



Climate &
Renewables

March 8, 2011

Robert Wood
Regional Fiscal Analysis
Local Government Assistance and Economic Development
Texas Comptroller of Public Accounts
LBJ State Office Building
111 East 17th Street
Austin, Texas 78774

RE: EC&R Development, LLC Chapter 313 Amendments - Raymondville Independent School District

Dear Mr. Wood,

Please find enclosed the amended Chapter 313 applications for the Raymondville Independent School District (RISD) relating to EC&R Development, LLC's (EC&R) Magic Valley Wind Farm (the "Project") in Willacy County, Texas.

The Project Application was accepted by RISD and a Participation Agreement was executed on December 14, 2009. Per Gary Price's December 29, 2010 e-mail to Mali Hanley at O'Hanlon, McCollom & Demerath, EC&R is submitting the enclosed amended Application and Participation Agreement to provide full transparency regarding the adjustments to the Project layout and resultant changes in turbine deployment and investment amongst the school districts.

The enclosed amended application includes new descriptions of qualified investment and property (Schedules A, B, C and D), recommitment to the employment and wage targets from the original applications, new school finance documents and the proposed revised agreement.

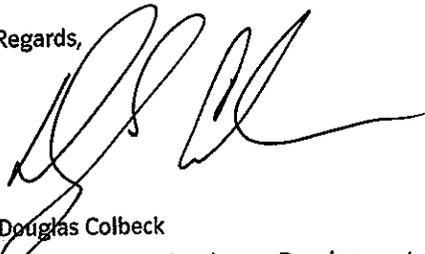
Specifically, the application changed as follows:

- Number of turbines increased from 7 to 23
 - Qualified Investment increased from \$16.1 million to \$52.85 million
 - Project Description
 - Order Approving the Expansion and Amendment to the Magic Valley Reinvestment Zone No.1 by the Willacy County Commissioners' Court (includes property descriptions)
 - Map showing the expanded Reinvestment Zone
 - As per the new application, the EC&R existing Chapter 313 agreements with dates
-

Due to the nature of the project, at this time, we are unable to precisely pinpoint the location of the twenty-three (23) wind turbine generators as stated above. They will all be placed within the Magic Valley Reinvestment Zone No.1.

Please feel free to call or email me if you have any questions: 512-482-4006, 512-966-6804, douglas.colbeck@eon.com.

Regards,

A handwritten signature in black ink, appearing to read 'DC', with a long horizontal flourish extending to the right.

Douglas Colbeck
Vice President - Southwest Development
E.ON Climate & Renewables N.A., Inc.



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 9/9/09; amended 3/8/11
First Name Johnny	Last Name Pineda	
Title Superintendent		
School District Name Raymondville Independent School District		
Street Address One Bearkat Boulevard		
Mailing Address		
City Raymondville	State TX	ZIP 78580
Phone Number 956-689-8176	Fax Number 956-689-0201	
Mobile Number (optional)	E-mail Address jipineda@raymondvilleisd.org	

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

Will consultant be primary contact? Yes No



SCHOOL DISTRICT INFORMATION - CERTIFICATION OF APPLICATION (CONTINUED)

Authorized School District Consultant (If Applicable)

First Name Lorenzo

Last Name Sanchez

Title

Firm Name

Raymondville Independent School District

Street Address

One Bearkat Boulevard

Mailing Address

City Raymondville

State TX

ZIP 78580

Phone Number 956-689-8175

Fax Number

Mobile Number (Optional)

E-mail Address lorenzosanchez16@raymondvilleisd.org

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) [Handwritten Signature]

Date 3-21-11

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

If yes, date determined complete. March 21, 2011

Have you completed the school finance documents required by TAC 9.1054(c)(3)? [X] 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	X
2 Certification page signed and dated by authorized school district representative	2 of 16	X
3 Date application deemed complete by ISD	2 of 16	X
4 Certification pages signed and dated by applicant or authorized business representative of applicant	4 of 16	X
5 Completed company checklist	12 of 16	X
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



APPLICANT INFORMATION - CERTIFICATION OF APPLICATION

Authorized Business Representative (Applicant)

First Name Patrick	Last Name Woodson	
Title Senior Vice President		
Organization EC&R Development, LLC.		
Street Address 812 San Antonio Street, Ste. 201		
Mailing Address		
City Austin	State TX	ZIP 78701
Phone Number 512-482-4034	Fax Number 512-494-9581	
Mobile Number (optional) 361-563-1416	Business e-mail Address patrick.woodson@eon.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 Matthew	Last Name McCluskey	
Title Development Manager		
Organization E.ON Climate & Renewables North America, Inc.		
Street Address 812 San Antonio Street, Ste. 201		
Mailing Address		
City Austin	State TX	ZIP 78701
Phone Number 512-482-4036	Fax Number 512-494-9581	
Mobile Number (optional) 361-563-1416	E-mail Address matthew.mccluskey@eon.com	

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

Will consultant be primary contact? Yes No

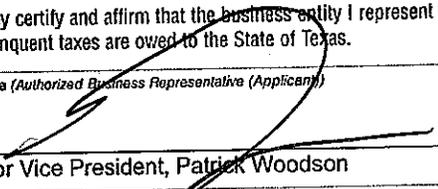
APPLICANT INFORMATION - CERTIFICATION OF APPLICATION (CONTINUED)

Authorized Company Consultant (If Applicable)

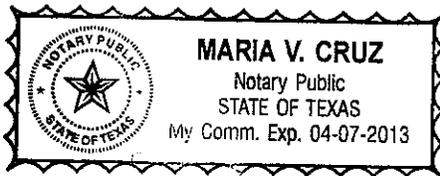
First Name N/A	Last Name	
Title		
Firm Name		
Street Address		
Mailing Address		
City	State	ZIP
Phone Number	Fax Number	
Business email Address		

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.

