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TEXAS BOARD OF LEGAL SPECIALIZATION

JUSTIN DEMERATH

August 2, 2013

Local Government Assistance & Economic Analysis
Texas Comptroller of Public Accounts
P.O. Box 13528
Austin, Texas 78711-3528

RE: Application to the Pecos Barstow Independent School District from West of the Pecos Solar, LLC

FIRST QUALIFYING YEAR 2014

To the Local Government Assistance & Economic Analysis Division:

By copy of this letter transmitting the application for review to the Comptroller's Office, the Pecos Barstow Independent School District is notifying the Applicant West of the Pecos Solar, LLC of its intent to consider West of the Pecos Solar, LLC's application for appraised value limitation on qualified property. The Applicant submitted the application to the school district on July 18, 2013. The Board voted at a properly posted Board meeting to accept the application on July 18, 2013. The application was determined complete by the school district on August 2, 2013. Please prepare the economic impact report.

The Applicant has included confidential materials with the application. The materials have been provided both in electronic and hard copy format. We have not attached the confidential materials to this email to avoid the unintended disclosure of these materials.

No construction has begun at the project site as of the date of the filing of the application and the District's determination that the application is complete. The Applicant is aware that the determination of a completed application by the Comptroller determines what property may be eligible for a value limitation agreement.

The applicant has requested that the District create the reinvestment zone for this project. The legal description and a final executed copy of the reinvestment zone order are attached.

Letter to Local Government Assistance & Economic Analysis Division

August 2, 2013

Page 2 of 2

The school district has determined that the wage information included in the application represents the most recent wage data available at the time of the application. The wage the Applicant has committed to paying on this project is above the required statutory minimums.

A paper copy of the application will be hand delivered to your office today. In accordance with 34 Tex. Admin Code §9.1054, a copy of the application will be submitted to the Pecos County Appraisal District.

Please feel free to contact me with questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kevin O'Hanlon', with a stylized flourish at the end.

Kevin O'Hanlon
School District Consultant

Cc: Chief Appraiser
Reeves County Appraisal District

West of the Pecos Solar, LLC

Clark Boyd, Pecos Barstow ISD



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

First Name

Last Name

Title

School District Name

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



SCHOOL DISTRICT INFORMATION - CERTIFICATION OF APPLICATION (CONTINUED)

Authorized School District Consultant (If Applicable)

Form fields for consultant information: First Name (Kevin), Last Name (O'Hanlon), Title (Attorney), Firm Name (O'Hanlon, McCollom & Demerath, PC), Street Address (808 West Avenue), Mailing Address (808 West Avenue), City (Austin), State (Tx), ZIP (78701), Phone Number (512-494-9949), Fax Number (512-494-9919), Mobile Number (Optional), E-mail Address (kohanlon@808west.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) and Date (7/18/13)

Has the district determined this application complete? [X] Yes [] No

If yes, date determined complete. ☆◆※◆▲▼✍✍✍✍✍

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

will supplement

SCHOOL DISTRICT CHECKLIST AND REQUESTED ATTACHMENTS

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



APPLICANT INFORMATION - CERTIFICATION OF APPLICATION

Authorized Business Representative (Applicant)

First Name		Last Name	
Title			
Organization			
Street Address			
Mailing Address			
City		State	ZIP
Phone Number		Fax Number	
Mobile Number (optional)		Business e-mail Address	

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	
Title			
Firm Name			
Street Address			
Mailing Address			
City		State	ZIP
Phone Number		Fax Number	
Business email Address			

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
	August 1, 2013

GIVEN under my hand and seal of office this 1st day of August, 2013

State of California, County of San Francisco
 Subscribed and sworn to before me this 1st
 Day of August, 2013, by
Christopher Jurczak
 proved to me on
 the basis of satisfactory evidence to be the
 person who appeared before me.

(Notary Seal)
 Notary Public, California



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)?

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)?

BUSINESS APPLICANT INFORMATION

Legal Name under which application is made

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

NAICS code

Is the applicant a party to any other Chapter 313 agreements?

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

APPLICANT BUSINESS STRUCTURE

Registered to do business in Texas with the Texas Secretary of State?

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

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)?

2. Is the applicant current on all tax payments due to the State of Texas?

3. Are all applicant members of the combined group current on all tax payments due to the State of Texas?

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.)



ELIGIBILITY UNDER TAX CODE CHAPTER 313.024

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

PROJECT DESCRIPTION

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

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

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, Construction Complete, Purchase Machinery & Equipment, Begin Hiring New Employees, Fully Operational

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

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



ECONOMIC INCENTIVES

Identify state programs the project will apply for:

State Source	Amount
_____	_____
_____	_____
_____	_____
Total	_____

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

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

THE PROPERTY

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

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

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: _____ (Name and percent of project) City: _____ (Name and percent of project)

Hospital District: _____ (Name and percent of project) Water District: _____ (Name and percent of project)

Other (describe): _____ (Name and percent of project) Other (describe): _____ (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.



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? _____

What is the amount of appraised value limitation for which you are applying? _____

What is your total estimated qualified investment? _____

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? _____

What is the anticipated date of the beginning of the qualifying time period? _____

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? _____

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. (Market Value) (Tax Year)

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

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

WAGE AND EMPLOYMENT INFORMATION

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

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

- [] First Quarter [] Second Quarter [] Third Quarter [] Fourth Quarter of (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?

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.

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

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). See ATTACHMENT 13 for evidence.

What is the maximum number of qualifying jobs meeting all criteria of §313.021(3) you are committing to create?

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). See ATTACHMENT 14 for Wage Calculation details.

110% of the county average weekly wage for all jobs (all industries) in the county is _____

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

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

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? _____

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? _____

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? _____

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.)

ECONOMIC IMPACT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



COMPANY CHECKLIST AND REQUESTED ATTACHMENTS

	Checklist	Page X of 16	Check Completed
1	Certification pages signed and dated by Authorized Business Representative (applicant)	4 of 16	
2	Proof of Payment of Application Fee (Attachment)	5 of 16	
3	For applicant members, documentation of Combined Group membership under Texas Tax Code 171.0001(7) (if Applicable) (Attachment)	5 of 16	
4	Detailed description of the project	6 of 16	
5	If project is located in more than one district, name other districts and list percentage in each district (Attachment)	7 of 16	
6	Description of Qualified Investment (Attachment)	8 of 16	
7	Map of qualified investment showing location of new buildings or new improvements with vicinity map.	8 of 16	
8	Description of Qualified Property (Attachment)	8 of 16	
9	Map of qualified property showing location of new buildings or new improvements with vicinity map	8 of 16	
10	Description of Land (Attachment)	9 of 16	
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.

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

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

Checklist Item #3: Documentation of Combined Group Membership

See following pages.



