



**GLENN HEGAR** TEXAS COMPTROLLER OF PUBLIC ACCOUNTS

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P.O. Box 13528 • Austin, TX 78711-3528

July 14, 2017

Bobby Azam  
Superintendent  
Andrews Independent School District  
405 North West 3rd Street  
Andrews, Texas 79714

Re: Certificate for Limitation on Appraised Value of Property for School District  
Maintenance and Operations Taxes by and between Andrews Independent School  
District and Whatley Solar Ranch, LLC, Application 1166

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Dear Superintendent Azam:

On April 21, 2017, the Comptroller issued written notice that Whatley Solar Ranch, LLC (applicant) submitted a completed application (Application 1166) for a limitation on appraised value under the provisions of Tax Code Chapter 313.<sup>1</sup> This application was originally submitted on November 8, 2016, to the Andrews Independent School District (school district) by the applicant.

This presents the results of the Comptroller's review of the application and determinations required:

- 1) under Section 313.025(h) to determine if the property meets the requirements of Section 313.024 for eligibility for a limitation on appraised value under Chapter 313, Subchapter C; and
- 2) under Section 313.025(d), to issue a certificate for a limitation on appraised value of the property and provide the certificate to the governing body of the school district or provide the governing body a written explanation of the Comptroller's decision not to issue a certificate, using the criteria set out in Section 313.026.

**Determination required by 313.025(h)**

Sec. 313.024(a)	Applicant is subject to tax imposed by Chapter 171.
Sec. 313.024(b)	Applicant is proposing to use the property for an eligible project.

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<sup>1</sup> All Statutory references are to the Texas Tax Code, unless otherwise noted.

- Sec. 313.024(d) Applicant has requested a waiver to create the required number of new qualifying jobs and pay all jobs created that are not qualifying jobs a wage that exceeds the county average weekly wage for all jobs in the county where the jobs are located.
- Sec. 313.024(d-2) Not applicable to Application 1166.

Based on the information provided by the applicant, the Comptroller has determined that the property meets the requirements of Section 313.024 for eligibility for a limitation on appraised value under Chapter 313, Subchapter C.

**Certificate decision required by 313.025(d)**

Determination required by 313.026(c)(1)

The Comptroller has determined that the project proposed by the applicant is reasonably likely to generate tax revenue in an amount sufficient to offset the school district's maintenance and operations *ad valorem tax* revenue lost as a result of the agreement before the 25th anniversary of the beginning of the limitation period, see Attachment B.

Determination required by 313.026(c)(2)

The Comptroller has determined that the limitation on appraised value is a determining factor in the applicant's decision to invest capital and construct the project in this state, see Attachment C.

Based on these determinations, the Comptroller issues a certificate for a limitation on appraised value. This certificate is contingent on the school district's receipt and acceptance of the Texas Education Agency's determination per 313.025(b-1).

The Comptroller's review of the application assumes the accuracy and completeness of the statements in the application. If the application is approved by the school district, the applicant shall perform according to the provisions of the Texas Economic Development Act Agreement (Form 50-826) executed with the school district. The school district shall comply with and enforce the stipulations, provisions, terms, and conditions of the agreement, applicable Texas Administrative Code and Chapter 313, per TAC 9.1054(i)(3).

This certificate is no longer valid if the application is modified, the information presented in the application changes, or the limitation agreement does not conform to the application. Additionally, this certificate is contingent on the school district approving and executing the agreement by December 31, 2017.

Note that any building or improvement existing as of the application review start date of April 21, 2017, or any tangible personal property placed in service prior to that date may not become "Qualified Property" as defined by 313.021(2) and the Texas Administrative Code.

Should you have any questions, please contact Will Counihan, Director, Data Analysis & Transparency, by email at [will.counihan@cpa.texas.gov](mailto:will.counihan@cpa.texas.gov) or by phone toll-free at 1-800-531-5441, ext. 6-0758, or at 512-936-0758.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Reissig", is written over the typed name and title.