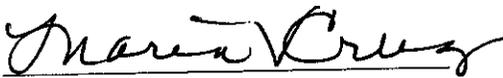
I hereby certify and affirm that the business entity I represent is in good standing under the laws of the state in which the business entity was organized and that no delinquent taxes are owed to the State of Texas.

Signature (Authorized Business Representative (Applicant)) 	Date March 7, 2011
Senior Vice President, Patrick Woodson	

GIVEN under my hand and seal of office this 7th day of March, 2011



(Notary Seal)


Notary Public, State of Texas

My commission expires 4-07-2013

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

EC&R Development, LLC.

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

32039451532

NAICS code

221,119

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

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

Please see attached "Existing Chapter 313 Agreements"

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.)

Delaware 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)?

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)

See attached document "Project Description"

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

See attached document "Project Description"

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 Third Quarter 2011, Begin Hiring New Employees First Quarter 2012, Construction Complete Second Quarter 2012, Fully Operational Second Quarter 2012, Purchase Machinery & Equipment Third Quarter 2011

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? Second Quarter 2012



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.)

Chapter 312 agreement with Willacy County. 10 year abatement for 70% of value for, beginning in 2012.

THE PROPERTY

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

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

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

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

County: Willacy County and Road and Bridge, 100% City: N/A
(Name and percent of project) (Name and percent of project)

Hospital District: Willacy County Hospital District, 100% Water District: Drainage District 1 (~50%) and 2 (~50%)
(Name and percent of project) (Name and percent of project)

Other (describe): Navigation District, 100% Other (describe): Emergency Services District, 100%
(Name and percent of project) (Name and percent of project)

Is the project located entirely within this ISD? Yes No

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

Please see attached document "Project Description"



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? \$10,000,000.00

What is the amount of appraised value limitation for which you are applying? \$10,000,000.00

What is your total estimated qualified investment? \$52,850,000.00

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? Original: December, 2009; Amended: April 30, 2011

What is the anticipated date of the beginning of the qualifying time period? December 31, 2009

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? \$52,850,000

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? [X] 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? [X] 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? [X] Yes [] No
(3) on the same parcel of land as the building for which you are applying for an appraised value limitation? [X] 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? [X] Yes [] No

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

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

Will the project be on leased land? [X] 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 [x] 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 [x] 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? [x] 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)? Zero

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

[] First Quarter [x] Second Quarter [] Third Quarter [] Fourth Quarter of 2009 (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? 78

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 ONE

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 [x] 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)? [x] 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? ONE

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 \$704

110% of the county average weekly wage for manufacturing jobs in the county is \$506.40

110% of the county average weekly wage for manufacturing jobs in the region is \$506.40

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? \$774.40

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? \$40,268 average wage

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.)

Employees with have full benefits including health insurance (medical, dental, vision), paid FMLA, competitive salaries, and training.

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.**

Schedule A (Rev. May 2010): Investment

Form 50-296

Applicant Name: EC&R Development, LLC.
 ISD Name: Raymondville Independent School District

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

The year preceding the first complete tax year of the qualifying time period (assuming deferral)	Investment made before filing complete application with district (neither qualified property nor eligible to become qualified investment)	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)
	Investment made after filing complete application with district, but before final board approval of application (eligible to become qualified property)	2009		2009	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	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)	1	2010	2010	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
		2	2011	2011	\$0.00	\$52.85	\$52.85	\$0.00	\$52.85
		3	2012	2012	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
		4	2013	2013	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
		5	2014	2014	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
		6	2015	2015	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
		7	2016	2016	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
		8	2017	2017	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
		9	2018	2018	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
		10	2019	2019	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
		11	2020	2020	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
		12	2021	2021	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
		13	2022	2022	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
		14	2023	2023	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
		15	2024	2024	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

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 §913.021(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 §913.021(1)(E).

Column C: 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.

Column D: 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

DATE

3/2/11

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

Form 50-296

Applicant Name: EC&R Development, LLC.
 Raymondville Independent School District

ISD Name	Year	School Year (YYYY-YYYY)	Tax Year (Fill in actual tax year) YYYY	Qualified Property		Exempted Value	Estimated Taxable Value		
				Estimated Market Value of Land	Estimated Total Market Value of new buildings or other new improvements		Estimated Total Market Value of tangible personal property in the new building or "in or on the new improvement"	Reductions from Market Value	Final taxable value for I&S - after all reductions
Tax Credit Period (With 50% cap on credit)	Complete tax years of qualifying time period	1	2010	2010	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
		2	2011	2011	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
		3	2012	2012	\$0.00	\$52.85	\$0.00	\$52.85	\$10.00
		4	2013	2013	\$0.00	\$50.21	\$0.00	\$50.21	\$10.00
		5	2014	2014	\$0.00	\$47.57	\$0.00	\$47.57	\$10.00
		6	2015	2015	\$0.00	\$44.92	\$0.00	\$44.92	\$10.00
		7	2016	2016	\$0.00	\$42.28	\$0.00	\$42.28	\$10.00
		8	2017	2017	\$0.00	\$39.64	\$0.00	\$39.64	\$10.00
		9	2018	2018	\$0.00	\$37.00	\$0.00	\$37.00	\$10.00
		10	2019	2019	\$0.00	\$34.35	\$0.00	\$34.35	\$10.00
		11	2020	2020	\$0.00	\$31.71	\$0.00	\$31.71	\$10.00
		12	2021	2021	\$0.00	\$29.07	\$0.00	\$29.07	\$10.00
		13	2022	2022	\$0.00	\$26.43	\$0.00	\$26.43	\$10.00
		14	2023	2023	\$0.00	\$23.78	\$0.00	\$23.78	\$10.00
		15	2024	2024	\$0.00	\$21.14	\$0.00	\$21.14	\$10.00

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 these amounts for future years.

