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P.O. Box 1655  
Hereford, TX 79045

August 2, 2013

Jenny Hicks  
Michelle Luera  
Economic Development and Analysis Division  
Texas Comptroller of Public Accounts  
111 E. 17th St.  
Austin, TX 78774

*Via Email and Federal Express*

Re: 313 Application – Miami Wind I, LLC to Canadian ISD

Dear Jenny and Michelle:

Enclosed please find an application for appraised value limitation on qualified property submitted to Canadian ISD by Miami Wind I, LLC on July 30, 2013. A CD containing this document is also enclosed.

The Canadian ISD Board elected to accept the application on July 30, 2013. The application was determined to be complete on July 30, 2013. We ask that the Comptroller's Office prepare the economic impact report for this development.

A copy of the application will also be submitted to the Hemphill County Appraisal District accordance with 34 Tex. Admin. Code §9.1054. Please feel free to contact me if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink that reads "Audie Sciumbato". The signature is fluid and cursive, with a prominent "A" and "S".

Audie Sciumbato, PhD

Enclosures

GY49IKUG0D49J1

cc: Chief Appraiser, Hemphill County Appraisal District  
Evan Horn, Ryan, LLC



# Application for Appraised Value Limitation on Qualified Property

(Tax Code, Chapter 313, Subchapter B or C)

**Form 50-296**  
(Revised May 2010)

**INSTRUCTIONS:** This application must be completed and filed with the school district. In order for an application to be processed, the governing body (school board) must elect to consider an application, but — by Comptroller rule — the school board may elect to consider the application only after the school district has received a completed application. Texas Tax Code, Section 313.025 requires that any completed application and any supplemental materials received by the school district must be forwarded within seven days to the Comptroller of Public Accounts.

If the school board elects to consider the application, the school district must:

- notify the Comptroller that the school board has elected to consider the application.

This notice must include:

- the date on which the school district received the application;
- the date the school district determined that the application was complete;
- the date the school board decided to consider the application; and
- a request that the comptroller prepare an economic impact analysis of the application;
- provide a copy of the notice to the appraisal district;
- must complete the sections of the application reserved for the school district and provide information required in the Comptroller rules located at 34 Texas Administrative Code (TAC) Section 9.1054; and
- forward the original completed application to the Comptroller in a three-ring binder with tabs separating each section of the documents, in addition to an electronic copy on CD. See 34 TAC Chapter 9, Subchapter F.

The governing body may, at its discretion, allow the applicant to supplement or amend the application after the filing date, subject to the restrictions in 34 TAC Chapter 9, Subchapter F.

When the Comptroller receives the notice and required information from the school district, the Comptroller will publish all submitted application materials on its Web site. The Comptroller is authorized to treat some application information as confidential and withhold it from publication on the Internet. To do so, however, the information must be segregated and comply with the other requirements set out in the Comptroller rules as explained in the Confidentiality Notice below.

The Comptroller will independently determine whether the application has been completed according to the Comptroller's rules (34 TAC Chapter 9, Subchapter F). If the Comptroller finds the application is not complete, the Comptroller will request additional materials from the school district. When the Comptroller determines that the application is complete, it will send the school district a notice indicating so. The Comptroller will determine the eligibility of the project, make a recommendation to the school board regarding the application and prepare an economic impact evaluation by the 90th day after the Comptroller receives a complete application—as determined by the Comptroller.

The school board must approve or disapprove the application before the 151st day after the application review start date (the date the application is finally determined to be complete), unless an extension is granted. The Comptroller and school district are authorized to request additional information from the applicant that is reasonably necessary to complete the recommendation, economic impact evaluation or consider the application at any time during the application review period.

Please visit the Comptroller's Web site to find out more about the program at <http://www.window.state.tx.us/taxinfo/proptax/hb1200/index.html>. There are links on this Web page to the Chapter 313 statute, rules and forms. Information about minimum limitation values for particular districts and wage standards may also be found at that site.

## SCHOOL DISTRICT INFORMATION - CERTIFICATION OF APPLICATION

<b>Authorized School District Representative</b>		Date application received by district <b>July 30, 2013</b>
First Name <b>Kyle</b>	Last Name <b>Lynch</b>	
Title <b>Superintendent</b>		
School District Name <b>Canadian ISD</b>		
Street Address <b>800 Hillside</b>		
Mailing Address <b>800 Hillside</b>		
City <b>Canadian</b>	State <b>Texas</b>	ZIP <b>79014</b>
Phone Number <b>(806) 323-5393</b>	Fax Number <b>(806) 323-8143</b>	
Mobile Number (optional)	E-mail Address <b>kyle.lynch@canadianisd.net</b>	

I authorize the consultant to provide and obtain information related to this application.....  Yes  No

Will consultant be primary contact? .....  Yes  No



SCHOOL DISTRICT INFORMATION - CERTIFICATION OF APPLICATION (CONTINUED)

Authorized School District Consultant (If Applicable)

First Name **Audie** Last Name **Sciumbato**

Title **Attorney**

Firm Name **Underwood Law Firm, P.C.**

Street Address

Mailing Address **P.O. Box 1655**

City **Hereford** State **TX** ZIP **79045**

Phone Number **(806) 364-2626** Fax Number **(806) 364-9368**

Mobile Number (Optional) E-mail Address **Audie.Sciumbato@uwlaw.com**

I am the authorized representative for the school district to which this application is being submitted. I understand that this application is a government record as defined in Chapter 37 of the Texas Penal Code.

Signature (Authorized School District Representative)  Date **7-30-2013**

Has the district determined this application complete?  Yes  No

If yes, date determined complete. **7-30-2013**

Have you completed the school finance documents required by TAC 9.1054(c)(3)?  Yes  No

SCHOOL DISTRICT CHECKLIST AND REQUESTED ATTACHMENTS

	Checklist	Page X of 16	Check Completed
1	Date application received by the ISD	1 of 16	✓
2	Certification page signed and dated by authorized school district representative	2 of 16	✓
3	Date application deemed complete by ISD	2 of 16	✓
4	Certification pages signed and dated by applicant or authorized business representative of applicant	4 of 16	✓
5	Completed company checklist	12 of 16	✓
6	School finance documents described in TAC 9.1054(c)(3) (Due within 20 days of district providing notice of completed application)	2 of 16	TO BE SUPPLEMENTED



**APPLICANT INFORMATION - CERTIFICATION OF APPLICATION**

**Authorized Business Representative (Applicant)**

First Name <b>Bryan</b>		Last Name <b>Schueler</b>	
Title <b>Senior Vice President, Development</b>			
Organization <b>Invernergy LLC</b>			
Street Address <b>One South Wacker Drive, Suite 1900</b>			
Mailing Address <b>One South Wacker Drive, Suite 1900</b>			
City <b>Chicago</b>		State <b>IL</b>	ZIP <b>60606</b>
Phone Number <b>312-582-1421</b>		Fax Number	
Mobile Number (optional)		Business e-mail Address <b>bschueler@invernergylc.com</b>	

Will a company official other than the authorized business representative be responsible for responding to future information requests? .....  Yes  No

If yes, please fill out contact information for that person.

First Name <b>Joe</b>		Last Name <b>Condo</b>	
Title <b>General Counsel</b>			
Organization <b>Invernergy LLC</b>			
Street Address <b>One South Wacker Drive, Suite 1900</b>			
Mailing Address <b>One South Wacker Drive, Suite 1900</b>			
City <b>Chicago</b>		State <b>IL</b>	ZIP <b>60606</b>
Phone Number <b>312-582-1465</b>		Fax Number	
Mobile Number (optional)		E-mail Address	

I authorize the consultant to provide and obtain information related to this application.....  Yes  No

Will consultant be primary contact? .....  Yes  No



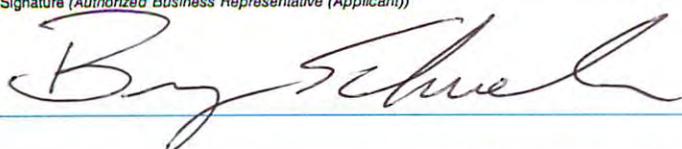
APPLICANT INFORMATION - CERTIFICATION OF APPLICATION (CONTINUED)

Authorized Company Consultant (If Applicable)

First Name Evan	Last Name Horn	
Title Manager		
Firm Name Ryan, LLC		
Street Address 400 W 15th Street, Suite 700		
Mailing Address 400 W 15th Street, Suite 700		
City Austin	State TX	ZIP 78701
Phone Number 512-691-6067	Fax Number	
Business email Address Evan.Horn@Ryan.com		

I am the authorized representative for the business entity for the purpose of filing this application. I understand that this application is a government record as defined in Chapter 37 of the Texas Penal Code. The information contained in this application is true and correct to the best of my knowledge and belief.

I hereby certify and affirm that the business entity I represent is in good standing under the laws of the state in which the business entity was organized and that no delinquent taxes are owed to the State of Texas.

Signature (Authorized Business Representative (Applicant)) 	Date 7/25/2013
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GIVEN under my hand and seal of office this 25th day of July, 2013



Ruth M. Nadolny  
Notary Public, State of ILLINOIS

(Notary Seal)

My commission expires 3-8-2017

If you make a false statement on this application, you could be found guilty of a Class A misdemeanor or a state jail felony under Texas Penal Code § 37.10.

**FEES AND PAYMENTS**

Enclosed is proof of application fee paid to the school district.

For the purpose of this question, "payments to the school district" include any and all payments or transfers of things of value made to the school district or to any person or persons in any form if such payment or transfer of thing of value being provided is in recognition of, anticipation of, or consideration for the agreement for limitation on appraised value.

Please answer only either A OR B:

A. Will any "payments to the school district" that you may make in order to receive a property tax value limitation agreement result in payments that are not in compliance with Tax Code, 313.027(i)?  Yes  No

B. If "payments to the school district" will only be determined by a formula or methodology without a specific amount being specified, could such method result in "payments to the school district" that are not in compliance with Tax Code §313.027(i)?  Yes  No

**BUSINESS APPLICANT INFORMATION**

Legal Name under which application is made

Miami Wind I LLC

Texas Taxpayer I.D. Number of entity subject to Tax Code, Chapter 171 (11 digits)

32045958413

NAICS code

221115\*

Is the applicant a party to any other Chapter 313 agreements?  Yes  No

If yes, please list name of school district and year of agreement.

See attachment for list of Chapter 313 agreements with Invenergy LLC subsidiaries.

**APPLICANT BUSINESS STRUCTURE**

Registered to do business in Texas with the Texas Secretary of State?  Yes  No

Identify business organization of applicant (corporation, limited liability corporation, etc.)

Limited Liability Company

1. Is the applicant a combined group, or comprised of members of a combined group, as defined by Texas Tax Code Chapter 171.0001(7)?  Yes  No  
If so, please attach documentation of the combined group membership and contact information.

2. Is the applicant current on all tax payments due to the State of Texas?  Yes  No

3. Are all applicant members of the combined group current on all tax payments due to the State of Texas?  NA  Yes  No

If the answer to either question is no, please explain and/or disclose any history of default, delinquencies and/or any material litigation, including litigation involving the State of Texas. (Use attachment if necessary.)

\*2012 NAICS Code



ELIGIBILITY UNDER TAX CODE CHAPTER 313.024

- Are you an entity to which Tax Code, Chapter 171 applies?
The property will be used as an integral part, or as a necessary auxiliary part, in one of the following activities:
(1) manufacturing
(2) research and development
(3) a clean coal project, as defined by Section 5.001, Water Code
(4) an advanced clean energy project, as defined by Section 382.003, Health and Safety Code
(5) renewable energy electric generation
(6) electric power generation using integrated gasification combined cycle technology
(7) nuclear electric power generation
(8) a computer center that is used as an integral part or as a necessary auxiliary part for the activity conducted by applicant in one or more activities described by Subdivisions (1) through (7)
Are you requesting that any of the land be classified as qualified investment?
Will any of the proposed qualified investment be leased under a capitalized lease?
Will any of the proposed qualified investment be leased under an operating lease?
Are you including property that is owned by a person other than the applicant?
Will any property be pooled or proposed to be pooled with property owned by the applicant in determining the amount of your qualified investment?

PROJECT DESCRIPTION

Provide a detailed description of the scope of the proposed project, including, at a minimum, the type and planned use of real and tangible personal property, the nature of the business, a timeline for property construction or installation, and any other relevant information. (Use attachments as necessary)

See checklist item #4

Describe the ability of your company to locate or relocate in another state or another region of the state.

See checklist item #4

PROJECT CHARACTERISTICS (CHECK ALL THAT APPLY)

- Checkboxes for: New Jobs, Construct New Facility, New Business / Start-up, Expand Existing Facility, Relocation from Out-of-State, Expansion, Purchase Machinery & Equipment, Consolidation, Relocation within Texas

PROJECTED TIMELINE

Begin Construction October 2013, Begin Hiring New Employees June 2014, Construction Complete December 2014, Fully Operational December 2014, Purchase Machinery & Equipment January 2014

Do you propose to construct a new building or to erect or affix a new improvement after your application review start date (date your application is finally determined to be complete)?

