# AMENDED

# APPLICATION FOR APPRAISED VALUE LIMITATION ON QUALIFIED PROPERTY

**SUBMITTED TO**

## O'DONNELL ISD

## WIND TEX ENERGY – STEPHENS, LLC

**ATTACHMENT 1**

See application

Amended as of May 25, 2012

# 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

**Authorized School District Representative**

Date application received by district
August 16, 2011 (original)

| First Name | Last Name |
|---|---|
| Randy | Allen |

Title
Superintendent

School District Name
O'Donnell ISD

Street Address
400 Small Street

Mailing Address
P.O. Box 487

| City | State | ZIP |
|---|---|---|
| O'Donnell | TX | 79351 |

| Phone Number | Fax Number |
|---|---|
| (806) 428-3247 | (806) 428-3759 |
| Mobile Number (optional) | E-mail Address |
| | rallen@esc17.net |

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

Will consultant be primary contact? ☑ Yes ☐ No

Form 50-296 Application for Appraised Value Limitation on Qualified Property

## SCHOOL DISTRICT INFORMATION - CERTIFICATION OF APPLICATION (continued)

Authorized School District Consultant (If Applicable)

First Name: Daniel T.

Last Name: Casey

Title: Partner

Firm Name: Moak, Casey & Associates LLP

Street Address: 400 W. 15th Street, Suite 1410

Mailing Address: 400 W. 15th Street, Suite 1410

City: Austin

State: TX

ZIP: 78701-1648

Phone Number: 512-485-7878

Fax Number: 512-485-7888

Mobile Number (Optional):

E-mail Address: dcasey@moakcasey.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): Randy Allen, Superintendent

Date: 8/26/2011

Has the district determined this application complete? ..... ☒ Yes ☑ No

If yes, date determined complete. August 29, 2011 (Amended application June 1, 2012)

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 | will supplement |



For more information, visit our Web site: www.window.state.tx.us/taxinfo/proptax/hb1200/index.html

## APPLICANT INFORMATION - CERTIFICATION OF APPLICATION

**Authorized Business Representative (Applicant)**

| First Name | Last Name |
|---|---|
| Steven K. | DeWolf |

Title
Manager

Organization
Wind Tex Energy - Stephens, LLC

Street Address
10000 North Central Expressway, Suite 900

Mailing Address
10000 North Central Expressway, Suite 900

| City | State | ZIP |
|---|---|---|
| Dallas | TX | 75231 |

| Phone Number | Fax Number |
|---|---|
| (214) 615-4207 | (214) 954-9541 |
| Mobile Number (optional) | Business e-mail Address |
| | sdewolf@bd-law.com |

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 | Last Name |
|---|---|
| | |

Title

Organization

Street Address

Mailing Address

| City | State | ZIP |
|---|---|---|
| | | |

| Phone Number | 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 | Last Name | |
|---|---|---|
| D. Dale | Cummings | |
| Title | | |
| Partner | | |
| Firm Name | | |
| Cummings Westlake LLC | | |
| Street Address | | |
| 12837 Louetta Road, Suite 201 | | |
| Mailing Address | | |
| 12837 Louetta Road, Suite 201 | | |
| City | State | ZIP |
| Cypress | TX | 77429 |
| Phone Number | Fax Number | |
| 713-266-4456 x1 | 713-266-2333 | |
| Business email Address | | |
| dcummings@cwlp.net | | |

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 |
|---|---|
| | May 25, 2012 |

GIVEN under my hand and seal of office this 25th day of May, 2012

DIANA PRICE
MY COMMISSION EXPIRES
August 11, 2014

Notary Public, State of _____

(Notary Seal)

My commission expires _____

**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

Wind Tex Energy - Stephens, LLC

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

32034592389

NAICS code

221119

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.

Borden County ISD - 2011 & O'Donnell ISD - 2011 (This application is an amendment to the original application)

## 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 corporation

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.)

## ELIGIBILTY UNDER TAX CODE CHAPTER 313.024

Are you an entity to which Tax Code, Chapter 171 applies? ☑ Yes ☐ No

The property will be used as an integral part, or as a necessary auxiliary part, in one of the following activities:

(1) manufacturing ☐ Yes ☑ No

(2) research and development ☐ Yes ☑ No

(3) a clean coal project, as defined by Section 5.001, Water Code ☐ Yes ☑ No

(4) an advanced clean energy project, as defined by Section 382.003, Health and Safety Code ☐ Yes ☑ No

(5) renewable energy electric generation ☑ Yes ☐ No

(6) electric power generation using integrated gasification combined cycle technology ☐ Yes ☑ No

(7) nuclear electric power generation ☐ Yes ☑ No

(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) ☐ Yes ☑ No

Are you requesting that any of the land be classified as qualified investment? ☐ Yes ☑ No

Will any of the proposed qualified investment be leased under a capitalized lease? ☐ Yes ☑ No

Will any of the proposed qualified investment be leased under an operating lease? ☐ Yes ☑ No

Are you including property that is owned by a person other than the applicant? ☐ Yes ☑ No

Will any property be pooled or proposed to be pooled with property owned by the applicant in determining the amount of your qualified investment? ☐ Yes ☑ No

## 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 Attachment 4

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

# See Attachment 4A

## PROJECT CHARACTERISTICS (CHECK ALL THAT APPLY)

☑ 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 April 2012 Begin Hiring New Employees August 2012

Construction Complete December 2013 Fully Operational December 2013

Purchase Machinery & Equipment July 2012

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)? ☑ Yes ☐ No
**Note**: Improvements made before that time may not be considered qualified property.

When do you anticipate the new buildings or improvements will be placed in service? December 2013

## ECONOMIC INCENTIVES

Identify state programs the project will apply for:

| State Source | Amount |
|---|---|
| Not applicable | |
| | |
| | |
| 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.)

The project has signed tax abatement agreements with Lynn County and Lynn County Hospital District pursuant to Tax Code Chapter 312. See Schedule D for details of abatement agreements.

## THE PROPERTY

Identify county or counties in which the proposed project will be located: Lynn and Borden

Central Appraisal District (CAD) that will be responsible for appraising the property: Lynn

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: Lynn - 54% of MW capacity (Name and percent of project)

City: n/a (Name and percent of project)

Hospital District: Lynn County - 54% of MW capacity (Name and percent of project)

Water District: High Plains Underground Water Conservation #1 (54% of MW capacity) (Name and percent of project)

Other (describe): n/a (Name and percent of project)

Other (describe): n/a (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.

See Attachment 4 for description of the project in terms of turbine count and rated megawatt (MW) capacity.

## 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**.

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? $334,900,000

**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? November 11, 2011

What is the anticipated date of the beginning of the qualifying time period? November 11, 2011

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? $334,900,000

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? _____

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. 0 (Market Value) 2012 (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)? None

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

☑ First Quarter ☐ Second Quarter ☐ Third Quarter ☐ Fourth Quarter of 2012 (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?

None

**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. Not applicable

Total number of new jobs that will have been created when fully operational 13

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? 13

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).

## 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 $639.65

110% of the county average weekly wage for manufacturing jobs in the county is $604.45

110% of the county average weekly wage for manufacturing jobs in the region is $713

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? $713

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? $37,089

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? 80%

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.)

See Attachment 15

## 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.

See Attachment 16

## 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 | ✓ |
| 11 | A detailed map showing location of the land with vicinity map. | 9 of 16 | ✓ |
| 12 | A description of all existing (if any) improvements (Attachment) | 9 of 16 | ✓ |
| 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 | ✓ |
| 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.**

## Schedule A (Rev. May 2010): Investment

**Applicant Name** Wind Tex Energy - Stephens, LLC

**ISD Name** O'Donnell ISD

AMENDED

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) | | 2011-2012 | 2011 | $ - | $ - | | $ - | $ - |
| | Investment made after filing complete application with district, but before final board approval of application (eligible to become qualified property) | | | | $ - | $ - | | $ - | $ - |
| | 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) | | | | $ - | $ - | $ - | $ - | $ - |
| | Complete tax years of qualifying time period | 1 | 2012-2013 | 2012 | $ 90,000,000 | $ - | $ 90,000,000 | | $ 90,000,000 |
| | | 2 | 2013-2014 | 2013 | $ 244,750,000 | $ 150,000 | $ 244,900,000.00 | | $ 244,900,000 |
| Tax Credit Period (with 50% cap on credit) | Value Limitation Period | 3 | 2014-2015 | 2014 | | $ - | | | $ - |
| | | 4 | 2015-2016 | 2015 | | $ - | | | $ - |
| | | 5 | 2016-2017 | 2016 | | $ - | | | $ - |
| | | 6 | 2017-2018 | 2017 | | $ - | | | $ - |
| | | 7 | 2018-2019 | 2018 | | $ - | | | $ - |
| | | 8 | 2019-2020 | 2019 | | $ - | | | $ - |
| | | 9 | 2020-2021 | 2020 | | $ - | | | $ - |
| | | 10 | 2021-2022 | 2021 | | $ - | | | $ - |
| Credit Settle-Up Period | Continue to Maintain Viable Presence | 11 | 2022-2023 | 2022 | | $ - | | | $ - |
| | | 12 | 2023-2024 | 2023 | | $ - | | | $ - |
| | | 13 | 2024-2025 | 2024 | | $ - | | | $ - |
| Post- Settle-Up Period | | 14 | 2025-2026 | 2025 | | $ - | | | $ - |
| Post- Settle-Up Period | | 15 | 2026-2027 | 2026 | | $ - | | | $ - |

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].
Include estimates of investment for "replacement" property-property that is part of original agreement but scheduled for probable replacement during limitation period.

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).
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

MAY 25, 2012

DATE

## Schedule B (Rev. May 2010): Estimated Market And Taxable Value

**Applicant Name** Wind Tex Energy - Stephens, LLC

**ISD Name** O'Donnell ISD

AMENDED

Form 50-296

| | | | | | Qualified Property | | | Reductions from Market Value | Estimated Taxable Value | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | Year | School Year (YYYY-YYYY) | Tax Year (Fill in actual tax year) YYYY | 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 | 2011-2012 | 2011 | $ - | $ - | $ - | $ - | $ - | $ - |
| | Complete tax years of qualifying time period | 1 | 2012-2013 | 2012 | $ - | $ - | $ - | $ - | $ - | $ - |
| | | 2 | 2013-2014 | 2013 | $ - | $ 81,000,000 | $ - | $ - | $ 81,000,000 | $ 81,000,000 |
| | Value Limitation Period | 3 | 2014-2015 | 2014 | | $ 295,740,000 | $ - | $ - | $ 295,740,000 | $ 10,000,000 |
| Tax Credit Period (with 50% cap on credit) | | 4 | 2015-2016 | 2015 | | $ 275,038,200 | $ - | $ - | $ 275,038,200 | $ 10,000,000 |
| | | 5 | 2016-2017 | 2016 | | $ 255,785,500 | $ - | $ - | $ 255,785,500 | $ 10,000,000 |
| | | 6 | 2017-2018 | 2017 | | $ 237,880,500 | $ - | $ - | $ 237,880,500 | $ 10,000,000 |
| | | 7 | 2018-2019 | 2018 | | $ 221,228,900 | $ - | $ - | $ 221,228,900 | $ 10,000,000 |
| | | 8 | 2019-2020 | 2019 | | $ 205,742,900 | $ - | $ - | $ 205,742,900 | $ 10,000,000 |
| | | 9 | 2020-2021 | 2020 | | $ 191,340,900 | $ - | $ - | $ 191,340,900 | $ 10,000,000 |
| | | 10 | 2021-2022 | 2021 | | $ 177,947,000 | $ - | $ - | $ 177,947,000 | $ 10,000,000 |
| Credit Settle-Up Period | Continue to Maintain Viable Presence | 11 | 2022-2023 | 2022 | | $ 165,490,700 | $ - | $ - | $ 165,490,700 | $ 165,490,700 |
| | | 12 | 2023-2024 | 2023 | | $ 153,906,400 | $ - | $ - | $ 153,906,400 | $ 153,906,400 |
| | | 13 | 2024-2025 | 2024 | | $ 143,133,000 | $ - | $ - | $ 143,133,000 | $ 143,133,000 |
| Post- Settle-Up Period | | 14 | 2025-2026 | 2025 | | $ 133,113,700 | $ - | $ - | $ 133,113,700 | $ 133,113,700 |
| Post- Settle-Up Period | | 15 | 2026-2027 | 2026 | | $ 123,795,700 | $ - | $ - | $ 123,795,700 | $ 123,795,700 |

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**

MAY 25, 2012

**DATE**

## Schedule C- Application: Employment Information

**Applicant Name** Wind Tex Energy - Stephens, LLC

**ISD Name** O'Donnell ISD

AMENDED

Form 50-296

| | | | | | Construction | | New Jobs | | Qualifying Jobs | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | Year | School Year (YYYY-YYYY) | Tax Year (Fill in actual tax year) YYYY | Column A: Number of Construction FTE's or man-hours (specify) [FTE] | 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 | 2011-2012 | 2011 | 0 | $ - | 0 | $ - | 0 | $ - |
| | Complete tax years of qualifying time period | 1 | 2012-2013 | 2012 | 75 | $ 57,000 | 5 | $ 37,089 | 5 | $ 37,089 |
| | | 2 | 2013-2014 | 2013 | 75 | $ 57,000 | 10 | $ 37,089 | 8 | $ 37,089 |
| | Value Limitation Period | 3 | 2014-2015 | 2014 | 0 | $ - | 13 | $ 37,089 | 11 | $ 37,089 |
| Tax Credit Period (with 50% cap on credit) | | 4 | 2015-2016 | 2015 | 0 | $ - | 13 | $ 37,089 | 11 | $ 37,089 |
| | | 5 | 2016-2017 | 2016 | 0 | $ - | 13 | $ 37,089 | 11 | $ 37,089 |
| | | 6 | 2017-2018 | 2017 | 0 | $ - | 13 | $ 37,089 | 11 | $ 37,089 |
| | | 7 | 2018-2019 | 2018 | 0 | $ - | 13 | $ 37,089 | 11 | $ 37,089 |
| | | 8 | 2019-2020 | 2019 | 0 | $ - | 13 | $ 37,089 | 11 | $ 37,089 |
| | | 9 | 2020-2021 | 2020 | 0 | $ - | 13 | $ 37,089 | 11 | $ 37,089 |
| | | 10 | 2021-2022 | 2021 | 0 | $ - | 13 | $ 37,089 | 11 | $ 37,089 |
| Credit Settle-Up Period | Continue to Maintain Viable Presence | 11 | 2022-2023 | 2022 | 0 | $ - | 13 | $ 37,089 | 11 | $ 37,089 |
| | | 12 | 2023-2024 | 2023 | 0 | $ - | 13 | $ 37,089 | 11 | $ 37,089 |
| | | 13 | 2024-2025 | 2024 | 0 | $ - | 13 | $ 37,089 | 11 | $ 37,089 |
| Post- Settle-Up Period | | 14 | 2025-2026 | 2025 | 0 | $ - | 13 | $ 37,089 | 11 | $ 37,089 |
| Post- Settle-Up Period | | 15 | 2026-2027 | 2026 | 0 | $ - | 13 | $ 37,089 | 11 | $ 37,089 |

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.

Steven Kellough

**SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE**

May 25, 2012

**DATE**

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

**Applicant Name** Wind Tex Energy - Stephens, LLC **ISD Name** O'Donnell ISD **Form 50-296**

AMENDED

| | | | | | Sales Tax Information | | Franchise Tax | Other Property Tax Abatements Sought | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | Sales Taxable Expenditures | | Franchise Tax | County | City | Hospital | Other |
| | | 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) | | | 2011-2012 | 2011 | $ - | $ - | $ - | 0% | n/a | n/a | n/a |
| | Complete tax years of qualifying time period | 1 | 2012-2013 | 2012 | $ 5,850,000 | $ 84,150,000 | $ - | 0% | n/a | n/a | n/a |
| | | 2 | 2013-2014 | 2013 | $ 15,918,500 | $ 228,981,500 | $ 17,000 | 100% | n/a | 80% | n/a |
| | Value Limitation Period | 3 | 2014-2015 | 2014 | $ - | $ - | $ 17,000 | 100% | n/a | 80% | n/a |
| Tax Credit Period (with 50% cap on credit) | | 4 | 2015-2016 | 2015 | $ - | $ - | $ 17,000 | 100% | n/a | 80% | n/a |
| | | 5 | 2016-2017 | 2016 | $ - | $ - | $ 17,000 | 100% | n/a | 60% | n/a |
| | | 6 | 2017-2018 | 2017 | $ - | $ - | $ 17,000 | 100% | n/a | 60% | n/a |
| | | 7 | 2018-2019 | 2018 | $ - | $ - | $ 17,000 | 100% | n/a | 60% | n/a |
| | | 8 | 2019-2020 | 2019 | $ - | $ - | $ 17,000 | 100% | n/a | 40% | n/a |
| | | 9 | 2020-2021 | 2020 | $ - | $ - | $ 17,000 | 100% | n/a | 40% | n/a |
| | | 10 | 2021-2022 | 2021 | $ - | $ - | $ 17,000 | 100% | n/a | 40% | n/a |
| Credit Settle-Up Period | Continue to Maintain Viable Presence | 11 | 2022-2023 | 2022 | $ - | $ - | $ 17,000 | 100% | n/a | 40% | n/a |
| | | 12 | 2023-2024 | 2023 | $ - | $ - | $ 17,000 | n/a | n/a | n/a | n/a |
| | | 13 | 2024-2025 | 2024 | $ - | $ - | $ 17,000 | n/a | n/a | n/a | n/a |
| Post- Settle-Up Period | | 14 | 2025-2026 | 2025 | $ - | $ - | $ 17,000 | n/a | n/a | n/a | n/a |
| Post- Settle-Up Period | | 15 | 2026-2027 | 2026 | $ - | $ - | $ 17,000 | n/a | n/a | n/a | n/a |

*For planning, construction and operation of the facility.

SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE

MAY 25, 2012

DATE

**ATTACHMENT 2**

Copy of check attached. (Furnished with the original application)

**ASCENDANT RENEWABLE ENERGY**
10912 UTICA AVE (806) 698-0913
LUBBOCK, TX 79424

1024

Date August 4, 2011

32-2/1110 TX
360

Pay To The Order Of O'Donnell I.S.D. $ 50,000.00

Fifty thousand and no/100 Dollars

Bank of America

ACH R/T 111000025

For Chapter 313 Application Fees

Paul Thayer

⑈001024⑈ ⑆111000025⑆ 488031548519⑈

**ATTACHMENT 3**

Wind Tex Energy – Stephens, LLC is part of a combined group for franchise tax reporting purposes. Documentation of combined group membership is attached.

080771 03-22-11

TX2011 05-165

Ver. 2.2 (9-09/2)

# TEXAS FRANCHISE TAX
# EXTENSION AFFILIATE LIST

■ Tcode 13298

'eporting entity taxpayer number | ■ Report year | Reporting entity taxpayer name

32009758486 | 2011 | WIND TEX ENERGY, L.P. FORMERLY WIND T

| 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. WIND TEX ENERGY, G.P. LLC, | 32020026624 | ☐ |
| 2. WIND TEX ENERGY-LENORAH, LLC | 32033046916 | ☐ |
| 3. WIND TEX ENERGY-STEPHENS, LLC | 32034592389 | ☐ |
| 4. WIND TEX ENERGY, L.P. | 32009758486 | ☐ |
| 5. STEPHENS RANCH WIND ENERGY, LLC | 12619006286 | ☒ |
| 6. WIND TEX ENERGY LYNN, L.L.C. | 32037688176 | ☐ |
| 7. | | ☐ |
| 8. | | ☐ |
| 9. | | ☐ |
| 10. | | ☐ |
| 11. | | ☐ |
| | | ☐ |
| 13. | | ☐ |
| 14. | | ☐ |
| 15. | | ☐ |
| 16. | | ☐ |
| 17. | | ☐ |
| 18. | | ☐ |
| 19. | | ☐ |
| 20. | | ☐ |
| 21. | | ☐ |

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.

Texas Comptroller Official Use Only

VE/DE ☐ FM ☐

1019

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Taxable Entity Search Results

# Franchise Tax Certification of Account Status

**This Certification Not Sufficient for Filings with Secretary of State**

Do **not** include a certificate from this Web site as part of a filing with the Secretary of State for dissolution, merger, withdrawal, or conversion. The Secretary of State will reject a filing that uses the certification from this site.

To obtain a certificate that is sufficient for dissolution, merger, or conversion, see Publication 98-336d, Requirements to Dissolve, Merge or Convert a Texas Entity.

Certification of Account Status | Officers And Directors Information

| | |
|---|---|
| Entity Information: | **WIND TEX ENERGY-STEPHENS, LLC**<br>8129 SAN FERNANDO WAY<br>DALLAS, TX 75218-4435 |
| Status: | **IN GOOD STANDING NOT FOR DISSOLUTION OR WITHDRAWAL through November 15, 2011** |
| Registered Agent: | STEVEN K. DEWOLF<br>8129 SAN FERNANDO WAY<br>DALLAS, TX 75218 |
| Registered Agent Resignation Date: | |
| State of Formation: | TX |
| File Number: | 0800930602 |
| SOS Registration Date: | January 29, 2008 |
| Taxpayer Number: | 32034592389 |

Window on State Government Susan Combs Texas Comptroller of Public Accounts

Taxable Entity Search Results

# Officers and Directors

WIND TEX ENERGY-STEPHENS, LLC

Return to: Taxable Entity Search Results

Officer and director information on this site is obtained from the most recent Public Information Report (PIR) processed by the Secretary of State (SOS). PIRs filed with annual franchise tax reports are forwarded to the SOS. After processing, the SOS sends the Comptroller an electronic copy of the information, which is displayed on this web site. The information will be updated as changes are received from the SOS.

You may order a copy of a Public Information Report from open.records@cpa.state.tx.us or Comptroller of Public Accounts, Open Government Division, PO Box 13528, Austin, Texas 78711.

| Title: | Name and Address: | Expiration/Resignation Date: |
|---|---|---|
| *MANAGER* | **STEVEN K DEWOLF**<br>8129 SAN FERNADO WAY<br>DALLAS , TX 75218 | |
| *DIRECTOR* | **STEVEN K DEWOLF**<br>8129 SAN FERNADO WAY<br>DALLAS , TX 75218 | |

**ATTACHMENT 4**

In the Value Limitation Agreement and application approved by O'Donnell ISD on November 14, 2011, Wind Tex Energy – Stephens, LLC stated, *"Wind Tex Energy – Stephens, LLC plans to construct a 343 MW wind farm in Borden and Lynn Counties. 77 out of a total of 143 wind turbines will be located in Lynn County and O'Donnell ISD. The project plans to use 2.4 MW turbines manufactured by Mitsubishi although final turbine selection has not occurred. The other 66 turbines will be located in Borden County and Borden County ISD. A separate 313 application will be submitted for the portion of the project in Borden County ISD."*

Due to turbine availability and micrositing changes Wind Tex Energy – Stephens, LLC now plans to construct a larger, 438.66 MW wind farm in Borden and Lynn Counties. 125 out of a total of 250 wind turbines will be located in Lynn County and O'Donnell ISD. The project plans to use 17 3.6 MW turbines and 108 1.62 MW turbines for the part of the project in Lynn County. Turbine selection is not final at this time and may change. The other 125 turbines will be located in Borden County and Borden County ISD. A separate amended 313 application will be submitted for the portion of the project in Borden County ISD.

Based on the above change in project scope, below is a summary of the changes to the project:

| Original Application | Amended Application |
|---|---|
| 77 turbines @ 2.4 MW each | 125 turbines – 17 @ 3.6MW, 108 @ 1.62MW |
| Investment of $224,966,000 | Investment of $334,900,000 |
| Rated capacity was 184.8 MW | Rated capacity is 236.16 MW |
| Construction Start Date – November 2011 | Construction Start Date – April 2012 |
| Construction Complete Date – December 2012 | Construction Complete Date – December 2013 |
| Fully Operational Date – December 2012 | Fully Operational Date – December 2013 |

This amended application covers qualified property necessary for the commercial operations of the wind farm. Qualified property includes, but is not limited to, turbines, towers, electrical interconnections, electrical substations, transmission lines, met towers, foundations, operations buildings, spare parts, and control systems necessary for commercial generation of electricity.

**ATTACHMENT 4A**

Wind Tex Energy – Stephens, LLC has the ability to locate a wind farm in numerous locations in the United States.

**ATTACHMENT 5**

The portion of the wind farm project that is located O'Donnell ISD is in the following taxing jurisdictions:

- Lynn County (54% of total project MW capacity)
- O'Donnell ISD (54% of total project MW capacity)
- Lynn County Hospital District (54% of total project MW capacity)
- High Plains Underground Water Conservation District #1 (54% of total project MW capacity)

**ATTACHMENT 6**

In the Value Limitation Agreement and application approved by O'Donnell ISD on November 14, 2011, Wind Tex Energy – Stephens, LLC stated, *"Wind Tex Energy – Stephens, LLC plans to construct a 343 MW wind farm in Borden and Lynn Counties. 77 out of a total of 143 wind turbines will be located in Lynn County and O'Donnell ISD. The project plans to use 2.4 MW turbines manufactured by Mitsubishi although final turbine selection has not occurred. The other 66 turbines will be located in Borden County and Borden County ISD. A separate 313 application will be submitted for the portion of the project in Borden County ISD."*

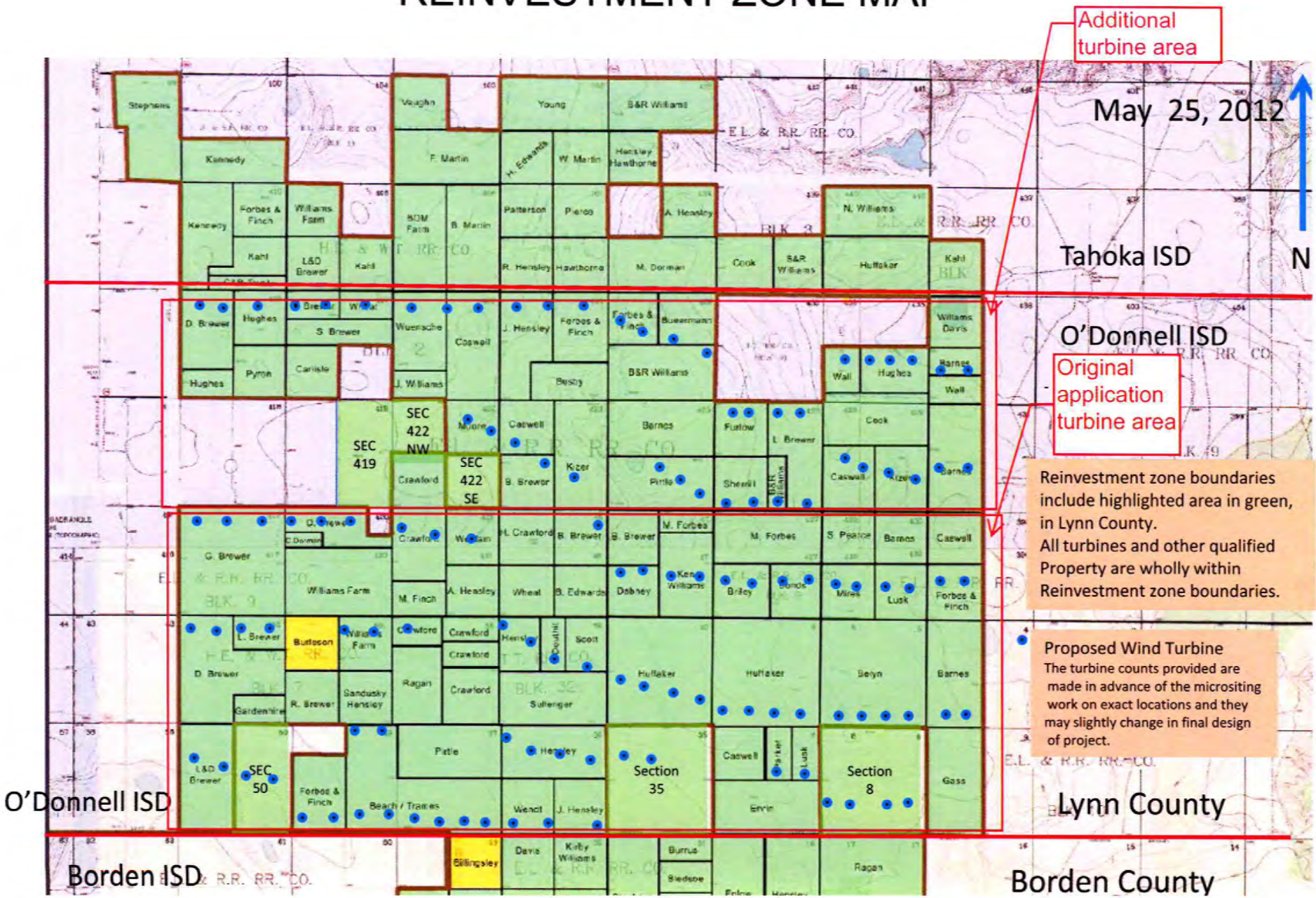
Due to turbine availability and micrositing changes Wind Tex Energy – Stephens, LLC now plans to construct a larger, 438.66 MW wind farm in Borden and Lynn Counties. 125 out of a total of 250 wind turbines will be located in Lynn County and O'Donnell ISD. The project plans to use 17 3.6 MW turbines and 108 1.62 MW turbines for the part of the project in Lynn County. Turbine selection is not final at this time and may change. The other 125 turbines will be located in Borden County and Borden County ISD. A separate amended 313 application will be submitted for the portion of the project in Borden County ISD.

Based on the above change in project scope, below is a summary of the changes to the project:

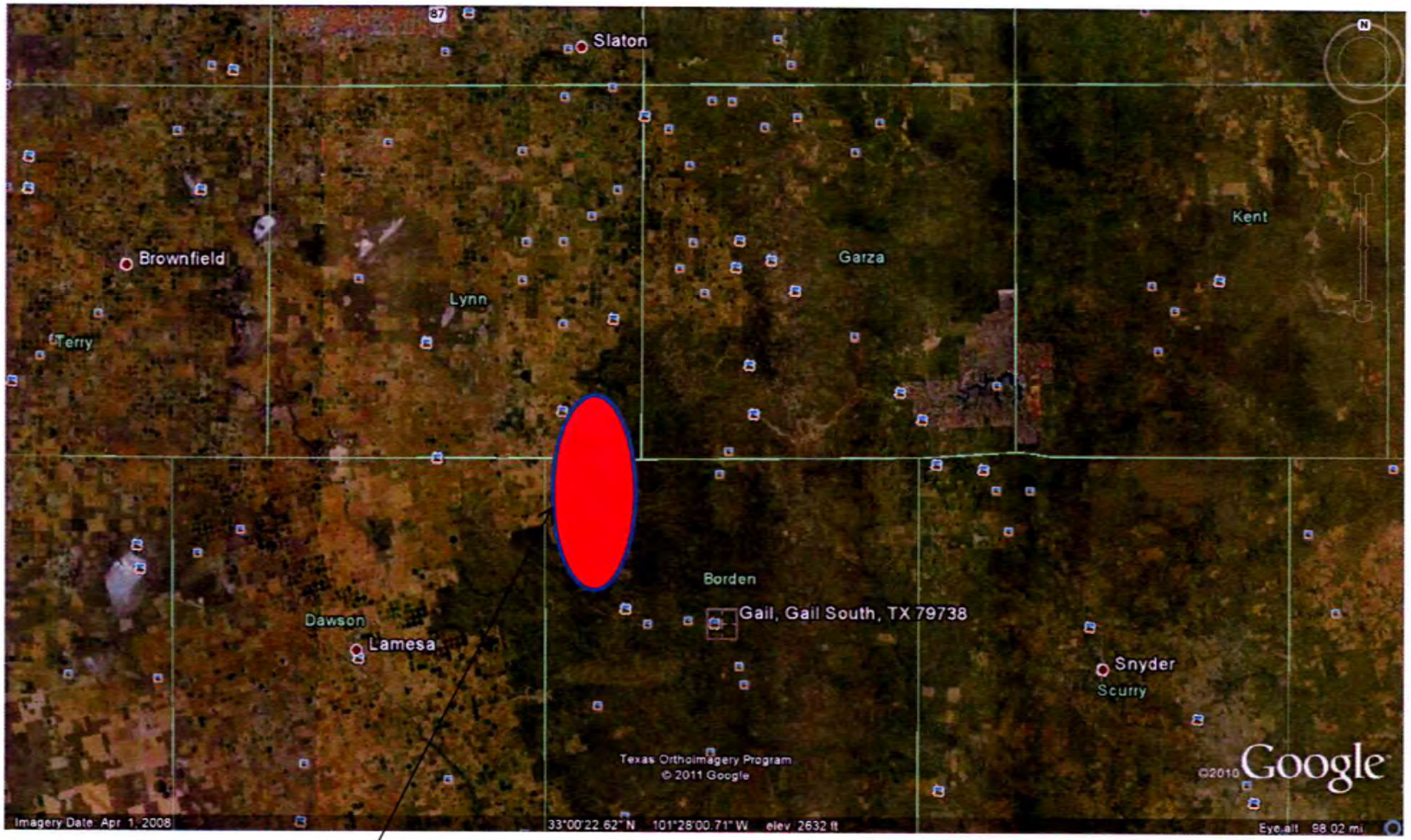
| **Original Application** | **Amended Application** |
|---|---|
| 77 turbines @ 2.4 MW each | 125 turbines – 17 @ 3.6MW, 108 @ 1.62MW |
| Investment of $224,966,000 | Investment of $334,900,000 |
| Rated capacity was 184.8 MW | Rated capacity is 236.16 MW |
| Construction Start Date – November 2011 | Construction Start Date – April 2012 |
| Construction Complete Date – December 2012 | Construction Complete Date – December 2013 |
| Fully Operational Date – December 2012 | Fully Operational Date – December 2013 |

This amended application covers qualified property necessary for the commercial operations of the wind farm. Qualified property includes, but is not limited to, turbines, towers, electrical interconnections, electrical substations, transmission lines, met towers, foundations, operations buildings, spare parts, and control systems necessary for commercial generation of electricity.