3/2/11

SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE

DATE

Applicant Name: EC&R Development, LLC
 ISD Name: Raymondville Independent School District

Schedule C - Application: Employment Information

Form 50-296

	Complete tax years of qualifying time period	Year	School Year (YYYY-YYYY)	Tax Year (Fill in actual tax year) YYYY	Construction		New Jobs		Qualifying Jobs	
					Column A: Number of Construction FTE's or man-hours (specify)	Column B: Average annual wage rates for construction workers	Column C: Number of new jobs applicant commits to create (cumulative)	Column D: Average annual wage rate for all new jobs	Column E: Number of qualifying jobs applicant commits to create meeting all criteria of Sec. 313.021(3) (cumulative)	Column F: Average annual wage of qualifying jobs
	pre-year 1		2009	2009	0	N/A	0	N/A	0	0
	1	2010	2010	2010	0	N/A	0	N/A	0	0
	2	2011	2011	2011	15	\$40,268	1	\$40,268	1	\$40,268
	3	2012	2012	2012	0	N/A	1	\$40,268	1	\$40,268
	4	2013	2013	2013	0	N/A	1	\$40,268	1	\$40,268
	5	2014	2014	2014	0	N/A	1	\$40,268	1	\$40,268
	6	2015	2015	2015	0	N/A	1	\$40,268	1	\$40,268
	7	2016	2016	2016	0	N/A	1	\$40,268	1	\$40,268
	8	2017	2017	2017	0	N/A	1	\$40,268	1	\$40,268
	9	2018	2018	2018	0	N/A	1	\$40,268	1	\$40,268
	10	2019	2019	2019	0	N/A	1	\$40,268	1	\$40,268
	11	2020	2020	2020	0	N/A	1	\$40,268	1	\$40,268
	12	2021	2021	2021	0	N/A	1	\$40,268	1	\$40,268
	13	2022	2022	2022	0	N/A	1	\$40,268	1	\$40,268
	14	2023	2023	2023	0	N/A	1	\$40,268	1	\$40,268
	15	2024	2024	2024	0	N/A	1	\$40,268	1	\$40,268

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

3/10/11

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

Applicant Name

EC&R Development, LLC.

ISD Name Raymondville ISD

Form 50-296

The year preceding the first complete tax year of the qualifying time period (assuming no deferrals)	Complete tax years of qualifying time period	Year	School Year (YYYY-YYYY)	Tax/Calendar Year YYYY	Sales Tax Information		Franchise Tax	Other Property Tax Abatements Sought			
					Sales Taxable Expenditures	Franchise Tax		County	City	Hospital	Other
					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
	1	2010	2010	2010	\$0.00	\$0.00	\$0.00	0%	0%	0%	0%
	2	2011	2011	2011	\$0.00	\$0.00	\$0.00	0%	0%	0%	0%
	3	2012	2012	2012	\$0.00	\$0.00	\$0.00	70%	0%	0%	0%
	4	2013	2013	2013	\$0.00	\$0.00	\$0.00	70%	0%	0%	0%
	5	2014	2014	2014	\$0.00	\$0.00	\$0.00	70%	0%	0%	0%
	6	2015	2015	2015	\$0.00	\$0.00	\$0.00	70%	0%	0%	0%
	7	2016	2016	2016	\$0.00	\$0.00	\$0.00	70%	0%	0%	0%
	8	2017	2017	2017	\$0.00	\$0.00	\$0.00	70%	0%	0%	0%
	9	2018	2018	2018	\$0.00	\$0.00	\$0.00	70%	0%	0%	0%
	10	2019	2019	2019	\$0.00	\$0.00	\$0.00	70%	0%	0%	0%
	11	2020	2020	2020	\$0.00	\$0.00	\$0.00	70%	0%	0%	0%
	12	2021	2021	2021	\$0.00	\$0.00	\$0.00	70%	0%	0%	0%
	13	2022	2022	2022	\$0.00	\$0.00	\$0.00	70%	0%	0%	0%
	14	2023	2023	2023	\$0.00	\$0.00	\$0.00	0%	0%	0%	0%
	15	2024	2024	2024	\$0.00	\$0.00	\$0.00	0%	0%	0%	0%

*For planning, construction and operation of the facility.

SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE

DATE

3/2/11

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.

The proposed project will consist of a facility designed to use wind power to generate electricity (commonly referred to as a wind farm). The applicant expects to build the proposed project to be operational second quarter 2012, with approximately 35% of the construction to be in Raymondville Independent School District. EC&R is planning for twenty-three 2.3 megawatt wind turbine generators within RISD boundaries. The applicant will commence on or before December 1, 2011. The applicant intends to complete construction within one (1) year and expects to meet the minimum qualified investment threshold by the expiration of the qualified period. All of the property for which the applicant is seeking a limitation on appraised value will be owned by the applicant.

EC&R Development, LLC is developing the Magic Valley Wind Farm. The Magic Valley Wind Farm is a 151 MW wind generation facility located in entirely within Willacy County, Texas. The project will be spread across three (3) different school districts: Lyford Consolidated Independent Scholl District (LCISD) with approximately 45% of the qualified investment, Raymondville Independent School District (RISD) with approximately 35% of the qualified investment, and San Perlita Independent School District (SPISD) with approximately 20% of the qualified investment. The Magic Valley Wind Farm includes approximately 65 2.3 MW turbines, towers, transformers, transmission lines, and associated ancillary equipment necessary to safely operate, maintain and transmit power to the ERCOT grid, and meteorological equipment to measure and test wind speed and direction; with an estimated value of \$151,000,000.00.