When do you anticipate the new buildings or improvements will be placed in service? December 2014

**ECONOMIC INCENTIVES**

Identify state programs the project will apply for:

State Source	Amount
_____	_____
_____	_____
_____	_____
Total	_____

Will other incentives be offered by local units of government?  Yes  No

Please use the following box for additional details regarding incentives. (Use attachments if necessary.) See Schedule D for Details

Roberts, Gray, and Hemphill County - Chapter 312 agreements - 10 year abatements  
 Roberts ESD #1 - Chapter 312 agreement - 10yr abatement  
 Hemphill County Hospital District - Chapter 312 agreement - 10yr abatement

**THE PROPERTY**

Identify county or counties in which the proposed project will be located Hemphill County

Central Appraisal District (CAD) that will be responsible for appraising the property Hemphill County Appraisal District

Will this CAD be acting on behalf of another CAD to appraise this property?  Yes  No

List all taxing entities that have jurisdiction for the property and the portion of project within each entity

County: Hemphill County (100%) City: \_\_\_\_\_  
(Name and percent of project) (Name and percent of project)

Hospital District: Hemphill County Hospital Dist(100%) Water District: Hemphill County Water Dist(100%)  
(Name and percent of project) (Name and percent of project)

Other (describe): \_\_\_\_\_ Other (describe): \_\_\_\_\_  
(Name and percent of project) (Name and percent of project)

Is the project located entirely within this ISD?  Yes  No

If not, please provide additional information on the project scope and size to assist in the economic analysis.

The Miami Wind Energy project will consist of an estimated 166 turbines totalling an estimated 280 MWs. 95 of these turbines will be located in Miami ISD, 50 in Ft. Elliott CISD, and 21 in Canadian ISD.

**INVESTMENT**

**NOTE:** The minimum amount of qualified investment required to qualify for an appraised value limitation and the minimum amount of appraised value limitation vary depending on whether the school district is classified as rural, and the taxable value of the property within the school district. For assistance in determining estimates of these minimums, access the Comptroller's Web site at [www.window.state.tx.us/taxinfo/proptax/hb1200/values.html](http://www.window.state.tx.us/taxinfo/proptax/hb1200/values.html).

At the time of application, what is the estimated minimum qualified investment required for this school district? \$10,000,000

What is the amount of appraised value limitation for which you are applying? \$10,000,000

What is your total estimated qualified investment? \$51,712,236 (12% of total project)

**NOTE:** See 313.021(1) for full definition. Generally, Qualified Investment is the sum of the investment in tangible personal property and buildings and new improvements made between beginning of the qualifying time period (date of application final approval by the school district) and the end of the second complete tax year.

What is the anticipated date of application approval? 11/30/2013

What is the anticipated date of the beginning of the qualifying time period? 11/30/2013

What is the total estimated investment for this project for the period from the time of application submission to the end of the limitation period? \$51,712,236

Describe the qualified investment.[See 313.021(1).]

Attach the following items to this application:

- (1) a specific and detailed description of the qualified investment you propose to make on the property for which you are requesting an appraised value limitation as defined by Tax Code §313.021,
- (2) a description of any new buildings, proposed improvements or personal property which you intend to include as part of your minimum qualified investment and
- (3) a map of the qualified investment showing location of new buildings or new improvements with vicinity map.

Do you intend to make at least the minimum qualified investment required by Tax Code §313.023 (or 313.053 for rural school districts) for the relevant school district category during the qualifying time period?  Yes  No

Except for new equipment described in Tax Code §151.318(q) or (q-1), is the proposed tangible personal property to be placed in service for the first time:

- (1) in or on the new building or other new improvement for which you are applying?  Yes  No
- (2) if not in or on the new building or other new improvement for which you are applying for an appraised value limitation, is the personal property necessary and ancillary to the business conducted in the new building or other new improvement?  Yes  No
- (3) on the same parcel of land as the building for which you are applying for an appraised value limitation?  Yes  No

("First placed in service" means the first use of the property by the taxpayer.)

Will the investment in real or personal property you propose be counted toward the minimum qualified investment required by Tax Code §313.023, (or 313.053 for rural school districts) be first placed in service in this state during the applicable qualifying time period?  Yes  No

Does the investment in tangible personal property meet the requirements of Tax Code §313.021(1)?  Yes  No

If the proposed investment includes a building or a permanent, non-removable component of a building, does it house tangible personal property?  Yes  No

**QUALIFIED PROPERTY**

Describe the qualified property. [See 313.021(2)] (If qualified investment describes qualified property exactly you may skip items (1), (2) and (3) below.)

Attach the following items to this application:

- (1) a specific and detailed description of the qualified property for which you are requesting an appraised value limitation as defined by Tax Code §313.021,
- (2) a description of any new buildings, proposed improvements or personal property which you intend to include as part of your qualified property and
- (3) a map of the qualified property showing location of new buildings or new improvements – with vicinity map.

**Land**

Is the land on which you propose new construction or improvements currently located in an area designated as a reinvestment zone under Tax Code Chapter 311 or 312 or as an enterprise zone under Government Code Chapter 2303?  Yes  No

If you answered "no" to the question above, what is the anticipated date on which you will submit proof of a reinvestment zone with boundaries encompassing the land on which you propose new construction or improvements? 8/31/2013

Will the applicant own the land by the date of agreement execution?  Yes  No

Will the project be on leased land?  Yes  No

**QUALIFIED PROPERTY (CONTINUED)**

If the land upon which the new building or new improvement is to be built is part of the qualified property described by §313.021(2)(A), please attach complete documentation, including:

1. Legal description of the land
2. Each existing appraisal parcel number of the land on which the improvements will be constructed, regardless of whether or not all of the land described in the current parcel will become qualified property
3. Owner
4. The current taxable value of the land. Attach estimate if land is part of larger parcel.
5. A detailed map (with a vicinity map) showing the location of the land

Attach a map of the reinvestment zone boundaries, certified to be accurate by either the governmental entity creating the zone, the local appraisal district, or a licensed surveyor. (With vicinity map)

Attach the order, resolution or ordinance establishing the zone, and the guidelines and criteria for creating the zone, if applicable.

**Miscellaneous**

Is the proposed project a building or new improvement to an existing facility?  Yes  No

Attach a description of any existing improvements and include existing appraisal district account numbers.

List current market value of existing property at site as of most recent tax year. \_\_\_\_\_  
(Market Value) (Tax Year)

Is any of the existing property subject to a value limitation agreement under Tax Code 313?  Yes  No

Will all of the property for which you are requesting an appraised value limitation be free of a tax abatement agreement entered into by a school district for the duration of the limitation?  Yes  No

**WAGE AND EMPLOYMENT INFORMATION**

What is the estimated number of permanent jobs (more than 1,600 hours a year), with the applicant or a contractor of the applicant, on the proposed qualified property during the last complete quarter before the application review start date (date your application is finally determined to be complete)? 0

The last complete calendar quarter before application review start date is the:

First Quarter  Second Quarter  Third Quarter  Fourth Quarter of 2013  
(year)

What were the number of permanent jobs (more than 1,600 hours a year) this applicant had in Texas during the most recent quarter reported to the TWC?  
0

**Note:** For job definitions see TAC §9.1051(14) and Tax Code 313.021(3). If the applicant intends to apply a definition for "new job" other than TAC §9.1051(14)(C), then please provide the definition of "new job" as used in this application. N/A

Total number of new jobs that will have been created when fully operational 2\* associated with Canadian ISD

Do you plan to create at least 25 new jobs (at least 10 new jobs for rural school districts) on the land and in connection with the new building or other improvement?  Yes  No

Do you intend to request that the governing body waive the minimum new job creation requirement, as provided under Tax Code §313.025(f-1)?  Yes  No

If you answered "yes" to the question above, attach evidence documenting that the new job creation requirement above exceeds the number of employees necessary for the operation, according to industry standards. **Note: Even if a minimum new job waiver is provided, 80% of all new jobs must be qualifying jobs pursuant to Texas Tax Code, §313.024(d).**

What is the maximum number of qualifying jobs meeting all criteria of §313.021(3) you are committing to create? 2\* associated with Canadian ISD

If this project creates more than 1,000 new jobs, the minimum required wage for this project is 110% of the average county weekly wage for all jobs as described by 313.021(3)(E)(ii).

If this project creates less than 1,000 new jobs, does this district have territory in a county that meets the demographic characteristics of 313.051(2)? (see table of information showing this district characteristic at <http://www.window.state.tx.us/taxinfo/proptax/hb1200/values.html>)

If yes, the applicant must meet wage standard described in 313.051(b) (110% of the regional average weekly wage for manufacturing)

If no, the applicant shall designate one of the wage standards set out in §§313.021(5)(A) or 313.021(5)(B).

\*Because the turbine layout and full project scope has yet to be determined, we currently assume that 12% of the project will be located in Canadian ISD and an estimated 2 jobs will be created. However, potential changes later in the year may affect the number of turbines located in Canadian ISD and alter the amount of jobs associated with the school district. See the attached statement for more details regarding the job waiver request.

**WAGE AND EMPLOYMENT INFORMATION (CONTINUED)**

For the following three wage calculations please include on an attachment the four most recent quarters of data for each wage calculation. Show the average and the 110% calculation. Include documentation from TWC Web site. The final actual statutory minimum annual wage requirement for the applicant for each qualifying job — which may differ slightly from this estimate — will be based on information from the four quarterly periods for which data were available at the time of the application review start date (date of a completed application). See TAC §9.1051(7).

110% of the county average weekly wage for all jobs (all industries) in the county is \$1,066.45

110% of the county average weekly wage for manufacturing jobs in the county is \$830.50

110% of the county average weekly wage for manufacturing jobs in the region is \$885.29

Please identify which Tax Code section you are using to estimate the wage standard required for this project:

§313.021(5)(A) or  §313.021(5)(B) or  §313.021(3)(E)(ii), or  §313.051(b)?

What is the estimated minimum required annual wage for each qualifying job based on the qualified property? \$46,035

What is the estimated minimum required annual wage you are committing to pay for each of the qualifying jobs you create on the qualified property? \$48,700

Will 80% of all new jobs created by the owner be qualifying jobs as defined by 313.021(3)?  Yes  No

Will each qualifying job require at least 1,600 of work a year?  Yes  No

Will any of the qualifying jobs be jobs transferred from one area of the state to another?  Yes  No

Will any of the qualifying jobs be retained jobs?  Yes  No

Will any of the qualifying jobs be created to replace a previous employee?  Yes  No

Will any required qualifying jobs be filled by employees of contractors?  Yes  No

If yes, what percent? Approximately 30% of the technician positions may be filled by contractors

Does the applicant or contractor of the applicant offer to pay at least 80% of the employee's health insurance premium for each qualifying job?  Yes  No

Describe each type of benefits to be offered to qualifying jobholders. (Use attachments as necessary.)

In addition to annual salary, each qualified position will be eligible to receive medical, dental, vision and participate in a 401k retirement plan.

**ECONOMIC IMPACT**

Is an Economic Impact Analysis attached (If supplied by other than the Comptroller's office)?  Yes  No

Is Schedule A completed and signed for all years and attached?  Yes  No

Is Schedule B completed and signed for all years and attached?  Yes  No

Is Schedule C (Application) completed and signed for all years and attached?  Yes  No

Is Schedule D completed and signed for all years and attached?  Yes  No

Note: Excel spreadsheet versions of schedules are available for download and printing at URL listed below.

If there are any other payments made in the state or economic information that you believe should be included in the economic analysis, please attach a separate schedule showing the amount for each year affected, including an explanation.

**CONFIDENTIALITY NOTICE**

**Property Tax Limitation Agreement Applications  
Texas Government Code Chapter 313  
Confidential Information Submitted to the Comptroller**

Generally, an application for property tax value limitation, the information provided therein, and documents submitted in support thereof, are considered public information subject to release under the Texas Public Information Act.

There is an exception, outlined below, by which information will be withheld from disclosure.

The Comptroller's office will withhold information from public release if:

- 1) it describes the specific processes or business activities to be conducted or the specific tangible personal property to be located on real property covered by the application;
- 2) the information has been segregated in the application from other information in the application; and
- 3) the party requesting confidentiality provides the Comptroller's office a list of the documents for which confidentiality is sought and for each document lists the specific reasons, including any relevant legal authority, stating why the material is believed to be confidential.

All applications and parts of applications which are not segregated and marked as confidential as outlined above will be considered public information and will be posted on the internet.

Such information properly identified as confidential will be withheld from public release unless and until the governing body of the school district acts on the application, or we are directed to do so by a ruling from the Attorney General.

Other information in the custody of a school district or the comptroller submitted in connection with the application, including information related to the economic impact of a project or the essential elements of eligibility under Texas Tax Code, Chapter 313, such as

the nature and amount of the projected investment, employment, wages, and benefits, will not be considered confidential business information and will be posted on the internet.

All documents submitted to the Comptroller, as well as all information in the application once the school district acts thereon, are subject to public release unless specific parts of the application or documents submitted with the application are identified as confidential. Any person seeking to limit disclosure of such submitted records is advised to consult with their legal counsel regarding disclosure issues and also to take the appropriate precautions to safeguard copyrighted material, trade secrets, or any other proprietary information. The Comptroller assumes no obligation or responsibility relating to the disclosure or nondisclosure of information submitted by respondents. A person seeking to limit disclosure of information must submit in writing specific detailed reasons, including any relevant legal authority, stating why that person believes the material to be confidential.

The following outlines how the Comptroller's office will handle requests for information submitted under the Texas Public Information Act for application portions and submitted records appropriately identified as confidential.

- This office shall forward the request for records and a copy of the documents at issue to the Texas Attorney General's office for an opinion on whether such information may be withheld from disclosure under the Texas Public Information Act.
- The Comptroller will notify the person who submitted the application/documents when the information is forwarded to the Attorney General's office.
- Please be aware that this Office is obligated to comply with an Attorney General's decision, including release of information ruled public even if it was marked confidential.

