

Hill Country Energy Sub-Regional Planning Commission

November 18, 2025 Meeting **Draft** Minutes

A meeting of the Hill Country Energy Sub-Regional Planning Commission (HCESRPC) took place in the Kerr County Courthouse, Court Room 1, on November 18. It was declared in session by Commissioner Paces just after 4 pm, and a prayer was offered by Commissioner Jeff Holt, followed by the pledges of allegiance to the American and Texas flags.

The following members of the Board 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

Wes Virdell, Texas State Representative, District 53

Daniel Jones, Gillespie County Judge, *after Agenda Item 2*

Keith Kramer, Gillespie County Commissioner, Precinct 2, *after Agenda Item 2*

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, agreements reached in the meeting, action items, as well as action items from previous meetings. For content of reports, updates, information, announcements, invited guest contributions, 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 the HCESRPC meeting on October 21, 2025 and seconded by Commissioner Holt. The motion was carried 5-0, and **the Minutes were approved.**

2. Formalize Gillespie County Joining HCESRPC

Commissioner Paces explained that all paperwork required for the addition of Gillespie County to the Hill Country Energy Sub-Regional Planning Commission had been signed by Kerr, Kendall, and Gillespie Counties, and **he made a motion to welcome the Gillespie County representatives to the Hill Country Energy Sub-Regional Planning Commission Board. The motion was seconded by Commissioner McCall and adopted 5-0.** Gillespie County now being officially a member of the HCESRPC, Commissioner Paces invited Judge Daniel Jones and Commissioner Keith Kramer, representing Gillespie County, to take their places at the table.

3. Local BESS Facilities

Updates, reports and a question on BESS statewide trends and local projects status, as well as related announcements were provided by Commissioners Holt, Paces, McCall, Carpenter, Judge Jones, and Ms. Bullard.

Previous action item: Ms. Bullard reported that, as previously agreed, she had made a request to ERCOT for the Interconnection Agreement and Security Screening Study for the Mountain Home BESS ("East - West"). They provided the Control Number for the Interconnection Agreement with LCRA, which is filed with PUCT, and we now have that document. However, they declined to provide the Security Screening Study on the basis of confidentiality protocols, citing the specific provisions. This may be why nothing regarding cybersecurity and other threats is found in the Interconnection Agreements. Other options should be explored for obtaining assurance that the Security Screening Studies are adequate.

4. Protecting Critical Infrastructure/Cybersecurity

Commissioner Paces explained that BESS represents a serious cybersecurity risk, because they're unmanned, they're controlled remotely, and many of them have CATL batteries, as well as circuit boards and other equipment, which are manufactured in China, citing the Volt Typhon security breach that took place in San Antonio. He then discussed the Lone Star Infrastructure Protection Act of 2021, which seeks to protect critical infrastructure, including the electric grid, from threats originating from Russia, China, Iran, and North Korea. This act has been amended by SB 2368, which extended it to cover components from these countries, and was further supplemented by the Governor's Executive Orders GA 48 and 49. Commissioner Paces noted that 300 attestations from state agencies required under GA 48 are missing, which is a cause for serious concern. He also noted that 90% of grid-scale BESS in the US contain critical components manufactured in China.

Commissioner Paces reported that he had contacted the Texas Division of Emergency Management and spoken at length with Assistant Agency Director Blair Walsh, explaining our concerns, many of which were new to her. HB 150 appears to put much of the responsibility for cybersecurity onto TDEM. She committed to setting up a joint meeting between TDEM, PUCT, ERCOT, LCRA and our 391 Planning Commission to discuss our concerns and what is being done to address them.

Representative Virdell reported on his meeting with 16 Counties in his District, and the concern that we are wide open as far as security. He noted that, while many BESS companies have now understood that the facilities must not be located in the vicinity of schools, etc., they currently have no solution for the chemicals in the batteries and the cybersecurity problem associated with China.

Previous Action Item: Ms. Bullard reported that she had revised her question to the Attorney General's Office about enforcement of the Lone Star Infrastructure Protection Act, but in view of the meeting to be arranged by TDEM, which will address exactly the same issues, it is moot for the time being. She did learn that we do not need to have standing for such a question, since it is only requesting information and is not a question of opinion.

Noting that we have other issues which need to be discussed with ERCOT and LCRA besides critical infrastructure protection and cybersecurity, **Ms. Bullard made a motion that we send delegations to make Public Comment at the next Board Meetings of ERCOT and LCRA which will take place in Austin December 8th and 9th respectively. Commissioner Paces seconded the motion, and it was adopted 7-0.**

*Note that it was subsequently decided that since the ERCOT Board meeting on Dec. 8th conflicts with the Kerr County Commissioners Court, **the 391 Commission will aim to send a delegation to make Public Comment at the next ERCOT Board meeting, which is on Wed., February 4th, if there has been no progress with ERCOT in the meantime.***