# REINVESTMENT ZONE MAP

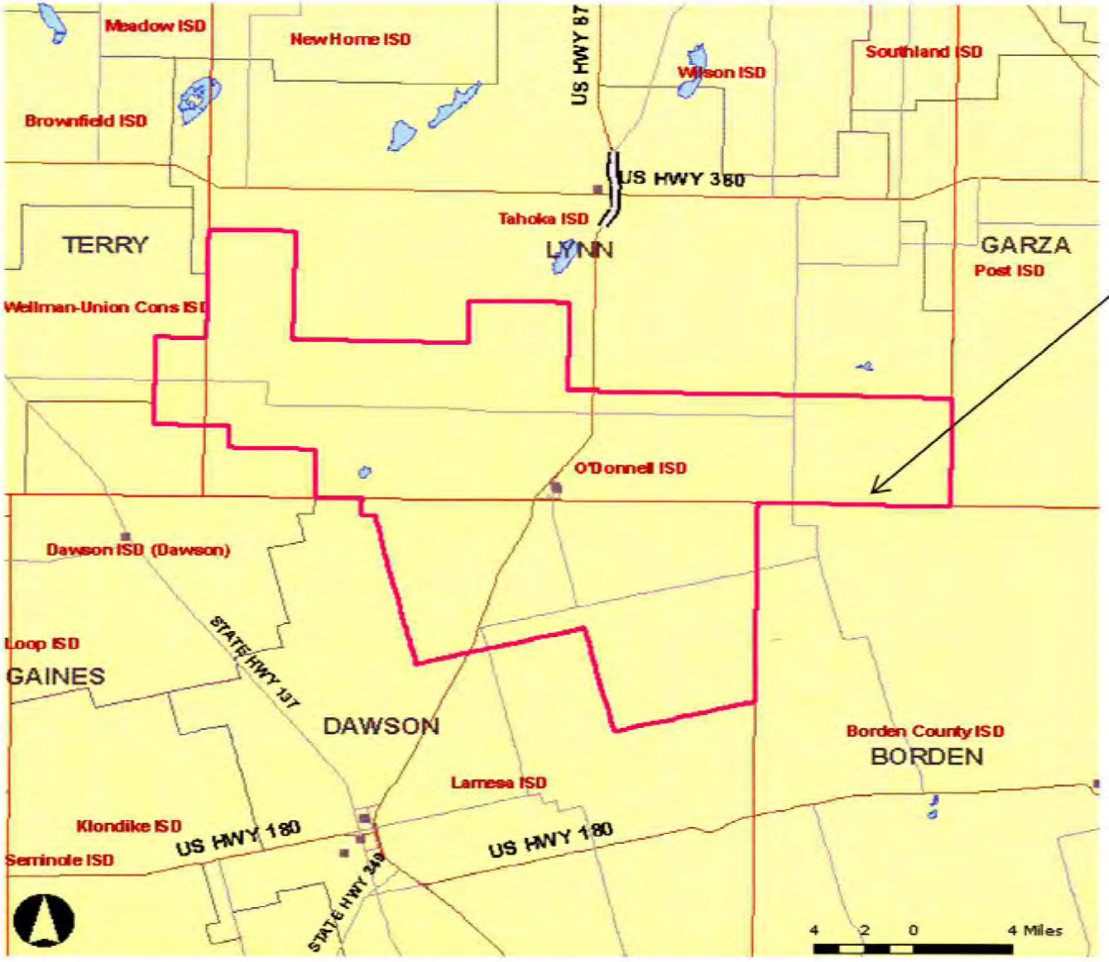


# Vicinity Map




Project Area

# O'Donnell ISD Map

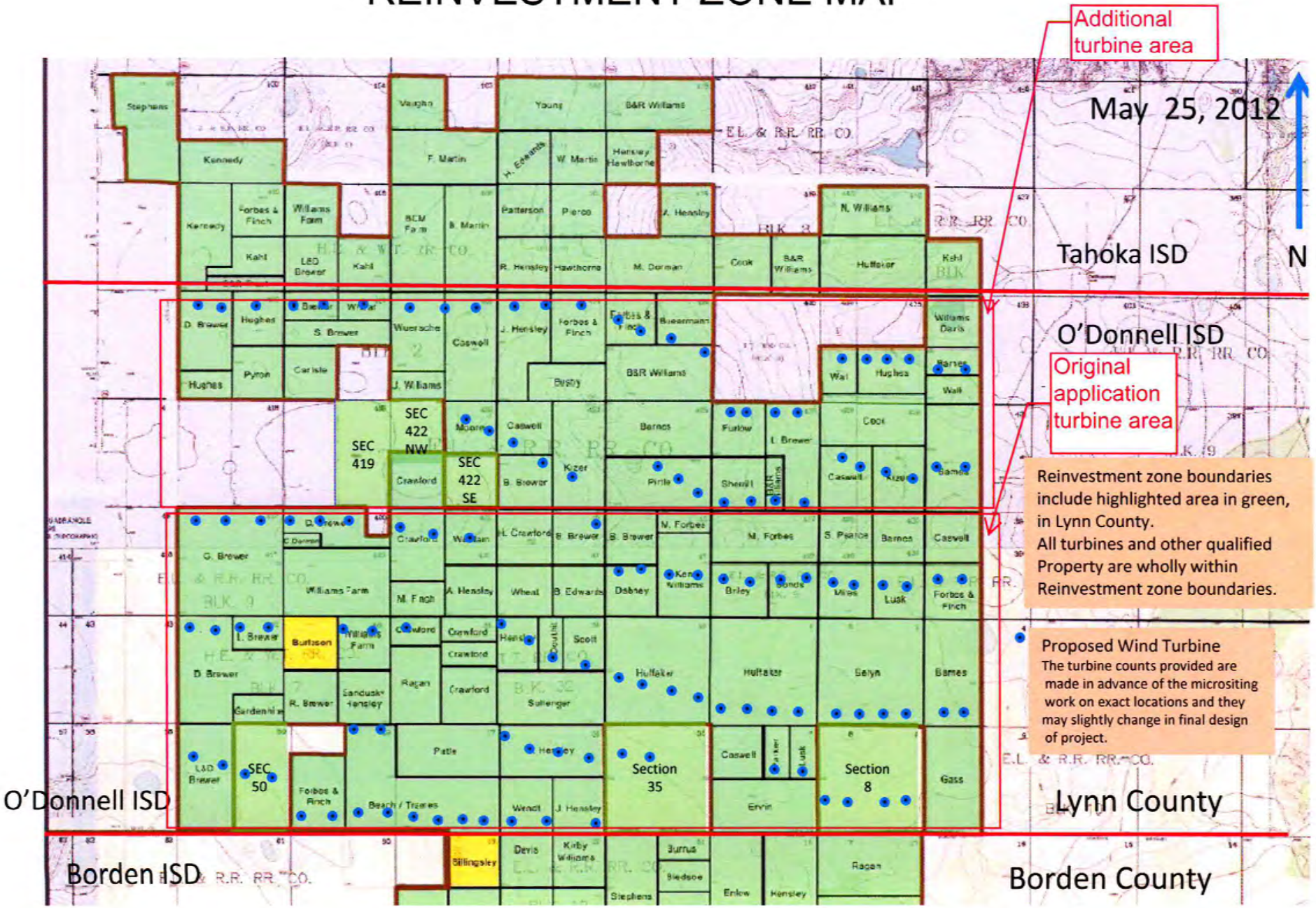



Project Area

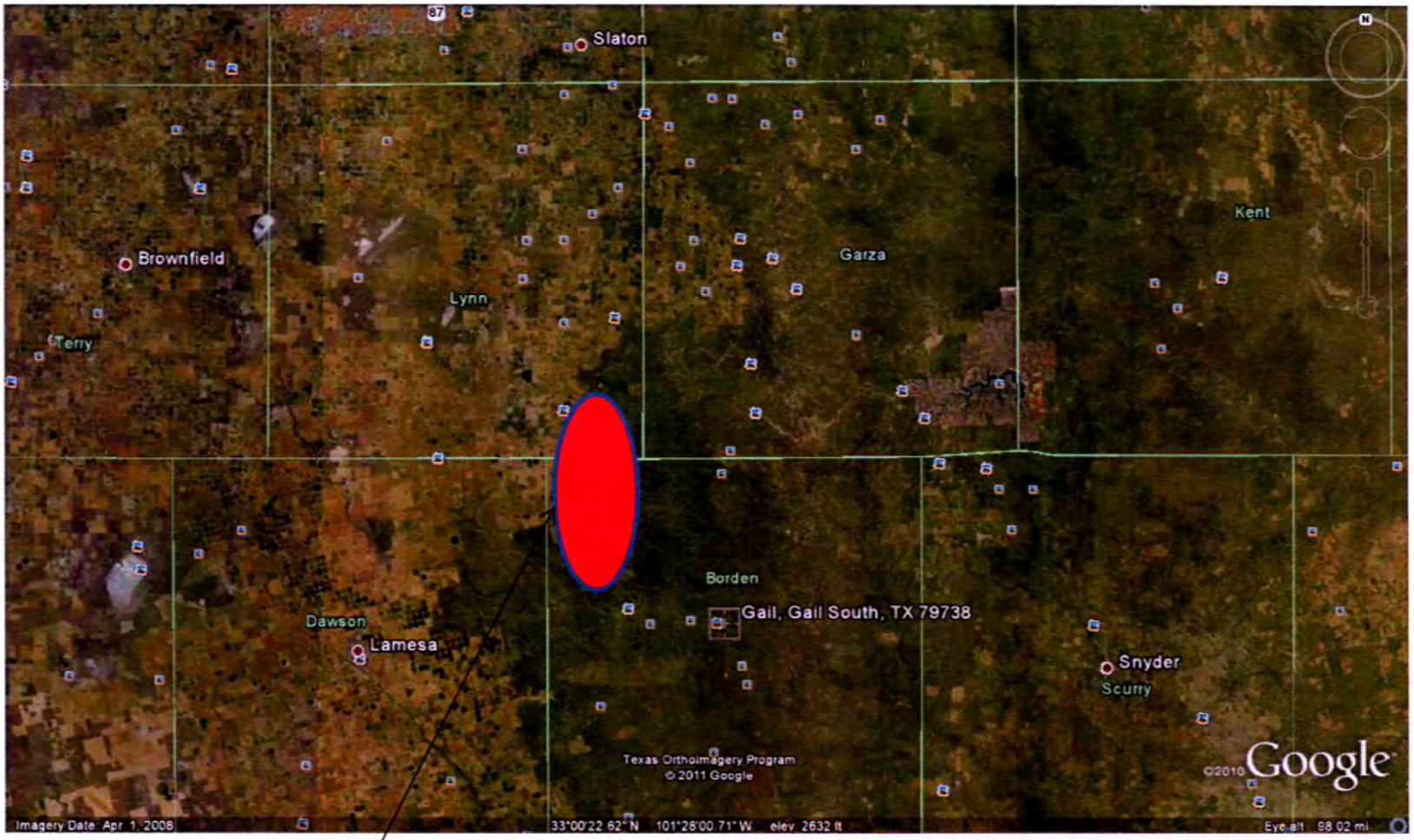
**ATTACHMENT 7**

See attached maps (Lynn reinvestment zone, vicinity map, O'Donnell ISD map)

# REINVESTMENT ZONE MAP

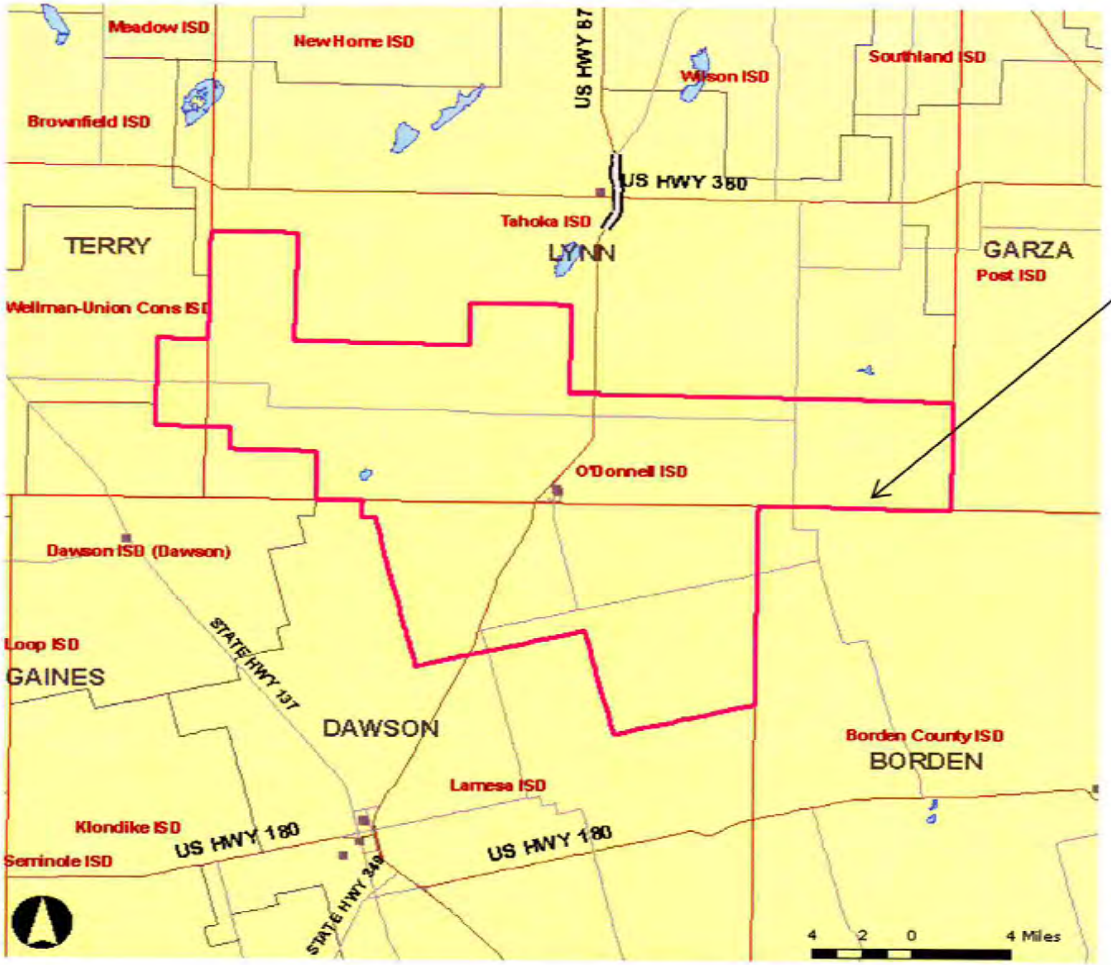


# Vicinity Map




Project Area

# O'Donnell ISD Map




Project Area

**ATTACHMENT 8**

In the Value Limitation Agreement and application approved by O'Donnell ISD on November 14, 2011, Wind Tex Energy – Stephens, LLC stated, *"Wind Tex Energy – Stephens, LLC plans to construct a 343 MW wind farm in Borden and Lynn Counties. 77 out of a total of 143 wind turbines will be located in Lynn County and O'Donnell ISD. The project plans to use 2.4 MW turbines manufactured by Mitsubishi although final turbine selection has not occurred. The other 66 turbines will be located in Borden County and Borden County ISD. A separate 313 application will be submitted for the portion of the project in Borden County ISD."*

Due to turbine availability and micrositing changes Wind Tex Energy – Stephens, LLC now plans to construct a larger, 438.66 MW wind farm in Borden and Lynn Counties. 125 out of a total of 250 wind turbines will be located in Lynn County and O'Donnell ISD. The project plans to use 17 3.6 MW turbines and 108 1.62 MW turbines for the part of the project in Lynn County. Turbine selection is not final at this time and may change. The other 125 turbines will be located in Borden County and Borden County ISD. A separate amended 313 application will be submitted for the portion of the project in Borden County ISD.