**COMPANY CHECKLIST AND REQUESTED ATTACHMENTS**

	Checklist	Page X of 16	Check Completed
1	Certification pages signed and dated by Authorized Business Representative (applicant)	4 of 16	✓
2	Proof of Payment of Application Fee (Attachment)	5 of 16	✓
3	For applicant members, documentation of Combined Group membership under Texas Tax Code 171.0001(7) (if Applicable) (Attachment)	5 of 16	✓
4	Detailed description of the project	6 of 16	✓
5	If project is located in more than one district, name other districts and list percentage in each district (Attachment)	7 of 16	✓
6	Description of Qualified Investment (Attachment)	8 of 16	✓
7	Map of qualified investment showing location of new buildings or new improvements with vicinity map.	8 of 16	✓
8	Description of Qualified Property (Attachment)	8 of 16	✓
9	Map of qualified property showing location of new buildings or new improvements with vicinity map	8 of 16	✓
10	Description of Land (Attachment)	9 of 16	N/A
11	A detailed map showing location of the land with vicinity map.	9 of 16	N/A
12	A description of all existing (if any) improvements (Attachment)	9 of 16	N/A
13	Request for Waiver of Job Creation Requirement (if applicable) (Attachment)	9 of 16	✓
14	Calculation of three possible wage requirements with TWC documentation. (Attachment)	10 of 16	✓
15	Description of Benefits	10 of 16	✓
16	Economic Impact (if applicable)	10 of 16	N/A
17	Schedule A completed and signed	13 of 16	✓
18	Schedule B completed and signed	14 of 16	✓
19	Schedule C (Application) completed and signed	15 of 16	✓
20	Schedule D completed and signed	16 of 16	✓
21	Map of Reinvestment Zone (Attachment) (Showing the actual or proposed boundaries and size, Certified to be accurate by either the government entity creating the zone, the local appraisal district, or a licensed surveyor, with vicinity map)*	9 of 16	✓
22	Order, Resolution, or Ordinance Establishing the Zone (Attachment)*	9 of 16	✓
23	Legal Description of Reinvestment Zone (Attachment)*	9 of 16	✓
24	Guidelines and Criteria for Reinvestment Zone(Attachment)*	9 of 16	✓

\*To be submitted with application or before date of final application approval by school board.

**CHECK LIST ITEM #2**

**Proof of Payment of Application Fee**

Proof of payment of filing fee received by the  
Comptroller of Public Accounts per TAC Rule  
§9.1054 (b)(5)

*(Page Inserted by Office of Texas Comptroller of Public  
Accounts)*

**CHECKLIST ITEM #3**

Combined Group Membership Documentation

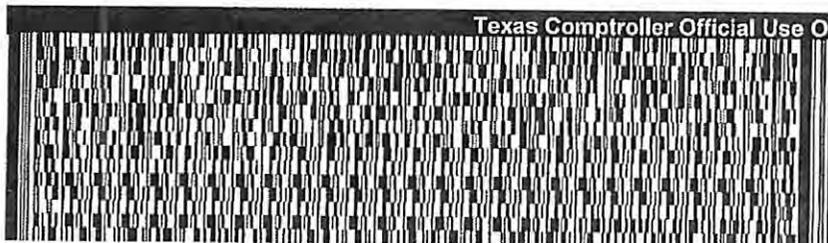
Texas Franchise Tax Extension Affiliate List

■ Reporting entity taxpayer number 12006168525	■ Report year 2013	Reporting entity taxpayer name POLSKY ENERGY HOLDINGS LLC
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LEGAL NAME OF AFFILIATE	AFFILIATE'S TEXAS TAXPAYER NUMBER (If none, enter FEI number)	CHECK BOX IF AFFILIATE DOES NOT HAVE NEXUS IN TEXAS
1. INVENERGY LLC	■ 13644627930	■ <input type="checkbox"/>
2. INVENERGY SERVICES LLC	■ 32020649813	■ <input type="checkbox"/>
3. INVENERGY ENERGY MGMT LLC	■ 32038203900	■ <input type="checkbox"/>
4. INVENERGY WIND NORTH AMERICA	■ 12082346938	■ <input type="checkbox"/>
5. DOUGHERTY WIND ENERGY LLC	■ 32037772806	■ <input type="checkbox"/>
6. GOLDWATHE WIND ENERGY LLC	■ 32037772772	■ <input type="checkbox"/>
7. GUNSIGHT MTN WIND ENERGY LLC	■ 32033576318	■ <input type="checkbox"/>
8. INVENERGY MET LLC	■ 32037132977	■ <input type="checkbox"/>
9. INVENERGY WIND DEVELOPMENT	■ 32034181217	■ <input type="checkbox"/>
10. PISTOL HILL WIND ENERGY LLC	■ 32033576326	■ <input type="checkbox"/>
11. STERLING WIND ENERGY LLC	■ 32033691760	■ <input type="checkbox"/>
12. POLSKY ENERGY INVESTMENTS	■ 200616874	■ <input checked="" type="checkbox"/>
13. INVENERGY INVESTMENT CO LLC	■ 371456538	■ <input checked="" type="checkbox"/>
14. INVENERGY WIND HOLDINGS LLC	■ 263467425	■ <input checked="" type="checkbox"/>
15. INVENERGY WIND INVESTMENT CORP.	■ 300447600	■ <input checked="" type="checkbox"/>
16. INVENERGY WIND FINANCING LLC	■	■ <input checked="" type="checkbox"/>
17. INVENERGY WIND LLC	■ 200783399	■ <input checked="" type="checkbox"/>
18. INVENERGY THERMAL LLC	■ 203817973	■ <input checked="" type="checkbox"/>
19. INVENERGY SOLAR LLC	■ 270748782	■ <input checked="" type="checkbox"/>
20. INVENERGY ROC HOLDINGS	■ 263866744	■ <input checked="" type="checkbox"/>
21. INVENERGY WIND FINANCE ROC LLC	■	■ <input checked="" type="checkbox"/>

Note: To file an extension request for a reporting entity and its affiliates, Form 05-164 (Texas Franchise Tax Extension Request) must be submitted with this affiliate list. The filing of this list by itself does not constitute a properly filed Extension Request.

Do not file this form when requesting a second extension.



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Texas Franchise Tax Extension Affiliate List

Reporting entity taxpayer number 12006168525	Report year 2013	Reporting entity taxpayer name POLSKY ENERGY HOLDINGS LLC
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LEGAL NAME OF AFFILIATE	AFFILIATE'S TEXAS TAXPAYER NUMBER (If none, enter FEI number)	CHECK BOX IF AFFILIATE DOES NOT HAVE NEXUS IN TEXAS
1. INVENERGY COASTAL HOLDINGS LLC	263756863	<input checked="" type="checkbox"/>
2. INVENERGY LOGAN HOLDING CO LLC	208762182	<input checked="" type="checkbox"/>
3. INVENERGY LOGAN FINANCE CO LLC	208763301	<input checked="" type="checkbox"/>
4. STANTON WIND HOLDINGS LLC		<input checked="" type="checkbox"/>
5. BEECH RIDGE ENERGY LLC	263207197	<input checked="" type="checkbox"/>
6. BIG OTTER WIND LLC		<input checked="" type="checkbox"/>
7. BISHOP HILL ENERGY LLC	264583832	<input checked="" type="checkbox"/>
8. BISHOP HILL ENERGY II LLC	273400990	<input checked="" type="checkbox"/>
9. BRUSH CREEK WIND ENERGY LLC		<input checked="" type="checkbox"/>
10. BRUSH CREEK WIND ENERGY II LLC		<input checked="" type="checkbox"/>
11. CA RIDGE WIND ENERGY LLC	272168311	<input checked="" type="checkbox"/>
12. CROW CREEK ENERGY LLC		<input checked="" type="checkbox"/>
13. FORWARD ENERGY II LLC	260562274	<input checked="" type="checkbox"/>
14. GRAND RIDGE ENERGY IV LLC	263294276	<input checked="" type="checkbox"/>
15. HARDIN WIND ENERGY LLC		<input checked="" type="checkbox"/>
16. HEARTLAND WIND ENERGY LLC		<input checked="" type="checkbox"/>
17. HIGHLAND WIND ENERGY LLC		<input checked="" type="checkbox"/>
18. HORN BUTTE WIND ENERGY LLC		<input checked="" type="checkbox"/>
19. HORSE LAKE WIND ENERGY LLC	352324869	<input checked="" type="checkbox"/>
20. HURRICANE LAKE WIND ENERGY I LLC		<input checked="" type="checkbox"/>
21. IDAHO WIND GENERATION CO LLC		<input checked="" type="checkbox"/>

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Texas Franchise Tax Extension Affiliate List

■ Reporting entity taxpayer number

■ Report year

Reporting entity taxpayer name

12006168525

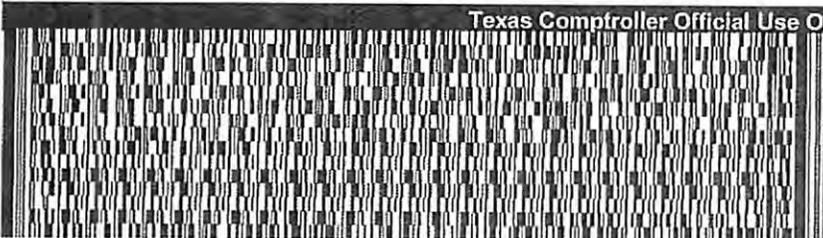
2013

POLSKY ENERGY HOLDINGS LLC

LEGAL NAME OF AFFILIATE	AFFILIATE'S TEXAS TAXPAYER NUMBER (If none, enter FEI number)	CHECK BOX IF AFFILIATE DOES NOT HAVE NEXUS IN TEXAS
1. INVENERGY NEW YORK LLC	■ 061680634	■ <input checked="" type="checkbox"/>
2. INVENERGY PARTS LLC	■ 32039357473	■ <input type="checkbox"/>
3. INVENERGY RENEWABLE LLC	■ 263434351	■ <input type="checkbox"/>
4. INVENERGY TX TRADING I LLC	■	■ <input checked="" type="checkbox"/>
5. INVENERGY TX TRADING II LLC	■	■ <input checked="" type="checkbox"/>
6. INVENERGY WIND DEV ICWA LLC	■	■ <input checked="" type="checkbox"/>
7. INVENERGY WIND DEVELOPMENT ND	■	■ <input checked="" type="checkbox"/>
8. INVENERGY WIND DEV OK LLC	■ 204126112	■ <input checked="" type="checkbox"/>
9. INVENERGY WIND FIN CO III LLC	■ 204135995	■ <input checked="" type="checkbox"/>
10. IWF NORTH AMERICA LLC	■ 208906923	■ <input checked="" type="checkbox"/>
11. INVENERGY WIND MONTANA LLC	■	■ <input checked="" type="checkbox"/>
12. JUDITH GAP WIND ENERGY II LLC	■	■ <input checked="" type="checkbox"/>
13. LA SIERRITA WIND LLC	■	■ <input checked="" type="checkbox"/>
14. LASSEN WIND GENERATION LLC	■ 208805949	■ <input checked="" type="checkbox"/>
15. LEDGE WIND ENERGY LLC	■ 263477676	■ <input checked="" type="checkbox"/>
16. OCEANA WIND LLC	■ 204540080	■ <input checked="" type="checkbox"/>
17. PINE RIDGE ENERGY LLC	■	■ <input checked="" type="checkbox"/>
18. PRAIRIE BREEZE WIND ENERGY LLC	■	■ <input checked="" type="checkbox"/>
19. SEGDWICK WIND ENERGY LLC	■	■ <input checked="" type="checkbox"/>
20. STONY CREEK ENERGY LLC	■ 262082798	■ <input checked="" type="checkbox"/>
21. INVENERGY WIND MANAGEMENT LLC	■	■ <input checked="" type="checkbox"/>

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Texas Franchise Tax Extension Affiliate List

