pointed out that it is possible for General Counsel of our Counties to act on behalf of their Commissioners Courts, not the 391 Commission, to demand interconnectivity agreements from LCRA, etc.

Commissioner McCall asked members of the public who want to follow our activities to be sure to add their E-mail addresses on the Sign-in sheet so that we can send them E-mails about when our meetings are taking place and other information. She also asked about having a Workshop or adding an agenda item on Public Interaction or Public Discussion. Commissioner Paces noted that for those new to the issue, there is a presentation about BESS in our area which he gave to the Rotary Club and which has been posted to the Website on the Videos and Post of Interest page. Commissioner McCall added that all our correspondence is also posted on the Website. Ms. Bullard responded to Mike Stout's expression of need, recalling that there had been a strong citizens group before we got the 391 Commission, saying she is convinced such a group is now more important than ever, and should be reconstituted. Susan Bell stated that she herself would do that. Commissioner McCall stated that she will change the agenda item "Public Comment" to "Public Discussion."

9. Set Next Meeting Date, Location and Agenda

The next meeting will take place on Tuesday, October 21st,* at the Kendall County Courthouse, at 1 p.m.

The meeting was adjourned at 2:45 p.m.

Respectfully submitted by Linda Bullard, Secretary

**The date actually selected in the meeting was subsequently changed to this.*

These minutes were approved on 10/21/25 by the HCESRPC Board.

Hill Country Energy Sub-Regional Planning Commission

September 3, 2025 Meeting Minutes

A meeting of the Hill Country Energy Sub-Regional Planning Commission (HCESRPC) took place in the Kerr County Courthouse on September 3rd, 2025. It was opened at 1:02 pm with a prayer offered by Commissioner Paces and pledges of allegiance to the American Flag and the Texas Flag. There was a large public presence.

The following members of the Board were in attendance:

Rich Paces, Kerr County Commissioner, Precinct 2,
Jeff Holt, Kerr County Commissioner, Precinct 3, via TEAMS
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, decisions taken, and agreements reached in the meeting. For content of reports, information, announcements, discussion, and public comment, reference is made to the video recording of the meeting, posted at HCESRPC.com and hereby made part of these Minutes.

1. Approval of Meeting Minutes

A motion was made by Commissioner Carpenter to adopt the Draft Minutes of June 3rd, 2025 and seconded by Commissioner McCall. The motion was adopted 5-0, and **the Minutes were approved.**

2. Board Member Input on Status of BESS Facilities, their Activities and Developing Information

Commissioners Carpenter and McCall reported on the East Point BESS project, a member of the public reported on activity at the Mountain Home BESS, and another member of the audience responded to Ms. Bullard's question about the status of the Harper BESS.

3. Updates on Communication and/or Coordination with Relevant State Agencies and Other Government Officials

Commissioner Paces reported that we still can't seem to engage either PUCT or LCRA. He talked about the aftermath of a Freedom of Information type question Commissioner McCall had submitted (as a private person) to LCRA; in response LCRA is seeking an opinion from the AG's Open Records Division in support of their position that they are not required to disclose such information. Commissioner Paces then wrote a 4th letter of notification to LCRA (posted on our Website), with copies to Ken Paxton and Texas and U.S. legislature representatives, taking issue with statements made in LCRA's letter

alleging that Chapter 391 does not apply to them. There has been no response. It looks like the only option may be to hire an attorney, file a lawsuit and spend a lot of money.

Commissioner Paces noted that we have been advised by Dan Byfield to start focusing more on the federal level, and EPA in particular, and he has written a letter to the EPA Administrator, Lee Zeldin, asking him to eliminate all subsidies to wind, solar, and BESS projects (posted on our Website). He encouraged members of the public to write their own letters to the EPA, using his as a model. He has met with State Senator Pete Flores and U.S. Rep. Chip Roy, and asked them to support us by, for example, putting pressure on PUCT and LCRA to meet with us. A member of the public asked whether there had been any attempt to contact the AG's office to get them to go on record, and a discussion in that regard ensued. Commissioner Paces repeated that he had sent a copy to Ken Paxton of his letter to LCRA concerning their refusal to answer a Freedom of Information request from Jennifer McCall. Ms. Bullard proposed that we submit a request for an opinion by the Attorney General on whether the PUCT, ERCOT, LCRA etc. are statutorily required to meet with us. A member of the public suggested that it might be more impactful to send a delegation, instead of letters. Another member of the public stated that in Gillespie County they have a copy of LCRA's interconnection agreement with Peregrine Energy; she also announced that a lawsuit against the BESS owner and construction company will be filed there soon, which contains a great deal of actionable information. She reported that there had been another BESS fire in California just the past Saturday. She concluded by suggesting a protest at the Governor's Office to call attention to all these concerns and linked to the Lone Star Infrastructure Protection Act.

Ms. Bullard brought up the possibility of seeking assistance from the Office of Public Utility Counsel, who represent residential and small business consumers in various utilities issues. Even if we, as a 391 Commission, could not be represented by that organization, private parties could be. Agreement: Ms. Bullard will reach out to Ben Barkley, Chief Executive and Public Counsel of the Office of Public Utility Counsel and member of the ERCOT Board, about the possibility of lodging a complaint against PUCT for refusing to meet with us.

Ms. Bullard brought up a Resolution which will be voted upon by the Association of Soil and Water Conservation District Directors at their annual state meeting at the end of January. The Resolution, introduced by Kendall County SWCD based on our own Position Statement, directs their leadership to inform the Governor, Lt. Governor and Speaker of the House of their opposition to any further BESS installations without the involvement of local authorities. Ms. Bullard proposed that we, as a 391 Commission, write a letter to the Texas State Soil and Water Conservation Board, which is a State agency, expressing our concerns about BESS, supporting their Resolution, and urging them to allow Dr. Alexandria Rudd equal time to speak about BESS in their workshop on the Resolution. Commissioner Paces moved that Ms. Bullard write such a letter, and the Motion was adopted unanimously. She will get approval before sending it. She also invited members of the public to help contact the Soil and Water Conservation Districts in other Counties to urge them to vote in favor of the Resolution.

Commissioner Paces reported that he had heard back from TCEQ, saying that they were working on the answers to our questions.