05 165
(9/09/21)
Tcode 13298

**TEXAS FRANCHISE TAX
EXTENSION AFFILIATE LIST**

Reporting entity taxpayer number: **1 7 4 3 2 4 5 0 5 4 6** Report year: **2 0 1 1** Reporting entity taxpayer name: **E.ON North America Holdings, LLC**

LEGAL NAME OF AFFILIATE	AFFILIATE'S TEXAS TAXPAYER NUMBER (if none, enter FEI number)	BLACKEN CIRCLE IF AFFILIATE DOES NOT HAVE HEXUS IN TEXAS
1. EC&R SERVICES, LLC	3 2 0 4 2 2 0 6 6 1 8	<input type="checkbox"/>
2. EC&R ASSET MANAGEMENT, LLC	3 2 0 3 3 6 2 0 9 0 0	<input type="checkbox"/>
3. EC&R O&M, LLC	3 2 0 3 0 3 5 4 8 4 2	<input type="checkbox"/>
4. EC&R ENERGY MARKETING, LLC	3 2 0 4 1 7 0 8 3 4 1	<input type="checkbox"/>
5. EC&R QSE, LLC	3 2 0 3 3 7 5 9 0 2 1	<input type="checkbox"/>
6. EC&R DEVELOPMENT, LLC	3 2 0 3 9 4 5 1 5 3 2	<input type="checkbox"/>
7. EC&R SHERMAN, LLC	3 2 0 3 7 1 3 2 8 1 1	<input type="checkbox"/>
8. EC&R PAPALOTE CREEK I, LLC	3 2 0 3 7 1 3 2 7 2 0	<input type="checkbox"/>
9. EC&R PAPALOTE CREEK II, LLC	3 2 0 3 7 1 3 2 6 6 2	<input type="checkbox"/>
10. FOREST CREEK INVESTCO INC.	1 7 1 0 9 9 2 4 7 2 4	<input checked="" type="checkbox"/>
11. MUNNSVILLE INVESTCO, LLC	3 0 0 5 4 3 4 7 1	<input checked="" type="checkbox"/>
12. MUNNSVILLE WF HOLDCO, LLC	2 6 1 9 5 2 0 7 7	<input checked="" type="checkbox"/>
13. MUNNSVILLE WIND FARM, LLC	2 6 1 9 5 2 0 7 7	<input checked="" type="checkbox"/>
14. EC&R PANTHER CREEK WF I&II HOLDCO, LLC	2 0 0 0 7 5 1 6 8	<input checked="" type="checkbox"/>
15. EC&R PANTHER CREEK WIND FARM I&II, LLC	3 2 0 3 3 8 2 6 2 4 2	<input type="checkbox"/>
16. PYRON WF HOLDCO, LLC	2 0 0 0 7 5 1 6 8	<input checked="" type="checkbox"/>
17. PYRON WIND FARM, LLC	3 2 0 3 3 8 2 6 0 9 3	<input type="checkbox"/>
18. INADALE WF HOLDCO, LLC	2 0 0 0 7 5 1 6 8	<input checked="" type="checkbox"/>
19. INADALE WIND FARM, LLC	3 2 0 3 3 8 2 6 0 6 9	<input type="checkbox"/>
20. EC&R INVESTCO MGMT, LLC	2 7 1 7 6 8 9 4 3	<input checked="" type="checkbox"/>
21. STONY CREEK WF HOLDCO, LLC	2 0 0 0 7 5 1 6 8	<input checked="" type="checkbox"/>

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

Texas Comptroller Official Use Only



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05-165
(9/09/2)
Tcode 13298

TEXAS FRANCHISE TAX EXTENSION AFFILIATE LIST

Reporting entity taxpayer number: **1 7 4 3 2 4 5 0 5 4 6**
 Report year: **2 0 1 1**
 Reporting entity taxpayer name: **E.ON North America Holdings, LLC**

LEGAL NAME OF AFFILIATE	AFFILIATE'S TEXAS TAXPAYER NUMBER (If none, enter FEI number)										BLACKEN CIRCLE IF AFFILIATE DOES NOT HAVE NEXUS IN TEXAS	
	2	0	0	0	7	5	1	6	8			
1. STONY CREEK WIND FARM, LLC	2	0	0	0	7	5	1	6	8			<input checked="" type="checkbox"/>
2. EC&R PANTHER CREEK WF III HOLDCO, LLC	3	2	0	3	7	4	3	1	6	4	3	<input checked="" type="checkbox"/>
3. EC&R PANTHER CREEK WIND FARM III, LLC	3	2	0	3	7	4	3	1	6	6	8	<input type="checkbox"/>
4. VENADO WIND FARM, LLC	3	2	0	3	8	4	0	5	9	0	1	<input type="checkbox"/>
5. SETTLERS TRAIL WIND FARM, LLC	2	7	2	3	0	1	2	4	5			<input checked="" type="checkbox"/>
6. PIONEER TRAIL WIND FARM, LLC	8	0	0	6	4	2	2	8	0			<input checked="" type="checkbox"/>
7. FLATLANDS WIND FARM, LLC	2	0	0	0	7	5	1	6	8			<input checked="" type="checkbox"/>
8. EC&R INVESTCO MGMT II, LLC	9	0	0	5	4	4	2	4	8			<input checked="" type="checkbox"/>
9. CORDOVA WIND FARM, LLC	2	0	0	0	7	5	1	6	8			<input checked="" type="checkbox"/>
10. MAGIC VALLEY WIND FARM I, LLC	3	2	0	4	2	8	4	5	6	4	7	<input type="checkbox"/>
11. EC&R NA SOLAR PV, LLC	3	2	0	4	3	7	1	6	9	8	7	<input checked="" type="checkbox"/>
12. EC&R FINCO 2008, LLC	3	2	0	3	3	2	4	3	7	5	2	<input checked="" type="checkbox"/>
13. NV POWER, L.P.	3	2	0	3	5	4	5	0	8	9	2	<input type="checkbox"/>
14. AIRTRICITY RENEWABLE GENERATION CENTE	3	2	0	3	5	3	8	4	4	9	7	<input type="checkbox"/>
15. RENEWABLE GENERATION HOLDINGS INC.	1	7	1	0	8	8	1	5	2	8	7	<input type="checkbox"/>
16. E.ON CLIMATE & RENEWABLES NORTH AMERIC	1	2	0	0	0	7	5	1	6	8	0	<input type="checkbox"/>
17.												<input type="checkbox"/>
18.												<input type="checkbox"/>
19.												<input type="checkbox"/>
20.												<input type="checkbox"/>
21.												<input type="checkbox"/>

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

Texas Comptroller Official Use Only



VE/DF	IM	++
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Checklist Item #4: Detailed Project Description

Ability to Relocate

E.ON Climate & Renewables (EC&R) is an international company that develops, constructs, and operates renewable energy projects. EC&R has a proven history of success across the United States with over 2,800 megawatts (MW) of operational wind and solar power plants. EC&R is actively developing projects of this type in other Texas counties and in other regions across the United States, Canada, and Europe, which gives EC&R the opportunity to maximize its return on capital investment. EC&R is currently developing alternative solar projects in California, Arizona, Nevada, New Mexico, North Carolina, Georgia, Louisiana, Illinois, Ohio, Pennsylvania, Maryland, New Jersey, Massachusetts, Rhode Island, Connecticut, and New York.

The tax incentives in Texas help make the State an attractive place to develop solar projects. The absence of these incentives would cause EC&R to focus its solar development efforts in different areas of the country. Securing this Chapter 313 Agreement with the ISD will help make the solar project more economically viable and competitive against other solar investment options throughout the U.S.

Project Description

The Applicant is developing the West of the Pecos Solar Farm (the “Project”). The Project will consist of a solar photovoltaic facility designed to use solar power to generate electricity. The anticipated generation capacity of the Project is 100MW. The qualified investment may include solar modules, mounting system, electrical collection system, combiner boxes, inverters, project substation, meteorological equipment, operations and maintenance facility, transmission facilities, and other ancillary equipment necessary to safely generate and transmit energy. All of the property for which the Applicant is seeking a limitation of appraised value will be owned by the Applicant.