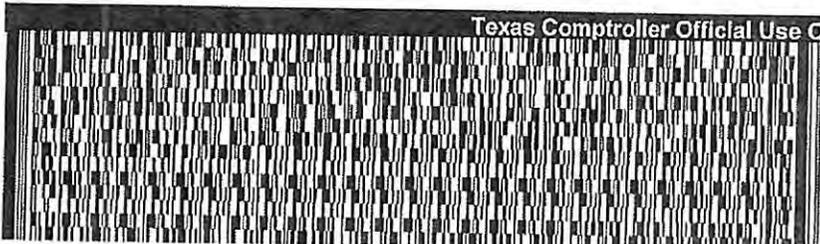
■ Reporting entity taxpayer number 12006168525	■ Report year 2013	Reporting entity taxpayer name POLSKY ENERGY HOLDINGS LLC
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LEGAL NAME OF AFFILIATE	AFFILIATE'S TEXAS TAXPAYER NUMBER (If none, enter FEI number)	CHECK BOX IF AFFILIATE DOES NOT HAVE NEXUS IN TEXAS
1. SUMMIT RIDGE ENERGY LLC		<input checked="" type="checkbox"/>
2. TECATE DIVIDE WIND ENERGY LLC	300475081	<input checked="" type="checkbox"/>
3. TEHACHAPI CONNECT LLC		<input checked="" type="checkbox"/>
4. WHITE OAK ENERGY LLC	208468199	<input checked="" type="checkbox"/>
5. MORESVILLE ENERGY LLC	261363691	<input checked="" type="checkbox"/>
6. STEVMIC PROPERTIES LLC	300526664	<input checked="" type="checkbox"/>
7. INVENERGY THERMAL FIN LLC	208687404	<input checked="" type="checkbox"/>
8. MCDOWELL COUNTY ENERGY LLC	262661421	<input checked="" type="checkbox"/>
9. INVENERGY THERMAL HOLDINGS LLC	204577532	<input checked="" type="checkbox"/>
10. INVENERGY THERMAL HDGS II LLC	205028278	<input checked="" type="checkbox"/>
11. INVENERGY TURBINE CO II LLC	203960201	<input checked="" type="checkbox"/>
12. INVENERGY THERMAL DEV LLC	261563294	<input checked="" type="checkbox"/>
13. INVENERGY TN LLC	14215633919	<input checked="" type="checkbox"/>
14. INVENERGY SERVICES GRAND RIDGE LLC		<input checked="" type="checkbox"/>
15. DARKE WIND ENERGY LLC	270667704	<input checked="" type="checkbox"/>
16. GRAND RIDGE V LLC	271369315	<input checked="" type="checkbox"/>
17. GRATIOT COUNTY WIND LLC		<input checked="" type="checkbox"/>
18. INVENERGY WIND CALIFORNIA LLC	611594266	<input checked="" type="checkbox"/>
19. MORROW WIND ENERGY LLC	270449139	<input checked="" type="checkbox"/>
20. UNION WIND ENERGY LLC	264527222	<input checked="" type="checkbox"/>
21. BISHOP HILL HOLDINGS	453219221	<input checked="" type="checkbox"/>

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### Texas Franchise Tax Extension Affiliate List

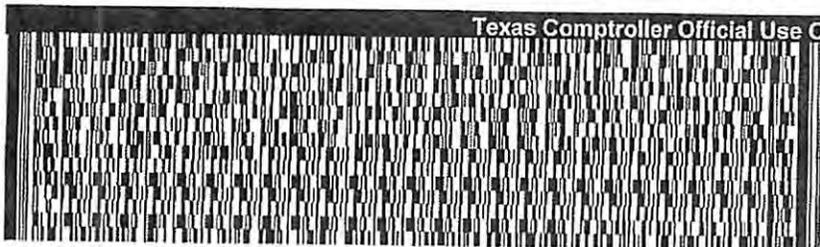
■ Reporting entity taxpayer number <b>12006168525</b>	■ Report year <b>2013</b>	Reporting entity taxpayer name <b>FOLSKY ENERGY HOLDINGS LLC</b>
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LEGAL NAME OF AFFILIATE	AFFILIATE'S TEXAS TAXPAYER NUMBER (if none, enter FEI number)	CHECK BOX IF AFFILIATE DOES NOT HAVE NEXUS IN TEXAS
1. INVENERGY SOLAR DEVELOPMENT LLC	■ 270748913	■ <input checked="" type="checkbox"/>
2. COTTONWOODS WIND ENERGY LLC	■	■ <input checked="" type="checkbox"/>
3. GRATIOT COUNTY WIND II LLC	■	■ <input checked="" type="checkbox"/>
4. HALES LAKE ENERGY LLC	■ 800841363	■ <input checked="" type="checkbox"/>
5. INVENERGY ILLINOIS SOLAR I LLC	■ 273411372	■ <input checked="" type="checkbox"/>
6. INVENERGY ILLINOIS SOLAR II LLC	■ 273411444	■ <input checked="" type="checkbox"/>
7. INVENERGY ILLINOIS SOLAR III LLC	■ 273426043	■ <input checked="" type="checkbox"/>
8. INVENERGY ILLINOIS SOLAR IV LLC	■ 273438626	■ <input checked="" type="checkbox"/>
9. INVENERGY ILLINOIS WIND HOLDINGS LLC	■ 273965256	■ <input checked="" type="checkbox"/>
10. INVENERGY SERVICES INSTALLATION LLC	■ 273327310	■ <input checked="" type="checkbox"/>
11. INVENERGY WIND DEVELOPMENT MICHIGAN LLC	■ 452605836	■ <input checked="" type="checkbox"/>
12. INVENERGY WIND DEVELOPMENT MONTANA LLC	■ 273554310	■ <input checked="" type="checkbox"/>
13. INVENERGY WIND TURBINE TRANSPORT I LLC	■ 272933240	■ <input checked="" type="checkbox"/>
14. INVENERGY WIND TURBINE TRANSPORT II LLC	■ 272933334	■ <input checked="" type="checkbox"/>
15. DELIGH WIND ENERGY LLC	■	■ <input checked="" type="checkbox"/>
16. OLD STATE ENERGY LLC	■	■ <input checked="" type="checkbox"/>
17. PLEASANT RIDGE ENERGY LLC	■	■ <input checked="" type="checkbox"/>
18. TIDEWATER SOLAR ENERGY LLC	■	■ <input checked="" type="checkbox"/>
19. TONOPAH ENERGY LLC	■ 273411491	■ <input checked="" type="checkbox"/>
20. TRICOUNTY WIND ENERGY LLC	■ 273635437	■ <input checked="" type="checkbox"/>
21. TYRRELL ENERGY LLC	■	■ <input checked="" type="checkbox"/>

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Texas Franchise Tax Extension Affiliate List

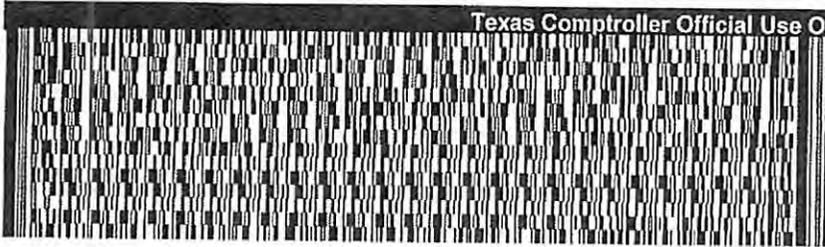
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LEGAL NAME OF AFFILIATE	AFFILIATE'S TEXAS TAXPAYER NUMBER <small>(If none, enter FEI number)</small>	CHECK BOX IF AFFILIATE DOES NOT HAVE NEXUS IN TEXAS
1. VANTAGE CLASS B HOLDINGS LLC	272982377	<input checked="" type="checkbox"/>
2. WILKINSON ENERGY LLC		<input checked="" type="checkbox"/>
3. INVENERGY CLEAN POWER LLC	453417763	<input checked="" type="checkbox"/>
4. INVENERGY WIND GLOBAL LLC		<input checked="" type="checkbox"/>
5. INVENERGY WIND DEVELOPMENT HOLDINGS LLC		<input checked="" type="checkbox"/>
6. INVENERGY WIND DEVELOPMENT NORTH AMERICA, LLC		<input checked="" type="checkbox"/>
7. INVENERGY WIND POWER HOLDINGS LLC		<input checked="" type="checkbox"/>
8. INVENERGY WIND POWER LLC		<input checked="" type="checkbox"/>
9. INVENERGY WIND NORTH AMERICA HOLDINGS LLC	453698038	<input checked="" type="checkbox"/>
10. RED OAK ENERGY LLC		<input checked="" type="checkbox"/>
11. BUCKEYE WIND ENERGY LLC	452777576	<input checked="" type="checkbox"/>
12. GRATIOT COUNTY HOLDINGS LLC		<input checked="" type="checkbox"/>
13. HARDIN SOLAR ENERGY LLC		<input checked="" type="checkbox"/>
14. BECKETT SOLAR ENERGY LLC		<input checked="" type="checkbox"/>
15. QUINTON SOLAR ENERGY I LLC		<input checked="" type="checkbox"/>
16. JUDITH GAP WIND ENERGY III LLC		<input checked="" type="checkbox"/>
17. BIG OTTER WIND ENERGY II LLC		<input checked="" type="checkbox"/>
18. BEECH RIDGE ENERGY II LLC		<input checked="" type="checkbox"/>
19. BUZZARD CREEK ENERGY LLC		<input checked="" type="checkbox"/>
20. GRATIOT COUNTY WIND PHASE II LLC		<input checked="" type="checkbox"/>
21. ACCOMACK WIND ENERGY LLC		<input checked="" type="checkbox"/>

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Texas Franchise Tax Extension Affiliate List

■ Tcode 13298

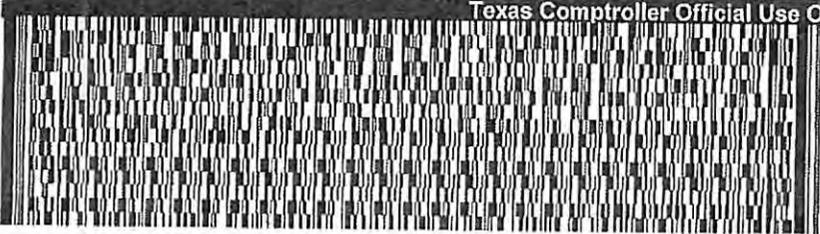
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LEGAL NAME OF AFFILIATE	AFFILIATE'S TEXAS TAXPAYER NUMBER (If none, enter FEI number)	CHECK BOX IF AFFILIATE DOES NOT HAVE NEXUS IN TEXAS
1. HEPPNER WIND ENERGY LLC		<input checked="" type="checkbox"/>
2. BEECH RIDGE HOLDINGS LLC		<input checked="" type="checkbox"/>
3. GRAND RIDGE GREEN HOLDINGS LLC	800873258	<input checked="" type="checkbox"/>
4. FORWARD ENERGY HOLDINGS LLC		<input checked="" type="checkbox"/>
5. IWFC HOLDINGS LLC		<input checked="" type="checkbox"/>
6. CALIFORNIA RIDGE CLASS B HOLDINGS LLC	460909292	<input checked="" type="checkbox"/>
7. CALIFORNIA RIDGE HOLDINGS, LLC	800850058	<input checked="" type="checkbox"/>
8. CALIFORNIA RIDGE WIND ENERGY II LLC		<input checked="" type="checkbox"/>
9. HALES LAKE ENERGY II LLC	320386990	<input checked="" type="checkbox"/>
10. HALES LAKE ENERGY III LLC	364740400	<input checked="" type="checkbox"/>
11. MARSH HILL ENERGY LLC	800856885	<input checked="" type="checkbox"/>
12. WRAY WIND ENERGY LLC		<input checked="" type="checkbox"/>
13. STERLING FARMS WIND ENERGY LLC		<input checked="" type="checkbox"/>
14. CLARKTON SOLAR ENERGY LLC	900886991	<input checked="" type="checkbox"/>
15. PANTEGO WIND ENERGY LLC	900859617	<input checked="" type="checkbox"/>
16. INVENERGY ILLINOIS SOLAR I HOLDINGS LLC	460873725	<input checked="" type="checkbox"/>
17. BISHOP HILL ENERGY III LLC	320358450	<input checked="" type="checkbox"/>
18. BISHOP HILL ENERGY INTERCONNECTION LLC		<input checked="" type="checkbox"/>
19. PREBLE SOLAR ENERGY LLC	453249830	<input checked="" type="checkbox"/>
20. COLUMBUS SOLAR ENERGY LLC	611667460	<input checked="" type="checkbox"/>
21. INVENERGY US WIND HOLDINGS	800872533	<input checked="" type="checkbox"/>

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### Texas Franchise Tax Extension Affiliate List

Reporting entity taxpayer number

Report year

Reporting entity taxpayer name

12006168525

2013

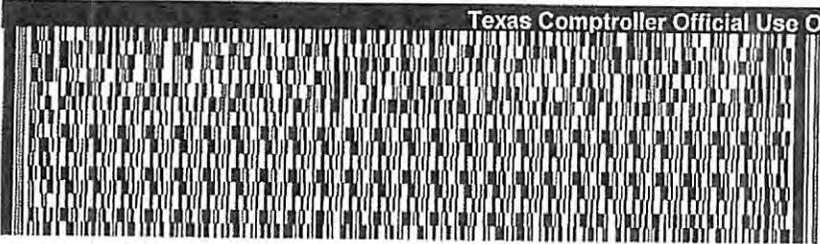
POLSKY ENERGY HOLDINGS LLC

LEGAL NAME OF AFFILIATE	AFFILIATE'S TEXAS TAXPAYER NUMBER (If none, enter FEI number)	CHECK BOX IF AFFILIATE DOES NOT HAVE NEXUS IN TEXAS
1. INVENERGY US WIND I HOLDINGS		<input checked="" type="checkbox"/>
2. INVENERGY WIND OPERATING I LLC	800873258	<input checked="" type="checkbox"/>
3. INVENERGY WIND GLOBAL LLC	900771171	<input checked="" type="checkbox"/>
4. INVENERGY WIND POWER HOLDINGS LLC		<input checked="" type="checkbox"/>
5. INVENERGY WIND POWER LLC	371650259	<input checked="" type="checkbox"/>
6. INVENERGY WIND EUROPEAN HOLDINGS LLC	453697965	<input checked="" type="checkbox"/>
7. INVENERGY WIND DEVELOPMENT HOLDINGS LLC		<input checked="" type="checkbox"/>
8. INVENERGY WIND OPERATIONAL HOLDINGS LLC	611691741	<input checked="" type="checkbox"/>
9. INVENERGY WIND EUROPE DEVELOPMENT HOLDING LLC	453693612	<input checked="" type="checkbox"/>
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18.		<input type="checkbox"/>
19.		<input type="checkbox"/>
20.		<input type="checkbox"/>
21.		<input type="checkbox"/>

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VE/DE	<input type="checkbox"/>	FM	<input type="checkbox"/>
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**CHECKLIST ITEM**

**List of Chapter 313 Agreements with Invenergy LLC Subsidiaries:**

<b><u>School District</u></b>	<b><u>First Full Tax Year</u></b>	<b><u>Company</u></b>
Spur ISD No. 71	2008	McAdoo Wind Energy LLC
Grady ISD No. 73	2008	Stanton Wind Energy LLC
Stanton ISD No. 72	2008	Stanton Wind Energy LLC
Hermleigh ISD No. 60	2008	Scurry County Wind LP
Snyder ISD No. 61	2008	Scurry County Wind LP
Blackwell CISD No. 93	2008	Turkey Track Wind Energy LLC
Goldthwaite ISD	2013	Goldthwaite Wind Energy LLC

**CHECKLIST ITEM #4**

**A. Detailed Description of Project**

Miami Wind I LLC anticipates constructing a wind-powered electric generating facility with an operating capacity of approximately 230-280 megawatts. The exact number of wind turbines and the size of each turbine will vary depending upon the wind turbines selected and the megawatt generating capacity of the project completed. Presently our plans are to install GE 1.7 megawatt turbines on property within the reinvestment zones in Roberts, Gray, and Hemphill Counties, Texas. Miami Wind I LLC estimates that 80 turbines are planned to be installed in Miami CISD in 2014 as well as 42 turbines in Ft. Elliott ISD, and 14 turbines in Canadian ISD. Miami Wind I may later decide to install up to 15 additional turbines in Miami ISD, 8 in Ft. Elliott, and 7 in Canadian ISD.