Based on the above change in project scope, below is a summary of the changes to the project:

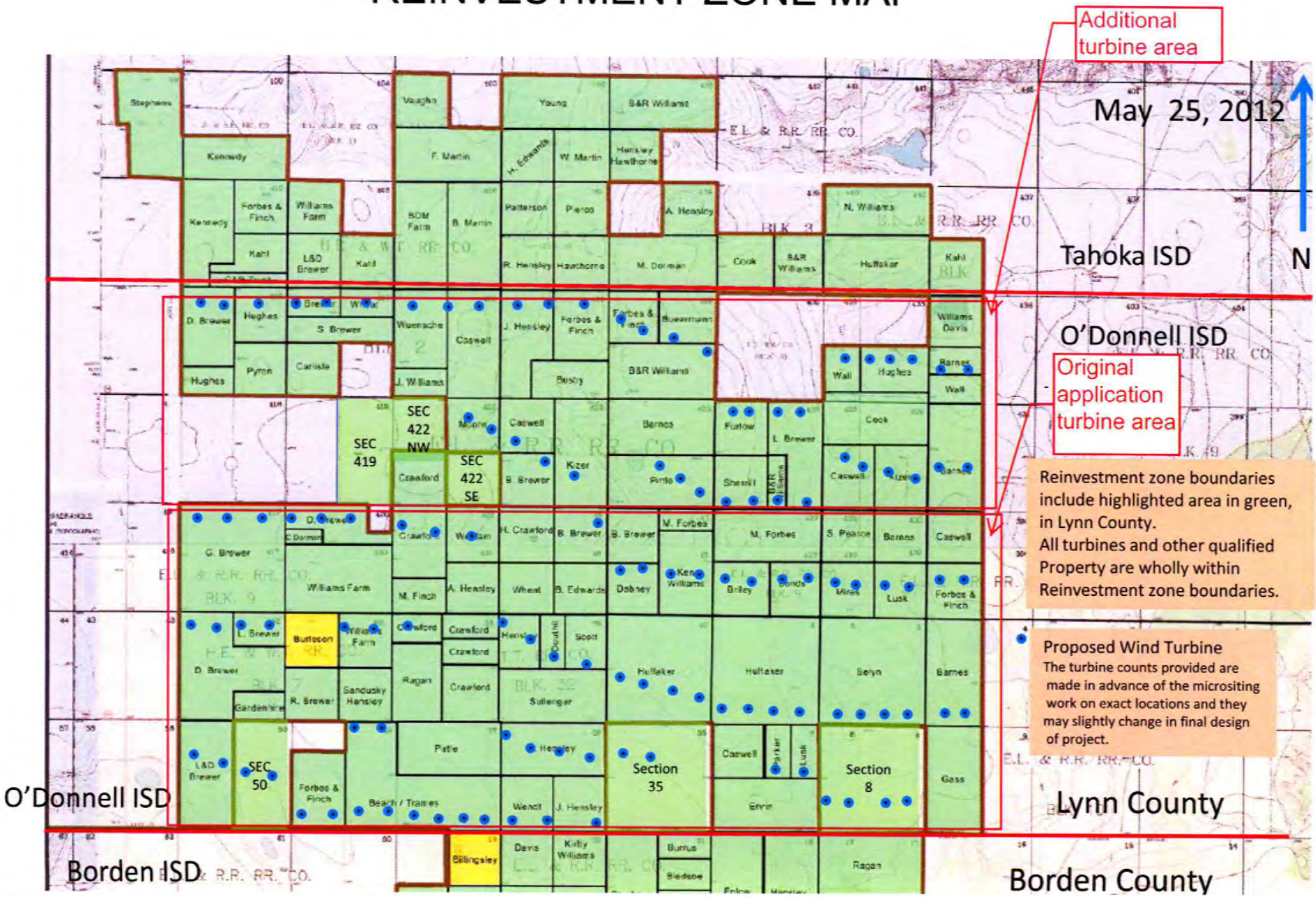
| Original Application | Amended Application |
|---|---|
| 77 turbines @ 2.4 MW each | 125 turbines – 17 @ 3.6MW, 108 @ 1.62MW |
| Investment of $224,966,000 | Investment of $334,900,000 |
| Rated capacity was 184.8 MW | Rated capacity is 236.16 MW |
| Construction Start Date – November 2011 | Construction Start Date – April 2012 |
| Construction Complete Date – December 2012 | Construction Complete Date – December 2013 |
| Fully Operational Date – December 2012 | Fully Operational Date – December 2013 |

This amended application covers qualified property necessary for the commercial operations of the wind farm. Qualified property includes, but is not limited to, turbines, towers, electrical interconnections, electrical substations, transmission lines, met towers, foundations, operations buildings, spare parts, and control systems necessary for commercial generation of electricity.

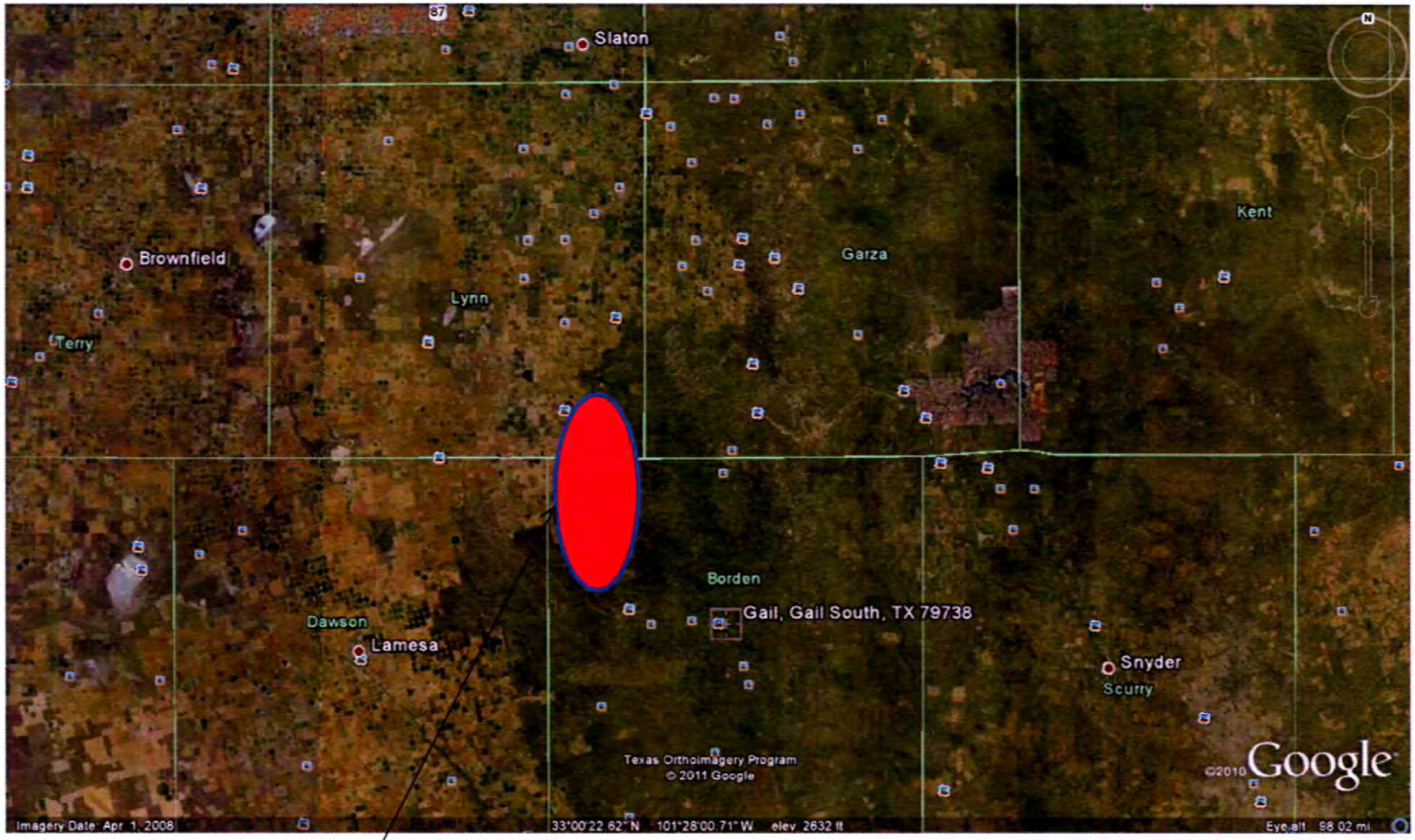
**ATTACHMENT 9**

See attached maps (Lynn County reinvestment zone, vicinity map, O'Donnell map)

# REINVESTMENT ZONE MAP

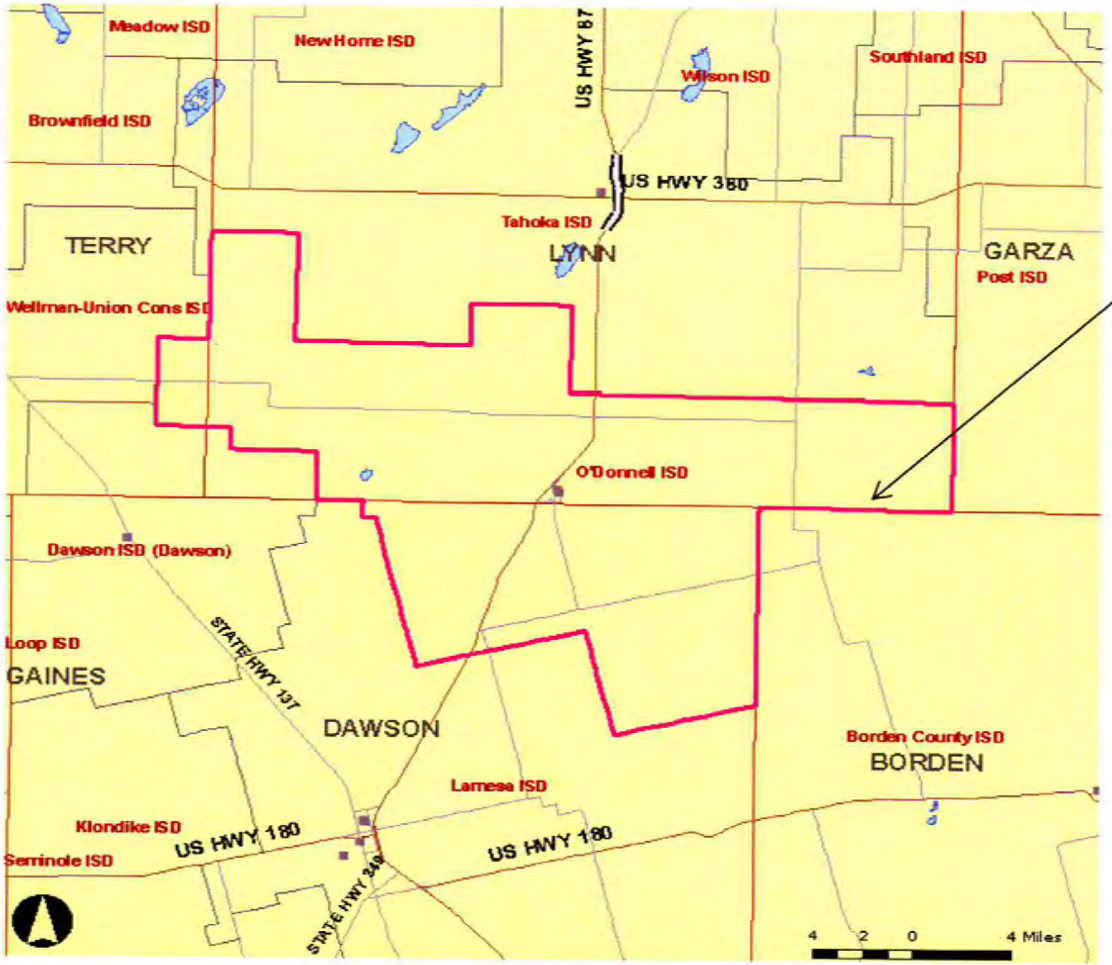


# Vicinity Map




Project Area

# O'Donnell ISD Map




Project Area

**ATTACHMENT 10**

The legal description of the reinvestment zone is attached. The project will be on leased land. As such, the land will not be considered part of qualified property. Land account numbers, owner names, appraisal district account numbers, and taxable values are not applicable.

**EXHIBIT A**

REINVESTMENT ZONE, BORLYNN WIND FARM
Lynn County, Texas

The Project may contain the following property located in Lynn County, Texas:

Section 99, Block 100 and Section 100, Block 4, D. & S.E. Survey Co., Lynn County, Texas;

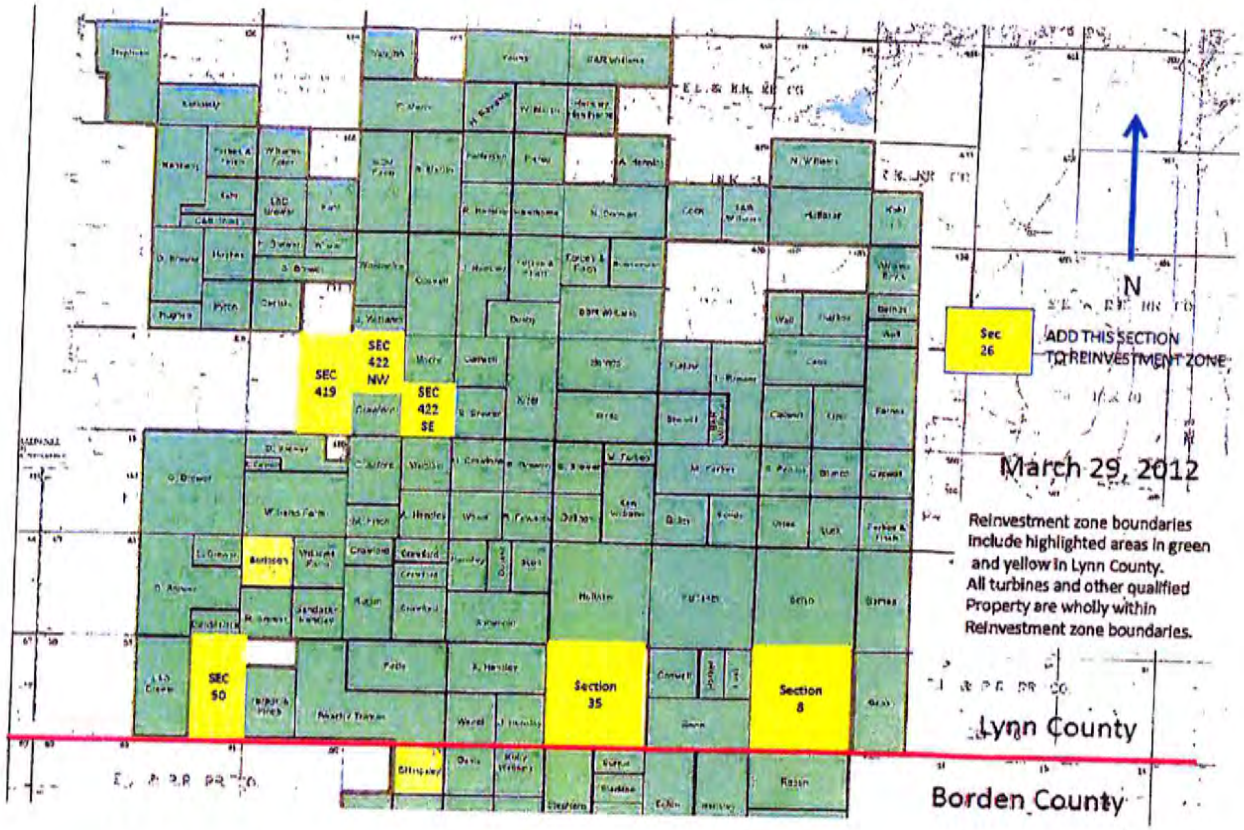
Section 102, Block 1 and Section 101, Block O, D. & W. R.R. Survey Co., Lynn County, Texas;

Section 405, 406, 407 and 408, Block 2 and Sections 801 and 802, Block 7, H.E. & W.T. Survey Co., Lynn County, Texas;

Section 433, Block 3 and Section 434, J.H. Gibson Survey Co., Lynn County, Texas;

Section 103, Block 1; Sections 437, 438, 439 and 440, Block 3; Section 29, Block 8; Sections 396, 409, 410, 417, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430 and 431, Block 9 and Sections 4, 5, 6, 7, 8 and 9, Block 10, E.L. & R.R. R.R. Survey Co., Lynn County, Texas; and