4. Gillespie County's Request to Join the HCESRPC

Commissioner Paces gave the report, and **Ms. Bullard moved that the Hill Country Energy Sub-Regional Planning Commission is in favor of Gillespie County's adherence, and 2) that we immediately commence all necessary steps to legalize their membership.** Commissioner McCall seconded. Commissioner Paces said that he had already requested the Kerr County Attorney to make the necessary modifications to the Interlocal Agreement and Bylaws. Ms. Bullard asked whether, since our voting membership will now be increased from 5 to 7, we might consider having another citizen/landowner representative; however, it was deemed too problematic and time-consuming to introduce any substantive changes in the legal documents. **The Motion carried unanimously.**

Commissioner Carpenter spoke about the need to direct our priorities to what needs to be fixed legislatively. Commissioner Paces invited the public to join in this effort for the 90th Legislature. A member of the public noted that while legislation is important, there are other tools, citing the example of Van Zandt County, which just got an extension on their Temporary Restraining Order, concluding that it's not as if the Counties are powerless. Commissioner Holt brought up the risks of different types of battery technology and also reported that a transformer had exploded and caught fire in the LCRA substation in Comfort, which is near the high school. He said that the more complex our electrical systems are, the riskier they become. A member of the public brought up the upcoming elections and the importance of asking candidates to position themselves on the BESS issue.

5. PUCT Rulemaking and Potential HCESRPC Participation, in regard to newly-enacted BESS Legislation, Large Loads, and Grid Resilience

Ms. Bullard explained PUCT's Rulemaking process for implementing new laws, of which there are two which directly concern BESS. A "Control Number" for those does not yet appear to have been issued so that they can be tracked, but she is monitoring PUCT for that. She reported on a PUCT workshop which had taken place the previous day, where PUCT was seeking input on the definition of BESS; none of the 6 people who testified on this point said that the current definition should be changed, which defines BESS as a generating resource. Commissioner Paces clarified that BESS are not electricity generators, that they store electricity and power is actually lost in the process of storing it and then putting it back in the grid; it is just a tool to try to stabilize the grid for about 4 hours of discharge. There was also a discussion about attending regular open meetings of the PUCT and speaking to specific agenda items, asking them to table a specific agenda item, or making public comment. The next open meetings of the PUCT are Sept. 11, Oct. 16, and 23. The meetings take place at the PUCT offices in Austin, and they start at 9:30 a.m.

Commissioner Paces moved that we should explore getting a specific item on the PUCT Open Meeting Agenda, seconded by Commissioner McCall. Agreement: Ms. Bullard will provide information to post on the Website about the calendar of PUCT Open Meetings, their agendas, and how to watch them livestreamed or recorded.

6. The role of 391 Commissions in the Texas Cyber Command (SB 150), and Protecting Critical Infrastructure (GA-49)

Ms. Bullard stated that because 391 Commissions are specifically named in the new law SB150 as an operational structure for implementing the Texas Cyber Command, this should be on our radar screen. Commissioner Paces noted that he had referred to this in his letter to LCRA, because they used it as justification as to why they could not disclose certain things in response to Ms. McCall's FOIA.

Ms. Bullard then spoke about the Lone Star Infrastructure Protection Act, which became law in 2021 and prohibits doing business in critical infrastructure areas, including the electric grid, with entities from Russia, China, Iran, and North Korea, or giving them access to such infrastructure. GA 49 is an Executive Order from last year which reiterates that earlier law. Although the law lacks enforcement mechanisms or penalties, we might consider undertaking a legal action similar to Van Zandt County's, which would be to get a District Judge to declare a moratorium on any further BESS installation activity until evidence is provided that they are in compliance with the Lone Star Infrastructure Protection Act and GA-49. There is also a federal law to the same effect, which is CIP 10, and at the federal level two such investigations have already been launched, one against Microsoft and the other against a wind turbine project. A member of the public pointed out that you would file an injunction in District Court. Commissioner Paces stated that the problem is that there's no basis to file an injunction until you have a development plan or that this requirement has not been met on a facility that's already operating. So all we can do is tell the developer that when they get it built, if they haven't supplied this, we're going to shut you down. An important and lengthy discussion with the public ensued on this matter and the action options provided by this law. One important suggestion from a Gillespie County resident was to have our County Attorneys send letters to LCRA demanding the interconnectivity agreements for the BESS facilities, and on the basis of that we can get our District Attorney to issue an injunction. The same participant brought up that the County Engineer has the authority to enforce the Floodplain development ordinance, which is another way to get a hold on construction, if the facility is in the floodplain.

7. Discussion and Appropriate Action on other Administrative Matters

Ms. Bullard brought up her concern about posting video recordings of our meetings on our Website, which the Open Meetings Act does not require us to do, and she explained the reasons for her apprehension. A discussion ensued about the advantages and disadvantages of posting our meeting videos on the Website, and workarounds for the limitations imposed on our efforts by the Open Meetings Act.

8. Public Comment

Commissioner Paces called on those who had signed up to speak. One had already left, and one withdrew her request in view of the extensive public participation during the course of the meeting. Pat Long expressed her gratitude to the Commission for all its hard work and commitment. Thomas McComack lives about 4 miles from the Mountain Home BESS site and expressed his view that we must have massive public pressure to force elected representatives and appointed officials to listen to us. Another view was expressed that they don't care what we think, the only thing that matters is to make the companies' lives miserable by requiring them to provide documents and meet

requirements, etc., as they are doing in Van Zandt County. David Nash of Gillespie County stated that he wanted to have one of those strategic discussions and has some ideas about how to proceed.

Michael Stouts, a recent arrival in the area, said that he hasn't found anybody in his circles who knows anything about this and asked if there was any kind of point person or project manager people could contact if they have questions. A general discussion ensued. Audrey Boerner from Kerr and Kendall Counties pointed out that the 391 Commissions which have had success so far have been the ones who had a lawyer involved. We need to find a lawyer who's willing to do *pro bono* work and help us, because LCRA is going to continue blowing us off when all they have is a letter.

Commissioner Carpenter recalled that we are not allowed to use any County resources except the building, not even their sound equipment, which we have to bring in ourselves, and certainly not an attorney to represent us. But he pointed out that it is possible for General Counsel of our Counties to act on behalf of their Commissioners Courts, not the 391 Commission, to demand interconnectivity agreements from LCRA, etc.