The additional improvements for the Miami Project will include but are not limited to, wind turbines, towers, foundations, roadways, buildings and offices, anemometer towers, computer equipment, furniture, company vehicles, electrical transmission cables and towers and electrical substations.

**B. Ability to Relocate to Another State or Region**

Invenergy develops, owns and operates wind energy projects across the US, Canada and in Europe. We have numerous developments in the nearby states of Kansas and Oklahoma, where the wind resource is equivalent and their taxing incentives are similar to Texas. The Miami Wind Energy project is currently in competition with a 250 MW wind project in Oklahoma, a 200 MW wind energy project in Kansas, and a 300 MW project in Texas.

**CHECKLIST ITEM #5**

**Other School District Information**

Miami Wind estimates that up to 162 megawatts of the estimated 280 megawatts of the project will be located in Miami ISD. Miami Wind has filed an application for a tax limitation agreement with Miami ISD.

Miami Wind estimates that up to 85 megawatts of the estimated 280 megawatts of the project will be located in Ft. Elliott ISD. Miami Wind has filed an application for a tax limitation agreement with Ft. Elliott ISD.

Of the total project costs, Miami Wind estimates that 60% of the project will be located and taxed within Miami ISD. Of the 40% remaining, 28% will be within Ft. Elliott ISD, and the final 12% in Canadian ISD.

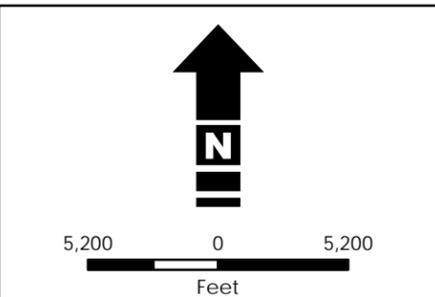
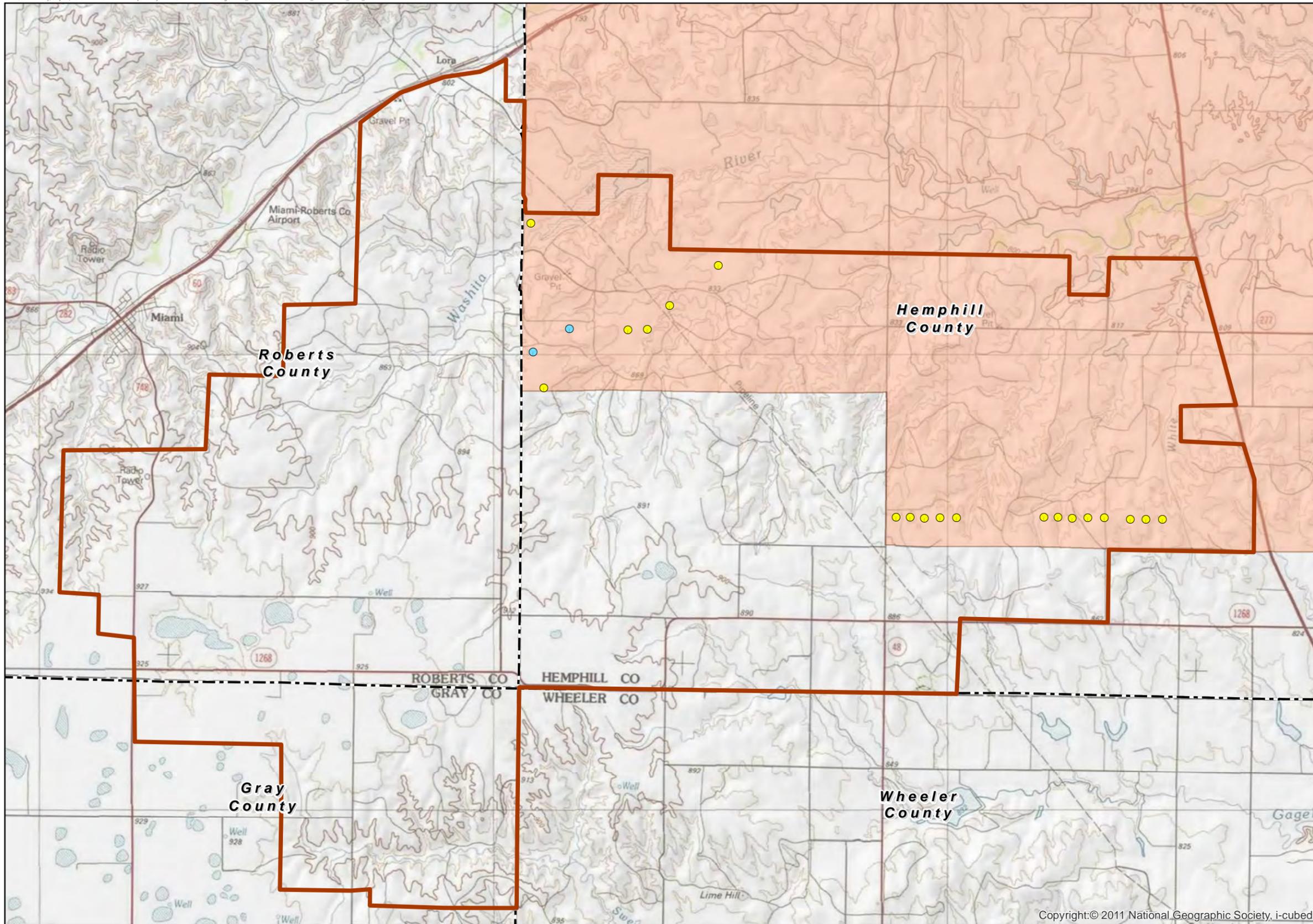
**CHECKLIST ITEMS #6 AND #8**

Description of Qualified Investment/ Qualified Property

Same in as #4 A and B

**CHECKLIST ITEM #7 AND #9**

Map of Qualified Investment / Qualified Property



- Legend**
- Proposed Turbine
  - Proposed Turbine (Alternative)
  - ▭ Project Boundary
  - ▭ County Boundary
  - ▭ Canadian Independent School District

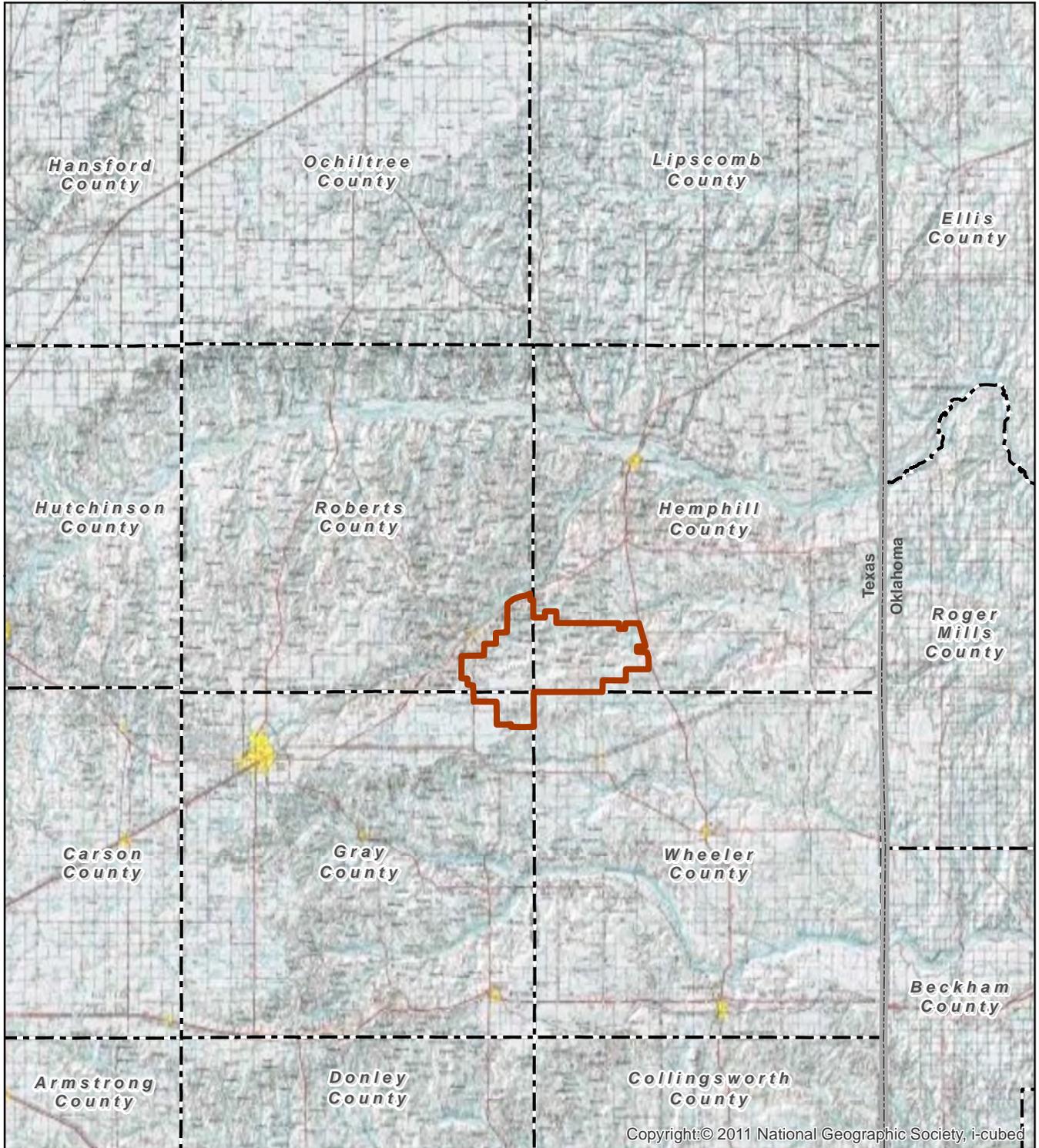
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# Canadian Independent School District and Proposed Turbine Layout Map

Miami Wind Energy Project, Roberts-Hemphill-Gray County, Texas

Rev. 02  
July 26, 2013

**Invenergy**  
One South Wacker Drive Suite 1900  
Chicago, Illinois 60606  
(312) 224-1400



**Legend**

-  Project Boundary
-  County Boundary
-  State Boundary



100  
Feet

# Project Location Map

Miami Wind Energy Project, Roberts-Hemphill-Gray County, Texas

Rev. 00  
July 26, 2013

## Invenergy

One South Wacker Drive Suite 1900  
Chicago, Illinois 60606  
(312) 224-1400

**CHECKLIST ITEM #13**

Request for Waiver of Job Creation Requirement

Invenergy

July 25, 2013

Re: Miami Wind Employment Estimate

To Whom it May Concern,

Invenergy has developed and placed into service 39 wind projects across the United States and in Canada and Europe, totaling over 3,400 MW. As one of the largest owner/operators of wind farms in the United States, Invenergy has significant experience staffing wind projects. Several factors determine the ultimate ratio of technicians to turbines; among these factors are site layout and turbine technology.

In Invenergy's experience, a ratio of 1 technician for every 10 – 15 turbines is typical for projects that are staffed by full-time employees. Invenergy's latest project under development, the Goldthwaite project will be one of the first Invenergy sites to deploy the GE 1.7 MW turbines. The GE 1.7 machine is the latest evolution of the GE 1.x fleet, of which Invenergy operates over 1,500 units.

We anticipate the technician to turbine ratio to be similar to that for the GE 1.5 MW turbines. As a result, we anticipate requiring approximately 1 technician per 12 GE 1.7 MW machines.

For independent estimates of full-time employment at wind farms in Texas, please see the National Renewable Energy Laboratory's report *Economic Development Impact of 1,000 MW of Wind Energy in Texas* (<http://www.nrel.gov/docs/fy11osti/50400.pdf>). Section 3.2.2 states that 60 full-time jobs are created for 1,000 MW of wind capacity. Assuming a 1.5 MW unit, that is approximately 1 job per 11 wind turbines.