The Applicant anticipates commencing construction activities in the first quarter of 2015 and completing construction by the end of 2015. Once complete, the Project may operate for thirty or more years.

The Project will be located entirely within Reeves County and the Pecos-Barstow-Toyah Independent School District. It may utilize approximately 1500 acres of the land within the Reinvestment Zone. The project design is not finalized at this time thus the exact location of the improvements cannot be specified. The land used for the Project will be under long-term leases and may include a mixture of private and public land. The current land use within the Reinvestment Zone consists of ranching and oil and gas production.

Checklist Item #5: School District

West of the Pecos Solar, LLC is located 100% in the Pecos-Barstow-Toyah ISD in Reeves County, Texas.

Checklist Item #6: Description of Qualified Investment

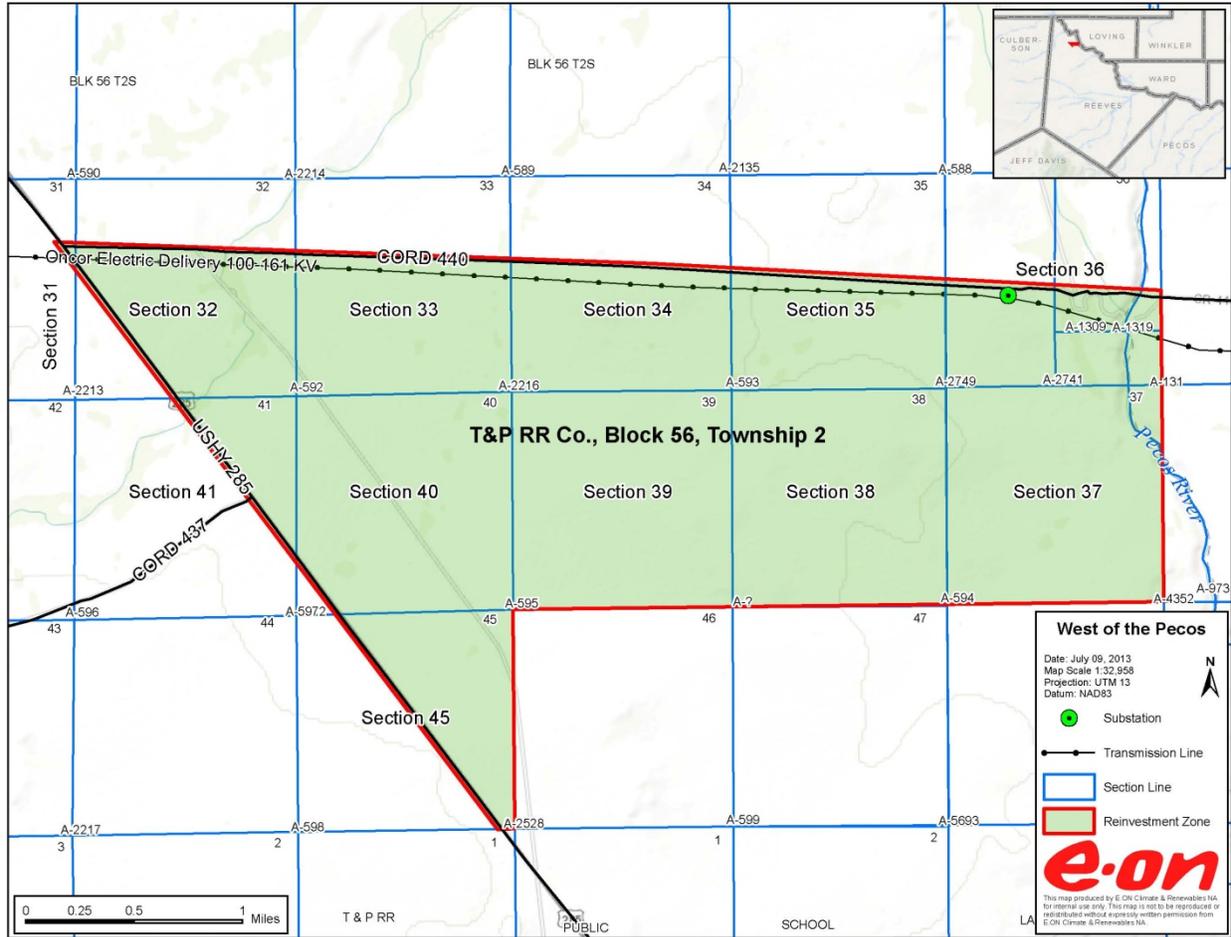
West of the Pecos Solar, LLC anticipates constructing a solar photovoltaic (PV) electric generating facility with an operating capacity of approximately 100MW. The exact capacity and the specific technology components will be determined during the development and design process.

A 100MW solar PV generating facility may include a qualified investment consisting of the following improvements:

- 1) Solar modules/panels
- 2) Steel/aluminum/other metal mounting system with tracking capabilities
- 3) Underground conduit, communication cables, and electrical collection system wiring
- 4) Multiple combiner boxes
- 5) One or multiple project substation(s) including breakers, a transformer, and meters
- 6) Collection substation will be connected to utility interconnection by an above ground transmission line
- 7) Inverter boxes on concrete or gravel pads
- 8) Operations and maintenance facility
- 9) Fencing for safety and security
- 10) Telephone system
- 11) New or improved access and service roads
- 12) Meteorological equipment to measure solar irradiation and weather conditions

Checklist Item #7: Map of Qualified Investment

The project design is not finalized at this time thus the exact location of the improvements cannot be specified. All qualified investment will be located within the Reinvestment Zone (shown below).



Checklist Item #8: Description of Qualified Property

West of the Pecos Solar, LLC anticipates constructing a solar photovoltaic (PV) electric generating facility with an operating capacity of approximately 100MW. The exact capacity and the specific technology components will be determined during the development and design process.

A 100MW solar PV generating facility may include a qualified investment consisting of the following improvements:

- 1) Solar modules/panels
- 2) Steel/aluminum/other metal mounting system with tracking capabilities
- 3) Underground conduit, communication cables, and electrical collection system wiring
- 4) Multiple combiner boxes
- 5) One or multiple project substation(s) including breakers, a transformer, and meters
- 6) Collection substation will be connected to utility interconnection by an above ground transmission line
- 7) Inverter boxes on concrete or gravel pads
- 8) Operations and maintenance facility
- 9) Fencing for safety and security
- 10) Telephone system
- 11) New or improved access and service roads
- 12) Meteorological equipment to measure solar irradiation and weather conditions

Checklist Item #9: Map of Qualified Property

The project design is not finalized at this time thus the exact location of the improvements cannot be specified. All qualified investment will be located within the Reinvestment Zone.

The design and layout are entirely preliminary. Certain business negotiations and design parameters are outstanding at this time therefore the images should be kept strictly CONFIDENTIAL.

Checklist Item #10: Description of Land

At this time the exact project boundary of the solar project has not been finalized and we are not able to specify the exact land footprint. Below is a description of the full Reinvestment Zone.