Mike Reissig  
Deputy Comptroller

Enclosure

cc: Will Counihan

## Attachment A – Economic Impact Analysis

The following tables summarize the Comptroller’s economic impact analysis of Whatley Solar Ranch, LLC (project) applying to Andrews Independent School District (district), as required by Tax Code, 313.026 and Texas Administrative Code 9.1055(d)(2).

**Table 1** is a summary of investment, employment and tax impact of Whatley Solar Ranch, LLC.

Applicant	Whatley Solar Ranch, LLC
Tax Code, 313.024 Eligibility Category	Renewable Energy Electric Generation
School District	Andrews ISD
2015-2016 Average Daily Attendance	3,749
County	Andrews
Proposed Total Investment in District	\$171,944,674
Proposed Qualified Investment	\$171,944,674
Limitation Amount	\$30,000,000
Qualifying Time Period (Full Years)	2018-2019
Number of new qualifying jobs committed to by applicant	2*
Number of new non-qualifying jobs estimated by applicant	0
Average weekly wage of qualifying jobs committed to by applicant	\$934
Minimum weekly wage required for each qualifying job by Tax Code, 313.021(5)	\$934
Minimum annual wage committed to by applicant for qualified jobs	\$48,548.50
Minimum weekly wage required for non-qualifying jobs	\$1,137
Minimum annual wage required for non-qualifying jobs	\$59,112
Investment per Qualifying Job	\$85,972,337
Estimated M&O levy without any limit (15 years)	\$11,683,145
Estimated M&O levy with Limitation (15 years)	\$4,960,967
Estimated gross M&O tax benefit (15 years)	\$6,722,178

\* Applicant is requesting district to waive requirement to create minimum number of qualifying jobs pursuant to Tax Code, 313.025 (f-1).

**Table 2** is the estimated statewide economic impact of Whatley Solar Ranch, LLC (modeled).

Year	Employment			Personal Income		
	Direct	Indirect + Induced	Total	Direct	Indirect + Induced	Total
2019	200	251	451	\$11,000,000	\$21,335,300	\$32,335,300
2020	2	43	45.1159	\$97,097	\$5,112,403	\$5,209,500
2021	2	24	26	\$97,097	\$3,582,603	\$3,679,700
2022	2	8	10	\$97,097	\$2,200,903	\$2,298,000
2023	2	(1)	1	\$97,097	\$1,243,303	\$1,340,400
2024	2	(6)	-4	\$97,097	\$627,003	\$724,100
2025	2	(7)	-5	\$97,097	\$301,903	\$399,000
2026	2	(6)	-4	\$97,097	\$164,603	\$261,700
2027	2	(4)	-2	\$97,097	\$155,003	\$252,100
2028	2	(2)	0	\$97,097	\$230,103	\$327,200
2029	2	(0)	2	\$97,097	\$357,103	\$454,200
2030	2	1	3	\$97,097	\$505,303	\$602,400
2031	2	3	5	\$97,097	\$655,703	\$752,800
2032	2	4	6	\$97,097	\$791,103	\$888,200
2033	2	5	7	\$97,097	\$904,303	\$1,001,400
2034	2	5	7	\$97,097	\$992,003	\$1,089,100