Commissioner McCall asked members of the public who want to follow our activities to be sure to add their E-mail addresses on the Sign-in sheet so that we can send them E-mails about when our meetings are taking place and other information. She also asked about having a Workshop or adding an agenda item on Public Interaction or Public Discussion. Commissioner Paces noted that for those new to the issue, there is a presentation about BESS in our area which he gave to the Rotary Club and which has been posted to the Website on the Videos and Post of Interest page. Commissioner McCall added that all our correspondence is also posted on the Website. Ms. Bullard responded to Mike Stout's expression of need, recalling that there had been a strong citizens group before we got the 391 Commission, saying she is convinced such a group is now more important than ever, and should be reconstituted. Susan Bell stated that she herself would do that. Commissioner McCall stated that she will change the agenda item "Public Comment" to "Public Discussion."

9. Set Next Meeting Date, Location and Agenda

The next meeting will take place on Tuesday, October 21st,* at the Kendall County Courthouse, at 1 p.m.

The meeting was adjourned at 2:45 p.m.

Respectfully submitted by Linda Bullard, Secretary

**The date actually selected in the meeting was subsequently changed to this.*

These minutes were approved on 10/21/25 by the HCESRPC Board.

Hill Country Energy Sub-Regional Planning Commission

September 3, 2025 Meeting Minutes

A meeting of the Hill Country Energy Sub-Regional Planning Commission (HCESRPC) took place in the Kerr County Courthouse on September 3rd, 2025. It was opened at 1:02 pm with a prayer offered by Commissioner Paces and pledges of allegiance to the American Flag and the Texas Flag. There was a large public presence.

The following members of the Board were in attendance:

Rich Paces, Kerr County Commissioner, Precinct 2,
Jeff Holt, Kerr County Commissioner, Precinct 3, via TEAMS
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, decisions taken, and agreements reached in the meeting. For content of reports, information, announcements, discussion, and public comment, reference is made to the video recording of the meeting, posted at HCESRPC.com and hereby made part of these Minutes.

1. Approval of Meeting Minutes

A motion was made by Commissioner Carpenter to adopt the Draft Minutes of June 3rd, 2025 and seconded by Commissioner McCall. The motion was adopted 5-0, and **the Minutes were approved.**

2. Board Member Input on Status of BESS Facilities, their Activities and Developing Information

Commissioners Carpenter and McCall reported on the East Point BESS project, a member of the public reported on activity at the Mountain Home BESS, and another member of the audience responded to Ms. Bullard's question about the status of the Harper BESS.

3. Updates on Communication and/or Coordination with Relevant State Agencies and Other Government Officials

Commissioner Paces reported that we still can't seem to engage either PUCT or LCRA. He talked about the aftermath of a Freedom of Information type question Commissioner McCall had submitted (as a private person) to LCRA; in response LCRA is seeking an opinion from the AG's Open Records Division in support of their position that they are not required to disclose such information. Commissioner Paces then wrote a 4th letter of notification to LCRA (posted on our Website), with copies to Ken Paxton and Texas and U.S. legislature representatives, taking issue with statements made in LCRA's letter

alleging that Chapter 391 does not apply to them. There has been no response. It looks like the only option may be to hire an attorney, file a lawsuit and spend a lot of money.

Commissioner Paces noted that we have been advised by Dan Byfield to start focusing more on the federal level, and EPA in particular, and he has written a letter to the EPA Administrator, Lee Zeldin, asking him to eliminate all subsidies to wind, solar, and BESS projects (posted on our Website). He encouraged members of the public to write their own letters to the EPA, using his as a model. He has met with State Senator Pete Flores and U.S. Rep. Chip Roy, and asked them to support us by, for example, putting pressure on PUCT and LCRA to meet with us. A member of the public asked whether there had been any attempt to contact the AG's office to get them to go on record, and a discussion in that regard ensued. Commissioner Paces repeated that he had sent a copy to Ken Paxton of his letter to LCRA concerning their refusal to answer a Freedom of Information request from Jennifer McCall. Ms. Bullard proposed that we submit a request for an opinion by the Attorney General on whether the PUCT, ERCOT, LCRA etc. are statutorily required to meet with us. A member of the public suggested that it might be more impactful to send a delegation, instead of letters. Another member of the public stated that in Gillespie County they have a copy of LCRA's interconnection agreement with Peregrine Energy; she also announced that a lawsuit against the BESS owner and construction company will be filed there soon, which contains a great deal of actionable information. She reported that there had been another BESS fire in California just the past Saturday. She concluded by suggesting a protest at the Governor's Office to call attention to all these concerns and linked to the Lone Star Infrastructure Protection Act.

Ms. Bullard brought up the possibility of seeking assistance from the Office of Public Utility Counsel, who represent residential and small business consumers in various utilities issues. Even if we, as a 391 Commission, could not be represented by that organization, private parties could be. Agreement: Ms. Bullard will reach out to Ben Barkley, Chief Executive and Public Counsel of the Office of Public Utility Counsel and member of the ERCOT Board, about the possibility of lodging a complaint against PUCT for refusing to meet with us.

Ms. Bullard brought up a Resolution which will be voted upon by the Association of Soil and Water Conservation District Directors at their annual state meeting at the end of January. The Resolution, introduced by Kendall County SWCD based on our own Position Statement, directs their leadership to inform the Governor, Lt. Governor and Speaker of the House of their opposition to any further BESS installations without the involvement of local authorities. Ms. Bullard proposed that we, as a 391 Commission, write a letter to the Texas State Soil and Water Conservation Board, which is a State agency, expressing our concerns about BESS, supporting their Resolution, and urging them to allow Dr. Alexandria Rudd equal time to speak about BESS in their workshop on the Resolution. Commissioner Paces moved that Ms. Bullard write such a letter, and the Motion was adopted unanimously. She will get approval before sending it. She also invited members of the public to help contact the Soil and Water Conservation Districts in other Counties to urge them to vote in favor of the Resolution.

Commissioner Paces reported that he had heard back from TCEQ, saying that they were working on the answers to our questions.