The facility will require a relatively insubstantial amount of personal property, which will be placed within the "Magic Valley Reinvestment Zone No. 1" (the "Reinvestment Zone") which was created by the Willacy County Commissioners' Court on July 13, 2009 and corrected by an Order Nunc Pro Tunc issued on August 10, 2009, further amended and expanded on a July 8, 2010 special meeting of the Willacy County Commissioners' Court in which an order approving the expansion and amendment to the Magic Valley Reinvestment Zone No. 1 which was stated in our application. The entire project boundaries are wholly contained within the reinvestment zone boundaries. Current land use for the private property within the Reinvestment Zone consists of farming, ranching, and oil and gas production.

Due to the nature of the project, at this time, we are unable to precisely pinpoint the location of the twenty-three (23) wind turbine generators as stated above.

Existing Chapter 313 Agreements

Taxing Entity	Agreement Date
Brackett ISD	12/21/2009
Forsan ISD	10/27/2008
Glasscock ISD	10/13/2008
Gregory-Portland ISD	12/15/2009
Hermleigh ISD	11/11/2008
Highland ISD	8/6/2007
Howard College	12/17/2007
Loraine ISD	9/10/2007
Lyford CISD	12/14/2009
Odem-Edroy ISD	12/19/2008
Raymondville ISD	12/14/2009
Roscoe ISD	9/10/2007
San Perlita ISD	12/15/2009
Sinton ISD	12/15/2008
Sterling City ISD	4/5/2006
Taft ISD	12/15/2009
West Texas College	12/22/2007

**TEXAS FRANCHISE TAX
 EXTENSION AFFILIATE LIST**

■ Tcode 13298

■ Reporting entity taxpayer number

743245054

■ Report year

2010

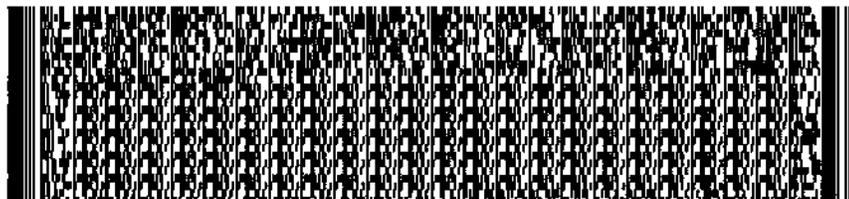
Reporting entity taxpayer name

E.ON NORTH AMERICA HOLDINGS LLC

LEGAL NAME OF AFFILIATE	AFFILIATE'S TEXAS TAXPAYER NUMBER (If none, enter FEI number)	CHECK BOX IF AFFILIATE DOES NOT HAVE NEXUS IN TEXAS
1. EC&R ASSET MANAGEMENT	32033620900	<input type="checkbox"/>
2. EC&R COLORADO LLC	200075168	<input checked="" type="checkbox"/>
3. EC&R ENEGERY MARKETING LLC	32034509607	<input checked="" type="checkbox"/>
4. EC&R FINCO 2008 LLC	32033243752	<input checked="" type="checkbox"/>
5. EC&R MIDWEST LLC	200075168	<input checked="" type="checkbox"/>
6. EC&R NEW MEXICO LLC	200075168	<input checked="" type="checkbox"/>
7. EC&R NORTHEAST LLC	200075168	<input checked="" type="checkbox"/>
8. EC&R O&M LLC	32030354842	<input type="checkbox"/>
9. EC&R PANTHER CREEK WIND FARM I & II LLC	32033826242	<input type="checkbox"/>
10. EC&R PANTHER CREEK WIND FARM III LLC	32037431668	<input type="checkbox"/>
11. EC&R PAPANOTE CREEK I LLC	32037132720	<input type="checkbox"/>
12. EC&R OSE LLC	32033759021	<input type="checkbox"/>
13. EC&R SOUTHWEST LLC	32034674229	<input type="checkbox"/>
14. EC&R WEST LLC	200075168	<input checked="" type="checkbox"/>
15. EC&R WYOMING LLC	200075168	<input checked="" type="checkbox"/>
16. INADALE WIND FARM LLC	32033826069	<input type="checkbox"/>
17. MUNNSVILLE INVESTCO LLC	200075168	<input checked="" type="checkbox"/>
18. PYRON WIND FARM LLC	32033826093	<input type="checkbox"/>
19. ROSCOE INVESTCO LLC	200075168	<input checked="" type="checkbox"/>
20. SAND BLUFF INVESTCO LLC	200075168	<input checked="" type="checkbox"/>
21. STONY CREEK WIND FARM LLC	200075168	<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