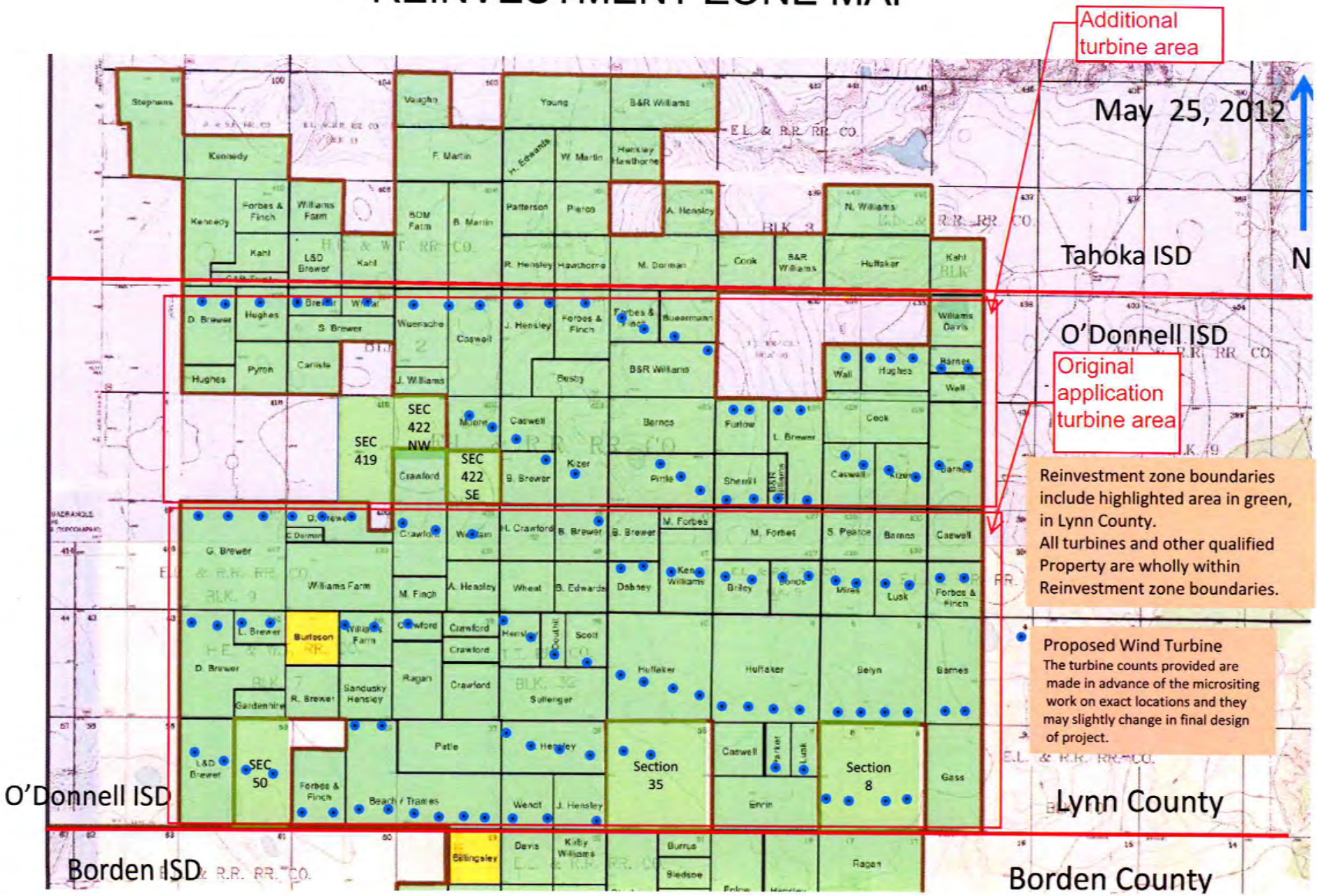
Sections 35, 36, 37, 38, 39, 40, 47, 48, 49 and 50 and Block 32 and Section 435 T.T. R.R. Survey Co., Lynn County, Texas.



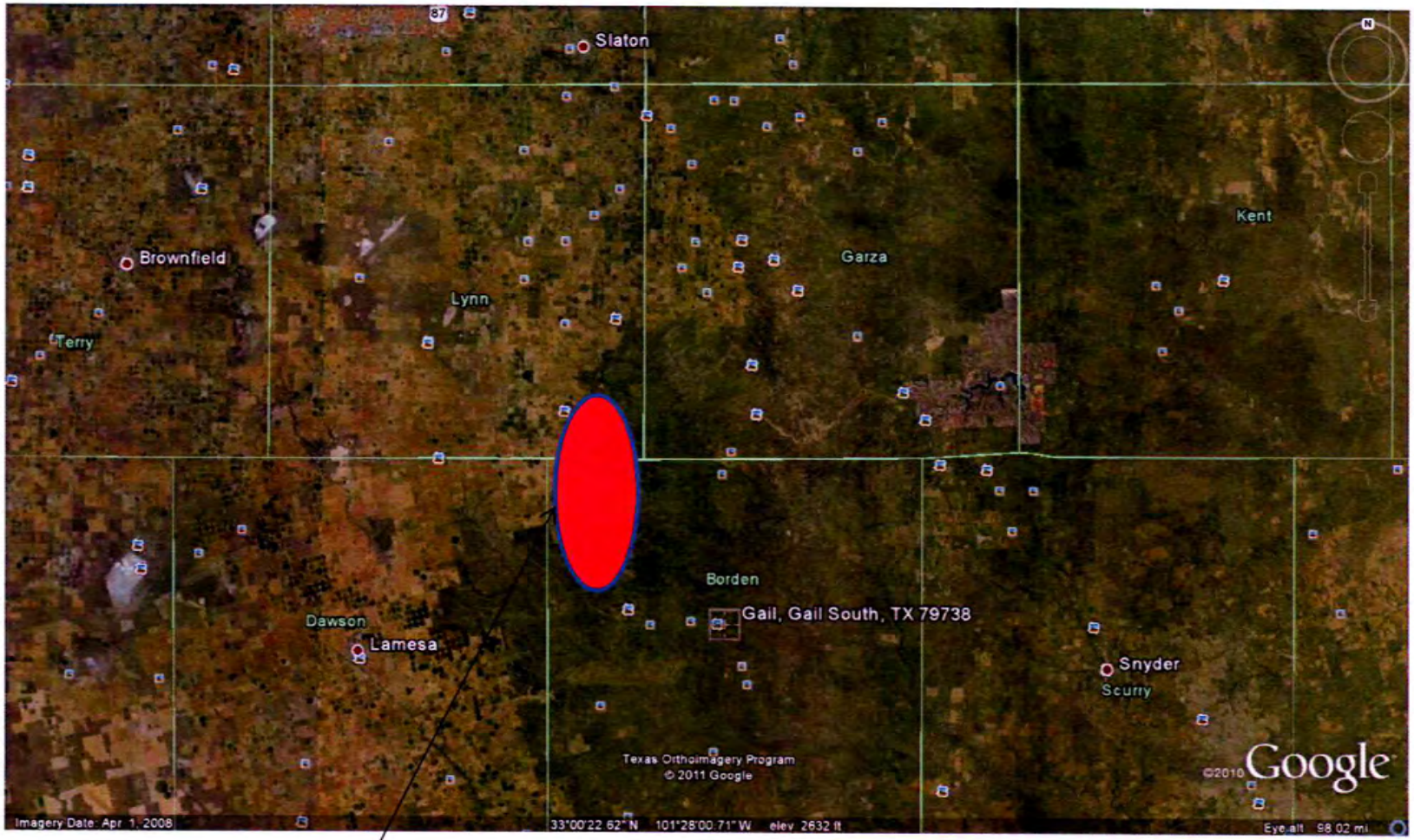
**ATTACHMENT 11**

Please see attached maps

# REINVESTMENT ZONE MAP

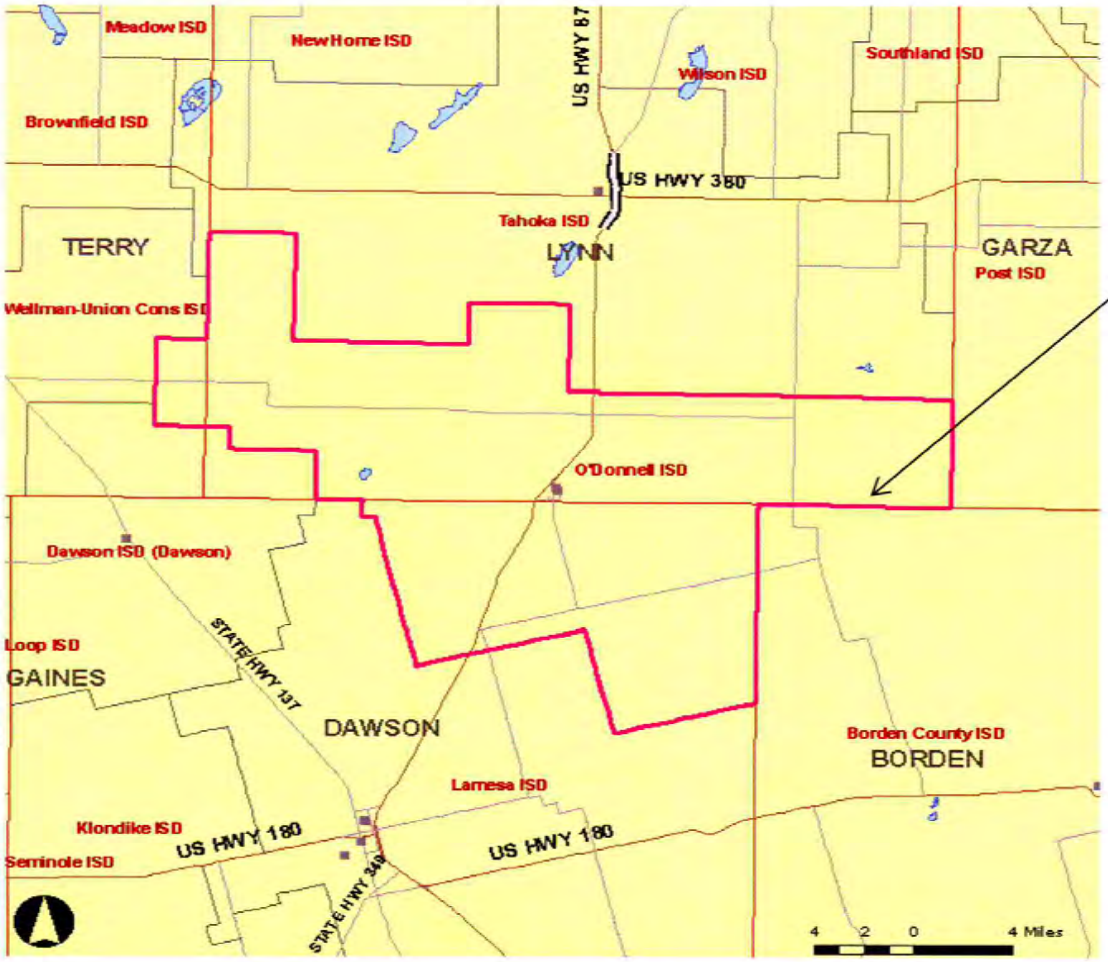


# Vicinity Map




Project Area

# O'Donnell ISD Map




Project Area

**ATTACHMENT 12**

There are no existing wind farm related improvements at the site as of January 1, 2012.

**ATTACHMENT 13**

The project originally asked for a waiver of the requirement to create ten jobs. Based upon the change in scope this waiver is no longer required.

**ATTACHMENT 14**

The calculation of the three possible wage requirements with TWC documentation is attached.

# WIND TEX ENERGY - STEPHENS, LLC
# ATTACHMENT TO CHAPTER 313 APPLICATION - O'DONNELL ISD

## CHAPTER 313 WAGE CALCULATION - ALL JOBS - ALL INDUSTRIES

| QUARTER | YEAR | AVG WEEKLY WAGES* | ANNUALIZED |
|---|---|---|---|
| FIRST | 2011 | $ 604 | $ 31,408 |
| FOURTH | 2010 | $ 611 | $ 31,772 |
| THIRD | 2010 | $ 565 | $ 29,380 |
| SECOND | 2010 | $ 546 | $ 28,392 |
| | AVERAGE | $ 581.50 | $ 30,238 |
| | X | 110% | 110% |
| | | $ 640 | $ 33,262 |

## CHAPTER 313 WAGE CALCULATION - MANUFACTURING JOBS

| QUARTER | YEAR | AVG WEEKLY WAGES* | ANNUALIZED |
|---|---|---|---|
| FIRST | 2011 | $ 508 | $ 26,416 |
| FOURTH | 2010 | $ 544 | $ 28,288 |
| THIRD | 2010 | $ 562 | $ 29,224 |
| SECOND | 2010 | $ 584 | $ 30,368 |
| | AVERAGE | $ 550 | $ 28,574 |
| | X | 110% | 110% |
| | | $ 604 | $ 31,431 |

## CHAPTER 313 WAGE CALCULATION - REGIONAL WAGE RATE

| QUARTER | YEAR | AVG WEEKLY WAGES* | ANNUALIZED |
|---|---|---|---|
| | 2010 | $ 648 | $ 33,717 |
| | X | 110% | 110% |
| | | $ 713 | $ 37,089 * |

** SEE ATTACHED TWC DOCUMENTATION*

* SELECTED BY APPLICANT

**ATTACHMENT 14**

# Quarterly Employment and Wages (QCEW)

Back

Page 1 of 1 (40 results/page)

| Year | Period | Area | Ownership | Division | Level | Ind Code | Industry | Avg Weekly Wages |
|---|---|---|---|---|---|---|---|---|
| 2010 | 1st Qtr | Lynn County | Total All | 00 | 0 | 10 | Total, All Industries | $595 |
| 2010 | 2nd Qtr | Lynn County | Total All | 00 | 0 | 10 | Total, All Industries | $546 |
| 2010 | 3rd Qtr | Lynn County | Total All | 00 | 0 | 10 | Total, All Industries | $565 |
| 2010 | 4th Qtr | Lynn County | Total All | 00 | 0 | 10 | Total, All Industries | $611 |

# Quarterly Employment and Wages (QCEW)

Back

Page 1 of 1 (40 results/page)

| Year | Period | Area | Ownership | Division | Level | Ind Code | Industry | Avg Weekly Wages |
|---|---|---|---|---|---|---|---|---|
| 2010 | 1st Qtr | Lynn County | Total All | 31 | 2 | 31-33 | Manufacturing | $532 |
| 2010 | 2nd Qtr | Lynn County | Total All | 31 | 2 | 31-33 | Manufacturing | $584 |
| 2010 | 3rd Qtr | Lynn County | Total All | 31 | 2 | 31-33 | Manufacturing | $562 |
| 2010 | 4th Qtr | Lynn County | Total All | 31 | 2 | 31-33 | Manufacturing | $544 |

## 2010 Manufacturing Wages by Council of Government Region
## Wages for All Occupations

| COG | Wages Hourly | Wages Annual |
|---|---|---|
| **Texas** | | |
| 1. Panhandle Regional Planning Commission | $18.60 | $38,683 |
| 2. South Plains Association of Governments | $16.21 | $33,717 |
| 3. NORTEX Regional Planning Commission | $18.34 | $38,153 |
| 4. North Central Texas Council of Governments | $23.45 | $48,777 |
| 5. Ark-Tex Council of Governments | $15.49 | $32,224 |
| 6. East Texas Council of Governments | $17.63 | $36,672 |
| 7. West Central Texas Council of Governments | $17.48 | $36,352 |
| 8. Rio Grande Council of Governments | $15.71 | $32,683 |
| 9. Permian Basin Regional Planning Commission | $19.90 | $41,398 |
| 10. Concho Valley Council of Governments | $15.33 | $31,891 |
| 11. Heart of Texas Council of Governments | $17.91 | $37,257 |
| 12. Capital Area Council of Governments | $25.37 | $52,778 |
| 13. Brazos Valley Council of Governments | $15.24 | $31,705 |
| 14. Deep East Texas Council of Governments | $15.71 | $32,682 |
| 15. South East Texas Regional Planning Commission | $27.56 | $57,333 |
| 16. Houston-Galveston Area Council | $24.52 | $51,002 |
| 17. Golden Crescent Regional Planning Commission | $20.07 | $41,738 |
| 18. Alamo Area Council of Governments | $17.28 | $35,952 |
| 19. South Texas Development Council | $13.27 | $27,601 |
| 20. Coastal Bend Council of Governments | $21.55 | $44,822 |
| 21. Lower Rio Grande Valley Development Council | $14.35 | $29,846 |
| 22. Texoma Council of Governments | $18.10 | $37,651 |
| 23. Central Texas Council of Governments | $17.21 | $35,788 |
| 24. Middle Rio Grande Development Council | $13.21 | $27,471 |

Lynn County & O'Donnell ISD

Source: Texas Occupational Employment and Wages
Data published: June 2011
Data published annually, next update will be June 2012.

Note: Data is not supported by the Bureau of Labor Statistics (BLS).
Wage data is produced from Texas OES data, and is not to be compared to BLS estimates.
Data intended for TAC 313 purposes only.