Source: CPA REMI, Whatley Solar Ranch, LLC

**Table 3** examines the estimated direct impact on ad valorem taxes to the region if all taxes are assessed.

Year	Estimated Taxable Value for I&S	Estimated Taxable Value for M&O	Tax Rate*	Andrews ISD I&S Tax Levy	Andrews ISD M&O Tax Levy	Andrews ISD M&O and I&S Tax Levies	Andrews County Tax Levy	Andrews County Hospital District Tax Levy	Estimated Total Property Taxes
			0.4805		1.0600		0.5105	0.5417	
2020	\$168,015,781	\$168,015,781		\$807,316	\$1,780,967	\$2,588,283	\$857,721	\$910,175	\$4,356,179
2021	\$154,574,518	\$154,574,518		\$742,731	\$1,638,490	\$2,381,220	\$789,103	\$837,361	\$4,007,684
2022	\$127,691,993	\$127,691,993		\$613,560	\$1,353,535	\$1,967,095	\$651,868	\$691,733	\$3,310,696
2023	\$112,570,573	\$112,570,573		\$540,902	\$1,193,248	\$1,734,150	\$574,673	\$609,817	\$2,918,640
2024	\$97,449,153	\$97,449,153		\$468,243	\$1,032,961	\$1,501,204	\$497,478	\$527,902	\$2,526,584
2025	\$82,327,732	\$82,327,732		\$395,585	\$872,674	\$1,268,259	\$420,283	\$445,986	\$2,134,528
2026	\$65,526,154	\$65,526,154		\$314,853	\$694,577	\$1,009,430	\$334,511	\$354,968	\$1,698,910
2027	\$50,404,734	\$50,404,734		\$242,195	\$534,290	\$776,485	\$257,316	\$273,053	\$1,306,854
2028	\$40,323,787	\$40,323,787		\$193,756	\$427,432	\$621,188	\$205,853	\$218,442	\$1,045,483
2029	\$35,283,314	\$35,283,314		\$169,536	\$374,003	\$543,539	\$180,121	\$191,137	\$914,798
2030	\$33,603,156	\$33,603,156		\$161,463	\$356,193	\$517,657	\$171,544	\$182,035	\$871,236
2031	\$33,603,156	\$33,603,156		\$161,463	\$356,193	\$517,657	\$171,544	\$182,035	\$871,236
2032	\$33,603,156	\$33,603,156		\$161,463	\$356,193	\$517,657	\$171,544	\$182,035	\$871,236
2033	\$33,603,156	\$33,603,156		\$161,463	\$356,193	\$517,657	\$171,544	\$182,035	\$871,236
2034	\$33,603,156	\$33,603,156		\$161,463	\$356,193	\$517,657	\$171,544	\$182,035	\$871,236
			<b>Total</b>	<b>\$5,295,992</b>	<b>\$11,683,145</b>	<b>\$16,979,137</b>	<b>\$5,626,647</b>	<b>\$5,970,749</b>	<b>\$28,576,533</b>

Source: CPA, Whatley Solar Ranch, LLC

\*Tax Rate per \$100 Valuation

**Table 4** examines the estimated direct impact on ad valorem taxes to the school district and Andrews County, with all property tax incentives sought being granted using estimated market value from the application. The project has applied for a value limitation under Chapter 313, Tax Code and tax abatement with the county.

The difference noted in the last line is the difference between the totals in Table 3 and Table 4.