4. Gillespie County's Request to Join the HCESRPC

Commissioner Paces gave the report, and **Ms. Bullard moved that the Hill Country Energy Sub-Regional Planning Commission is in favor of Gillespie County's adherence, and 2) that we immediately commence all necessary steps to legalize their membership.** Commissioner McCall seconded. Commissioner Paces said that he had already requested the Kerr County Attorney to make the necessary modifications to the Interlocal Agreement and Bylaws. Ms. Bullard asked whether, since our voting membership will now be increased from 5 to 7, we might consider having another citizen/landowner representative; however, it was deemed too problematic and time-consuming to introduce any substantive changes in the legal documents. **The Motion carried unanimously.**

Commissioner Carpenter spoke about the need to direct our priorities to what needs to be fixed legislatively. Commissioner Paces invited the public to join in this effort for the 90th Legislature. A member of the public noted that while legislation is important, there are other tools, citing the example of Van Zandt County, which just got an extension on their Temporary Restraining Order, concluding that it's not as if the Counties are powerless. Commissioner Holt brought up the risks of different types of battery technology and also reported that a transformer had exploded and caught fire in the LCRA substation in Comfort, which is near the high school. He said that the more complex our electrical systems are, the riskier they become. A member of the public brought up the upcoming elections and the importance of asking candidates to position themselves on the BESS issue.

5. PUCT Rulemaking and Potential HCESRPC Participation, in regard to newly-enacted BESS Legislation, Large Loads, and Grid Resilience

Ms. Bullard explained PUCT's Rulemaking process for implementing new laws, of which there are two which directly concern BESS. A "Control Number" for those does not yet appear to have been issued so that they can be tracked, but she is monitoring PUCT for that. She reported on a PUCT workshop which had taken place the previous day, where PUCT was seeking input on the definition of BESS; none of the 6 people who testified on this point said that the current definition should be changed, which defines BESS as a generating resource. Commissioner Paces clarified that BESS are not electricity generators, that they store electricity and power is actually lost in the process of storing it and then putting it back in the grid; it is just a tool to try to stabilize the grid for about 4 hours of discharge. There was also a discussion about attending regular open meetings of the PUCT and speaking to specific agenda items, asking them to table a specific agenda item, or making public comment. The next open meetings of the PUCT are Sept. 11, Oct. 16, and 23. The meetings take place at the PUCT offices in Austin, and they start at 9:30 a.m.

Commissioner Paces moved that we should explore getting a specific item on the PUCT Open Meeting Agenda, seconded by Commissioner McCall. Agreement: Ms. Bullard will provide information to post on the Website about the calendar of PUCT Open Meetings, their agendas, and how to watch them livestreamed or recorded.

6. The role of 391 Commissions in the Texas Cyber Command (SB 150), and Protecting Critical Infrastructure (GA-49)

Ms. Bullard stated that because 391 Commissions are specifically named in the new law SB150 as an operational structure for implementing the Texas Cyber Command, this should be on our radar screen. Commissioner Paces noted that he had referred to this in his letter to LCRA, because they used it as justification as to why they could not disclose certain things in response to Ms. McCall's FOIA.

Ms. Bullard then spoke about the Lone Star Infrastructure Protection Act, which became law in 2021 and prohibits doing business in critical infrastructure areas, including the electric grid, with entities from Russia, China, Iran, and North Korea, or giving them access to such infrastructure. GA 49 is an Executive Order from last year which reiterates that earlier law. Although the law lacks enforcement mechanisms or penalties, we might consider undertaking a legal action similar to Van Zandt County's, which would be to get a District Judge to declare a moratorium on any further BESS installation activity until evidence is provided that they are in compliance with the Lone Star Infrastructure Protection Act and GA-49. There is also a federal law to the same effect, which is CIP 10, and at the federal level two such investigations have already been launched, one against Microsoft and the other against a wind turbine project. A member of the public pointed out that you would file an injunction in District Court. Commissioner Paces stated that the problem is that there's no basis to file an injunction until you have a development plan or that this requirement has not been met on a facility that's already operating. So all we can do is tell the developer that when they get it built, if they haven't supplied this, we're going to shut you down. An important and lengthy discussion with the public ensued on this matter and the action options provided by this law. One important suggestion from a Gillespie County resident was to have our County Attorneys send letters to LCRA demanding the interconnectivity agreements for the BESS facilities, and on the basis of that we can get our District Attorney to issue an injunction. The same participant brought up that the County Engineer has the authority to enforce the Floodplain development ordinance, which is another way to get a hold on construction, if the facility is in the floodplain.

7. Discussion and Appropriate Action on other Administrative Matters

Ms. Bullard brought up her concern about posting video recordings of our meetings on our Website, which the Open Meetings Act does not require us to do, and she explained the reasons for her apprehension. A discussion ensued about the advantages and disadvantages of posting our meeting videos on the Website, and workarounds for the limitations imposed on our efforts by the Open Meetings Act.

8. Public Comment

Commissioner Paces called on those who had signed up to speak. One had already left, and one withdrew her request in view of the extensive public participation during the course of the meeting. Pat Long expressed her gratitude to the Commission for all its hard work and commitment. Thomas McComack lives about 4 miles from the Mountain Home BESS site and expressed his view that we must have massive public pressure to force elected representatives and appointed officials to listen to us. Another view was expressed that they don't care what we think, the only thing that matters is to make the companies' lives miserable by requiring them to provide documents and meet

requirements, etc., as they are doing in Van Zandt County. David Nash of Gillespie County stated that he wanted to have one of those strategic discussions and has some ideas about how to proceed.

Michael Stouts, a recent arrival in the area, said that he hasn't found anybody in his circles who knows anything about this and asked if there was any kind of point person or project manager people could contact if they have questions. A general discussion ensued. Audrey Boerner from Kerr and Kendall Counties pointed out that the 391 Commissions which have had success so far have been the ones who had a lawyer involved. We need to find a lawyer who's willing to do *pro bono* work and help us, because LCRA is going to continue blowing us off when all they have is a letter.

Commissioner Carpenter recalled that we are not allowed to use any County resources except the building, not even their sound equipment, which we have to bring in ourselves, and certainly not an attorney to represent us. But he pointed out that it is possible for General Counsel of our Counties to act on behalf of their Commissioners Courts, not the 391 Commission, to demand interconnectivity agreements from LCRA, etc.

Commissioner McCall asked members of the public who want to follow our activities to be sure to add their E-mail addresses on the Sign-in sheet so that we can send them E-mails about when our meetings are taking place and other information. She also asked about having a Workshop or adding an agenda item on Public Interaction or Public Discussion. Commissioner Paces noted that for those new to the issue, there is a presentation about BESS in our area which he gave to the Rotary Club and which has been posted to the Website on the Videos and Post of Interest page. Commissioner McCall added that all our correspondence is also posted on the Website. Ms. Bullard responded to Mike Stout's expression of need, recalling that there had been a strong citizens group before we got the 391 Commission, saying she is convinced such a group is now more important than ever, and should be reconstituted. Susan Bell stated that she herself would do that. Commissioner McCall stated that she will change the agenda item "Public Comment" to "Public Discussion."