In Reeves County, Texas, T&P RR Co. Survey, Block 56, Township 2:

All of that part of Section 31 (Abstract 591) lying east of the eastern ROW of US Highway 285 and south of the southern ROW of County Road 440

All of that part of Section 32 (Abstract 2213) lying south of the southern ROW of County Road 440

All of that part of Section 33 (Abstract 592) lying south of the southern ROW of County Road 440

All of that part of Section 34 (Abstract 2216) lying south of the southern ROW of County Road 440

All of that part of Section 35 (Abstract 593) lying south of the southern ROW of County Road 440

All of that part of Section 36 (Abstracts 2749, 1309, 1319, 2741(all), 131(all)) lying south of the southern ROW of County Road 440

All of Section 37 (Abstract 594)

All of Section 38 (abstract unknown)

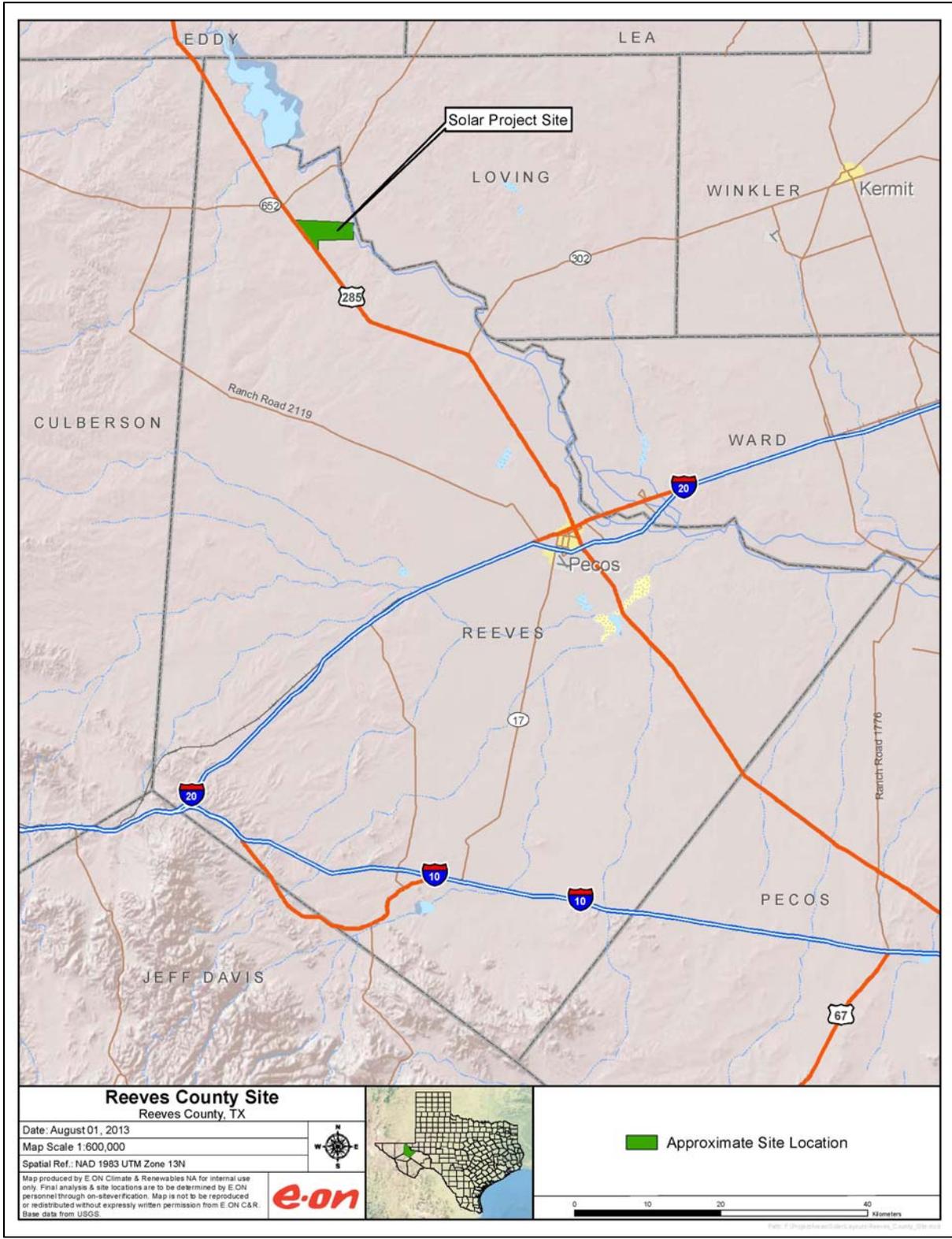
All of Section 39 (Abstract 595)

All of that part of Section 40 (Abstract 5972) lying east of the eastern ROW of US Highway 285 (Abstract 5972)

All of that part of Section 41 (Abstract 596) lying east of the eastern ROW of US Highway 285

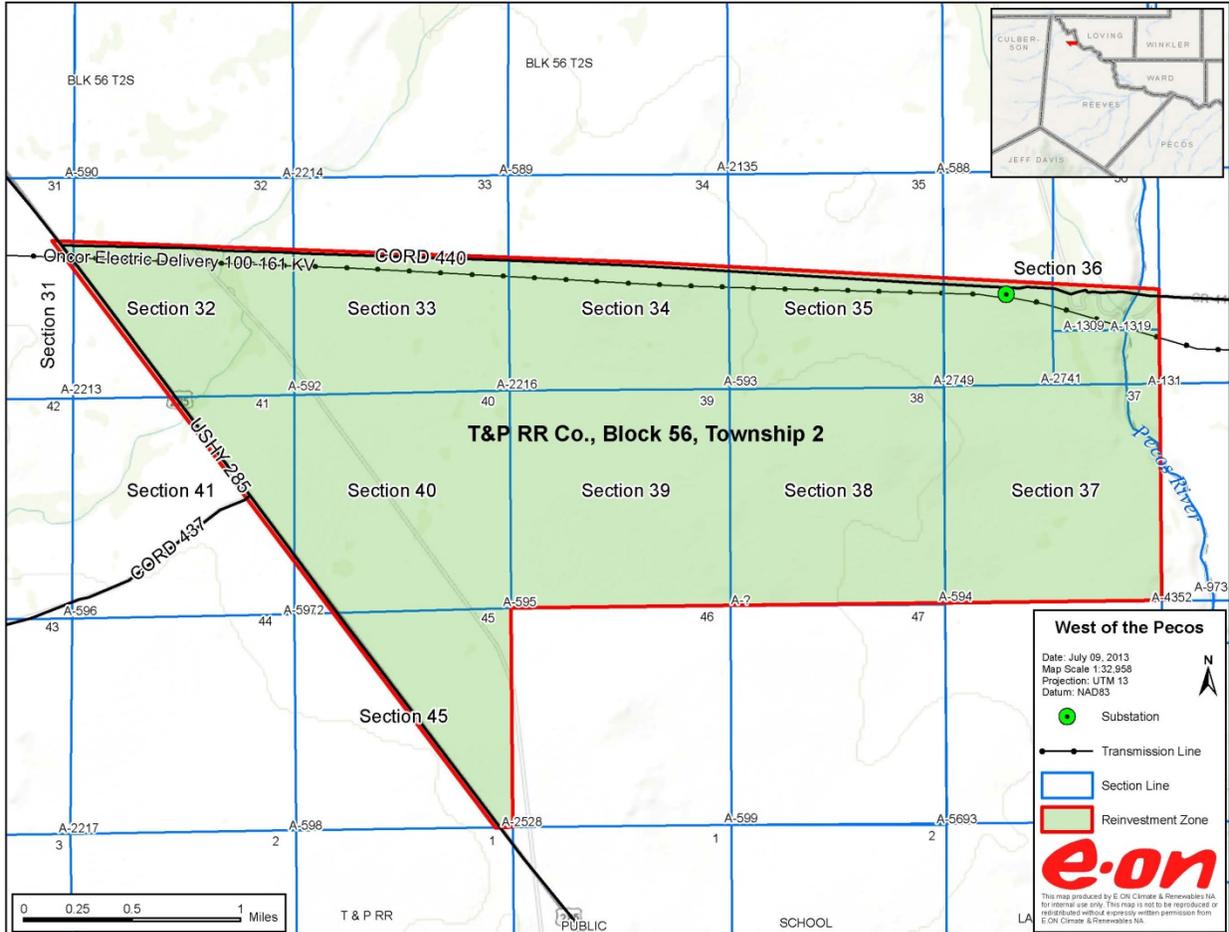
All of that part of Section 45 (Abstract 598) lying east of the eastern ROW of US Highway 285