Year	Estimated Taxable Value for I&S	Estimated Taxable Value for M&O	Tax Rate*	Andrews ISD I&S Tax Levy	Andrews ISD M&O Tax Levy	Andrews ISD M&O and I&S Tax Levies	Andrews County Tax Levy	Andrews County Hospital District Tax Levy	Estimated Total Property Taxes
				<b>0.4805</b>	<b>1.0600</b>		<b>0.5105</b>	<b>0.5417</b>	
2020	\$168,015,781	\$30,000,000		\$807,316	\$318,000	\$1,125,316	\$171,544	\$910,175	\$2,207,035
2021	\$154,574,518	\$30,000,000		\$742,731	\$318,000	\$1,060,731	\$157,821	\$837,361	\$2,055,912
2022	\$127,691,993	\$30,000,000		\$613,560	\$318,000	\$931,560	\$130,374	\$691,733	\$1,753,667
2023	\$112,570,573	\$30,000,000		\$540,902	\$318,000	\$858,902	\$114,935	\$609,817	\$1,583,653
2024	\$97,449,153	\$30,000,000		\$468,243	\$318,000	\$786,243	\$99,496	\$527,902	\$1,413,640
2025	\$82,327,732	\$30,000,000		\$395,585	\$318,000	\$713,585	\$84,057	\$445,986	\$1,243,627
2026	\$65,526,154	\$30,000,000		\$314,853	\$318,000	\$632,853	\$334,511	\$354,968	\$1,322,332
2027	\$50,404,734	\$30,000,000		\$242,195	\$318,000	\$560,195	\$257,316	\$273,053	\$1,090,563
2028	\$40,323,787	\$30,000,000		\$193,756	\$318,000	\$511,756	\$205,853	\$218,442	\$936,051
2029	\$35,283,314	\$30,000,000		\$169,536	\$318,000	\$487,536	\$180,121	\$191,137	\$858,794
2030	\$33,603,156	\$33,603,156		\$161,463	\$356,193	\$517,657	\$171,544	\$182,035	\$871,236
2031	\$33,603,156	\$33,603,156		\$161,463	\$356,193	\$517,657	\$171,544	\$182,035	\$871,236
2032	\$33,603,156	\$33,603,156		\$161,463	\$356,193	\$517,657	\$171,544	\$182,035	\$871,236
2033	\$33,603,156	\$33,603,156		\$161,463	\$356,193	\$517,657	\$171,544	\$182,035	\$871,236
2034	\$33,603,156	\$33,603,156		\$161,463	\$356,193	\$517,657	\$171,544	\$182,035	\$871,236
			<b>Total</b>	<b>\$5,295,992</b>	<b>\$4,960,967</b>	<b>\$10,256,959</b>	<b>\$2,593,747</b>	<b>\$5,970,749</b>	<b>\$18,821,455</b>
			<b>Diff</b>	<b>\$0</b>	<b>\$6,722,178</b>	<b>\$6,722,178</b>	<b>\$3,032,900</b>	<b>\$0</b>	<b>\$9,755,078</b>

Assumes School Value Limitation and Tax Abatements with the County.

Source: CPA, Whatley Solar Ranch, LLC

\*Tax Rate per \$100 Valuation

**Disclaimer:** This examination is based on information from the application submitted to the school district and forwarded to the comptroller. It is intended to meet the statutory requirement of Chapter 313 of the Tax Code and is not intended for any other purpose.

## Attachment B – Tax Revenue before 25<sup>th</sup> Anniversary of Limitation Start

This represents the Comptroller’s determination that Whatley Solar Ranch, LLC (project) is reasonably likely to generate, before the 25th anniversary of the beginning of the limitation period, tax revenue in an amount sufficient to offset the school district maintenance and operations ad valorem tax revenue lost as a result of the agreement. This evaluation is based on an analysis of the estimated M&O portion of the school district property tax levy directly related to this project, using estimated taxable values provided in the application.

	Tax Year	Estimated ISD M&O Tax Levy Generated (Annual)	Estimated ISD M&O Tax Levy Generated (Cumulative)	Estimated ISD M&O Tax Levy Loss as Result of Agreement (Annual)	Estimated ISD M&O Tax Levy Loss as Result of Agreement (Cumulative)
<b>Limitation Pre-Years</b>	2017	\$0	\$0	\$0	\$0
	2018	\$0	\$0	\$0	\$0
	2019	\$0	\$0	\$0	\$0
<b>Limitation Period (10 Years)</b>	2020	\$318,000	\$318,000	\$1,462,967	\$1,462,967
	2021	\$318,000	\$636,000	\$1,320,490	\$2,783,457
	2022	\$318,000	\$954,000	\$1,035,535	\$3,818,992
	2023	\$318,000	\$1,272,000	\$875,248	\$4,694,240
	2024	\$318,000	\$1,590,000	\$714,961	\$5,409,201
	2025	\$318,000	\$1,908,000	\$554,674	\$5,963,875
	2026	\$318,000	\$2,226,000	\$376,577	\$6,340,453
	2027	\$318,000	\$2,544,000	\$216,290	\$6,556,743
	2028	\$318,000	\$2,862,000	\$109,432	\$6,666,175
	2029	\$318,000	\$3,180,000	\$56,003	\$6,722,178
<b>Maintain Viable Presence (5 Years)</b>	2030	\$356,193	\$3,536,193	\$0	\$6,722,178
	2031	\$356,193	\$3,892,387	\$0	\$6,722,178
	2032	\$356,193	\$4,248,580	\$0	\$6,722,178
	2033	\$356,193	\$4,604,774	\$0	\$6,722,178
	2034	\$356,193	\$4,960,967	\$0	\$6,722,178
<b>Additional Years as Required by 313.026(c)(1) (10 Years)</b>	2035	\$356,193	\$5,317,161	\$0	\$6,722,178
	2036	\$356,193	\$5,673,354	\$0	\$6,722,178
	2037	\$356,193	\$6,029,548	\$0	\$6,722,178
	2038	\$356,193	\$6,385,741	\$0	\$6,722,178
	2039	\$356,193	\$6,741,935	\$0	\$6,722,178
	2040	\$356,193	\$7,098,128	\$0	\$6,722,178
	2041	\$356,193	\$7,454,321	\$0	\$6,722,178
	2042	\$356,193	\$7,810,515	\$0	\$6,722,178
	2043	\$356,193	\$8,166,708	\$0	\$6,722,178
	2044	\$356,193	\$8,522,902	\$0	\$6,722,178
		<b>\$8,522,902</b>	is greater than	<b>\$6,722,178</b>	
<b>Analysis Summary</b>					
Is the project reasonably likely to generate tax revenue in an amount sufficient to offset the M&O levy loss as a result of the limitation agreement?					<b>Yes</b>