## ATTACHMENT 15

Wind Tex Energy – Stephens, LLC will provide its employees with benefits including but not limited to the following:

- Medical Insurance Coverage
- Paid Holidays
- Paid Vacation
- 401(k) Retirement Savings Plan

**ATTACHMENT 16**

The economic impact study will be performed by the Comptroller at a future date.

Schedule D shows that Lynn County has agreed to abate 100% of the property taxes for a ten-year period. However, Wind Tex Energy – Stephens, LLC has agreed to make an in-lieu-of tax payment to Lynn County in the amount of $1,000 per installed megawatt during the ten-year term of the abatement agreement.

Lynn County Hospital District has agreed to abate property taxes for a ten-year period under the following terms:

Years 1-3 – 80%

Years 4-6 – 60%

Years 7- 10 – 40%

**ATTACHMENT 17**

Please see attached amended Schedule A

## Schedule A (Rev. May 2010): Investment

**Applicant Name** Wind Tex Energy - Stephens, LLC

**ISD Name** O'Donnell ISD

AMENDED

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) | | 2011-2012 | 2011 | $ - | $ - | | $ - | $ - |
| | Investment made after filing complete application with district, but before final board approval of application (eligible to become qualified property) | | | | $ - | $ - | | $ - | $ - |
| | 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) | | | | $ - | $ - | $ - | $ - | $ - |
| | Complete tax years of qualifying time period | 1 | 2012-2013 | 2012 | $ 90,000,000 | $ - | $ 90,000,000 | | $ 90,000,000 |
| | | 2 | 2013-2014 | 2013 | $ 244,750,000 | $ 150,000 | $ 244,900,000.00 | | $ 244,900,000 |
| Tax Credit Period (with 50% cap on credit) | Value Limitation Period | 3 | 2014-2015 | 2014 | | $ - | | | $ - |
| | | 4 | 2015-2016 | 2015 | | $ - | | | $ - |
| | | 5 | 2016-2017 | 2016 | | $ - | | | $ - |
| | | 6 | 2017-2018 | 2017 | | $ - | | | $ - |
| | | 7 | 2018-2019 | 2018 | | $ - | | | $ - |
| | | 8 | 2019-2020 | 2019 | | $ - | | | $ - |
| | | 9 | 2020-2021 | 2020 | | $ - | | | $ - |
| | | 10 | 2021-2022 | 2021 | | $ - | | | $ - |
| Credit Settle-Up Period | Continue to Maintain Viable Presence | 11 | 2022-2023 | 2022 | | $ - | | | $ - |
| | | 12 | 2023-2024 | 2023 | | $ - | | | $ - |
| | | 13 | 2024-2025 | 2024 | | $ - | | | $ - |
| Post- Settle-Up Period | | 14 | 2025-2026 | 2025 | | $ - | | | $ - |
| Post- Settle-Up Period | | 15 | 2026-2027 | 2026 | | $ - | | | $ - |

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].
Include estimates of investment for "replacement" property-property that is part of original agreement but scheduled for probable replacement during limitation period.

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).
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

MAY 25, 2012

DATE

**ATTACHMENT 18**

Please see attached amended Schedule B

## Schedule B (Rev. May 2010): Estimated Market And Taxable Value

**Applicant Name** Wind Tex Energy - Stephens, LLC

**ISD Name** O'Donnell ISD

AMENDED

Form 50-296

| | | | | | Qualified Property | | | Reductions from Market Value | Estimated Taxable Value | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | Year | School Year (YYYY-YYYY) | Tax Year (Fill in actual tax year) YYYY | 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 | 2011-2012 | 2011 | $ - | $ - | $ - | $ - | $ - | $ - |
| | Complete tax years of qualifying time period | 1 | 2012-2013 | 2012 | $ - | $ - | $ - | $ - | $ - | $ - |
| | | 2 | 2013-2014 | 2013 | $ - | $ 81,000,000 | $ - | $ - | $ 81,000,000 | $ 81,000,000 |
| | Value Limitation Period | 3 | 2014-2015 | 2014 | | $ 295,740,000 | $ - | $ - | $ 295,740,000 | $ 10,000,000 |
| Tax Credit Period (with 50% cap on credit) | | 4 | 2015-2016 | 2015 | | $ 275,038,200 | $ - | $ - | $ 275,038,200 | $ 10,000,000 |
| | | 5 | 2016-2017 | 2016 | | $ 255,785,500 | $ - | $ - | $ 255,785,500 | $ 10,000,000 |
| | | 6 | 2017-2018 | 2017 | | $ 237,880,500 | $ - | $ - | $ 237,880,500 | $ 10,000,000 |
| | | 7 | 2018-2019 | 2018 | | $ 221,228,900 | $ - | $ - | $ 221,228,900 | $ 10,000,000 |
| | | 8 | 2019-2020 | 2019 | | $ 205,742,900 | $ - | $ - | $ 205,742,900 | $ 10,000,000 |
| | | 9 | 2020-2021 | 2020 | | $ 191,340,900 | $ - | $ - | $ 191,340,900 | $ 10,000,000 |
| | | 10 | 2021-2022 | 2021 | | $ 177,947,000 | $ - | $ - | $ 177,947,000 | $ 10,000,000 |
| Credit Settle-Up Period | Continue to Maintain Viable Presence | 11 | 2022-2023 | 2022 | | $ 165,490,700 | $ - | $ - | $ 165,490,700 | $ 165,490,700 |
| | | 12 | 2023-2024 | 2023 | | $ 153,906,400 | $ - | $ - | $ 153,906,400 | $ 153,906,400 |
| | | 13 | 2024-2025 | 2024 | | $ 143,133,000 | $ - | $ - | $ 143,133,000 | $ 143,133,000 |
| Post- Settle-Up Period | | 14 | 2025-2026 | 2025 | | $ 133,113,700 | $ - | $ - | $ 133,113,700 | $ 133,113,700 |
| Post- Settle-Up Period | | 15 | 2026-2027 | 2026 | | $ 123,795,700 | $ - | $ - | $ 123,795,700 | $ 123,795,700 |

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

MAY 25, 2012

DATE

**ATTACHMENT 19**

Please see attached amended Schedule C

## Schedule C- Application: Employment Information

**Applicant Name** Wind Tex Energy - Stephens, LLC

**ISD Name** O'Donnell ISD

AMENDED

Form 50-296

| | | | | | Construction | | New Jobs | | Qualifying Jobs | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | Year | School Year (YYYY-YYYY) | Tax Year (Fill in actual tax year) YYYY | Column A: Number of Construction FTE's or man-hours (specify) [FTE] | 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 | 2011-2012 | 2011 | 0 | $ - | 0 | $ - | 0 | $ - |
| | Complete tax years of qualifying time period | 1 | 2012-2013 | 2012 | 75 | $ 57,000 | 5 | $ 37,089 | 5 | $ 37,089 |
| | | 2 | 2013-2014 | 2013 | 75 | $ 57,000 | 10 | $ 37,089 | 8 | $ 37,089 |
| | Value Limitation Period | 3 | 2014-2015 | 2014 | 0 | $ - | 13 | $ 37,089 | 11 | $ 37,089 |
| Tax Credit Period (with 50% cap on credit) | | 4 | 2015-2016 | 2015 | 0 | $ - | 13 | $ 37,089 | 11 | $ 37,089 |
| | | 5 | 2016-2017 | 2016 | 0 | $ - | 13 | $ 37,089 | 11 | $ 37,089 |
| | | 6 | 2017-2018 | 2017 | 0 | $ - | 13 | $ 37,089 | 11 | $ 37,089 |
| | | 7 | 2018-2019 | 2018 | 0 | $ - | 13 | $ 37,089 | 11 | $ 37,089 |
| | | 8 | 2019-2020 | 2019 | 0 | $ - | 13 | $ 37,089 | 11 | $ 37,089 |
| | | 9 | 2020-2021 | 2020 | 0 | $ - | 13 | $ 37,089 | 11 | $ 37,089 |
| | | 10 | 2021-2022 | 2021 | 0 | $ - | 13 | $ 37,089 | 11 | $ 37,089 |
| Credit Settle-Up Period | Continue to Maintain Viable Presence | 11 | 2022-2023 | 2022 | 0 | $ - | 13 | $ 37,089 | 11 | $ 37,089 |
| | | 12 | 2023-2024 | 2023 | 0 | $ - | 13 | $ 37,089 | 11 | $ 37,089 |
| | | 13 | 2024-2025 | 2024 | 0 | $ - | 13 | $ 37,089 | 11 | $ 37,089 |
| Post- Settle-Up Period | | 14 | 2025-2026 | 2025 | 0 | $ - | 13 | $ 37,089 | 11 | $ 37,089 |
| Post- Settle-Up Period | | 15 | 2026-2027 | 2026 | 0 | $ - | 13 | $ 37,089 | 11 | $ 37,089 |

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.

Steven Kellum

**SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE**

May 25, 2012

**DATE**

**ATTACHMENT 20**

Please see attached amended Schedule D

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

**Applicant Name** Wind Tex Energy - Stephens, LLC

**ISD Name** O'Donnell ISD

**Form 50-296**

AMENDED

| | | | | | Sales Tax Information | | Franchise Tax | Other Property Tax Abatements Sought | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | Sales Taxable Expenditures | | Franchise Tax | County | City | Hospital | Other |
| | | 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) | | | 2011-2012 | 2011 | $ - | $ - | $ - | 0% | n/a | n/a | n/a |
| | Complete tax years of qualifying time period | 1 | 2012-2013 | 2012 | $ 5,850,000 | $ 84,150,000 | $ - | 0% | n/a | n/a | n/a |
| | | 2 | 2013-2014 | 2013 | $ 15,918,500 | $ 228,981,500 | $ 17,000 | 100% | n/a | 80% | n/a |
| | Value Limitation Period | 3 | 2014-2015 | 2014 | $ - | $ - | $ 17,000 | 100% | n/a | 80% | n/a |
| Tax Credit Period (with 50% cap on credit) | | 4 | 2015-2016 | 2015 | $ - | $ - | $ 17,000 | 100% | n/a | 80% | n/a |
| | | 5 | 2016-2017 | 2016 | $ - | $ - | $ 17,000 | 100% | n/a | 80% | n/a |
| | | 6 | 2017-2018 | 2017 | $ - | $ - | $ 17,000 | 100% | n/a | 60% | n/a |
| | | 7 | 2018-2019 | 2018 | $ - | $ - | $ 17,000 | 100% | n/a | 60% | n/a |
| | | 8 | 2019-2020 | 2019 | $ - | $ - | $ 17,000 | 100% | n/a | 60% | n/a |
| | | 9 | 2020-2021 | 2020 | $ - | $ - | $ 17,000 | 100% | n/a | 40% | n/a |
| | | 10 | 2021-2022 | 2021 | $ - | $ - | $ 17,000 | 100% | n/a | 40% | n/a |
| Credit Settle-Up Period | Continue to Maintain Viable Presence | 11 | 2022-2023 | 2022 | $ - | $ - | $ 17,000 | 100% | n/a | 40% | n/a |
| | | 12 | 2023-2024 | 2023 | $ - | $ - | $ 17,000 | 100% | n/a | 40% | n/a |
| | | 13 | 2024-2025 | 2024 | $ - | $ - | $ 17,000 | n/a | n/a | n/a | n/a |
| Post- Settle-Up Period | | 14 | 2025-2026 | 2025 | $ - | $ - | $ 17,000 | n/a | n/a | n/a | n/a |
| Post- Settle-Up Period | | 15 | 2026-2027 | 2026 | $ - | $ - | $ 17,000 | n/a | n/a | n/a | n/a |

*For planning, construction and operation of the facility.

SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE

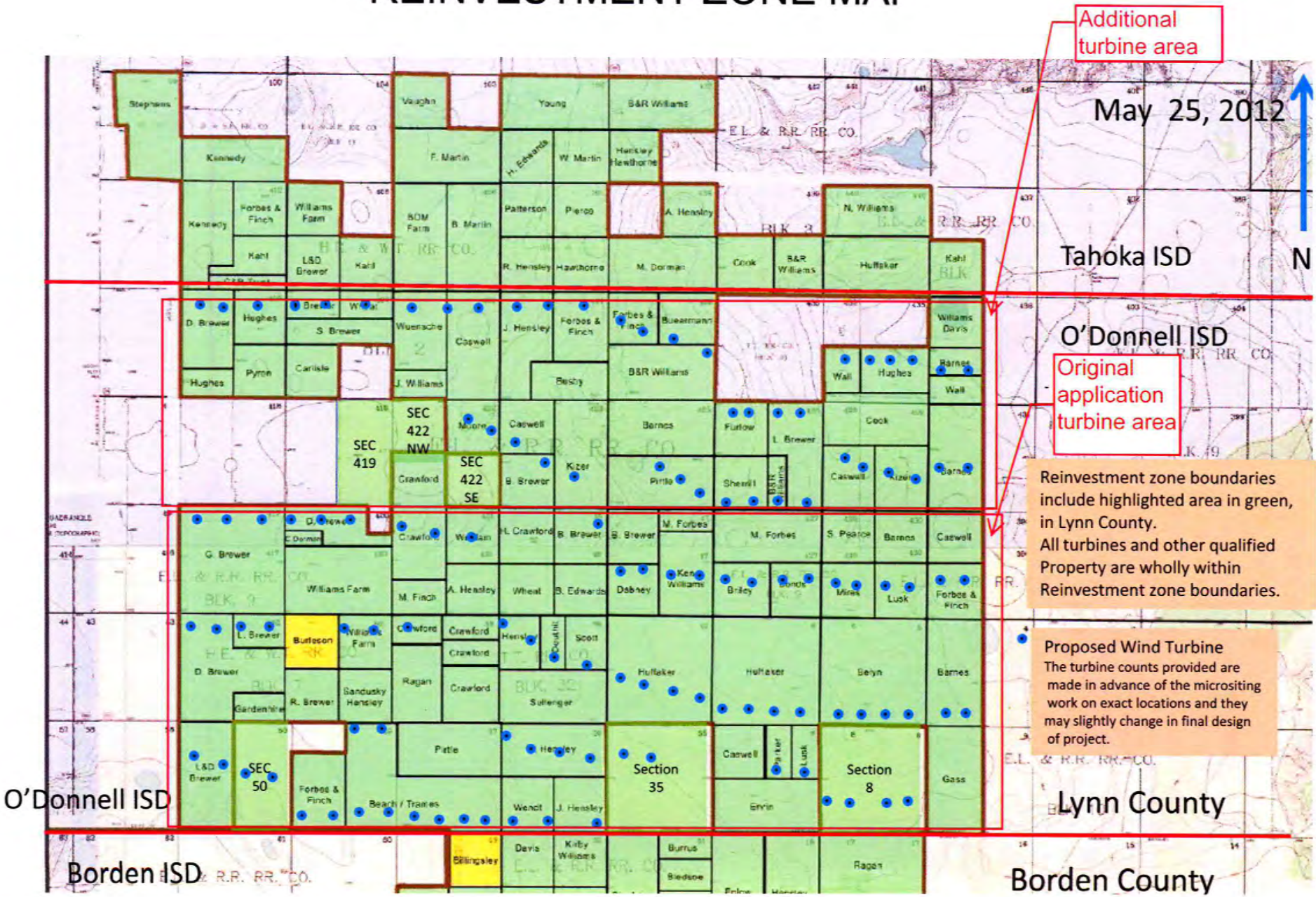
MAY 25, 2012

DATE

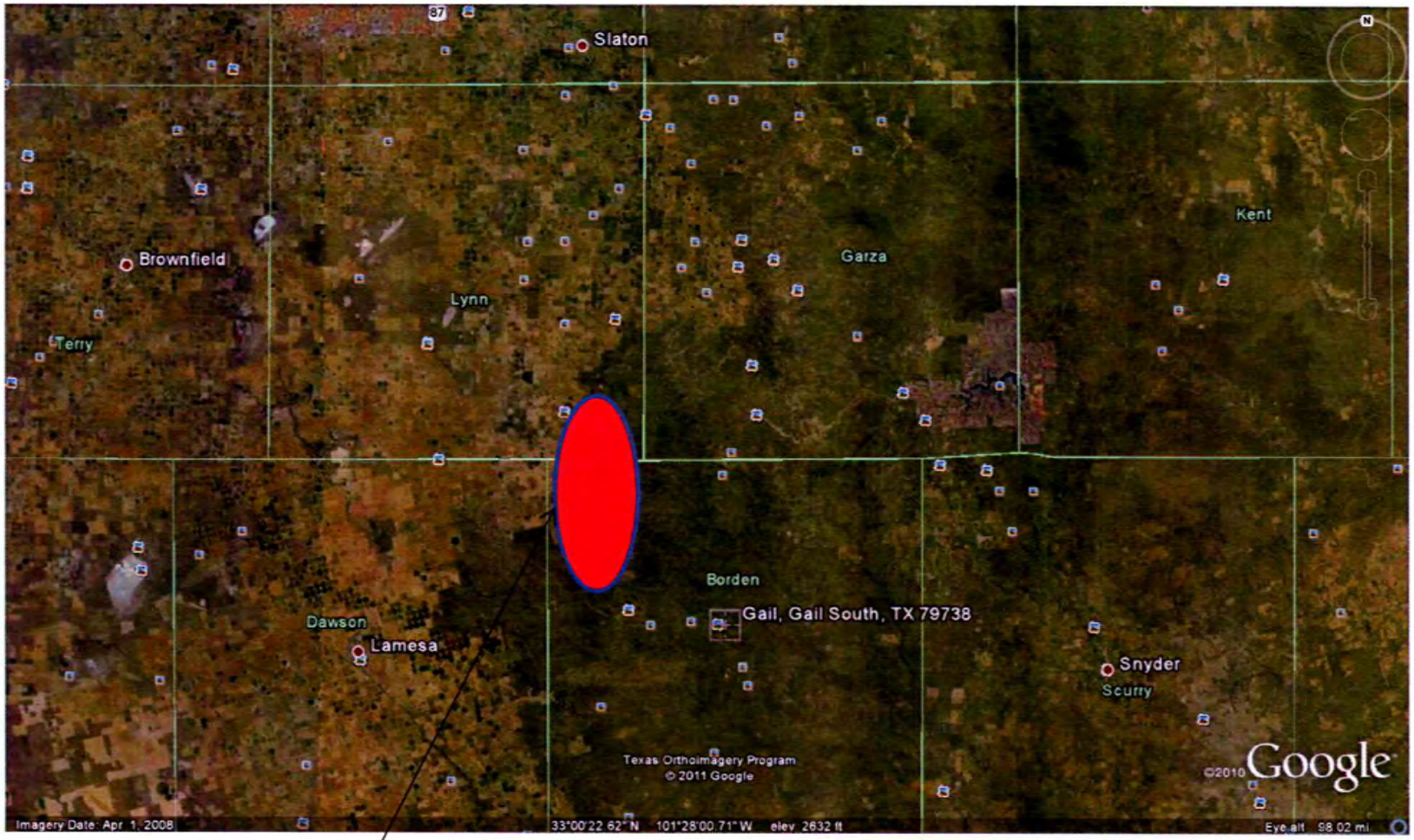
**ATTACHMENT 21**

A map of the reinvestment zone is attached as is a vicinity map.