If you have any questions, please do not hesitate to contact me at (312) 582-1421.

Sincerely,



Bryan Schueler  
Senior Vice President  
Invenergy LLC

cc: Evan Horn

**CHECKLIST ITEM #14**

Calculation of three possible wage requirements with TWC documentation

**Miami Wind Wage Calculations**

**Hemphill County All Industries Average Weekly Wages**

Year	Period	Area	Ownership	Division	Level	Ind Code	Industry	Avg Weekly Wages
2013	1st Qtr	Hemphill County	Total All	0	0	10	Total, All Industries	\$ 969
2012	2nd Qtr	Hemphill County	Total All	0	0	10	Total, All Industries	\$ 918
2012	3rd Qtr	Hemphill County	Total All	0	0	10	Total, All Industries	\$ 898
2012	4th Qtr	Hemphill County	Total All	0	0	10	Total, All Industries	\$ 1,093
4 Period Weekly Avg								\$ 969.50
110% Of Average								<u>\$ 1,066.45</u>

**Hemphill County Average Manufacturing Weekly Wages**

Year	Period	Area	Ownership	Division	Level	Ind Code	Industry	Avg Weekly Wages
2013	1st Qtr	Hemphill County	Total All	31	2	31-33	Manufacturing	785
2012	2nd Qtr	Hemphill County	Total All	31	2	31-33	Manufacturing	705
2012	3rd Qtr	Hemphill County	Total All	31	2	31-33	Manufacturing	741
2012	4th Qtr	Hemphill County	Total All	31	2	31-33	Manufacturing	789
4 Period Weekly Avg								\$ 755.00
110% Of Average								<u>\$ 830.50</u>

**Panhandle Regional Planning Commission**

	Hourly	Annual
2012 Average Manufacturing Wages	\$ 20.12	\$ 41,850.00
Avg Weekly Wage		\$ 804.81
110% of Region Weekly Wage		\$ 885.29
110% of Annual Wages		\$ 46,035.00

**CHECKLIST ITEM #15**

Description of Benefits

Qualified employees of Miami Wind I LLC will be offered a full package of benefits including medical, dental and vision insurance with at least 80 percent of the premiums for the employee paid by Miami Wind I LLC. In addition each qualifying employee will receive paid vacation time, sick leave, life insurance, disability plans and 401(k) Retirement Savings Plans.

**CHECKLIST ITEM #17 – 20**

Schedules A-D

Schedule A (Rev. May 2010): Investment

Applicant Name: Miami Wind I LLC  
 ISD Name: Canadian ISD

Form 50-296

PROPERTY INVESTMENT AMOUNTS

(Estimated investment in each year. Do not put cumulative totals.)

		Year	School Year (YYYY-YYYY)	Tax Year (Fill in actual tax year below) YYYY	Column A: Tangible Personal Property The amount of new investment (original cost) placed in service during this year	Column B: Building or permanent nonremovable component of building (annual amount only)	Column C: Sum of A and B Qualifying Investment (during the qualifying time period)	Column D: Other investment that is not qualified investment but investment affecting economic impact and total value	Column E: Total Investment (A+B+D)
The year preceding the first complete tax year of the qualifying time period (assuming no deferrals)	Investment made before filing complete application with district (neither qualified property nor eligible to become qualified investment)								
	Investment made after filing complete application with district, but before final board approval of application (eligible to become qualified property)		2013-2014	2013	854,412				
	Investment made after final board approval of application and before Jan. 1 of first complete tax year of qualifying time period (qualified investment and eligible to become qualified property)				410,648		410,648		
	Complete tax years of qualifying time period	1	2014-2015	2014					410,648
		2	2015-2016	2015	50,447,176		50,447,176		50,447,176
Tax Credit Period (with 50% cap on credit)	Value Limitation Period	3	2016-2017	2016					
		4	2017-2018	2017					
		5	2018-2019	2018					
		6	2019-2020	2019					
		7	2020-2021	2020					
		8	2021-2022	2021					
		9	2022-2023	2022					
Credit Settle-Up Period	Continue to Maintain Viable Presence	10	2023-2024	2023					
		11	2024-2025	2024					
		12	2025-2026	2025					
	Post- Settle-Up Period	13	2026-2027	2026					
	Post- Settle-Up Period	14	2027-2028	2027					
	Post- Settle-Up Period	15	2028-2029	2028					

Qualifying Time Period usually begins with the final board approval of the application and extends generally for the following two complete tax years.

Column A: This represents the total dollar amount of planned investment in tangible personal property the applicant considers qualified investment - as defined in Tax Code §313.021(1)(A)-(D). For the purposes of investment, please list amount invested each year, not cumulative totals.

[For the years outside the qualifying time period, this number should simply represent the planned investment in tangible personal property].

Column B: The total dollar amount of planned investment each year in buildings or nonremovable component of buildings that the applicant considers qualified investment under Tax Code §313.021(1)(E). Include estimates of investment for "replacement" property-property that is part of original agreement but scheduled for probable replacement during limitation period.

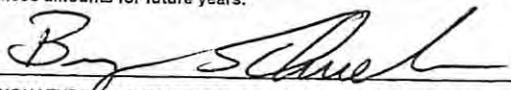
For the years outside the qualifying time period, this number should simply represent the planned investment in new buildings or nonremovable components of buildings.

Column D: Dollar value of other investment that may not be qualified investment but that may affect economic impact and total value-for planning, construction and operation of the facility. The most significant example for many projects would be land. Other examples may be items such as professional services, etc.

Note: Land can be listed as part of investment during the "pre-year 1" time period. It cannot be part of qualifying investment.

Notes: For advanced clean energy projects, nuclear projects, projects with deferred qualifying time periods, and projects with lengthy application review periods, insert additional rows as needed.

This schedule must be submitted with the original application and any application for tax credit. When using this schedule for any purpose other than the original application, replace original estimates with actual appraisal district data for past years and update estimates for current and future years. If original estimates have not changed, enter those amounts for future years.

  
 SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE

7/26/2013  
 DATE

**Schedule B (Rev. May 2010): Estimated Market And Taxable Value**  
**Miami Wind I LLC**

Applicant Name

ISD Name

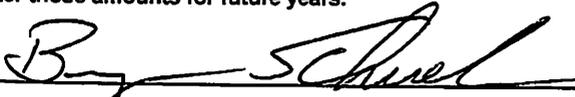
**Canadian ISD**

**Form 50-296**

		Year	School Year (YYY-YYY)	Tax Year (Fill in actual tax year) YYY	Qualified Property			Reductions from Market Value	Estimated Taxable Value	
					Estimated Market Value of Land	Estimated Total Market Value of new buildings or other new improvements	Estimated Total Market Value of tangible personal property in the new building or "in or on the new improvement"	Exempted Value	Final taxable value for I&S - after all reductions	Final taxable value for M&O—after all reductions
		pre- year 1	2013-2014	2013	-	-	-	-	-	-
	Complete tax years of qualifying time period	1	2014-2015	2014	-	-	1,265,060	-	1,265,060	1,265,060
		2	2015-2016	2015			51,712,236	-	51,712,236	51,712,236
	Tax Credit Period (with 50% cap on credit)	3	2016-2017	2016			48,609,502		48,609,502	10,000,000
		4	2017-2018	2017			45,692,932		45,692,932	10,000,000
		5	2018-2019	2018			42,951,356		42,951,356	10,000,000
		6	2019-2020	2019			40,374,274		40,374,274	10,000,000
		7	2020-2021	2020			37,951,818		37,951,818	10,000,000
		8	2021-2022	2021			35,674,709		35,674,709	10,000,000
		9	2022-2023	2022			33,534,226		33,534,226	10,000,000
		10	2023-2024	2023			31,522,173		31,522,173	10,000,000
	Credit Settle-Up Period	11	2024-2025	2024			29,630,842		29,630,842	29,630,842
		12	2025-2026	2025			27,852,992		27,852,992	27,852,992
		13	2026-2027	2026			26,181,812		26,181,812	26,181,812
	Post- Settle-Up Period	14	2027-2028	2027			24,610,904		24,610,904	24,610,904
	Post- Settle-Up Period	15	2028-2029	2028			23,134,249		23,134,249	23,134,249

Notes: Market value in future years is good faith estimate of future taxable value for the purposes of property taxation.

This schedule must be submitted with the original application and any application for tax credit. When using this schedule for any purpose other than the original application, replace original estimates with actual appraisal district data for past years and update estimates for current and future years. If original estimates have not changed, enter those amounts for future years.

  
 \_\_\_\_\_  
 SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE

7/26/2013  
 \_\_\_\_\_  
 DATE

**Schedule C- Application: Employment Information**

Applicant Name  
ISD Name

Miami Wind I LLC  
Canadian ISD

Form 50-296

		Year	School Year (YYYY-YYYY)	Tax Year (Fill in actual tax year) YYYY	Construction		New Jobs		Qualifying Jobs	
					Column A: Number of Construction FTE's or man-hours (specify)	Column B: Average annual wage rates for construction workers	Column C: Number of new jobs applicant commits to create (cumulative)	Column D: Average annual wage rate for all new jobs.	Column E: Number of qualifying jobs applicant commits to create meeting all criteria of Sec. 313.021(3) (cumulative)	Column F: Average annual wage of qualifying jobs
		pre- year 1	2013-2014	2013	1,120 Man Hours		0	\$ 48,700	0	\$ 48,700
	Complete tax years of qualifying time period	1	2014-2015	2014	54,880 Man Hours		2	\$ 48,700	2	\$ 48,700
		2	2015-2016	2015						
	Tax Credit Period (with 50% cap on credit)	3	2016-2017	2016						
		4	2017-2018	2017						
		5	2018-2019	2018						
		6	2019-2020	2019						
		7	2020-2021	2020						
		8	2021-2022	2021						
		9	2022-2023	2022						
		10	2023-2024	2023						
	Credit Settle-Up Period	11	2024-2025	2024						
		12	2025-2026	2025						
		13	2026-2027	2026						
	Post- Settle-Up Period	14	2027-2028	2027						
	Post- Settle-Up Period	15	2028-2029	2028						

Notes: For job definitions see TAC §9.1051(14) and Tax Code §313.021(3).

This schedule must be submitted with the original application and any application for tax credit. When using this schedule for any purpose other than the original application, replace original estimates with actual appraisal district data for past years and update estimates for current and future years. If original estimates have not changed, enter those amounts for future years.

  
SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE

DATE 7/26/2013

Schedule D: (Rev. May 2010): Other Tax Information

Applicant Name

Miami Wind I LLC

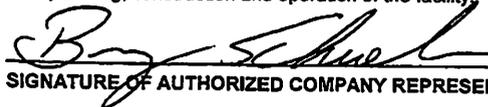
ISD Name

Canadian ISD

Form 50-296

					Sales Tax Information		Franchise Tax	Other Property Tax Abatements Sought			
					Sales Taxable Expenditures		Franchise Tax	County	City	Hospital	Water
		Year	School Year (YYYY-YYYY)	Tax/Calendar Year YYYY	Column F: Estimate of total annual expenditures* subject to state sales tax	Column G: Estimate of total annual expenditures* made in Texas NOT subject to sales tax	Column H: Estimate of Franchise tax due from (or attributable to) the applicant	Fill in percentage exemption requested or granted in each year of the Agreement	Fill in percentage exemption requested or granted in each year of the Agreement	Fill in percentage exemption requested or granted in each year of the Agreement	Fill in percentage exemption requested or granted in each year of the Agreement
The year preceding the first complete tax year of the qualifying time period (assuming no deferrals)			2013-2014	2013	\$ -	\$ -	\$ -	0%	0%	0%	0%
Complete tax years of qualifying time period	1	2014-2015	2014	\$ 2,548	\$ 22,400	\$ -	0%	0%	0%	0%	
	2	2015-2016	2015	\$ 33,600	\$ 224,000	\$ -	100%	0%	100%	0%	
Tax Credit Period (with 50% cap on credit)	Value Limitation Period	3	2016-2017	2016	\$ 33,600	\$ 224,000	\$ -	100%	0%	100%	0%
		4	2017-2018	2017	\$ 33,600	\$ 224,000	\$ -	100%	0%	100%	0%
		5	2018-2019	2018	\$ 33,600	\$ 224,000	\$ 1,567	100%	0%	100%	0%
		6	2019-2020	2019	\$ 33,600	\$ 224,000	\$ 1,232	100%	0%	100%	0%
		7	2020-2021	2020	\$ 33,600	\$ 224,000	\$ 32,636	100%	0%	100%	0%
		8	2021-2022	2021	\$ 33,600	\$ 224,000	\$ 31,808	100%	0%	100%	0%
		9	2022-2023	2022	\$ 33,600	\$ 224,000	\$ 31,015	100%	0%	100%	0%
		10	2023-2024	2023	\$ 33,600	\$ 224,000	\$ 29,218	100%	0%	100%	0%
Credit Settle-Up Period	Continue to Maintain Viable Presence	11	2024-2025	2024	\$ 33,600	\$ 224,000	\$ 27,124	100%	0%	100%	0%
		12	2025-2026	2025	\$ 33,600	\$ 224,000	\$ 26,991	0%	0%	0%	0%
		13	2026-2027	2026	\$ 33,600	\$ 224,000	\$ 27,607	0%	0%	0%	0%
Post- Settle-Up Period		14	2027-2028	2027	\$ 33,600	\$ 224,000	\$ 38,376	0%	0%	0%	0%
Post- Settle-Up Period		15	2028-2029	2028	\$ 33,600	\$ 224,000	\$ 53,052	0%	0%	0%	0%