Checklist Item #11: Map of Location of Land and Vicinity



Checklist Item #13: Description of Land - Continued

At this time the exact project boundary of the solar project has not been finalized and we are not able to specify the exact land footprint. Below is a map of the full Reinvestment Zone.



Checklist Item #12: A description of all existing improvements

There are no existing improvements.

Checklist Item #13: Request for Waiver of Job Creation Requirement



July 17, 2013

Mr. Clarke Boyd
Superintendent
Pecos-Barstow-Toyah ISD
1302 S. Park Street
Pecos, TX 79772

West of the Pecos Solar, LLC

701 Brazos Street
Suite 1400
Austin, TX 78701
www.eon.com/renewables

Spivey Paup
(512) 482-4072
Spivey.Paup@eon.com

Re: West of the Pecos Solar, LLC Chapter 313 Job Waiver Request

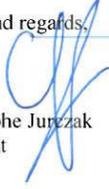
Dear Mr. Boyd,

West of the Pecos Solar, LLC respectfully requests that the Pecos-Barstow-Toyah Independent School District's Board of Trustees waive the job requirement provision as allowed in Section 3 13.025(f-1) of the tax code. This waiver would be based on the school district's findings that the jobs creation requirement exceeds the industry standard for the number of employees reasonably necessary for the operation of the facility of the property owner that is described in the application. West of the Pecos Solar, LLC requests that the Pecos-Barstow-Toyah Independent School District makes such a finding and waive the job creation requirement for ten (10) permanent jobs.

E.ON Climate & Renewables currently operates ten (10) solar photovoltaic power plants worldwide. Based on this extensive operational experience and our knowledge of solar industry standards, West of the Pecos, LLC expects to create two (2) total permanent jobs for the project, both of which will be in the Pecos-Barstow-Toyah ISD.

Solar projects create a large number of temporary jobs during the construction phase of the project but they require a relatively small number of highly skilled technicians to operate and maintain the project after commercial operation commences. The permanent employees of a solar project maintain and service the solar panels, mounting infrastructure, underground electrical connections, substations and other infrastructure associated with the safe and reliable operation of the project. In addition to the onsite employees, there may be managers or technicians who support the project from offsite locations.

With kind regards,


Christophe Jurczak
President

Checklist Item #14: Calculation of Wage Requirements

2011 Manufacturing Wages by Council by Government Region - Wages for all Occupations

Council of Government	Hourly Wages	Annual Wages	Weekly Wages
Permian Basin Regional Planning Commission	\$21.93	\$45,624.00	\$45,624.00
		<u>x 110%</u>	<u>÷ 52</u>
		= \$50,186.40	= \$877.38
			<u>x 110%</u>
			= \$965.12

Texas Workforce Commission - Quarterly Employment and Wages (QCEW)

Total, All Industries

County	Year	Quarter	Average Weekly Wages	Annualized
Reeves	2015	First	\$638.00	\$34,254.00
Reeves	2012	Second	\$639.00	\$33,228.00
Reeves	2012	Third	\$627.00	\$32,604.00
Reeves	2012	Fourth	\$727.00	\$37,804.00
Average			\$652.25	\$32,513.00
110% x Average			\$717.48	\$37,308.70

Manufacturing (31-33)

County	Year	Quarter	Average Weekly Wages	Annualized
Reeves	2015	First	\$309.00	\$16,068.00
Reeves	2012	Second	\$297.00	\$15,444.00
Reeves	2012	Third	\$270.00	\$14,040.00
Reeves	2012	Fourth	\$322.00	\$16,744.00
Average			\$299.50	\$15,574.00
110% x Average			\$329.45	\$17,131.40

Quarterly Employment and Wages (QCEW)

[Help with Download](#)

ICODETITLE

Page 1 of 1 (40 results/page)

Year	Period	Area	Ownership	Division	Level	Ind Code	Industry	Avg Weekly Wages
2012	1st Qtr	Reeves County	Private	00	0	10	Total, All Industries	\$844
2012	2nd Qtr	Reeves County	Private	00	0	10	Total, All Industries	\$839
2012	3rd Qtr	Reeves County	Private	00	0	10	Total, All Industries	\$827
2012	4th Qtr	Reeves County	Private	00	0	10	Total, All Industries	\$727
2013	1st Qtr	Reeves County	Private	00	0	10	Total, All Industries	\$816
2013	1st Qtr	Reeves County	Private	31	2	31-33	Manufacturing	\$309
2012	4th Qtr	Reeves County	Private	31	2	31-33	Manufacturing	\$322
2012	3rd Qtr	Reeves County	Private	31	2	31-33	Manufacturing	\$270
2012	2nd Qtr	Reeves County	Private	31	2	31-33	Manufacturing	\$297
2012	1st Qtr	Reeves County	Private	31	2	31-33	Manufacturing	\$331

**2012 Manufacturing Wages by Council of Government Region
Wages for All Occupations**

COG	Wages	
	Hourly	Annual
Texas	\$23.56	\$48,996
<u>1. Panhandle Regional Planning Commission</u>	\$20.12	\$41,850
<u>2. South Plains Association of Governments</u>	\$16.18	\$33,662
<u>3. NORTEX Regional Planning Commission</u>	\$17.83	\$37,076
<u>4. North Central Texas Council of Governments</u>	\$24.68	\$51,333
<u>5. Ark-Tex Council of Governments</u>	\$16.84	\$35,032
<u>6. East Texas Council of Governments</u>	\$19.61	\$40,797
<u>7. West Central Texas Council of Governments</u>	\$18.24	\$37,941
<u>8. Rio Grande Council of Governments</u>	\$16.17	\$33,631
<u>9. Permian Basin Regional Planning Commission</u>	\$21.93	\$45,624
<u>10. Concho Valley Council of Governments</u>	\$16.33	\$33,956
<u>11. Heart of Texas Council of Governments</u>	\$19.07	\$39,670
<u>12. Capital Area Council of Governments</u>	\$26.03	\$54,146
<u>13. Brazos Valley Council of Governments</u>	\$16.55	\$34,424
<u>14. Deep East Texas Council of Governments</u>	\$16.20	\$33,698
<u>15. South East Texas Regional Planning Commission</u>	\$29.38	\$61,118
<u>16. Houston-Galveston Area Council</u>	\$26.59	\$55,317
<u>17. Golden Crescent Regional Planning Commission</u>	\$21.03	\$43,742
<u>18. Alamo Area Council of Governments</u>	\$18.40	\$38,280
<u>19. South Texas Development Council</u>	\$13.54	\$28,170
<u>20. Coastal Bend Council of Governments</u>	\$22.97	\$47,786
<u>21. Lower Rio Grande Valley Development Council</u>	\$16.33	\$33,961
<u>22. Texoma Council of Governments</u>	\$22.57	\$46,949
<u>23. Central Texas Council of Governments</u>	\$17.16	\$35,689
<u>24. Middle Rio Grande Development Council</u>	\$18.93	\$39,380

Source: Texas Occupational Employment and Wages

Data published: July 2013

Data published annually, next update will be July 31, 2014

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.