# REINVESTMENT ZONE MAP

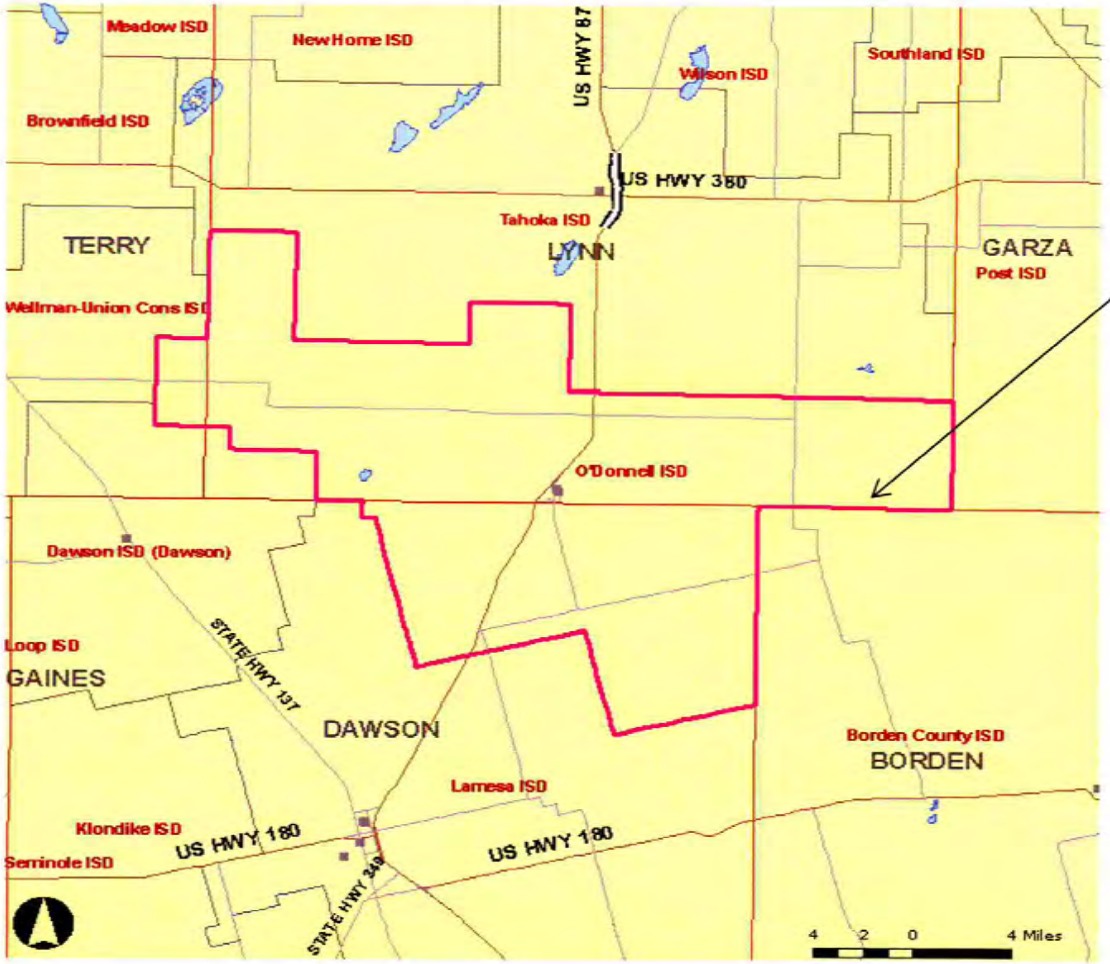


# Vicinity Map




Project Area

# O'Donnell ISD Map




Project Area

**ATTACHMENT 22**

The resolution of the Lynn County Commissioners Court establishing the reinvestment zone is attached. The original reinvestment zone created by Lynn County Commissioners Court was superseded by a new reinvestment zone created on April 23, 2012 that encompasses the additional land required due to the project expansion.

STATE OF TEXAS §
§
COUNTY OF LYNN §

## ORDER DESIGNATING THE STEPHENS RANCH WIND ENERGY REINVESTMENT ZONE

**Whereas,** the Lynn County Commissioner's Court approved the designation of the BorLynn Wind Farm Reinvestment Zone on September 14, 2009.

**Whereas,** the Wind Farm developer wishes to add additional land to the Borlynn Wind Farm Reinvestment Zone and create a new Reinvestment Zone.

**Whereas,** Notice of the Proposed Designation of the Reinvestment Zone was published in accordance with the Texas Tax Code and whereas Lynn County desires to designate the Stephens Ranch Wind Energy Reinvestment Zone in Lynn County.

It is **Hereby Ordered** that the County designates the property located in Lynn County having the legal description attached to this order as Exhibit "A" as being the Stephens Ranch Wind Energy Reinvestment Zone under the Lynn County Guidelines and Criteria for Granting Tax Abatements in Reinvestment Zones, having determined that the improvements are feasible and would benefit the Zone after expiration of any tax abatement agreement, and that the designation will contribute to the retention or expansion of primary employment and will attract major investment in the zone that will benefit the zone and will contribute to the economic development of the County; and

That the County declares eligible for property tax abatement all eligible property now or hereafter located in the Stephens Ranch Wind Energy Reinvestment Zone as authorized by the Lynn County Guidelines and Criteria for Granting Tax Abatements in Reinvestment Zones and Chapter 312 of the Texas Tax Code.

Passed and approved at the regular meeting of the Lynn County Commissioner's Court, at which a quorum was present on the 2nd day of April, 2012

By: _____
H.G. Franklin, County Judge

ATTEST:

By: _____
Susan Tipton, County Clerk

**EXHIBIT A**

REINVESTMENT ZONE, BORLYNN WIND FARM
Lynn County, Texas

The Project may contain the following property located in Lynn County, Texas:

Section 99, Block 100 and Section 100, Block 4, D. & S.E. Survey Co., Lynn County, Texas;

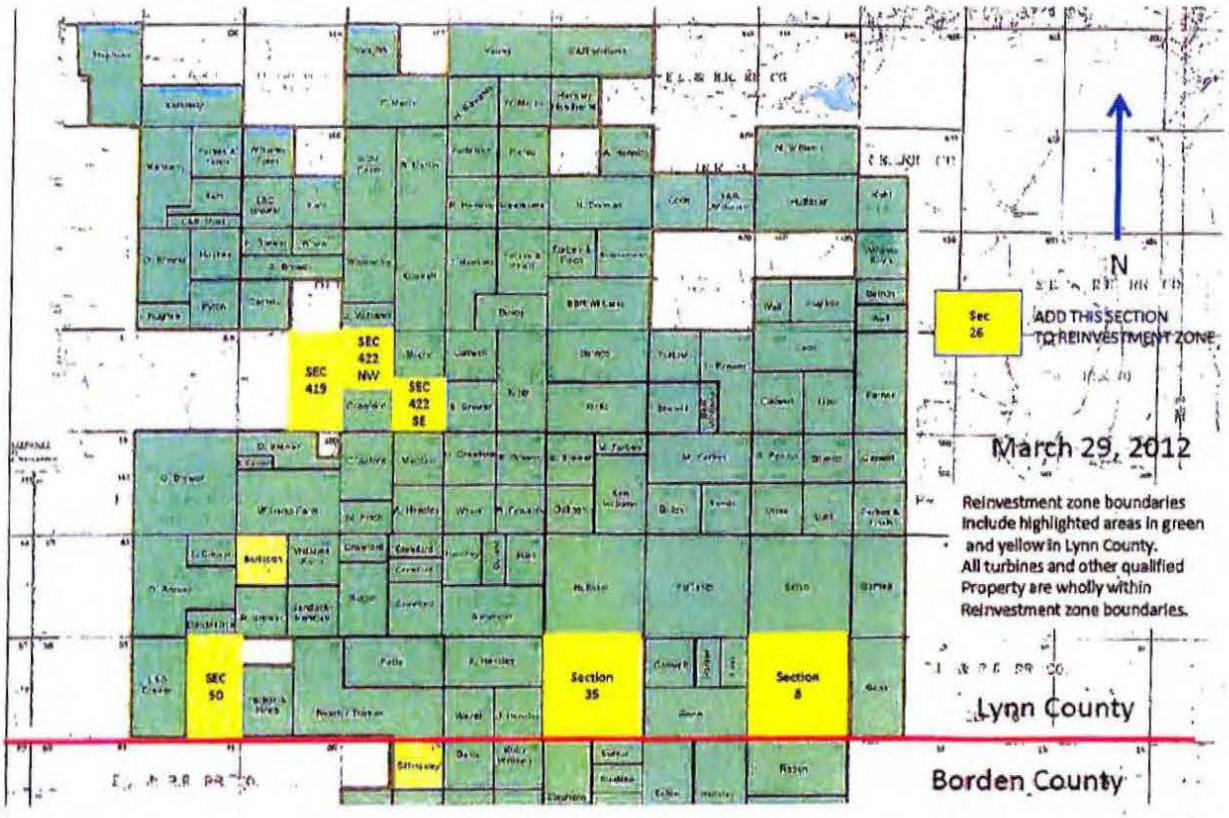
Section 102, Block 1 and Section 101, Block O, D. & W. R.R. Survey Co., Lynn County, Texas;

Section 405, 406, 407 and 408, Block 2 and Sections 801 and 802, Block 7, H.E. & W.T. Survey Co., Lynn County, Texas;

Section 433, Block 3 and Section 434, J.H. Gibson Survey Co., Lynn County, Texas;

Section 103, Block 1; Sections 437, 438, 439 and 440, Block 3; Section 29, Block 8; Sections 396, 409, 410, 417, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430 and 431, Block 9 and Sections 4, 5, 6, 7, 8 and 9, Block 10, E.L. & R.R. R.R. Survey Co., Lynn County, Texas; and

Sections 35, 36, 37, 38, 39, 40, 47, 48, 49 and 50 and Block 32 and Section 435 T.T. R.R. Survey Co., Lynn County, Texas.



**ATTACHMENT 23**

The legal description of the reinvestment zone is attached.

**EXHIBIT A**

REINVESTMENT ZONE, BORLYNN WIND FARM
Lynn County, Texas

The Project may contain the following property located in Lynn County, Texas:

Section 99, Block 100 and Section 100, Block 4, D. & S.E. Survey Co., Lynn County, Texas;

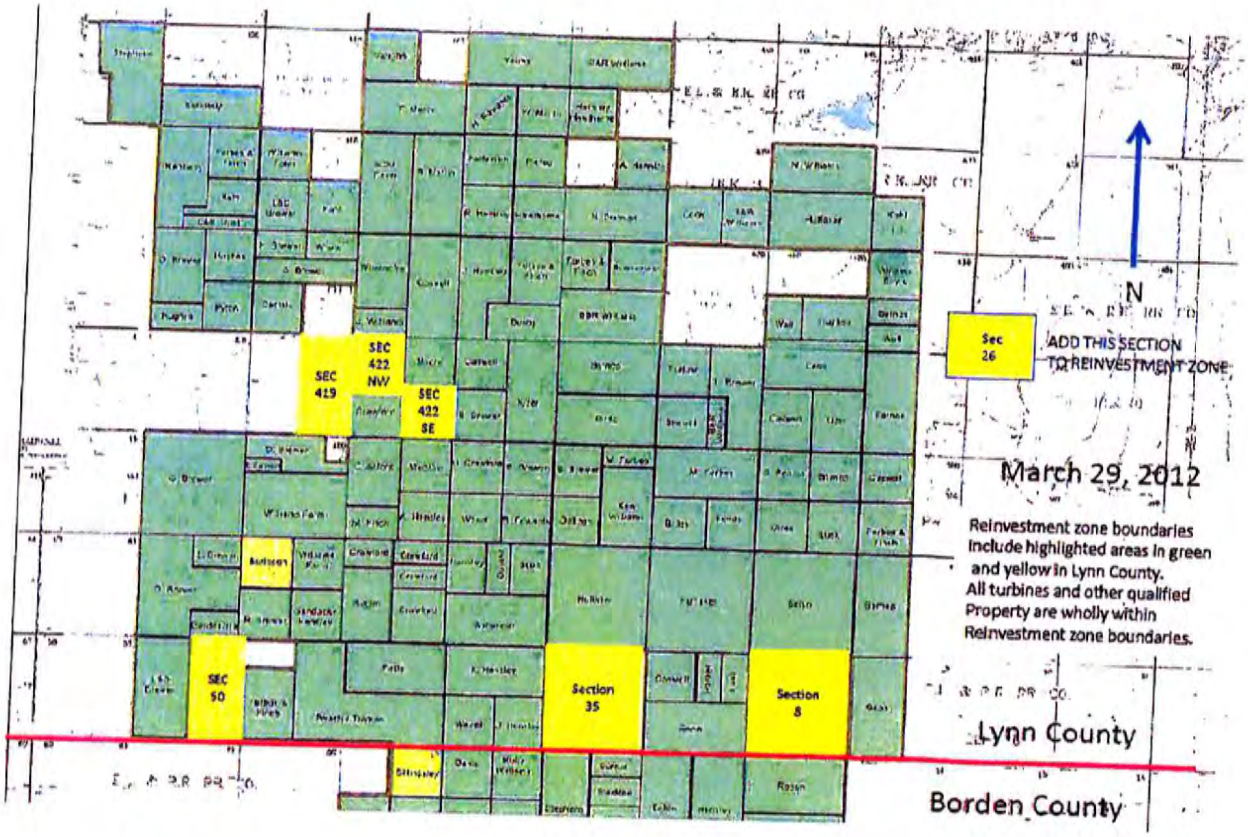
Section 102, Block 1 and Section 101, Block O, D. & W. R.R. Survey Co., Lynn County, Texas;

Section 405, 406, 407 and 408, Block 2 and Sections 801 and 802, Block 7, H.E. & W.T. Survey Co., Lynn County, Texas;

Section 433, Block 3 and Section 434, J.H. Gibson Survey Co., Lynn County, Texas;

Section 103, Block 1; Sections 437, 438, 439 and 440, Block 3; Section 29, Block 8; Sections 396, 409, 410, 417, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430 and 431, Block 9 and Sections 4, 5, 6, 7, 8 and 9, Block 10, E.L. & R.R. R.R. Survey Co., Lynn County, Texas; and

Sections 35, 36, 37, 38, 39, 40, 47, 48, 49 and 50 and Block 32 and Section 435 T.T. R.R. Survey Co., Lynn County, Texas.



**ATTACHMENT 24**

The guidelines and criteria for Lynn County are attached.