VE/DE FM



**TEXAS FRANCHISE TAX
 EXTENSION AFFILIATE LIST**

■ Tcode 13298

■ Reporting entity taxpayer number

743245054

■ Report year

2010

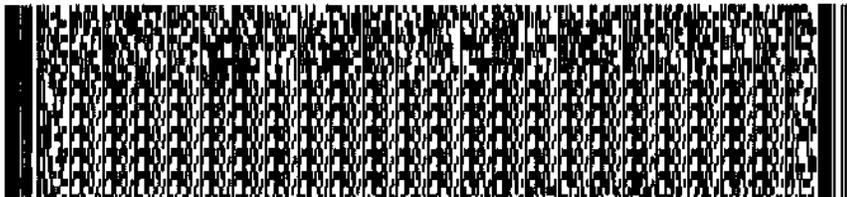
Reporting entity taxpayer name

E.ON NORTH AMERICA HOLDINGS LLC

LEGAL NAME OF AFFILIATE	AFFILIATE'S TEXAS TAXPAYER NUMBER (if none, enter FEI number)	CHECK BOX IF AFFILIATE DOES NOT HAVE NEXUS IN TEXAS
1. CHAMPION INVESTCO LLC	200075168	<input checked="" type="checkbox"/>
2. STONY CREEK WF HOLDCO LLC	200075168	<input checked="" type="checkbox"/>
3. EC&R DEVELOPMENT LLC	32039451532	<input checked="" type="checkbox"/>
4. EC&R INVESTCO MGMT LLC	271768943	<input checked="" type="checkbox"/>
5. EC&R PANTHER CREEK WF I & II HOLDCO LLC	200075168	<input checked="" type="checkbox"/>
6. EC&R PANTHER CREEK WF III HOLDCO LLC	32037431643	<input checked="" type="checkbox"/>
7. EC&R PAPALOTE CREEK II LLC	32037132662	<input type="checkbox"/>
8. EC&R PROJECT DEVELOPMENT LLC	200075168	<input checked="" type="checkbox"/>
9. EC&R SERVICES LLC	271769505	<input checked="" type="checkbox"/>
10. EC&R SHERMAN LLC	32037132811	<input type="checkbox"/>
11. EC&R VLI LLC	200075168	<input checked="" type="checkbox"/>
12. INADALE INVESTCO LLC	200075168	<input checked="" type="checkbox"/>
13. INADALE WF HOLDCO LLC	200075168	<input checked="" type="checkbox"/>
14. LAMESA WF HOLDCO LLC	200075168	<input checked="" type="checkbox"/>
15. LAMESA WIND FARM LLC	32033826135	<input type="checkbox"/>
16. PYRON WF HOLDCO LLC	200075168	<input checked="" type="checkbox"/>
17. ROSCOE II WF HOLDCO LLC	200075168	<input checked="" type="checkbox"/>
18. ROSCOE WIND FARM II LLC	200075168	<input type="checkbox"/>
19. EC&R EXCELSIOR LLC	200075168	<input checked="" type="checkbox"/>
20. VENADO WIND FARM LLC	32038405901	<input type="checkbox"/>
21. FOREST CREEK INVESTCO INC.	17109924724	<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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**TEXAS FRANCHISE TAX
 EXTENSION AFFILIATE LIST**

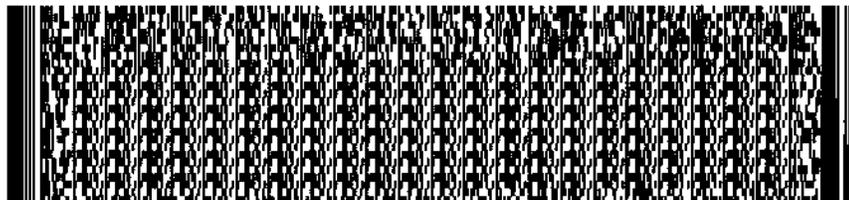
■ Tcode 13298

■ Reporting entity taxpayer number 743245054	■ Report year 2010	Reporting entity taxpayer name E.ON NORTH AMERICA HOLDINGS LLC
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LEGAL NAME OF AFFILIATE	AFFILIATE'S TEXAS TAXPAYER NUMBER (If none, enter FEI number)	CHECK BOX IF AFFILIATE DOES NOT HAVE NEXUS IN TEXAS
1. MUNNSVILLE WIND FARM LLC ■	261952077	■ <input checked="" type="checkbox"/>
2. MUNNSVILLE WF HOLDCO LLC ■	261952077	■ <input checked="" type="checkbox"/>
3. RENEWABLE GENERATION HOLDINGS INC ■	32035416489	■ <input type="checkbox"/>
4. WILD HORSE MOUNTAIN GP INC. ■	200075168	■ <input checked="" type="checkbox"/>
5. PYRON INVESTCO LLC ■	200075168	■ <input checked="" type="checkbox"/>
6. EC&R PANTHER CREEK I & II INVESTCO LLC ■	200075168	■ <input checked="" type="checkbox"/>
7. AIRTRICITY RG CENTER I LP ■	32035384497	■ <input type="checkbox"/>
8. E.ON CLIMATE & RENEWABLES NORTH AMERICA ■	12000751680	■ <input type="checkbox"/>
9. NV POWER HOLDINGS LLC ■	200075168	■ <input checked="" type="checkbox"/>
10. NV POWER INC. ■	200075168	■ <input checked="" type="checkbox"/>
11. SETTLERS TRAIL WIND FARM LLC ■	272301245	■ <input checked="" type="checkbox"/>
12. RG CHOCOLATE BAYOU WINDPOWER I LP ■	200075168	■ <input checked="" type="checkbox"/>
13. ■		■ <input type="checkbox"/>
14. ■		■ <input type="checkbox"/>
15. ■		■ <input type="checkbox"/>
16. ■		■ <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/DE	<input type="checkbox"/>	FM	<input type="checkbox"/>
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July 8, 2010
Special Meeting