9. Set Next Meeting Date, Location and Agenda

The next meeting will take place on Tuesday, October 21st,* at the Kendall County Courthouse, at 1 p.m.

The meeting was adjourned at 2:45 p.m.

Respectfully submitted by Linda Bullard, Secretary

**The date actually selected in the meeting was subsequently changed to this.*

These minutes were approved on 10/21/25 by the HCESRPC Board.

Hill Country Energy Sub-Regional Planning Commission

September 3, 2025 Meeting Minutes

A meeting of the Hill Country Energy Sub-Regional Planning Commission (HCESRPC) took place in the Kerr County Courthouse on September 3rd, 2025. It was opened at 1:02 pm with a prayer offered by Commissioner Paces and pledges of allegiance to the American Flag and the Texas Flag. There was a large public presence.

The following members of the Board were in attendance:

Rich Paces, Kerr County Commissioner, Precinct 2,
Jeff Holt, Kerr County Commissioner, Precinct 3, via TEAMS
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, decisions taken, and agreements reached in the meeting. For content of reports, information, announcements, discussion, and public comment, reference is made to the video recording of the meeting, posted at HCESRPC.com and hereby made part of these Minutes.

1. Approval of Meeting Minutes

A motion was made by Commissioner Carpenter to adopt the Draft Minutes of June 3rd, 2025 and seconded by Commissioner McCall. The motion was adopted 5-0, and **the Minutes were approved.**

2. Board Member Input on Status of BESS Facilities, their Activities and Developing Information

Commissioners Carpenter and McCall reported on the East Point BESS project, a member of the public reported on activity at the Mountain Home BESS, and another member of the audience responded to Ms. Bullard's question about the status of the Harper BESS.

3. Updates on Communication and/or Coordination with Relevant State Agencies and Other Government Officials

Commissioner Paces reported that we still can't seem to engage either PUCT or LCRA. He talked about the aftermath of a Freedom of Information type question Commissioner McCall had submitted (as a private person) to LCRA; in response LCRA is seeking an opinion from the AG's Open Records Division in support of their position that they are not required to disclose such information. Commissioner Paces then wrote a 4th letter of notification to LCRA (posted on our Website), with copies to Ken Paxton and Texas and U.S. legislature representatives, taking issue with statements made in LCRA's letter

alleging that Chapter 391 does not apply to them. There has been no response. It looks like the only option may be to hire an attorney, file a lawsuit and spend a lot of money.

Commissioner Paces noted that we have been advised by Dan Byfield to start focusing more on the federal level, and EPA in particular, and he has written a letter to the EPA Administrator, Lee Zeldin, asking him to eliminate all subsidies to wind, solar, and BESS projects (posted on our Website). He encouraged members of the public to write their own letters to the EPA, using his as a model. He has met with State Senator Pete Flores and U.S. Rep. Chip Roy, and asked them to support us by, for example, putting pressure on PUCT and LCRA to meet with us. A member of the public asked whether there had been any attempt to contact the AG's office to get them to go on record, and a discussion in that regard ensued. Commissioner Paces repeated that he had sent a copy to Ken Paxton of his letter to LCRA concerning their refusal to answer a Freedom of Information request from Jennifer McCall. Ms. Bullard proposed that we submit a request for an opinion by the Attorney General on whether the PUCT, ERCOT, LCRA etc. are statutorily required to meet with us. A member of the public suggested that it might be more impactful to send a delegation, instead of letters. Another member of the public stated that in Gillespie County they have a copy of LCRA's interconnection agreement with Peregrine Energy; she also announced that a lawsuit against the BESS owner and construction company will be filed there soon, which contains a great deal of actionable information. She reported that there had been another BESS fire in California just the past Saturday. She concluded by suggesting a protest at the Governor's Office to call attention to all these concerns and linked to the Lone Star Infrastructure Protection Act.

Ms. Bullard brought up the possibility of seeking assistance from the Office of Public Utility Counsel, who represent residential and small business consumers in various utilities issues. Even if we, as a 391 Commission, could not be represented by that organization, private parties could be. Agreement: Ms. Bullard will reach out to Ben Barkley, Chief Executive and Public Counsel of the Office of Public Utility Counsel and member of the ERCOT Board, about the possibility of lodging a complaint against PUCT for refusing to meet with us.

Ms. Bullard brought up a Resolution which will be voted upon by the Association of Soil and Water Conservation District Directors at their annual state meeting at the end of January. The Resolution, introduced by Kendall County SWCD based on our own Position Statement, directs their leadership to inform the Governor, Lt. Governor and Speaker of the House of their opposition to any further BESS installations without the involvement of local authorities. Ms. Bullard proposed that we, as a 391 Commission, write a letter to the Texas State Soil and Water Conservation Board, which is a State agency, expressing our concerns about BESS, supporting their Resolution, and urging them to allow Dr. Alexandria Rudd equal time to speak about BESS in their workshop on the Resolution. Commissioner Paces moved that Ms. Bullard write such a letter, and the Motion was adopted unanimously. She will get approval before sending it. She also invited members of the public to help contact the Soil and Water Conservation Districts in other Counties to urge them to vote in favor of the Resolution.

Commissioner Paces reported that he had heard back from TCEQ, saying that they were working on the answers to our questions.

4. Gillespie County's Request to Join the HCESRPC

Commissioner Paces gave the report, and **Ms. Bullard moved that the Hill Country Energy Sub-Regional Planning Commission is in favor of Gillespie County's adherence, and 2) that we immediately commence all necessary steps to legalize their membership.** Commissioner McCall seconded. Commissioner Paces said that he had already requested the Kerr County Attorney to make the necessary modifications to the Interlocal Agreement and Bylaws. Ms. Bullard asked whether, since our voting membership will now be increased from 5 to 7, we might consider having another citizen/landowner representative; however, it was deemed too problematic and time-consuming to introduce any substantive changes in the legal documents. **The Motion carried unanimously.**

Commissioner Carpenter spoke about the need to direct our priorities to what needs to be fixed legislatively. Commissioner Paces invited the public to join in this effort for the 90th Legislature. A member of the public noted that while legislation is important, there are other tools, citing the example of Van Zandt County, which just got an extension on their Temporary Restraining Order, concluding that it's not as if the Counties are powerless. Commissioner Holt brought up the risks of different types of battery technology and also reported that a transformer had exploded and caught fire in the LCRA substation in Comfort, which is near the high school. He said that the more complex our electrical systems are, the riskier they become. A member of the public brought up the upcoming elections and the importance of asking candidates to position themselves on the BESS issue.