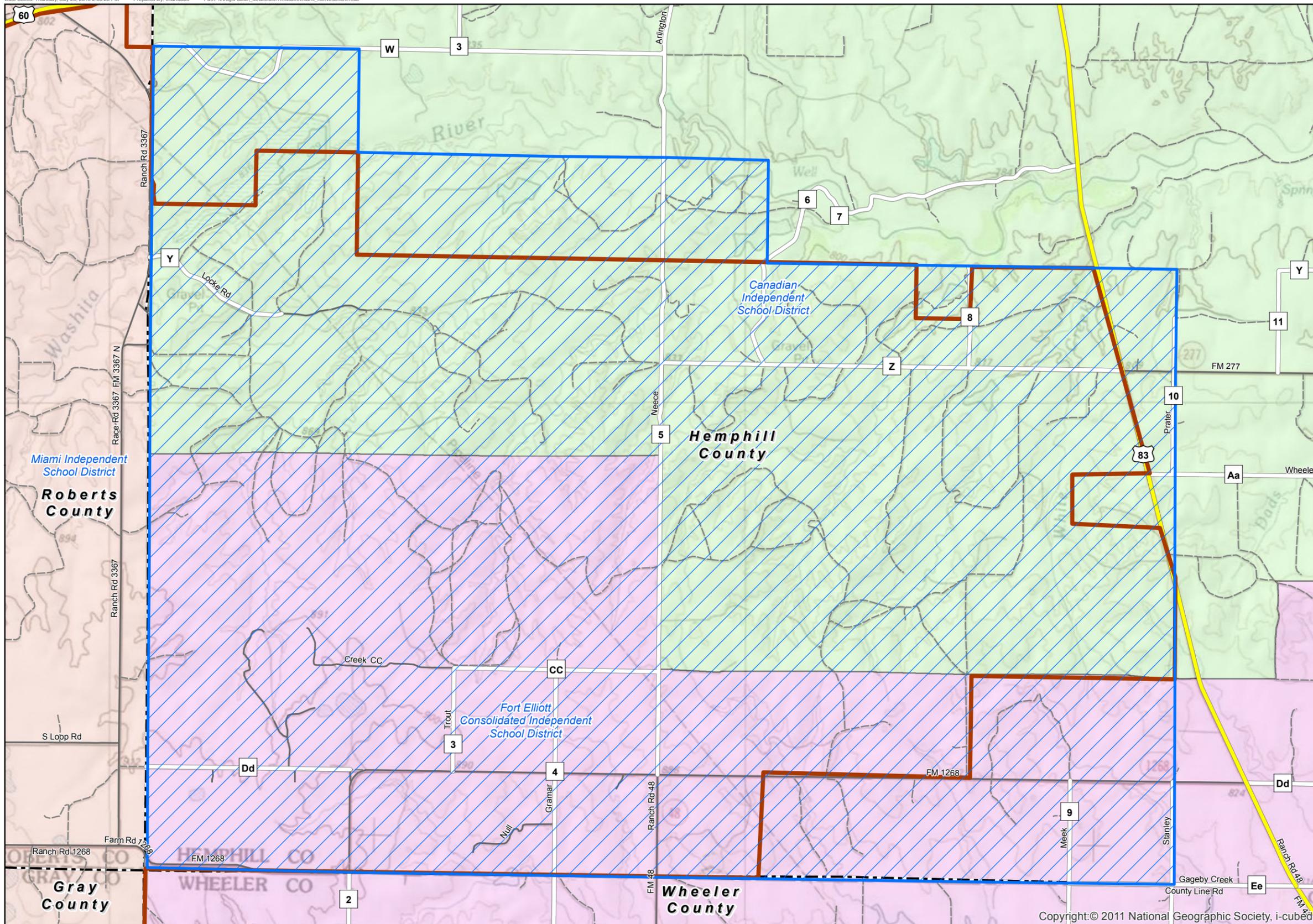
\*For planning, construction and operation of the facility.

  
SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE

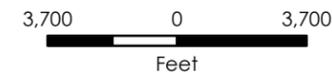
7/26/2013  
DATE

**CHECKLIST ITEM #21**

Map of Reinvestment Zone



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**Legend**

- Reinvestment Zone
- Project Boundary
- County Boundary
- NAME10**
- Canadian Independent School District
- Fort Elliott Consolidated Independent School District
- Miami Independent School District
- Road Classification**
- US/State Route
- Local Road
- Dirt/Unpaved Road

# Hemphill County Reinvestment Zone and Unified School District Map

Miami Wind Energy Project, Roberts-Hemphill-Gray County, Texas

Rev. 02  
July 25, 2013

**Invenergy**

One South Wacker Drive Suite 1900  
Chicago, Illinois 60606  
(312) 224-1400

**CHECKLIST ITEM #22**

Order Establishing the Reinvestment Zone

**CHECKLIST ITEM #23**

Legal Description of Reinvestment Zone

\*The final order and approved legal description of the reinvestment zone will be provided after the August Hemphill County Commissioners Court meeting.

**PROPOSED HEMPHILL COUNTY RENEWABLE ENERGY ZONE**

**MIAMI WIND I PROJECT**

**APPROXIMATELY 43,700 ACRES**

**LEGAL DESCRIPTION:** BEING ALL OF AND ANY PORTIONS OF THE FOLLOWING SECTIONS OF LAND LYING IN AND BEING SITUATED OUT OF HEMPHILL COUNTY, TEXAS AND CONTAINING APPROXIMATELY 43,700 ACRES OF LAND, MORE OR LESS; SAID SECTIONS OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

- Section 59, Block A-2, Abstract 115, H&GN RR Co. Survey
- Section 60, Block A-2, Abstract 941, H&GN RR Co. Survey
- Section 58, Block A-2, Abstract 940, H&GN RR Co. Survey
- Section 57, Block A-2, Abstract 114, H&GN RR Co. Survey
- Section 56, Block A-2, Abstract 939, H&GN RR Co. Survey
- Section 55, Block A-2, Abstract 113, H&GN RR Co. Survey
- Section 54, Block A-2, Abstract 836, H&GN RR Co. Survey
- Section 53, Block A-2, Abstract 112, H&GN RR Co. Survey
- Section 48, Block A-2, Abstract 1140, H&GN RR Co. Survey
- Section 47, Block A-2, Abstract 109, H&GN RR Co. Survey
- Section 46, Block A-2, Abstract 1332 & Abstract 1134, H&GN RR Co. Survey
- Section 45, Block A-2, Abstract 108, H&GN RR Co. Survey
- Section 44, Block A-2, Abstract 967, H&GN RR Co. Survey
- Section 43, Block A-2, Abstract 107, H&GN RR Co. Survey
- Section 42, Block A-2, Abstract 966, H&GN RR Co. Survey
- Section 41, Block A-2, Abstract 106, H&GN RR Co. Survey
- Section 40, Block A-2, Abstract 1123, H&GN RR Co. Survey
- Section 39, Block A-2, Abstract 105, H&GN RR Co. Survey
- Section 38, Block A-2, Abstract 1057, H&GN RR Co. Survey
- Section 37, Block A-2, Abstract 104, H&GN RR Co. Survey
- Section 36, Block A-2, Abstract 1124, H&GN RR Co. Survey
- Section 35, Block A-2, Abstract 103, H&GN RR Co. Survey
- Section 34, Block A-2, Abstract 1184, H&GN RR Co. Survey
- Section 33, Block A-2, Abstract 102, H&GN RR Co. Survey
- Section 32, Block A-2, Abstract 1135, H&GN RR Co. Survey
- Section 31, Block A-2, Abstract 101, H&GN RR Co. Survey
- Section 30, Block A-2, Abstract 1142, Abstract 1288, Abstract 1352 & Abstract 1347, H&GN RR Co. Survey
- Section 29, Block A-2, Abstract 100, H&GN RR Co. Survey
- Section 235, Block C, Abstract 603, G&M&MB&A Survey
- Section 234, Block C, Abstract 622, G&M&MB&A Survey
- Section 233, Block C, Abstract 621, G&M&MB&A Survey
- Section 232, Block C, Abstract 620, G&M&MB&A Survey
- Section 231, Block C, Abstract 602, G&M&MB&A Survey

- Section 28, Block A-2, Abstract 1289 & Abstract 1178, H&GN RR Co. Survey
- Section 27, Block A-2, Abstract 99, H&GN RR Co. Survey
- Section 26, Block A-2, Abstract 1042, H&GN RR Co. Survey
- Section 25, Block A-2, Abstract 98, H&GN RR Co. Survey
- Section 24, Block A-2, Abstract 887, H&GN RR Co. Survey
- Section 23, Block A-2, Abstract 97, H&GN RR Co. Survey
- Section 22, Block A-2, Abstract 886, H&GN RR Co. Survey
- Section 21, Block A-2, Abstract 96, H&GN RR Co. Survey
- Section 20, Block A-2, Abstract 1114, H&GN RR Co. Survey
- Section 19, Block A-2, Abstract 95, H&GN RR Co. Survey
- Section 240, Block C, Abstract 608, G&M&MB&A Survey
- Section 239, Block C, Abstract 607, G&M&MB&A Survey
- Section 238, Block C, Abstract 606, G&M&MB&A Survey
- Section 237, Block C, Abstract 605, G&M&MB&A Survey
- Section 236, Block C, Abstract 604, G&M&MB&A Survey
- Section 69, Block M-1, Abstract 151, H&GN RR Co. Survey
- Section 76, Block M-1, Abstract 1132, H&GN RR Co. Survey
- Section 77, Block M-1, Abstract 153, H&GN RR Co. Survey
- Section 84, Block M-1, Abstract 1076A, H&GN RR Co. Survey
- Section 85, Block M-1, Abstract 15, H&GN RR Co. Survey
- Section 18, Block A-2, Abstract 1041, H&GN RR Co. Survey
- Section 17, Block A-2, Abstract 94, H&GN RR Co. Survey
- Section 16, Block A-2, Abstract 1272 & Abstract 885, H&GN RR Co. Survey
- Section 15, Block A-2, Abstract 93, H&GN RR Co. Survey
- Section 14, Block A-2, Abstract 1243, H&GN RR Co. Survey
- Section 13, Block A-2, Abstract 92, H&GN RR Co. Survey
- Section 12, Block A-2, Abstract 1299, Abstract 1356 & Abstract 1009, H&GN RR Co. Survey
- Section 11, Block A-2, Abstract 91, H&GN RR Co. Survey
- Section 10, Block A-2, Abstract 1115, Abstract 1274 & Abstract 1284, H&GN RR Co. Survey
- Section 9, Block A-2, Abstract 90, H&GN RR Co. Survey
- Section 86, Block M-1, Abstract 1077, H&GN RR Co. Survey
- Section 83, Block M-1, Abstract 154, H&GN RR Co. Survey
- Section 78, Block M-1, Abstract 901, H&GN RR Co. Survey
- Section 75, Block M-1, Abstract 152, H&GN RR Co. Survey
- Section 70, Block M-1, Abstract 902, H&GN RR Co. Survey

**CHECKLIST ITEM #24**

Guidelines and Criteria for Reinvestment Zone

## STATE OF TEXAS

### HEMPHILL COUNTY

#### TAX ABATEMENT GUIDELINES AND CRITERIA

Hemphill County (the "County") is committed to the promotion of quality development in all parts of Hemphill County and to improving the quality of life for its citizens. In order to help meet these goals, the County will consider providing Tax Abatements (as defined below) to stimulate economic development. It is the policy of the County that such an incentive will be provided in accord with the guidelines and criteria outlined in this document. All applicants for Tax Abatements shall be considered on an individual basis.

In order to be eligible for designation as a Reinvestment Zone and receive Tax Abatement, the planned improvement:

1. must be an Eligible Facility (as defined below);
2. must add at least One Million Dollars (\$1,000,000.00) to the tax roll of eligible property;
3. must create no less than five (5) new, permanent, full-time jobs;
4. must be reasonably expected to have an increase in positive net economic benefit to Hemphill County of at least One Million Dollars (\$1,000,000.00) over the life of the Abatement, computed to include (but not limited to) new sustaining payroll and/or capital improvement; and
5. must not be expected to solely or primarily have the effect of transferring employment from one part of Hemphill County to another.

In addition to the criteria set forth above, the Hemphill County Commissioners Court (the "Commissioners Court") reserves the right to negotiate a Tax Abatement Agreement in order to compete favorably with other communities.

Only that increase in the fair market value of the property that is a direct result of the development, redevelopment, and improvement specified in the Agreement will be eligible for Abatement and then only to the extent that such increase exceeds any reduction in the fair market value of the other property of the applicant located within the jurisdiction creating the reinvestment zone.

All Tax Abatement Agreements will be no longer than allowed by law.

It is the goal of the County to grant Tax Abatements on the same terms and conditions as the other taxing units having jurisdiction of the property. However, nothing herein shall limit the discretion of the Commissioners Court to consider, adopt, modify or decline any Tax Abatement request.

This policy is effective as of the date of adoption, shall at all times be kept current with regard to the needs of Hemphill County and reflective of the official views of the Commissioners Court, and shall be reviewed every two (2) years.

The adoption of these guidelines and criteria by the Commissioners Court does not:

1. limit the discretion of the governing body to decide whether to enter into a specific Tax Abatement Agreement;
2. limit the discretion of the governing body to delegate to its employees the authority to determine whether or not the governing body should consider a particular application or request for Tax Abatement; or
3. create any property, contract, or other legal right in any person to have the governing body consider or grant a specific application or request for Tax Abatement.