Checklist Item #15: Description of Benefits

The following list is a description of the benefits provided to all full-time employees with E.ON Climate & Renewables, NA Solar PV, LLC:

- Medical, Dental, Vision, and Prescription insurance
- Life and Personal Accident insurance
- Short and Long-Term Disability insurance
- Health Care Flexible Spending Account plan
- Dependent Care Flexible Spending Account plan
- 401(k) plan
- Tuition reimbursement
- Instructor-led and online training programs
- Employee Assistance program
- Adoption Assistance program
- Commuter Benefits program
- ‘Making Friends’ international exchange program for children of employees
- Purchasing advantages through Insperity’s MarketPlace
- 15-25 paid vacation days per year
- 12 paid holidays per year
- Paid family and medical leave
- Paid military leave

Checklist Item #16: Economic Impact

West of the Pecos Solar, LLC will not be including an Economic Impact Report.

Checklist Item #17: Schedule A (Rev. May 2010): Investment

Form 50-296

West of the Pecos Solar, LLC
Pecos-Bartlow-Toyah ISD

Applicant Name
ISD Name

PROPERTY INVESTMENT AMOUNTS

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

	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 of during this year	Column B: Building or permanent nonremovable component of building (annual amount only)	Column C: Sum of A and B Qualifying investment (during the qualifying time period)	Column D: Other investment that is not qualified investment but investment affecting economic impact and total value	Column E: Total Investment (A+B+D)
The year preceding the first complete tax year of the qualifying time period (assuming no deferrals)	Investment made before filing complete application with district (neither qualified property nor eligible to become qualified investment)						
	Investment made after filing complete application with district, but before final board approval of application (eligible to become qualified property)	2013					
Tax Credit Period (with 50% cap on credit)	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)	2013-2014					
	Complete tax years of qualifying time period						
		1	2014	\$0.00	\$0.00	\$0.00	\$0.00
		2	2015	\$140,000,000.00	\$0.00	\$140,000,000.00	\$140,000,000.00
		3	2016				
		4	2017				
		5	2018				
		6	2019				
		7	2020				
		8	2021				
		9	2022				
		10	2023				
		11	2024				
		12	2025				
		13	2026				
Credit Settle-Up Period	Continue to Maintain Viable Presence	2027					
	Post- Settle-Up Period	2028					
	Post- Settle-Up Period	2029					

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.

Column B: 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.

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).

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

8-1-2013

SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE

DATE

Checklist Item #18: Schedule B (Rev. May 2010): Estimated Market And Taxable Value

Applicant Name
ISD Name
West of the Pecos Solar, LLC
Pecos-Barstow-Toyah ISD

Form 50-296

Applicant Name ISD Name	Year	School Year (YYYY-YYYY)	Tax Year (Fill in actual tax year) YYYY	Qualified Property			Reductions from Market Value	Estimated Taxable Value	Final taxable value for M&O--after all reductions
				Estimated 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			
	pre- year 1	2013-2014	2013	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Complete tax years of qualifying time period	1	2014-2015	2014	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	2	2015-2016	2015	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	3	2016-2017	2016	\$0.00	\$140,000,000.00	\$0.00	\$0.00	\$140,000,000.00	\$20,000,000.00
	4	2017-2018	2017	\$0.00	\$119,000,000.00	\$0.00	\$0.00	\$119,000,000.00	\$20,000,000.00
	5	2018-2019	2018	\$0.00	\$101,150,000.00	\$0.00	\$0.00	\$101,150,000.00	\$20,000,000.00
Tax Credit Period (with 50% cap on credit)	6	2019-2020	2019	\$0.00	\$85,977,500.00	\$0.00	\$0.00	\$85,977,500.00	\$20,000,000.00
	7	2020-2021	2020	\$0.00	\$73,080,875.00	\$0.00	\$0.00	\$73,080,875.00	\$20,000,000.00
	8	2021-2022	2021	\$0.00	\$62,118,743.75	\$0.00	\$0.00	\$62,118,743.75	\$20,000,000.00
	9	2022-2023	2022	\$0.00	\$52,800,932.19	\$0.00	\$0.00	\$52,800,932.19	\$20,000,000.00
	10	2023-2024	2023	\$0.00	\$44,880,792.36	\$0.00	\$0.00	\$44,880,792.36	\$20,000,000.00
Credit Settle-Up Period	11	2024-2025	2024	\$0.00	\$38,148,673.51	\$0.00	\$0.00	\$38,148,673.51	\$38,148,673.51
	12	2025-2026	2025	\$0.00	\$28,000,000.00	\$0.00	\$0.00	\$28,000,000.00	\$28,000,000.00
	13	2026-2027	2026	\$0.00	\$28,000,000.00	\$0.00	\$0.00	\$28,000,000.00	\$28,000,000.00
Post- Settle-Up Period	14	2027-2028	2027	\$0.00	\$28,000,000.00	\$0.00	\$0.00	\$28,000,000.00	\$28,000,000.00
	15	2028-2029	2028	\$0.00	\$28,000,000.00	\$0.00	\$0.00	\$28,000,000.00	\$28,000,000.00

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

DATE

8-1-2013

Checklist Item #19: Schedule C- Application: Employment Information

Form 50-296

Applicant Name
ISD Name

West of the Pecos Solar, LLC
Pecos-Barstow-Toyah ISD

	Year	School Year (YYYY-YYYY)	Tax Year (Fill in actual tax year) YYYY	Construction		New Jobs		Qualifying Jobs	
				Column A: Number of Construction FTE's or man- hours (specify)	Column B: Average annual wage rates for construction workers	Column C: Number of new jobs applicant create (cumulative)	Column D: Average annual wage rate for all new jobs.	Column E: Number of qualifying jobs applicant meeting all criteria of Sec. 313.021(3) (cumulative)	Column F: Average annual wage of qualifying jobs
	pre-year 1	2013-2014	2013	0	\$0.00	0	\$0.00	0	\$0.00
	1	2014-2015	2014	0	\$0.00	0	\$0.00	0	\$0.00
	2	2015-2016	2015	200-300 FTEs	\$50,186.40	2	\$50,186.40	2	\$50,186.40
	3	2016-2017	2016	0	\$0.00	2	\$50,186.40	2	\$50,186.40
	4	2017-2018	2017	0	\$0.00	2	\$50,186.40	2	\$50,186.40
	5	2018-2019	2018	0	\$0.00	2	\$50,186.40	2	\$50,186.40
	6	2019-2020	2019	0	\$0.00	2	\$50,186.40	2	\$50,186.40
	7	2020-2021	2020	0	\$0.00	2	\$50,186.40	2	\$50,186.40
	8	2021-2022	2021	0	\$0.00	2	\$50,186.40	2	\$50,186.40
	9	2022-2023	2022	0	\$0.00	2	\$50,186.40	2	\$50,186.40
	10	2023-2024	2023	0	\$0.00	2	\$50,186.40	2	\$50,186.40
	11	2024-2025	2024	0	\$0.00	2	\$50,186.40	2	\$50,186.40
	12	2025-2026	2025	0	\$0.00	2	\$50,186.40	2	\$50,186.40
	13	2026-2027	2026	0	\$0.00	2	\$50,186.40	2	\$50,186.40
	14	2027-2028	2027	0	\$0.00	2	\$50,186.40	2	\$50,186.40
	15	2028-2029	2028	0	\$0.00	2	\$50,186.40	2	\$50,186.40
Tax Credit Period (with 50% cap on credit)									
Credit Settle-Up Period									
Post- Settle-Up Period									
Post- Settle-Up Period									