VOL. 139 PAGE . 271

Agenda #5

IN REGARDS TO APPROVE
DISCUSSION, CONSIDERATION
AND ACTION ON THE APPLICATION
OF EC&R DEVELOPMENT, LLC FOR
DESIGNATION OF CERTAIN ADDITIONAL
PROPERTY LOCATED IN WILLACY COUNTY
TO BE ADDED TO EXPAND THE EXISTING
AREA OF THE "MAGIC VALLEY REINVESTMENT
ZONE NO. 1" (THE "REINVESTMENT ZONE"),
TO BE ELIGIBLE FOR PROPERTY TAX ABATEMENT
UNDER CHAPTER 312 OF THE TEXAS TAX CODE
SAID REINVESTMENT ZONE HAVING ORIGINALLY
BEEN CREATED BY RESOLUTION DATED ON OR ABOUT
JULY 13, 2009, AND CORRECTED BY THAT CERTAIN
RESOLUTION NUNC PRO TUNC DATED ON OR ABOUT
AUGUST 10, 2009

Motion was made by Commissioner Chapa, seconded by Commissioner A. Guerra to approve the application of EC&R Development, LLC, for designation of certain additional property located in Willacy County to be added to expand the existing area of the "Magic Valley Reinvestment Zone No. 1" (the "Reinvestment Zone"), to be eligible for property tax abatement under Chapter 312 of the Texas Tax Code, said Reinvestment Zone having originally been created by Resolution dated on or about July 13, 2009, and corrected by that certain Resolution Nunc pro Tunc dated on or about August 10, 2009 with the condition that we will finalize once we have it in writing . Motion was put before the Court by the chairman. Commissioners A. Guerra, Chapa, Serrato and E. Guerra voting AYE. NAYS NONE. Motion was declared carried

Order re Approving the Expansion
and Amendment to the
Magic Valley Reinvestment Zone No. 1
and Tax Abatement Agreement

§
§
§
§

Commissioners' Court

Willacy County, Texas

**Order Approving the Expansion and Amendment to
the Magic Valley Reinvestment Zone No. 1 and Tax Abatement Agreement**

The Commissioners' Court of Willacy County, Texas, meeting in regular session
on the 8th day of July, 2010, considered the following resolution:

WHEREAS, on or about July 13, 2009, after conducting a public hearing on the
matter, the Willacy County Commissioners' Court passed and approved an order
designating certain property in Willacy County, Texas, as a Reinvestment Zone under
Chapter 312 of the Texas Tax Code to be called the "Magic Valley Reinvestment Zone
No. 1" (the "Reinvestment Zone"), and did further pass and approve an order approving
that certain Tax Abatement Agreement dated July 13, 2009, by and between Willacy
County, Texas and EC&R Development, LLC (the "Tax Abatement Agreement"),
covering property within the Reinvestment Zone, as passed and approved by Orders
dated July 13, 2009, and did further authorize the execution of said Tax Abatement
Agreement by the Presiding Officer of the Commissioners' Court.

WHEREAS, on or about August 10, 2009, after conducting a public hearing on
the matter, the Commissioners' Court issued a Order Nunc Pro Tunc correcting certain
inconsistencies and clerical errors with respect to the real property description of the
Reinvestment Zone as contained in the public notice and the posted agenda for the July
13, 2009 Commissioners' Court meeting, and did further ratify and confirm the
designation of property described in the Order Designating the Reinvestment Zone dated
July 13, 2009, and also attached as Exhibit A to said Order Nunc Pro Tunc, and did
further ratify and confirm that such Reinvestment Zone as the "Magic Valley
Reinvestment Zone No. 1." Said Nunc Pro Tunc Order is filed in the minutes of the
Court effective July 13, 2009.

WHEREAS, contemporaneously with the Order Nunc Pro Tunc correcting the
Reinvestment Zone, the Commissioners' Court issued an Order Nunc Pro Tunc
correcting and amending the Tax Abatement Agreement to correct the inconsistencies
and clerical errors with respect to the real property description of the Reinvestment Zone
and the original Tax Abatement Agreement. Said Nunc Pro Tunc Order is filed in the
minutes of the Court effective July 13, 2009.

WHEREAS, on or about July 8, 2010, after conducting a public hearing on the
matter, the Willacy County Commissioners' Court passed and approved an order
designating and adding certain additional real property in Willacy County, Texas, to the
Reinvestment Zone pursuant to Chapter 312 of the Texas Tax Code, and did further pass
and approve an order approving that certain Amendment No. 1 to Tax Abatement

Agreement dated July 13, 2009, by and between Willacy County, Texas and EC&R Development, LLC (the "First Amendment"), to cover the additional real property added to the Reinvestment Zone, and did further authorize the execution of said First Amendment by the Presiding Officer of the Commissioners' Court.

NOW THEREFORE, after due consideration and examination of the public notice, the posted agenda for the July 8, 2010 Commissioners' Court meeting, the Order Designating the Reinvestment Zone dated July 13, 2009, the Order Approving the Tax Abatement Agreement dated July 13, 2009, both passed and approved by the Court on July 13, 2009, the Abatement Agreement dated July 13, 2009, and the Orders Nunc Pro Tunc for Ratification, Correction, Confirmation and Designation of the Reinvestment Zone and Tax Abatement Agreement dated August 10, 2009, both passed and approved by the Court on August 10, 2009, and after conducting a public hearing regarding the expansion of the Reinvestment Zone and the First Amendment to the Tax Abatement Agreement, the Court finds as follows:

BE IT ORDERED BY THE COMMISSIONERS' COURT OF WILLACY COUNTY, TEXAS, AS FOLLOWS:

1. THAT by order of this Commissioners' Court dated July 13, 2009, the County previously designated the Reinvestment Zone located in Willacy County to be called the "Magic Valley Reinvestment Zone No. 1", under the Willacy County Tax Abatement Guidelines and Criteria, having determined that the designation will contribute to the retention and expansion of primary employment or will attract major investment in the zone that will benefit the zone and will contribute to the economic development of the County, and
2. THAT by Order of this Commissioners' Court dated July 13, 2009, the County previously approved that certain Tax Abatement Agreement between Willacy County, Texas and EC&R Development LLC dated July 13, 2009,
3. THAT the Willacy County Commissioners' Court did find the Abatement Agreement dated July 13, 2009 complies with Chapter 312 of the Texas Property Tax Code, and the Willacy County Tax Abatement Guidelines and Criteria for Granting Tax Abatements adopted and in force by the Willacy County Commissioners' Court.
4. THAT the Willacy County Commissioners' Court authorized the Presiding Officer of the Court to execute and does hereby ratify the execution of the Abatement Agreement on behalf of the County and passed a resolution or order dated July 13, 2009 to that effect.
5. THAT by Orders Nunc Pro Tunc dated August 10, 2009, the Willacy County Commissioners' Court corrected certain inconsistencies and clerical errors with respect to the real property description of the Reinvestment Zone as contained in the public notice and the posted agenda for the July 13, 2009

Commissioners' Court meeting, and did further ratify and confirm the designation of property described in the Order Designating the Reinvestment Zone and the Tax Abatement Agreement, attached as Exhibit A to said Order Nunc Pro Tunc.

6. THAT this Commissioners' Court hereby amends and expands the Reinvestment Zone to include all real property located in Willacy County as described in the attached Exhibit A, having determined that the amendment, expansion and designation will contribute to the retention and expansion of primary employment or will attract major investment in the zone that will benefit the zone and will contribute to the economic development of the County.
7. THAT the County declare eligible for property tax abatement all eligible property for commercial-industrial development, now or thereafter located in that Reinvestment Zone as authorized by the Willacy County Tax Abatement Guidelines and Criteria in reinvestment zones and Chapter 312 of the Texas Tax Code.
8. THAT the Commissioners' Court hereby ratifies and confirms the designation of property described in this Resolution and attached as Exhibit A hereto, and that such Reinvestment Zone, as herein amended, shall be called the "Magic Valley Reinvestment Zone No. 1."
9. THAT the Willacy County Commissioners' Court finds EC&R Development, LLC is not in breach of the Tax Abatement Agreement.
10. THAT the Willacy County Commissioners' Court hereby ratifies, confirms and approves the prior Order Approving the Tax Abatement Agreement dated July 13, 2009, and the Order Nunc Pro Tunc dated August 10, 2009.
11. THAT the Willacy County Commissioners' Court hereby amends the Tax Abatement Agreement to include the real property added to the Reinvestment Zone as described in the attached Exhibit A, having determined that the First Amendment complies with the Tax Abatement Agreement, Chapter 312 of the Texas Property Tax Code, and the Guidelines and Criteria for Granting Tax Abatements adopted and in force by the Willacy County Commissioners' Court.
12. THAT the Willacy County Commissioners Court authorizes the Presiding Officer to execute the First Amendment to the Tax Abatement Agreement on behalf of Willacy County effective July 8, 2010.

Exhibit A
Legal Description of Reinvestment Zone

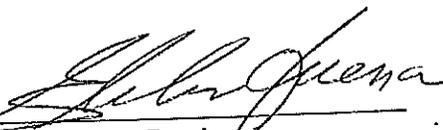
Magic Valley Reinvestment Zone No. 1 to include the following real property in Willacy County, Texas, except any such real property currently located within the incorporated city limits of the City of Raymondville, Texas, as seen in the attached Exhibit:

- All of the Lots in the Withers Tract Subdivision out of Share #60, San Juan De Carricitos Grant;
- Lots 1, 2, 7, 8, 9, 10, and 16 of Block 47 of the Gulf Coast Irrigation Company's Subdivision;
- All of the Lots in Blocks 48 through 63 and 68 through 83 (inclusive) of the Gulf Coast Irrigation Company's Subdivision;
- Lots 1, 2, 5, 6, 7, 8, 13, and 14 of Block 64 of the Gulf Coast Irrigation Company's Subdivision;
- Lots 1, 2, 3, 4, 5, 6, 7, and 8 of Block 66 of the Gulf Coast Irrigation Company's Subdivision;
- Lots 1, 2, 3, 4, 5, 6, 7, and 8 of Block 67 of the Gulf Coast Irrigation Company's Subdivision;
- All of the Lots in Harding & Gill Subdivision out of Share #16, San Juan De Carricitos Grant;
- All of Lots in Harding & Gill Subdivision out of Share #61, San Juan De Carricitos Grant;
- All of Lots in Harding & Gill Farm Subdivision out of Share #64, San Juan De Carricitos Grant;
- All of the Lots in Blocks 1, 2, 3, and 4 of the E. F. Hubmer Subdivision;
- All of the Lots in Share #64, San Juan De Carricitos Grant;
- All of the Lots in Share #36, San Juan De Carricitos Grant;
- All of the Lots in the El Sombbrero Subdivision out of Share #64, San Juan De Carricitos Grant;
- All of the Lots in Blocks 1, 2, 3, and 4 of the E. H. Beise Subdivision;
- All of the Lots in Blocks 1, 2, 3, and 4 of the Raymond Subdivision;
- All of the Lots in the Engelman Subdivision Number One;
- All of the Lots in the Engelman Subdivision Number Two;
- All of the Lots in the Nile Orchard Subdivision;
- All of the Lots of the Wetzel Subdivision;
- All of the Lots in Block 5 of the Raymond Hallam Subdivision;
- All of the Lots in Blocks 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 of the Santa Rosa Subdivision;
- All of the Lots in the Maneado Ranch Subdivision;
- All of the Lots in the Sorenson's Number 1 Subdivision;
- All of the Lots in the C.E. Craig Subdivision;
- All of the Lots in the Sorenson's Number 2 Subdivision;
- All of the Lots in Share #45, San Juan De Carricitos Grant;
- Lots 1, 2, 3, 4, 5, 6, and 7 of the Garcia Property Subdivision out of Share #34, San Juan De Carricitos Grant;
- All of the Lots in Share #14, San Juan De Carricitos Grant, North of Farm to Market Road 498; and
- All of the Lots in the Quantanilla Subdivision.