#### SECTION I. DEFINITIONS

**A. "Abatement" or "Tax Abatement"** means the full or partial exemption from ad valorem taxes of certain property in a reinvestment zone designated for economic development purposes.

**B. "Agreement" or "Abatement Agreement"** means a contractual Agreement between a property owner and/or lessee and the affected jurisdiction. "Affected jurisdiction" means the County of Hemphill, and any other taxing jurisdiction with any substantial parts of its area located in Hemphill County; and that levies ad valorem taxes and provides services to property located in said County; and that chooses to participate in tax abatement agreements by, or pursuant to, these guidelines.

**C. "Base Year Value"** means the assessed value on the eligible property as of January 1 preceding the execution of the Agreement.

**D. "Deferred Maintenance"** means improvements necessary for continued operation which do not improve productivity or alter the process technology.

**E. "Eligible Facilities"** means new, expanded, or modernized buildings and structures, including fixed machinery and equipment, which is reasonably likely as a result of granting the Abatement to contribute to the retention or expansion of primary employment or to attract major investment in the reinvestment zone that would be a benefit to the property and that would contribute to the economic development of Hemphill County, but does not include facilities such as, but not limited to, restaurants and retail sales establishments which are intended to provide goods or services primarily to residents or existing businesses located in Hemphill County. Eligible facilities may include, but shall not be limited to a(n):

aquaculture/agriculture facility;  
distribution center facility;  
manufacturing facility;

office building;  
regional entertainment/tourism facility;  
research service facility;  
regional service facility;  
historic building in a designated area;  
wind energy facility; or  
other basic industrial facility.

F. **"Expansion"** means the addition of building structures, machinery, equipment, or payroll for purposes of increasing production capacity.

G. **"Facility"** means property improvement(s) completed or in the process of construction which together comprise an integral whole.

H. **"Modernization"** means a complete or partial demolition of facilities and the complete or partial reconstruction or installation of a facility of similar or expanded production capacity. Modernization may result from the construction, alteration, or installation of buildings, structures, machinery, or equipment.

L. **"New Facility"** means a property previously undeveloped which is placed into service by means other than or in conjunction with Expansion or Modernization.

J. **"Productive Life"** means the number of years property improvement(s) is/are expected to be in service in a facility.

## SECTION II. ABATEMENT AUTHORIZED

A. **Eligible Facilities.** Upon application, Eligible Facilities shall be considered for Tax Abatement as hereinafter provided.

B. **Creation of New Values.** Abatement may only be granted for the additional value of eligible property improvement(s) made subsequent to and specified in an Abatement Agreement between the affected jurisdiction and the property owner or lessee, subject to such limitations as the affected jurisdiction may require.

C. **New and Existing Facilities.** Abatement may be granted for the additional value of eligible property improvement(s) made subsequent to and specified in an Abatement Agreement between the affected jurisdiction and the property owner or lessee, subject to such limitations as the affected jurisdiction may require.

D. **Eligible Property.** Abatement may be extended to the value of new, expanded, or modernized buildings, structures, fixed machinery and equipment, site improvements, and related fixed improvements necessary to the operation and administration of the facility, and all other real and tangible personal property permitted by Chapter 312 of the Texas Tax Code.

E. **Ineligible Property.** The following types of property shall be fully taxable and ineligible for Tax Abatement: land; animals; inventories, supplies; tools; furnishings; vehicles;

vessels; aircraft; deferred maintenance investments; housing and property to be rented or leased, except as provided in Section II(F); property owned or used by the State of Texas.

**F Owned/Leased Facilities.** If a leased facility is granted Abatement, the Agreement shall be executed with the lessor and the lessee. If the land is leased, but the facility constructed or installed thereon is owned by the lessee, the lessee shall execute the Agreement.

**G. Economic Qualifications.** In order to be eligible for designation as a reinvestment zone and receive Tax Abatement, the planned improvement:

- (1) must be an Eligible Facility;
- (2) must add at least One Million Dollars (\$1,000,000.00) to the tax roll of eligible property;
- (3) must create no less than five (5) new, permanent, full-time jobs;
- (4) must be reasonably expected to have an increase in positive net economic benefit to Hemphill County of at least One Million Dollars (\$1,000,000.00) over the life of the Abatement, computed to include (but not limited to) new sustaining payroll and/or capital improvement. The creation of (number and type) of new jobs will also factor into the decision to grant an Abatement; and
- (5) must not be expected to solely or primarily have the effect of transferring employment from one part of Hemphill County to another.

**H. Standards for Tax Abatement.** The following factors, among others, will be considered in determining whether to grant Tax Abatement:

- (1) value of existing improvements, if any;
- (2) type and value of proposed improvements;
- (3) productive life of proposed improvements;
- (4) number of existing jobs to be retained by proposed improvements;
- (5) number and type of new jobs to be created by proposed improvements;
- (6) amount of local payroll to be created;
- (7) whether the new jobs to be created will be filled by persons residing or projected to reside within the affected taxing jurisdiction;
- (8) amount by which property tax base valuation will be increased during the term of Abatement and after Abatement, which shall include a definitive commitment

that such valuation shall not, in any case, be less than Five Hundred Thousand Dollars (\$500,000.00);

(9) expenses to be incurred in providing facilities directly resulting from the new improvements;

(10) the amount of ad valorem taxes to be paid to the affected jurisdiction during the Abatement period considering (a) the existing values, (b) the percentage of new value abated, (c) the Abatement period, and (d) the value after expiration of the Abatement period;

(11) the population growth of Hemphill County that occurs directly as a result of new improvements;

(12) the types and values of public improvements, if any, to be made by applicant seeking Abatement;

(13) whether the proposed improvements compete with existing businesses to the detriment of the local economy;

(14) the impact on the business opportunities of existing business;

(15) the attraction of other new businesses to the area;

(16) the overall compatibility with the zoning ordinances and comprehensive plan for the area; and

(17) whether the project obtains all necessary permits from the applicable environmental agencies.

Each Eligible Facility shall be reviewed on its merits utilizing the factors provided above. After such review, Abatement may be denied entirely or may be granted to the extent deemed appropriate after full evaluation.

**I Denial of Abatement.** An Abatement Agreement shall not be authorized if it is determined that:

(1) there would be substantial adverse effect on the provision of government services or tax base;

(2) the applicant has insufficient financial capacity;

(3) violation of other codes or laws; or

(4) any other reason deemed appropriate by the affected jurisdiction.

**I Taxability.** From the execution of the Abatement to the end of the Agreement period, taxes shall be payable as follows:

- (1) the value of ineligible property as provided in Section II(E) shall be fully taxable;
- (2) the base year value of existing eligible property as determined each year shall be fully taxable; and
- (3) the additional value of new eligible property shall be fully taxable at the end of the Abatement period.

### **SECTION III. APPLICATION**

A. Any present or potential owner of taxable property in the County may request Tax Abatement by filing a written application with the Commissioners Court or the affected jurisdiction.

B. The application shall consist of a general description of the new improvements to be undertaken; a descriptive list of the improvements for which an Abatement is requested; a list of the kind, number and location of all proposed improvements of a property; a map and property description; and a time schedule for undertaking and completing the proposed improvements. In the case of modernization, a statement of the assessed value of the facility, separately stated for real and personal property, shall be given for the tax year immediately preceding the application. The Commissioners Court may require such financial and other information as deemed appropriate for evaluating the financial capacity and other factors pertaining to the applicant, to be attached to the application. The completed application must be accompanied by the payment of a non-refundable application fee for administrative costs and legal fees associated with the processing of the Tax Abatement request. All checks in payment of the administrative fee shall be made payable to the affected jurisdiction. The fee for Abatement requests shall be One Thousand and No/100 Dollars (\$1,000.00).

C. The affected jurisdiction shall give notice as provided by the Property Tax Code, including written notice to the presiding officer of the governing body of each taxing unit in which the property to be subject to the Agreement is located, not later than seven (7) days before acting upon the application.

D. The application process described in Section III(A) hereof shall be followed regardless of whether a particular reinvestment zone is created by Hemphill County or an affected jurisdiction. No other notice or hearing shall be required except compliance with the open meetings act, unless the Commissioners Court deem them necessary in a particular case.

### **SECTION IV. AGREEMENT**

A. After approval, the Commissioners Court shall formally pass a resolution and execute an Agreement with the owner of the facility and lessee as required which shall:

- (1) include a list of the kind, number and location of all proposed improvements to the property;
- (2) provide access to and authorize inspection of the property by the taxing unit to insure compliance with the Agreement;
- (3) limit the use of the property consistent with the taxing unit's development goals;
- (4) provide for recapturing property tax revenues that are lost if the owner fails to make improvements as provided by the Agreement;
- (5) include each term that was agreed upon with the property owner and require the owner to annually certify compliance with the terms of the Agreement to each taxing unit; and
- (6) allow the taxing unit to cancel or modify the Agreement at any time if the property owner fails to comply with the terms of the Agreement.

#### **SECTION V. RECAPTURE**

A. In the event that the applicant or its assignee (1) allows its ad valorem taxes owed to become delinquent and fails to timely and properly follow the legal procedures for their protest and/or content; or (2) violates any of the terms and conditions of the Abatement Agreement and fails to cure during the cure period, the Agreement then may be terminated and all taxes previously abated by virtue of the Agreement will be recaptured and paid within thirty (30) days of the termination.

B. If the County determines that the applicant or assignee is in default according to the terms and conditions of the Agreement, the County shall notify the applicant or assignee in writing at the address stated in the Agreement, and if such default is not cured within 60 days from the date of such notice ("cure period"), then the Agreement may be terminated; provided, however if such failure cannot be cured within such sixty (60)-day period and the applicant or assignee has commenced remedial action to cure such failure (and continued to diligently and timely pursue the completion of such remedial action), the applicant or assignee shall be entitled to a total of one hundred eighty (180) days after receipt of notice within which to cure such default.

#### **SECTION VI. ADMINISTRATION**

A. The Chief Appraiser of the Hemphill County Appraisal District will annually determine an assessment of the real and personal property comprising the reinvestment zone. Each year, the company or individual receiving Abatement shall furnish the appraiser with such information as may be necessary for the Abatement. Once value has been established, the Chief Appraiser will notify the Commissioners Court of the amount of the assessment.

B. The County may execute a contract with any other jurisdiction(s) to inspect the Abatement Guidelines and Criteria – Hemphill County

facility to determine if the terms and conditions of the Abatement Agreement are being met. The Abatement Agreement shall stipulate that employees and/or designated representatives of the County will have access to the reinvestment zone during the term of the Abatement to inspect the facility to determine if the terms and conditions of the Agreement are being met. All inspections will be made only after the giving of twenty-four (24) hours prior notice and will only be conducted in such manner as to not unreasonably interfere with the construction and/or operation of the facility. All inspections will be made with one or more representatives of the company or individual and in accordance with its safety standards.

C Upon completion of construction, a designated representative of the County shall annually evaluate each facility receiving Abatement to insure compliance with the Agreement and shall formally report such evaluations to the Commissioners Court.

D. Confidentiality. As required by Section 312.003 of the Texas Tax Code, information that is provided to the County or affected jurisdiction in connection with an application or a request for a tax abatement under this chapter that describes the specific processes or business activities to be conducted or the equipment or other property to be located on the property for which the abatement is sought is confidential and not subject to public disclosure until the tax abatement is executed. The information in the custody of the County or affected jurisdiction after the abatement is executed is not confidential.

#### **SECTION VII. ASSIGNMENT**

The Abatement Agreement may be transferred and assigned by the holder to a new owner or lessee of the same facility either upon the approval by resolution of the Commissioners Court, or in accordance with the terms of an existing Tax Abatement Agreement. No assignment or transfer shall be approved if the parties to the existing Agreement, the new owner, or new lessee are liable to any jurisdiction for outstanding taxes or other obligations. Approval shall not be unreasonably delayed or withheld. Notice shall be given to the Commissioners Court at least twenty (20) days in advance of any transfer or assignment.

#### **SECTION VIII. SUNSET PROVISION**

These guidelines and criteria are effective upon the date of their adoption, and shall supersede and replace any and all prior guidelines and criteria for Tax Abatement in the County. These guidelines and criteria shall remain in force for two (2) years, unless amended by three-quarters vote of the Commissioners Court, at which time all reinvestment zones and Tax Abatement Agreements created pursuant to these provisions will be reviewed to determine whether the goals have been achieved. Based on such review, the guidelines and criteria will be modified, renewed or eliminated; provided, however, that no modification or elimination of the Guidelines and Criteria shall affect Tax Abatement Agreements that have been previously approved until the parties thereto shall agree to amend such Agreements.

Adopted on this the 11<sup>th</sup> day of February, 2013.

**Hemphill County Commissioners Court**



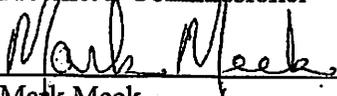
George Briant  
Hemphill County Judge



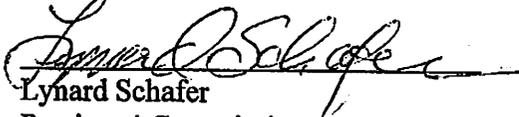
Coleman Bartlett  
Precinct 1 Commissioner



Ed Culver  
Precinct 2 Commissioner



Mark Meek  
Precinct 3 Commissioner



Lynard Schafer  
Precinct 4 Commissioner

Attest:



Lisa Johnson  
Hemphill County Clerk