5. PUCT Rulemaking and Potential HCESRPC Participation, in regard to newly-enacted BESS Legislation, Large Loads, and Grid Resilience

Ms. Bullard explained PUCT's Rulemaking process for implementing new laws, of which there are two which directly concern BESS. A "Control Number" for those does not yet appear to have been issued so that they can be tracked, but she is monitoring PUCT for that. She reported on a PUCT workshop which had taken place the previous day, where PUCT was seeking input on the definition of BESS; none of the 6 people who testified on this point said that the current definition should be changed, which defines BESS as a generating resource. Commissioner Paces clarified that BESS are not electricity generators, that they store electricity and power is actually lost in the process of storing it and then putting it back in the grid; it is just a tool to try to stabilize the grid for about 4 hours of discharge. There was also a discussion about attending regular open meetings of the PUCT and speaking to specific agenda items, asking them to table a specific agenda item, or making public comment. The next open meetings of the PUCT are Sept. 11, Oct. 16, and 23. The meetings take place at the PUCT offices in Austin, and they start at 9:30 a.m.

Commissioner Paces moved that we should explore getting a specific item on the PUCT Open Meeting Agenda, seconded by Commissioner McCall. Agreement: Ms. Bullard will provide information to post on the Website about the calendar of PUCT Open Meetings, their agendas, and how to watch them livestreamed or recorded.

6. The role of 391 Commissions in the Texas Cyber Command (SB 150), and Protecting Critical Infrastructure (GA-49)

Ms. Bullard stated that because 391 Commissions are specifically named in the new law SB150 as an operational structure for implementing the Texas Cyber Command, this should be on our radar screen. Commissioner Paces noted that he had referred to this in his letter to LCRA, because they used it as justification as to why they could not disclose certain things in response to Ms. McCall's FOIA.

Ms. Bullard then spoke about the Lone Star Infrastructure Protection Act, which became law in 2021 and prohibits doing business in critical infrastructure areas, including the electric grid, with entities from Russia, China, Iran, and North Korea, or giving them access to such infrastructure. GA 49 is an Executive Order from last year which reiterates that earlier law. Although the law lacks enforcement mechanisms or penalties, we might consider undertaking a legal action similar to Van Zandt County's, which would be to get a District Judge to declare a moratorium on any further BESS installation activity until evidence is provided that they are in compliance with the Lone Star Infrastructure Protection Act and GA-49. There is also a federal law to the same effect, which is CIP 10, and at the federal level two such investigations have already been launched, one against Microsoft and the other against a wind turbine project. A member of the public pointed out that you would file an injunction in District Court. Commissioner Paces stated that the problem is that there's no basis to file an injunction until you have a development plan or that this requirement has not been met on a facility that's already operating. So all we can do is tell the developer that when they get it built, if they haven't supplied this, we're going to shut you down. An important and lengthy discussion with the public ensued on this matter and the action options provided by this law. One important suggestion from a Gillespie County resident was to have our County Attorneys send letters to LCRA demanding the interconnectivity agreements for the BESS facilities, and on the basis of that we can get our District Attorney to issue an injunction. The same participant brought up that the County Engineer has the authority to enforce the Floodplain development ordinance, which is another way to get a hold on construction, if the facility is in the floodplain.

7. Discussion and Appropriate Action on other Administrative Matters

Ms. Bullard brought up her concern about posting video recordings of our meetings on our Website, which the Open Meetings Act does not require us to do, and she explained the reasons for her apprehension. A discussion ensued about the advantages and disadvantages of posting our meeting videos on the Website, and workarounds for the limitations imposed on our efforts by the Open Meetings Act.

8. Public Comment

Commissioner Paces called on those who had signed up to speak. One had already left, and one withdrew her request in view of the extensive public participation during the course of the meeting. Pat Long expressed her gratitude to the Commission for all its hard work and commitment. Thomas McComack lives about 4 miles from the Mountain Home BESS site and expressed his view that we must have massive public pressure to force elected representatives and appointed officials to listen to us. Another view was expressed that they don't care what we think, the only thing that matters is to make the companies' lives miserable by requiring them to provide documents and meet

requirements, etc., as they are doing in Van Zandt County. David Nash of Gillespie County stated that he wanted to have one of those strategic discussions and has some ideas about how to proceed.

Michael Stouts, a recent arrival in the area, said that he hasn't found anybody in his circles who knows anything about this and asked if there was any kind of point person or project manager people could contact if they have questions. A general discussion ensued. Audrey Boerner from Kerr and Kendall Counties pointed out that the 391 Commissions which have had success so far have been the ones who had a lawyer involved. We need to find a lawyer who's willing to do *pro bono* work and help us, because LCRA is going to continue blowing us off when all they have is a letter.

Commissioner Carpenter recalled that we are not allowed to use any County resources except the building, not even their sound equipment, which we have to bring in ourselves, and certainly not an attorney to represent us. But he pointed out that it is possible for General Counsel of our Counties to act on behalf of their Commissioners Courts, not the 391 Commission, to demand interconnectivity agreements from LCRA, etc.

Commissioner McCall asked members of the public who want to follow our activities to be sure to add their E-mail addresses on the Sign-in sheet so that we can send them E-mails about when our meetings are taking place and other information. She also asked about having a Workshop or adding an agenda item on Public Interaction or Public Discussion. Commissioner Paces noted that for those new to the issue, there is a presentation about BESS in our area which he gave to the Rotary Club and which has been posted to the Website on the Videos and Post of Interest page. Commissioner McCall added that all our correspondence is also posted on the Website. Ms. Bullard responded to Mike Stout's expression of need, recalling that there had been a strong citizens group before we got the 391 Commission, saying she is convinced such a group is now more important than ever, and should be reconstituted. Susan Bell stated that she herself would do that. Commissioner McCall stated that she will change the agenda item "Public Comment" to "Public Discussion."