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

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

SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE

DATE

8-2-2018

Checklist Item #20: Schedule D (Rev. May 2010): Other Tax Information

Applicant Name

West of the Pecos Solar, LLC

ISD Name

Pecos-Barstow-Toyah ISD Form 50-296

		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		
The year preceding the first complete tax year of the		2013-2014	2013								
	1	2014-2015	2014	\$0.00	\$0.00	\$0.00	0%	N/A	0%	N/A	
	2	2015-2016	2015	\$3,000,000.00	\$0.00	\$0.00	0%	N/A	0%	N/A	
	3	2016-2017	2016	\$0.00	\$0.00	\$0.00	40%	N/A	40%	N/A	
	4	2017-2018	2017	\$0.00	\$0.00	\$0.00	40%	N/A	40%	N/A	
	5	2018-2019	2018	\$0.00	\$0.00	\$0.00	40%	N/A	40%	N/A	
	6	2019-2020	2019	\$0.00	\$0.00	\$0.00	40%	N/A	40%	N/A	
	7	2020-2021	2020	\$0.00	\$0.00	\$0.00	40%	N/A	40%	N/A	
	8	2021-2022	2021	\$0.00	\$0.00	\$0.00	40%	N/A	40%	N/A	
	9	2022-2023	2022	\$0.00	\$0.00	\$14,732.00	40%	N/A	0%	N/A	
	10	2023-2024	2023	\$0.00	\$0.00	\$14,598.00	40%	N/A	0%	N/A	
	11	2024-2025	2024	\$0.00	\$0.00	\$14,463.00	40%	N/A	0%	N/A	
	12	2025-2026	2025	\$0.00	\$0.00	\$14,326.00	40%	N/A	0%	N/A	
	13	2026-2027	2026	\$0.00	\$0.00	\$13,915.00	0%	N/A	0%	N/A	
	14	2027-2028	2027	\$0.00	\$0.00	\$6,758.00	0%	N/A	0%	N/A	
	15	2028-2029	2028	\$0.00	\$0.00	\$14,778.00	0%	N/A	0%	N/A	

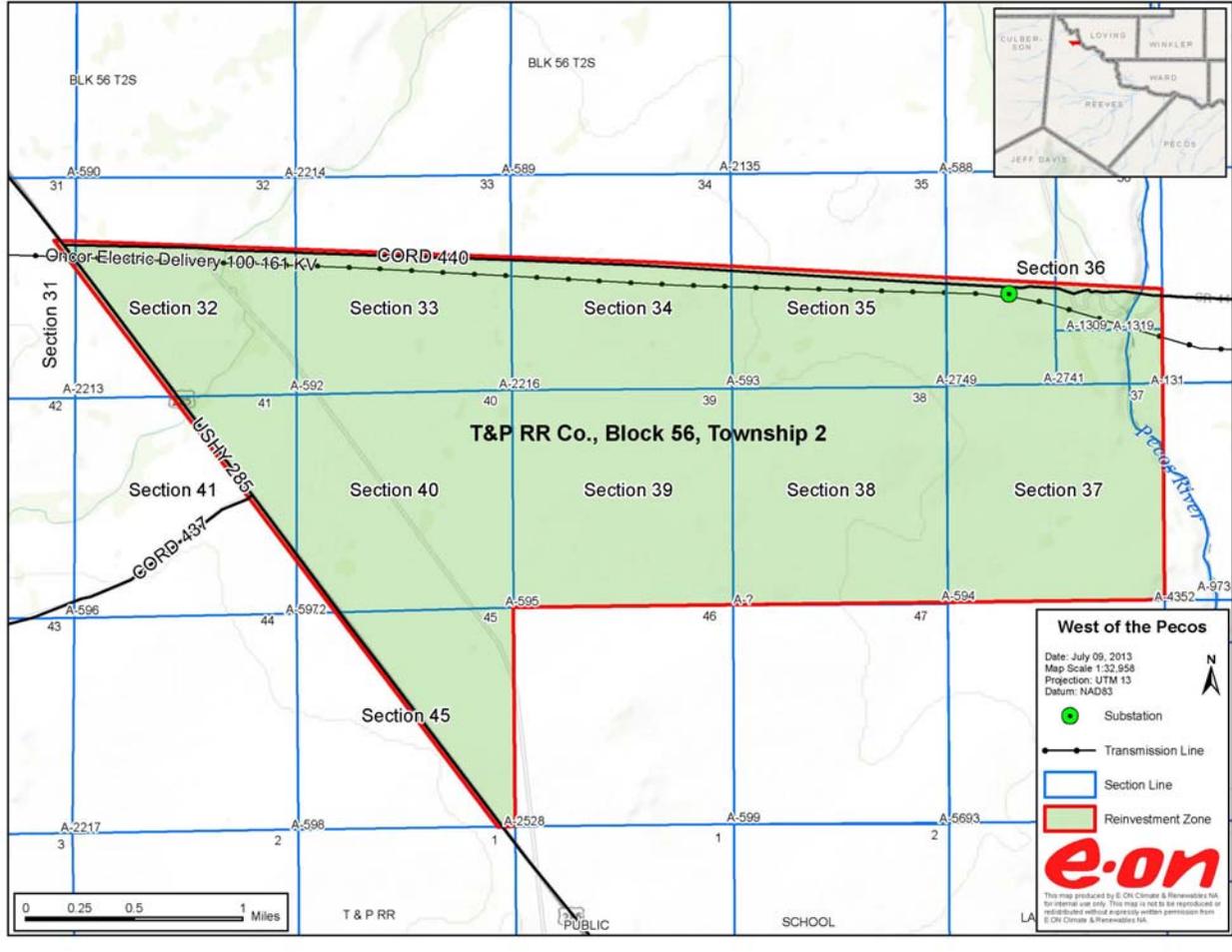
*For planning, construction and operation of the facility.

SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE

8-1-2013

DATE

Checklist Item #21: Map of the Reinvestment Zone



Checklist Item #22: Resolution Establishing the Reinvestment Zone

See following pages.