# GUIDELINES AND CRITERIA FOR GRANTING TAX ABATEMENTS IN REINVESTMENT ZONES

Lynn County, Texas

## I. PURPOSE

Lynn County, hereinafter referred to as "County" is committed to the promotion of quality development in all parts of the County and to improving the quality of life for its citizens. In order to help meet these goals, the County will consider recommending tax phase-in, which includes the designation of reinvestment zones, application for tax abatements and entering into tax abatement agreements, to stimulate growth and development.

It is the intent of the County that such incentives will be provided in accord with the procedures and criteria outlined in this document. However, nothing in these Guidelines and Criteria shall imply or suggest to be construed to imply or suggest that tax entities are under any obligation to provide any incentives to any applicant. All such applicants for tax phase-in incentives shall be considered on an individual basis for both the qualification for tax abatement and the amount of any tax abatement. The adoption of these guidelines and criteria shall not 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.

Only that increase in the fair market value of the property directly resultant from the development, redevelopment, and improvement specified in the contract 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 abatement contracts will be for a term no longer than allowed by law. Additionally, the Lynn County Commissioners Court reserves the right to negotiate a tax abatement agreement in order to compete favorably with other communities.

## II. DEFINITIONS

The attached Glossary is a list of words with their definitions that are found in this document, and the Glossary is incorporated herein by reference.

## III. GUIDELINES AND CRITERIA

In order to be eligible for designation as a reinvestment zone and receive tax abatement, the planned improvement as a minimum must meet the following:

(a) Be an authorized Facility. A facility may be eligible for abatement if it is a(n):

Aquaculture/Agriculture Facility,

Distribution Center Facility,
Manufacturing Facility,
Office Building,
Regional Entertainment/Tourism Facility,
Research Facility,
Regional Service Facility,
Historic Building in designated area,
Wind Energy Facility or
Other Basic Industry

(b) The project must be reasonably expected to have an increase in positive net economic benefit to Lynn County of at least $150,000.00 over the life of the abatement, computed to include (but not limited to) new sustaining payroll and for capital improvement.

In consideration of the request for designation as a reinvestment zone and to receive tax abatement, the following factors will also be considered:

(1) Jobs. The projected new jobs created including the number of jobs, the retention of existing jobs, the type of jobs, the average payroll, the total payroll and the number of local persons hired.

(2) Fiscal Impact. The amount of real and personal property value that will be added to the tax roll for both eligible and ineligible property, the amount of direct sales tax that will be generated, the infrastructure improvements by the County that will be required by the facility, the infrastructure improvements made by the facility, and the compatibility of the project.

(3) Community Impact.

The pollution, if any, as well as other negative environmental impacts affecting the health and safety of the community that will be created by the project:

The revitalization of a depressed area;

The business opportunities of existing local vendors;

The alternative development possibilities for proposed site;

The impact on other taxing entities, including the use of municipal or county infrastructure; and/or

Whether the improvement is expected to solely or primarily have the effect of transferring employment from one part of Lynn County to another.

## IV. ABATEMENT AUTHORIZED

(a) Authorized Date. A facility may be eligible for tax abatement if it has applied for such abatement prior to the commencement of construction; provided, that such facility meets the criteria granting tax abatement in reinvestment zones created in Lynn County pursuant to these Guidelines and Criteria for a period not to exceed ten years.

(b) Creation of New Value. Abatement may only be granted for the additional value of eligible property improvements made subsequent to the filing of an application for tax abatement and specified in the abatement agreement between the County and the property owner or lessee (and lessor if required pursuant to IV (E)), subject to such limitations as the Guidelines and Criteria may require.

(c) New and Existing Facilities. Abatement may be granted for new facilities and improvements to existing facilities for purposes of modernization or expansion. If the modernization project includes facility replacement, the abated value shall be the value of the new unit(s) less the value of the old unit(s).

(d) Eligible Property. Abatement may be extended to the value of the following: new, expanded, replaced or modernized buildings and structures, fixed machinery and equipment, site improvements plus that office space 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 abatement:

Land,
Animals,
Inventories,
Supplies,
Tools,
Furnishings and other forms of movable personal property,
Vehicles,
Vessels,
Aircraft,
Housing or residential property,
Fauna,

Flora,
Deferred Maintenance investments,
Property to be rented or leased except as provided in Part IV(f),
Any improvements including those to produce, store or distribute natural gas or fluids that are not integral to the operation of the facility,
Property owned or used by the State of Texas or its political subdivision or by any organization owned, operated or directed by a political subdivision of the State of Texas.

(f) Owned/Leased Facilities. If a leased facility is granted an abatement, the agreement shall be executed with the lessor and lessee.

(g) Value and Term of Abatement. Abatement shall be granted effective with the January 1 valuation date immediately following the date of execution of the agreement or the qualifying facility in service date or whichever is later. The value of new eligible properties shall be abated according to the approved agreement between applicant and the governing body. The governing body, in its sole discretion, shall determine the amount of any abatement. The table in the attached Exhibit "A", incorporated herein by referenced, shall be the maximum abatement available, the actual amount of abatement granted is in the sole discretion of the Lynn County Commissioner's Court, but shall not exceed said maximum.

The abatement may be extended through an initial agreement and a subsequent agreement as may be required to comply with state law regarding the term of the reinvestment zone.

(h) Taxability. From the execution of the abatement contract to the end of the agreement period, taxes shall be payable as follows:

(1) The value of ineligible property as provided in Part IV(e) shall be fully taxable.

(2) The base year value of existing eligible property as determined each year shall be fully taxable.

(3) The additional value of new eligible property shall be taxable in the manner described in Part IV(g).

## V. APPLICATION FOR TAX ABATEMENT

(a) Any present or potential owner, assignee or lessee of taxable property in Lynn County may request the creation of a reinvestment zone and tax abatement by filing written request either with the County or applicable taxing entity. The completed Application must be accompanied by the payment of a five hundred dollar ($500) non-refundable application fee for

administrative costs associated with the processing of the tax abatement request. All checks in payment of the administrative fee shall be made payable to Lynn County.

(b) The application shall consist of a completed application form accompanied by:

(1) a general description of the proposed use and the general nature and extent of the modernization, expansion or new improvements to be undertaken;

(2) a descriptive list of the improvements which will be part of the facility;

(3) a map and property description or a site plan;

(4) a time schedule for undertaking and completing the planned improvements;

(5) in the case of modernizing or replacing existing facilities in whole or in part, 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; and

(6) The application form may require such financial and other information as deemed appropriate for evaluating the financial capacity and other factors of the applicant.

(c) Upon receipt of a completed application, the taxing entity receiving such application shall notify in writing the presiding officer of the legislative body of each affected jurisdiction. Before acting upon the application, the jurisdiction receiving such application shall through public hearings afford the applicant and the designated representative of any affected jurisdiction the opportunity to show cause why the abatement should or should not be granted. Notice of the public hearing shall be clearly identified on an agenda of the legislative body of the jurisdiction receiving such application to be posted at least seven (7) days prior to the hearing.

(d) The jurisdiction receiving the application shall approve or disapprove the application for tax abatement within forty-five (45) days after receipt of the application. The presiding officer of the legislative body of the jurisdiction receiving such application shall notify the applicant of the approval or disapproval promptly thereafter.

(e) A request for reinvestment zone for the purpose of abatement shall not, except pursuant to subsection (e), be granted if the jurisdiction receiving the application finds that the request for the abatement was filed after the commencement of construction, alteration, or installation of improvements related to a proposed modernization expansion or new facility.

(f) Variance. Requests for variance from the provisions of subsections (a) through (e) of Part V may be made in written form to the presiding officer of the jurisdiction receiving the application. Such request shall include a complete description of the circumstances explaining why the a should be granted a variance. Approval of a request for varian a three-fourths (3/4) vote of the governing body of the affected as provided in State Statutes.

VI. PUBLIC HEARING

(a) Should any affected jurisdiction be able to show cause in the pu hearing why the granting of abatement will have a substantial a effect on its bonds, tax revenue, service incapacity or the provis service, that showing shall be reason for the jurisdiction receivi application to deny the granting of ad valorem tax abatement.

(b) Neither a reinvestment zone nor an abatement shall be authorize determined that:

(2) Percent of value to be abated each year as provided in Part IV(g) of these Guidelines and Criteria.

(3) The commencement date and the termination date of abatement.

(4) The proposed use of the facility, nature of construction, time schedule for undertaking and completing the planned improvements, map, property description and improvements list as provided in Part V of these Guidelines and Criteria.

(5) Contractual obligations in the event of default, violation of terms or conditions, delinquent taxes recapture, administration and assignment as provided herein and other provisions that may be required for uniformity or by state law.

(6) Amount of investment and/or average number of jobs involved for the period of abatement.

(7) Said contract shall meet all of the requirements of Texas Tax Code Sec. 312 et. seq.

(b) Such agreement shall be executed within thirty (30) days after the later of the date applicant has forwarded all necessary information to the jurisdiction receiving the application or the date of the approval of the application.

(c) Each affected jurisdiction shall make its own determination of abatement which shall not bind any other affected jurisdiction.

## VIII. RECAPTURE

(a) In the event that the facility is completed and begins producing product or service, but subsequently discontinues producing product or service for any reason excepting fire, explosion or other casualty or accident or natural disaster for a period of more than one (1) year during the abatement period, then the abatement agreement shall terminate and so shall the abatement of taxes for the calendar year during which the agreement is terminated. The taxes otherwise abated for that calendar year shall be paid to each affected jurisdiction within the County within sixty (60) days from the date of termination.

(b) Should the jurisdiction establishing a reinvestment zone and signing a tax abatement agreement determine that a company or individual is in default according to the terms and conditions of its agreement, the jurisdiction

shall notify the company or individual in writing at the address stated in the agreement, and if such is not cured within sixty (60) days from the date of such notice ("Cure Period"), then the agreement shall be terminated. Further, it will be a default under a tax abatement granted pursuant to these Guidelines and Criteria if the owner of the eligible property subject to the abatement is delinquent in paying any undisputed taxes to any taxing authority in Lynn County, Texas.

(c) In the event that the company or individual:

(1) Allows its ad valorem taxes owed the County or an affected jurisdiction to become delinquent and fails to timely and properly follow the legal procedures for their protest and/or contest; or

(2) Violates any of the terms and conditions of the abatement agreement and fails to cure same during the Cure Period;

The agreement shall be terminated and all taxes previously abated by virtue of the agreement will be recaptured and paid within sixty (60) days of the termination.

## IX. ADMINISTRATION

(a) The Chief Appraiser of the Lynn County Appraisal District shall 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 assessor with such information as may be necessary for abatement, including the number of new or retained employees associated with the facility. Once value has been established, the Chief Appraiser shall notify the affected jurisdictions which levy taxes on the amount of the assessment.

(b) The agreement shall stipulate that employees and/or designated representatives of the jurisdiction establishing the reinvestment zone and entering into a tax abatement agreement 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 a 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 the jurisdiction establishing the reinvestment zone and entering into a tax abatement agreement shall

annually evaluate each facility and report possible violations of the contract and/or agreement to each affected jurisdiction.

(d) All proprietary information acquired by an affected jurisdiction for purposes monitoring compliance with the terms and conditions of an abatement agreement shall be considered confidential.

X. ASSIGNMENT

(a) Abatement may be transferred and assigned by the holder to a new owner or lessee of the same facility upon the approval by resolution of each affected jurisdiction, subject to the financial capacity of the assignee and provided that all conditions and obligations in the abatement agreement are guaranteed by the execution of a new contractual agreement with each affected jurisdiction.

(b) The contractual agreement with the new owner or lessee shall not exceed the termination date of the abatement agreement with the original owner and/or lessee.

(c) No assignment or transfer shall be approved if the parties to the existing agreement, the new owner or new lessee are liable to any affected jurisdiction for outstanding taxes or other obligations.

(d) Approval shall not be unreasonably withheld.

XI. SUNSET PROVISION

(a) These Guidelines and Criteria are effective upon the date of the adoption and will remain in force for two (2) years, unless amended by three quarters vote of the Comissioners Court of Lynn County, Texas, at which time all reinvestment zones and tax abatement contracts created pursuant hereto will be reviewed by each affected jurisdiction to determine whether the goals have been achieved. Based on that review, these Guidelines and Criteria may be modified, renewed or eliminated, providing that such actions shall not affect existing contracts.

(b) These Guidelines and Criteria do not amend any existing Industrial District Contracts or agreements with the owners of real property in areas deserving of specific attention as agreed by the affected jurisdiction.

(c) Prior to the date for review, as defined above, these Guidelines and Criteria may be modified by a two-thirds (2/3) vote of the affected taxing authorities, as provided for under the laws of the State of Texas.

XII. SEVERABILITY AND LIMITATIONS

(a) In the event that any section, clause, sentence, paragraph or any part of these Guidelines and Criteria shall for any reason, be adjudged by any court of competent jurisdiction to be invalid, such invalidity shall not affect, impair, or invalidate the remainder of these Guidelines and Criteria.

(b) Property that is in a reinvestment zone that is owned or leased by the following cannot benefit from a tax abatement:

(1) A member of the governing body of a municipality or by a member of a planning board or commission of the municipality; or

(2) A member of the commissioner's court or a member of a planning board or commission of the County is excluded from property tax abatement.

(c) If these Guidelines and Criteria have omitted any mandatory requirements of the applicable tax abatement laws of the State of Texas, then such requirements are hereby incorporated as a part of this Guideline Statement.

GLOSSARY

(a) "Abatement" means the full or partial exemption from ad valorem taxes of certain real property in a reinvestment zone designated by the County or a city for economic development purposes.

(b) "Aquaculture/Agriculture Facility" means building, structures and major earth structure improvements, including fixed machinery and equipment, the primary purpose of which is of food and/or fiber products in commercially marketable quantities.

(c) "Affected Jurisdiction" means Lynn County and any municipality, or school district, the majority of which is located in Lynn County that levies ad valorem taxes upon and/or provides services to property located within the proposed or existing reinvestment zone designated by Lynn County or any municipality.

(d) "Agreement" means a contractual agreement between a property owner and/or lessee and the affected jurisdiction for the purpose of tax abatement.

(e) "Base year value" means the assessed value of eligible property on January 1 preceding the execution of the agreement plus the agreed upon value of eligible property improvements made after January 1 but before the filing of an application for tax abatement.

(f) "Deferred maintenance" means improvements necessary for continued operations which do not improve productivity or alter the process of technology.

(g) "Distribution Center Facility" means building and structures, including machinery and equipment, used or to be used primarily to receive, store, service or distribute goods or materials owned by the facility, from which a majority of revenue generated by activity at the facility are derived from outside of Lynn County.

(h) "Expansion" means the addition of buildings, structures, machinery or equipment for purposes of increasing production capacity.

(i) "Facility" means property improvements completed or in the process of construction which together comprise an integral whole.

(j) "Manufacturing Facility" means buildings and structures, including machinery and equipment, the primary purpose of which is or will be the manufacture of tangible goods or materials or the processing of such goods or materials by physical or chemical change.

(k) "Modernization" means the upgrading and or replacement of existing facilities which increases the productive input or output, updates the technology or substantially lowers the unit cost of the operation. Modernization may result from the construction, alteration or installation of buildings, structures, fixed machinery or equipment. It shall not be for the purpose of reconditioning, refurbishing or repairing.

(l) "New Facility" means improvements to real estate previously undeveloped which is placed into service by means other than or in conjunction with expansion or modernization.

(m) "New Jobs" means a newly created employment position on a full-time permanent basis. Two or more part-time permanent employees totaling an average of not less than 40 hours per week may be considered as one full-time permanent employee.

(n) "Office Building" means a new office building.

(o) "Other Basic Industry" means buildings and structures, including fixed machinery and equipment not elsewhere described, used or to be used for the production of products or services which serve a market primarily outside the County and results in the creation of new permanent jobs and new wealth in the County.

(p) "Regional Entertainment/Tourism Facility" means buildings and structures, including fixed machinery and equipment, used or to be used to provide entertainment and/or tourism related services, from which a majority of revenues generated by activity at the facility are derived from outside Lynn County.

(q) "Research Facility" means buildings and structures, including fixed machinery and equipment, used or to be used primarily for research or experimentation to improve or develop new tangible goods or materials or to improve or develop the production process thereto.

(r) "Regional Service Facility" means buildings and structures, including fixed machinery and equipment, used or to be used to provide a service from which a majority of revenues generated by activity at the facility are derived from outside Lynn County.

(s) "Wind Energy Facility" means buildings and structures, including but not limited to wind energy generating turbines, electric transmission lines, electric power substations, electrical gathering equipment, communications systems and roads, fixed machinery and equipment, used or to be used to provide electrical energy.

FILED
AT 10:00 A M O'CLOCK
AUG 10 2009
SUSAN TIPTON, COUNTY CLERK
Susan Tipton