5. BESS Fire Safety - Van Zandt County Fire Marshal, Kevin Palmer / Mountain Home VFD Fire Chief, Brien Alexander

Kevin Palmer, Van Zandt County Fire Marshall, provided a detailed explanation of how he is dealing with the BESS project in Van Zandt County, emphasizing that his efforts pertain only to the batteries themselves as distinct from the facility. Some of the many important issues addressed were:

- source of the authority of a fire marshal and what its limits are, namely enforcement of the relevant fire codes and the Texas Government Code, Chapter 352;
- neither the Fire Marshal nor the County Commissioners' Court can stop a BESS;
- the specific fire codes and versions which are relevant, such as NFPA 855, 2020 edition, which deals specifically with BESS;
- as technology is changing rapidly, new fire code editions are required much more frequently;
- his experience with the BESS in Van Zandt County; and the first Temporary Restraining Order (400 pages written by the District Attorney), not on the construction, but on the batteries coming into the County, pointing out that the goal was compliance and safety;
- the three trainings that are needed to prepare for a BESS fire, the second being when the facility is about 50% complete, and the third right before it goes online, and who should participate in those exercises;
- the documents which the developer has to submit: site specific Emergency Response Plan and Hazard Mitigation Analysis (both were rejected because they were not site-specific), a UL 9540 certification, and tests of the batteries and containers;
- water supply requirements;
- the fact that disregarding a Fire Marshal's order is a misdemeanor and thus an arrestable offense;
- various options for Kerr County to secure the services of a Fire Marshal;
- the fact that the BESS developer is having a very hard time meeting the statutory requirements;
- everything they have done in Van Zandt County about their BESS is on their Website: vanzandtcounty.org

Following his presentation, Mr. Palmer responded to pointed questions and comments from both the Commission and the public. Topics addressed included:

- the advantages of having a County Fire Marshal as opposed to relying on the State Fire Marshal's Office, which is basically a resource, there to assist and advise, and not really in a position to perform effective site-specific inspections or enforce the Code;
- the three requirements for being a Fire Marshal;
- the importance of engaging expert fire protection engineering consultants, such as Dr. Robert Steel of Hiller Fire who was part of the committee that wrote NFPA 855, or Dr. Eric Archibald of Hazard Dynamics and a Professor at the University of Texas;
- specifics on the permit process followed in Van Zandt County, what triggered the developer's submission of documents, time allowed for responses, and permit fee schedules for fire protection inspections based on the value of the project (the BESS fee was \$55,000); and
- the purpose of the water requirement for exposure control, considering that batteries are water-reactive and water cannot be used to extinguish thermal runaway fires.

Brien Alexander, Mountain Home Volunteer Fire Department Fire Chief, addressed the challenges which lithium-ion BESS fires present for firefighters. His VFD is the only one in Kerr County which has been adequately trained and has the necessary equipment to actually fight a BESS fire. The cost of bunker gear for one firefighter of a BESS fire is \$6,500, and must be replaced if contaminated by the hazardous toxins released when a lithium battery burns; and the BESS companies are not offering to cover these extra costs. He noted that he had requested information from the developer of the East West BESS regarding water resources, runoff, hazards, etc., but so far he has received nothing from them. Rep. Virdell emphasized the concern about chemicals in the foam suppression systems, specifically PFAS, which could end up contaminating our groundwater. A member of the public brought up the problem that BESS firefighters would be exposed to hydrogen fluoride, and that there is no respirator which can protect them from that. Commissioner Paces pointed out that since BESS fires last for days, the firefighters' SCBA are going to be frequently running out of air, necessitating an on-site mobile air refilling apparatus. He also pointed out that other fire departments would be called upon in the event of a BESS fire, not just the nearest one, so all fire departments in a BESS region need the special training and equipment as well. Even though the only thing that can be done for a BESS fire is to let it burn, firefighters have to focus on containment, exposure control, preventing wildfire, and perimeter protection. Rep. Virdell referred to the 500-yard proximity bill he had introduced in the last legislative session and which will be reintroduced next session. The discussion with the public continued, with issues raised regarding medical personnel and evacuations, and a recommendation that the state cover the costs of training and equipment for first responders.

6. Authority of PUC Regarding BESS - Mike Hoke, PUCT

Mike Hoke, the Director of Public Engagement with the Public Utility Commission of Texas (PUCT) presented an informative explanation of the authority of PUCT regarding BESS. Among the points he raised were:

- Battery Energy Storage Systems are generating resources according to the statutes, and PUCT is bound by statutes.
- The electricity market in Texas is largely deregulated.
- ERCOT manages the flow of electricity across 75% of the land mass of the State, like traffic control; they also operate as a sort of stock exchange where power is bought and sold; they are a non-profit corporation, with a Board of Directors overseen by PUCT and the State Legislature.
- PUCT also deals with transmission lines, but they are primarily an economic regulator, concerned with rates and markets.
- PUCT can only implement laws enacted by the Legislature and Governor.
- PUCT has 256 employees, so it is not one of the larger state agencies, but the industry they regulate directly affects everybody's lives.
- Building power generation is a business decision by companies, requiring that electricity be sold at a higher price than it costs to produce it. It is up to the companies to decide on the type of generation they are going to provide and where it will be located, and these decisions are driven by finances and economics, not by the PUCT.
- Power generators do not need a permit from PUCT to own or operate a power plant, they only have to register with the PUCT, (he brought a copy of the 7-page power company registration form), which PUCT staff review for completeness.
- ERCOT does not own or operate power generation, but they have to understand the amount of generation available and the future demand for electricity by consumers. Developers have to let ERCOT know very early in the process about potential development projects, which may or may not ever get built, based on business decisions.
- The interconnection queue is the list of projects that are on track to be built, but projects fall off it all the time.
- PUCT requires generators to file emergency operations response plans addressing actions to be taken before, during and after a disaster. Every year generators file a summary of their plans with PUCT, and the full plan with ERCOT.
- There are also weatherization standards which were adopted after Winter Storm Uri in 2021 to ensure that power generators can operate in extreme heat and cold. ERCOT conducts inspections of power generators to verify compliance.
- The PUCT does not have any role in fire safety standards; HB 3824 which was recently adopted is under the State Fire Marshal's office.
- He discussed the provisions of the Lone Star Protection Act (LSIPA) and the fact that ERCOT had discovered that some companies required to submit reports had not done so. ERCOT gave them a chance to fix the issue, and now ERCOT and the PUCT are investigating those companies who have still failed to file, pursuant to their enforcement authority.

Following his presentation, Mr. Hoke responded to pointed questions and comments from both the Commission and the public, touching on:

- specifics about the 300 missing LSIPA attestations;
- the adequacy of the compliance process;

- the failure of state agencies to share information and plans, which prevents the 391 Commission from being able to respond to BESS risks adequately;
- statistically, 20 catastrophic thermal runaway events can be expected across Texas;
- BESS only stabilizes the grid for a very short time frame, and we need to start looking at alternative generation such as nuclear, micro-nuclear plants and more conventional natural gas fired generation;
- the Texas Energy Fund, which is a state investment (funded by taxpayers) in low-interest loans to support dispatchable power generation;
- who has priority if there is insufficient power supply, citizens or data centers, some of which use as much electricity and water as a city the size of Waco,
- Senate Bill 6 on large loads;
- the net positive of BESS in the grid, ERCOT's chart showing an increase from 10 GW currently to 35.8 GW by 2029, or more than tripling;
- who we should be talking to at the state level that is concerned about public safety, including that of the volunteer first responders;
- legislation which needs to be enacted and the fact that it usually takes 6 years from conception to enactment of a bill;
- any electric generator is required to comply with OSHA, including lockout/tagout and numerous safety mechanisms, and this is a reason to leave it defined as a generator;
- whether the required expertise exists within PUCT and ERCOT to validate reports and emergency response plans, and whether any BESS operations have been shut down for compliance violations;
- whether data centers are compensated if they are required to participate in load shedding;
- who is supposed to receive the attestations required by the LSIPA, how much time they have to turn them in, whether the enforcement mechanisms are sufficient to make them comply, or more is needed from the Legislature, and whether these violations were of the newly-enacted SB 2368 or of the law enacted in 2021 and whether PUCT would be doing an analysis of the enforcement process;
- a demand from the public that Mr. Hoke supply information he could not provide at this meeting to the 391 Commission within 30 days, and an observation that there is no sense of urgency to ensure that none of these BESS give China access to our grid.

Commissioner Paces thanked Mr. Hoke for coming to discuss BESS with us, asked him to take our message back to the PUCT Board, and hoped that there would be further dialogue in the future.

7. Discussion and Appropriate Action on Other Administrative Matters

There was no discussion or action on other administrative matters.

8. Public Comments and Discussion

Although there had been considerable public input under Agenda Items 5 and 6, five attendees took the floor to comment on various concerns and observations about BESS:

- how united citizen action successfully fought off a wind farm in Plano County, what can be learned from that, and that the current process pits individual companies against county governments; BESS locations are being selected at random with no consideration given to safety and environmental considerations; transmission lines should be located on already existing corridors like the Interstates; recommendation that BESS be located on state land or land that is not being utilized, such as depleted oil fields, so they can be more easily regulated through their life cycle;

Rep. Virdell responded that he is working on legislation related to eminent domain to protect private property owners from having their land taken by government.

- eye witness accounts from BESS fires in San Diego;
- the root causes of the BESS problem, who is responsible for this new demand, and who are the customers? They are not Texans; Texas is an energy rich State, and we do not need them. The Hill Country is vulnerable to natural disasters, and we should just say no.
- complaint about progress of the HCESRPC;
- commendation of the achievements of the HCESRPC.

Commissioner Paces concluded by recalling that we have to follow the law, and right now the law favors BESS developers, so it is very important for citizens to lobby state legislators, Texas officials, federal agency heads, and even the President.

9. Set Next Meeting Date, Location and Agenda

The next meeting will take place at 1 p.m. on Tuesday, December 16th in the Kendall County Courthouse.

The meeting was adjourned at 6:46 p.m.

*Respectfully
submitted,
Linda Bullard, Secretary*