**RESOLUTION OF THE
PECOS-BARSTOW-TOYAH INDEPENDENT SCHOOL DISTRICT
BOARD OF TRUSTEES**

A RESOLUTION DESIGNATING A CERTAIN AREA AS A REINVESTMENT ZONE FOR TEXAS TAX CODE CHAPTER 313 APPRAISED VALUE LIMITATION IN THE PECOS-BARSTOW-TOYAH INDEPENDENT SCHOOL DISTRICT, IN PORTIONS OF REEVES COUNTY, TEXAS, TO BE KNOWN AS THE “WEST OF THE PECOS” REINVESTMENT ZONE; ESTABLISHING THE BOUNDARIES THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of Trustees of the Pecos-Barstow-Toyah Independent School District desires to promote the development or redevelopment of a certain contiguous geographic area within its jurisdiction by the creation of a reinvestment zone as authorized by the Property Redevelopment and Tax Abatement Act, as amended (V.T.C.A. Texas Tax Code § 312.0025), for the purpose of authorizing an Agreement for Limitation on Appraised Value of Property for School District Maintenance and Operations Taxes, as authorized by Chapter 313 of the Texas Tax Code; and,

WHEREAS, the Pecos-Barstow-Toyah Independent School District (the “District”) desires to encourage the development of primary employment and to attract major investment in the District that would be a benefit to property in a reinvestment zone created by the District and to the school district and contribute to the economic development of the region in which the school district is located; and,

WHEREAS, on January 18, 2013, a hearing before the Board of Trustees of the District was held, such date being at least seven (7) days after the date of publication of the notice of such public hearing, and the delivery of written notice to the respective presiding officers of each taxing entity which includes within its boundaries real property that is to be included in the proposed reinvestment zone; and,

WHEREAS, the Board of Trustees of the District at such public hearing invited any interested person to appear and speak for or against the creation of the reinvestment zone, and whether all or part of the territory described should be included in the proposed reinvestment zone; and,

WHEREAS, the proponents of the reinvestment zone offered evidence, both oral and documentary, in favor of all of the foregoing matters relating to the creation of the reinvestment zone and opponents, if any, of the reinvestment zone appeared to contest the creation of the reinvestment zone.

WHEREAS, the District wishes to create a reinvestment zone within the boundaries of the District in Reeves County, Texas as shown on the attached **Exhibit A and Exhibit B**.

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE PECOS-BARSTOW-TOYAH INDEPENDENT SCHOOL DISTRICT:

SECTION 1. That the facts and recitations contained in the preamble of this Resolution are hereby found and declared to be true and correct.

SECTION 2. That the Board of Trustees of the Pecos-Barstow-Toyah Independent School District, after conducting such hearing and having heard such evidence and testimony, has made the following findings and determinations based on the evidence and testimony presented to it:

- (a) That the public hearing on the adoption of the “West of the Pecos” Reinvestment Zone has been properly called, held and conducted, and that notices of such hearing have been published as required by law and mailed to the respective presiding officers of the governing bodies of all taxing units overlapping the territory inside the proposed reinvestment zone; and,
- (b) That the boundaries of the “West of the Pecos” Reinvestment Zone be and, by the adoption of this Resolution, are declared and certified to be, the area as described in the description attached hereto as "EXHIBIT A"; and,
- (c) That the map attached hereto as "EXHIBIT B" is declared to be and (by the adoption of this Resolution) is certified to depict and to show accurately the boundaries of the “West of the Pecos” Reinvestment Zone, which is normatively described in “EXHIBIT A”, and further certifies that the property described in “EXHIBIT A” is inside the boundaries shown on “EXHIBIT B”; and,
- (d) That creation of the “West of the Pecos” Reinvestment Zone with boundaries as described in “EXHIBIT A” and “EXHIBIT B” will result in benefits to the Pecos-Barstow-Toyah Independent School District and to land included in the zone, and that the improvements sought are feasible and practical; and,
- (e) That the “West of the Pecos” Reinvestment Zone described in “EXHIBIT A” and “EXHIBIT B” meets the criteria set forth in Texas Tax Code §312.0025 for the creation of a reinvestment zone as set forth in the Property Redevelopment and Tax Abatement Act, as amended, in that it is reasonably likely that the designation will contribute to the retention or expansion of primary employment, and/or will attract investment in the zone that will be a benefit to the property, and would contribute to economic development within the Pecos-Barstow-Toyah Independent School District.

SECTION 3. That pursuant to the Property Redevelopment and Tax Abatement Act, as amended, the Pecos-Barstow-Toyah Independent School District, hereby creates a reinvestment zone under the provisions of Texas Tax Code § 312.0025, encompassing the area described by the descriptions in “EXHIBIT A” and “EXHIBIT B”, and such reinvestment zone is hereby designated and shall hereafter be referred to as the *West of the Pecos Reinvestment Zone*.

SECTION 4. That the *West of the Pecos Reinvestment Zone* shall take effect upon adoption by the Board of Trustees and shall remain designated as a commercial-industrial reinvestment zone for a period of five (5) years from such date of such designation.

SECTION 5. That if any section, paragraph, clause, or provision of this resolution shall for any reason beheld to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this resolution.

SECTION 6. That it is hereby found, determined, and declared that a sufficient notice of the date, hour, place, and subject of the meeting of the Pecos-Barstow-Toyah Independent School District Board of Trustees, at which this resolution was adopted, was posted at a place convenient and readily accessible at all times, as required by the Texas Open Government Act, Texas Government Code, Chapter 551, as amended; and that a public hearing was held prior to the designation of such reinvestment zone, and that proper notice of the hearing was published in newspapers of general circulation in Reeves County of the State of Texas; and that, furthermore, such notice was in fact delivered to the presiding officer of any effected taxing entity as prescribed by the Property Redevelopment and Tax Abatement Act.

PASSED, APPROVED, AND ADOPTED on this 18nd day of July, 2013.

PECOS-BARSTOW-TOYAH INDEPENDENT SCHOOL DISTRICT

By: _____

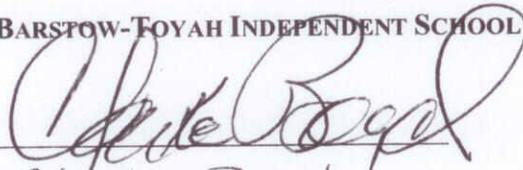
Name: _____

Title: _____

Attest: _____

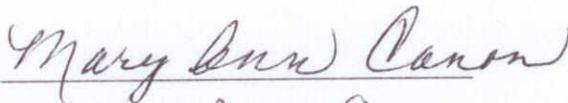
Name: _____

Title: _____



Clarke Boyd

Superintendent



Mary Ann Canon

Business Manager

Checklist Item #23: Legal Description of the Reinvestment Zone

In Reeves County, Texas, T&P RR Co. Survey, Block 56, Township 2:

All of that part of Section 31 (Abstract 591) lying east of the eastern ROW of US Highway 285 and south of the southern ROW of County Road 440

All of that part of Section 32 (Abstract 2213) lying south of the southern ROW of County Road 440

All of that part of Section 33 (Abstract 592) lying south of the southern ROW of County Road 440

All of that part of Section 34 (Abstract 2216) lying south of the southern ROW of County Road 440

All of that part of Section 35 (Abstract 593) lying south of the southern ROW of County Road 440

All of that part of Section 36 (Abstracts 2749, 1309, 1319, 2741(all), 131(all)) lying south of the southern ROW of County Road 440

All of Section 37 (Abstract 594)

All of Section 38 (abstract unknown)

All of Section 39 (Abstract 595)

All of that part of Section 40 (Abstract 5972) lying east of the eastern ROW of US Highway 285 (Abstract 5972)

All of that part of Section 41 (Abstract 596) lying east of the eastern ROW of US Highway 285

All of that part of Section 45 (Abstract 598) lying east of the eastern ROW of US Highway 285

Checklist Item #24: Guidelines and Criteria for the Reinvestment Zone

N/A