NOTE: The analysis above only takes into account this project’s estimated impact on the M&O portion of the school district property tax levv directly related to this project.

Source: CPA, Whatley Solar Ranch, LLC

**Disclaimer:** This examination is based on information from the application submitted to the school district and forwarded to the comptroller. It is intended to meet the statutory requirement of Chapter 313 of the Tax Code and is not intended for any other purpose.

## Attachment C – Limitation as a Determining Factor

Tax Code 313.026 states that the Comptroller may not issue a certificate for a limitation on appraised value under this chapter for property described in an application unless the comptroller determines that “the limitation on appraised value is a determining factor in the applicant’s decision to invest capital and construct the project in this state.” This represents the basis for the Comptroller’s determination.

### Methodology

Texas Administrative Code 9.1055(d) states the Comptroller shall review any information available to the Comptroller including:

- the application, including the responses to the questions in Section 8 (Limitation as a Determining Factor);
- public documents or statements by the applicant concerning business operations or site location issues or in which the applicant is a subject;
- statements by officials of the applicant, public documents or statements by governmental or industry officials concerning business operations or site location issues;
- existing investment and operations at or near the site or in the state that may impact the proposed project;
- announced real estate transactions, utility records, permit requests, industry publications or other sources that may provide information helpful in making the determination; and
- market information, raw materials or other production inputs, availability, existing facility locations, committed incentives, infrastructure issues, utility issues, location of buyers, nature of market, supply chains, other known sites under consideration.

### Determination

The Comptroller has determined that the limitation on appraised value is a determining factor in the Whatley Solar Ranch, LLC’s decision to invest capital and construct the project in this state. This is based on information available, including information provided by the applicant. Specifically, the comptroller notes the following:

- Per Whatley Solar Ranch, LLC in Tab 5 of their Application for a Limitation on Appraised Value:
  - A. “Whatley Solar Ranch LLC has begun typical due course, early stage due diligence to explore feasibility of constructing a solar facility at this site. As such, certain contracts have been executed, including agreements to site and install meteorological monitoring equipment, lease and easement agreements with landowners, contracts with environmental contractors to explore environmental impacts of the proposed project, and an Interconnection Agreement with the transmission provider. None of these contracts obligate Whatley Solar Ranch LLC to construct the project.”
  - B. “Invenergy maintains a large portfolio of wind developments across the country, including in the nearby states of New Mexico, Oklahoma, and Kansas, all with similar resources and competitive regulatory environments. While the project entity, Whatley Solar Ranch LLC, is specific to this location in Texas, the economic return for the project is constantly compared to returns from other locations within and outside of Texas. Invenergy has limited capital, human, and turbine resources, and must pick the best projects to advance as a company each year. The economic return is a primary input for this decision.”
  - C. “Without the available tax incentives, the economics of the project become far less attractive and the likelihood of completing the project and selling the electricity at competitive prices

becomes unlikely. If Whatley Solar Ranch was not able to obtain a value limitation agreement, the project would most likely be terminated and resources would be allocated to projects with more favorable economics.”

