

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-4312**

September 11, 2024

Mr. Brian Hayes, CEO  
Key Capture Energy  
25 Monroe Street  
Albany, New York 12210

Dear Mr. Hayes:

I am writing to express serious concerns related to your company's proposed energy storage facility in Comfort, Texas. Hundreds of constituents – including state and local elected officials – have voiced their frustrations and concerns about the project to both me and my staff.

As you may know, I represent Kendall County and the surrounding area, which is a dry, delicate, and vulnerable landscape that demands careful stewardship. Indeed, most of Kendall County is currently experiencing either severe or extreme drought.<sup>1</sup> Naturally, residents of Kendall County are concerned about the fire risks a battery storage facility poses to one of the driest areas in the Texas Hill Country, among other things.

Accordingly, I have several questions regarding the project. I would appreciate a written response to each question by September 25, 2024.

1. What is the nature, size, and scope of this project, and how does it compare to other projects in Texas or operated by your company?
2. What power source does your company intend to use to charge the battery?
3. From where do you source your components? Are any components manufactured in the People's Republic of China, or by companies affiliated with China?
4. What is the chemical composition of the batteries you intend to install at your facility?
5. What is the utility and water usage footprint of the project? Are there any significant waste products? If so, how does your company plan to properly dispose of them?
6. Why did your company choose an unincorporated, historically drought-stricken location for this project?

---

<sup>1</sup> <https://www.drought.gov/states/texas>



7. Does the project have a fire contingency plan in place? Have you spoken with local fire departments about the risk posed by the project? Do you anticipate financially supporting local fire departments due to the increased fire risk posed by a battery storage project in a drought-stricken area?
8. Did this facility require any authorization or permits from Kendall County or the State of Texas?
9. Do you currently receive or plan to apply for federal tax credits, funding, loans, or other forms of support? Do you intend to seek support provided by the Inflation Reduction Act for the project?
10. Do you currently receive or plan to apply for any financial support provided by the State of Texas or local entities?

I appreciate your attention to this important matter. I also welcome the opportunity to meet with you in person to discuss these matters, and I look forward to hearing back from you.

Sincerely,

Chip Roy  
Member of Congress