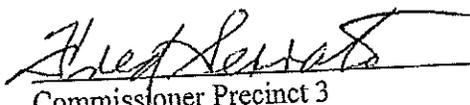
Passed and approved at this public hearing of the Willacy County Commissioners' Court
at which a quorum was present on the 8th day of July, 2010.



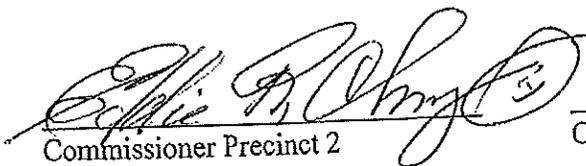
Willacy County Judge



Commissioner Precinct 1



Commissioner Precinct 3

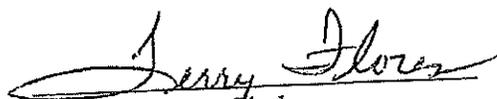


Commissioner Precinct 2



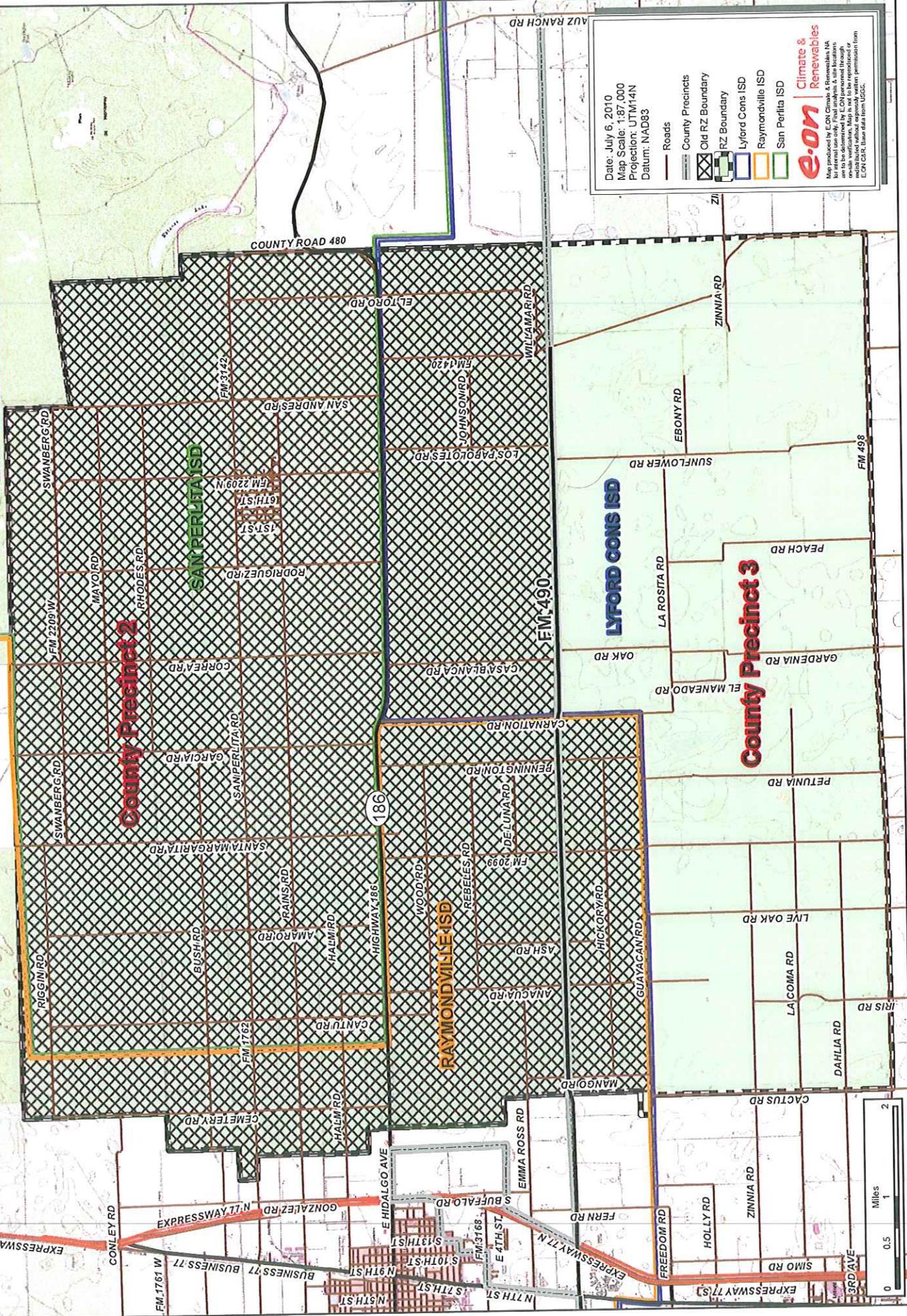
Commissioner Precinct 4

The foregoing Resolution is a true and correct copy of the actual Resolution passed by
the Willacy County Commissioners' Court in open and regular session at the Willacy
County Courthouse at _____.m. on the 8th day of July, 2010.



Willacy County Clerk
Willacy County, Texas

WILLACY COUNTY AMENDED REINVESTMENT ZONE



e-on Climate & Renewables

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