9. Set Next Meeting Date, Location and Agenda

The next meeting will take place on Tuesday, October 21st,* at the Kendall County Courthouse, at 1 p.m.

The meeting was adjourned at 2:45 p.m.

Respectfully submitted by Linda Bullard, Secretary

**The date actually selected in the meeting was subsequently changed to this.*

These minutes were approved on 10/21/25 by the HCESRPC Board.

Hill Country Energy Sub-Regional Planning Commission

September 3, 2025 Meeting Minutes

A meeting of the Hill Country Energy Sub-Regional Planning Commission (HCESRPC) took place in the Kerr County Courthouse on September 3rd, 2025. It was opened at 1:02 pm with a prayer offered by Commissioner Paces and pledges of allegiance to the American Flag and the Texas Flag. There was a large public presence.

The following members of the Board were in attendance:

Rich Paces, Kerr County Commissioner, Precinct 2,
Jeff Holt, Kerr County Commissioner, Precinct 3, via TEAMS
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, decisions taken, and agreements reached in the meeting. For content of reports, information, announcements, discussion, and public comment, reference is made to the video recording of the meeting, posted at HCESRPC.com and hereby made part of these Minutes.

1. Approval of Meeting Minutes

A motion was made by Commissioner Carpenter to adopt the Draft Minutes of June 3rd, 2025 and seconded by Commissioner McCall. The motion was adopted 5-0, and **the Minutes were approved.**

2. Board Member Input on Status of BESS Facilities, their Activities and Developing Information

Commissioners Carpenter and McCall reported on the East Point BESS project, a member of the public reported on activity at the Mountain Home BESS, and another member of the audience responded to Ms. Bullard's question about the status of the Harper BESS.

3. Updates on Communication and/or Coordination with Relevant State Agencies and Other Government Officials

Commissioner Paces reported that we still can't seem to engage either PUCT or LCRA. He talked about the aftermath of a Freedom of Information type question Commissioner McCall had submitted (as a private person) to LCRA; in response LCRA is seeking an opinion from the AG's Open Records Division in support of their position that they are not required to disclose such information. Commissioner Paces then wrote a 4th letter of notification to LCRA (posted on our Website), with copies to Ken Paxton and Texas and U.S. legislature representatives, taking issue with statements made in LCRA's letter

alleging that Chapter 391 does not apply to them. There has been no response. It looks like the only option may be to hire an attorney, file a lawsuit and spend a lot of money.

Commissioner Paces noted that we have been advised by Dan Byfield to start focusing more on the federal level, and EPA in particular, and he has written a letter to the EPA Administrator, Lee Zeldin, asking him to eliminate all subsidies to wind, solar, and BESS projects (posted on our Website). He encouraged members of the public to write their own letters to the EPA, using his as a model. He has met with State Senator Pete Flores and U.S. Rep. Chip Roy, and asked them to support us by, for example, putting pressure on PUCT and LCRA to meet with us. A member of the public asked whether there had been any attempt to contact the AG's office to get them to go on record, and a discussion in that regard ensued. Commissioner Paces repeated that he had sent a copy to Ken Paxton of his letter to LCRA concerning their refusal to answer a Freedom of Information request from Jennifer McCall. Ms. Bullard proposed that we submit a request for an opinion by the Attorney General on whether the PUCT, ERCOT, LCRA etc. are statutorily required to meet with us. A member of the public suggested that it might be more impactful to send a delegation, instead of letters. Another member of the public stated that in Gillespie County they have a copy of LCRA's interconnection agreement with Peregrine Energy; she also announced that a lawsuit against the BESS owner and construction company will be filed there soon, which contains a great deal of actionable information. She reported that there had been another BESS fire in California just the past Saturday. She concluded by suggesting a protest at the Governor's Office to call attention to all these concerns and linked to the Lone Star Infrastructure Protection Act.

Ms. Bullard brought up the possibility of seeking assistance from the Office of Public Utility Counsel, who represent residential and small business consumers in various utilities issues. Even if we, as a 391 Commission, could not be represented by that organization, private parties could be. Agreement: Ms. Bullard will reach out to Ben Barkley, Chief Executive and Public Counsel of the Office of Public Utility Counsel and member of the ERCOT Board, about the possibility of lodging a complaint against PUCT for refusing to meet with us.

Ms. Bullard brought up a Resolution which will be voted upon by the Association of Soil and Water Conservation District Directors at their annual state meeting at the end of January. The Resolution, introduced by Kendall County SWCD based on our own Position Statement, directs their leadership to inform the Governor, Lt. Governor and Speaker of the House of their opposition to any further BESS installations without the involvement of local authorities. Ms. Bullard proposed that we, as a 391 Commission, write a letter to the Texas State Soil and Water Conservation Board, which is a State agency, expressing our concerns about BESS, supporting their Resolution, and urging them to allow Dr. Alexandria Rudd equal time to speak about BESS in their workshop on the Resolution. Commissioner Paces moved that Ms. Bullard write such a letter, and the Motion was adopted unanimously. She will get approval before sending it. She also invited members of the public to help contact the Soil and Water Conservation Districts in other Counties to urge them to vote in favor of the Resolution.

Commissioner Paces reported that he had heard back from TCEQ, saying that they were working on the answers to our questions.

4. Gillespie County's Request to Join the HCESRPC

Commissioner Paces gave the report, and **Ms. Bullard moved that the Hill Country Energy Sub-Regional Planning Commission is in favor of Gillespie County's adherence, and 2) that we immediately commence all necessary steps to legalize their membership.** Commissioner McCall seconded. Commissioner Paces said that he had already requested the Kerr County Attorney to make the necessary modifications to the Interlocal Agreement and Bylaws. Ms. Bullard asked whether, since our voting membership will now be increased from 5 to 7, we might consider having another citizen/landowner representative; however, it was deemed too problematic and time-consuming to introduce any substantive changes in the legal documents. **The Motion carried unanimously.**

Commissioner Carpenter spoke about the need to direct our priorities to what needs to be fixed legislatively. Commissioner Paces invited the public to join in this effort for the 90th Legislature. A member of the public noted that while legislation is important, there are other tools, citing the example of Van Zandt County, which just got an extension on their Temporary Restraining Order, concluding that it's not as if the Counties are powerless. Commissioner Holt brought up the risks of different types of battery technology and also reported that a transformer had exploded and caught fire in the LCRA substation in Comfort, which is near the high school. He said that the more complex our electrical systems are, the riskier they become. A member of the public brought up the upcoming elections and the importance of asking candidates to position themselves on the BESS issue.

5. PUCT Rulemaking and Potential HCESRPC Participation, in regard to newly-enacted BESS Legislation, Large Loads, and Grid Resilience

Ms. Bullard explained PUCT's Rulemaking process for implementing new laws, of which there are two which directly concern BESS. A "Control Number" for those does not yet appear to have been issued so that they can be tracked, but she is monitoring PUCT for that. She reported on a PUCT workshop which had taken place the previous day, where PUCT was seeking input on the definition of BESS; none of the 6 people who testified on this point said that the current definition should be changed, which defines BESS as a generating resource. Commissioner Paces clarified that BESS are not electricity generators, that they store electricity and power is actually lost in the process of storing it and then putting it back in the grid; it is just a tool to try to stabilize the grid for about 4 hours of discharge. There was also a discussion about attending regular open meetings of the PUCT and speaking to specific agenda items, asking them to table a specific agenda item, or making public comment. The next open meetings of the PUCT are Sept. 11, Oct. 16, and 23. The meetings take place at the PUCT offices in Austin, and they start at 9:30 a.m.

Commissioner Paces moved that we should explore getting a specific item on the PUCT Open Meeting Agenda, seconded by Commissioner McCall. Agreement: Ms. Bullard will provide information to post on the Website about the calendar of PUCT Open Meetings, their agendas, and how to watch them livestreamed or recorded.

6. The role of 391 Commissions in the Texas Cyber Command (SB 150), and Protecting Critical Infrastructure (GA-49)

Ms. Bullard stated that because 391 Commissions are specifically named in the new law SB150 as an operational structure for implementing the Texas Cyber Command, this should be on our radar screen. Commissioner Paces noted that he had referred to this in his letter to LCRA, because they used it as justification as to why they could not disclose certain things in response to Ms. McCall's FOIA.

Ms. Bullard then spoke about the Lone Star Infrastructure Protection Act, which became law in 2021 and prohibits doing business in critical infrastructure areas, including the electric grid, with entities from Russia, China, Iran, and North Korea, or giving them access to such infrastructure. GA 49 is an Executive Order from last year which reiterates that earlier law. Although the law lacks enforcement mechanisms or penalties, we might consider undertaking a legal action similar to Van Zandt County's, which would be to get a District Judge to declare a moratorium on any further BESS installation activity until evidence is provided that they are in compliance with the Lone Star Infrastructure Protection Act and GA-49. There is also a federal law to the same effect, which is CIP 10, and at the federal level two such investigations have already been launched, one against Microsoft and the other against a wind turbine project. A member of the public pointed out that you would file an injunction in District Court. Commissioner Paces stated that the problem is that there's no basis to file an injunction until you have a development plan or that this requirement has not been met on a facility that's already operating. So all we can do is tell the developer that when they get it built, if they haven't supplied this, we're going to shut you down. An important and lengthy discussion with the public ensued on this matter and the action options provided by this law. One important suggestion from a Gillespie County resident was to have our County Attorneys send letters to LCRA demanding the interconnectivity agreements for the BESS facilities, and on the basis of that we can get our District Attorney to issue an injunction. The same participant brought up that the County Engineer has the authority to enforce the Floodplain development ordinance, which is another way to get a hold on construction, if the facility is in the floodplain.

7. Discussion and Appropriate Action on other Administrative Matters

Ms. Bullard brought up her concern about posting video recordings of our meetings on our Website, which the Open Meetings Act does not require us to do, and she explained the reasons for her apprehension. A discussion ensued about the advantages and disadvantages of posting our meeting videos on the Website, and workarounds for the limitations imposed on our efforts by the Open Meetings Act.

8. Public Comment

Commissioner Paces called on those who had signed up to speak. One had already left, and one withdrew her request in view of the extensive public participation during the course of the meeting. Pat Long expressed her gratitude to the Commission for all its hard work and commitment. Thomas McComack lives about 4 miles from the Mountain Home BESS site and expressed his view that we must have massive public pressure to force elected representatives and appointed officials to listen to us. Another view was expressed that they don't care what we think, the only thing that matters is to make the companies' lives miserable by requiring them to provide documents and meet

requirements, etc., as they are doing in Van Zandt County. David Nash of Gillespie County stated that he wanted to have one of those strategic discussions and has some ideas about how to proceed.

Michael Stouts, a recent arrival in the area, said that he hasn't found anybody in his circles who knows anything about this and asked if there was any kind of point person or project manager people could contact if they have questions. A general discussion ensued. Audrey Boerner from Kerr and Kendall Counties pointed out that the 391 Commissions which have had success so far have been the ones who had a lawyer involved. We need to find a lawyer who's willing to do *pro bono* work and help us, because LCRA is going to continue blowing us off when all they have is a letter.

Commissioner Carpenter recalled that we are not allowed to use any County resources except the building, not even their sound equipment, which we have to bring in ourselves, and certainly not an attorney to represent us. But he pointed out that it is possible for General Counsel of our Counties to act on behalf of their Commissioners Courts, not the 391 Commission, to demand interconnectivity agreements from LCRA, etc.

Commissioner McCall asked members of the public who want to follow our activities to be sure to add their E-mail addresses on the Sign-in sheet so that we can send them E-mails about when our meetings are taking place and other information. She also asked about having a Workshop or adding an agenda item on Public Interaction or Public Discussion. Commissioner Paces noted that for those new to the issue, there is a presentation about BESS in our area which he gave to the Rotary Club and which has been posted to the Website on the Videos and Post of Interest page. Commissioner McCall added that all our correspondence is also posted on the Website. Ms. Bullard responded to Mike Stout's expression of need, recalling that there had been a strong citizens group before we got the 391 Commission, saying she is convinced such a group is now more important than ever, and should be reconstituted. Susan Bell stated that she herself would do that. Commissioner McCall stated that she will change the agenda item "Public Comment" to "Public Discussion."

9. Set Next Meeting Date, Location and Agenda

The next meeting will take place on Tuesday, October 21st,* at the Kendall County Courthouse, at 1 p.m.

The meeting was adjourned at 2:45 p.m.

Respectfully submitted by Linda Bullard, Secretary

**The date actually selected in the meeting was subsequently changed to this.*

These minutes were approved on 10/21/25 by the HCESRPC Board.