- November 21, 2016, CBS7.com reported that, “Commissioners say they want a little more information on the project, but so far, they like the idea. Precinct 4 County Commissioner Jim Waldrop is entirely on board with the project, noting that the area’s recent rolling blackouts have been an issue. “This is something of the future. We all need electricity. There have been power shortages, power outages—maybe this will help contribute more electricity for the future and keep some of the power outages from happening,” Waldrop said.”
- According to Notice of Special Meeting of Andrews County Commissioners Court dated December 19, 2016, “Discuss and consider approving the Resolution and Order approving the form of Tax Abatement Agreement with Whatley Solar Ranch LLC.”
- Supplemental information provided by the applicant stated the following:
  - A. The project has applied to ERCOT and the “GINR number is #161NR0106”.

### **Supporting Information**

- a) Section 8 of the Application for a Limitation on Appraised Value
- b) Attachments provided in Tab 5 of the Application for a Limitation on Appraised Value
- c) Additional information provided by the Applicant or located by the Comptroller

**Disclaimer:** This examination is based on information from the application submitted to the school district and forwarded to the comptroller. It is intended to meet the statutory requirement of Chapter 313 of the Tax Code and is not intended for any other purpose.

# Supporting Information

## Section 8 of the Application for a Limitation on Appraised Value

## Application for Appraised Value Limitation on Qualified Property

### SECTION 6: Eligibility Under Tax Code Chapter 313.024

1. Are you an entity subject to the tax under Tax Code, Chapter 171?  Yes  No
2. The property will be used for one of the following activities:
  - (1) manufacturing  Yes  No
  - (2) research and development  Yes  No
  - (3) a clean coal project, as defined by Section 5.001, Water Code  Yes  No
  - (4) an advanced clean energy project, as defined by Section 382.003, Health and Safety Code  Yes  No
  - (5) renewable energy electric generation  Yes  No
  - (6) electric power generation using integrated gasification combined cycle technology  Yes  No
  - (7) nuclear electric power generation  Yes  No
  - (8) a computer center that is used as an integral part or as a necessary auxiliary part for the activity conducted by applicant in one or more activities described by Subdivisions (1) through (7)  Yes  No
  - (9) a Texas Priority Project, as defined by 313.024(e)(7) and TAC 9.1051  Yes  No
3. Are you requesting that any of the land be classified as qualified investment?  Yes  No
4. Will any of the proposed qualified investment be leased under a capitalized lease?  Yes  No
5. Will any of the proposed qualified investment be leased under an operating lease?  Yes  No
6. Are you including property that is owned by a person other than the applicant?  Yes  No
7. Will any property be pooled or proposed to be pooled with property owned by the applicant in determining the amount of your qualified investment?  Yes  No

### SECTION 7: Project Description

1. In **Tab 4**, attach 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.
2. Check the project characteristics that apply to the proposed project:
 

<input checked="" type="checkbox"/> Land has no existing improvements	<input type="checkbox"/> Land has existing improvements (complete Section 13)
<input type="checkbox"/> Expansion of existing operation on the land (complete Section 13)	<input type="checkbox"/> Relocation within Texas

### SECTION 8: Limitation as Determining Factor

1. Does the applicant currently own the land on which the proposed project will occur?  Yes  No
2. Has the applicant entered into any agreements, contracts or letters of intent related to the proposed project?  Yes  No
3. Does the applicant have current business activities at the location where the proposed project will occur?  Yes  No
4. Has the applicant made public statements in SEC filings or other documents regarding its intentions regarding the proposed project location?  Yes  No
5. Has the applicant received any local or state permits for activities on the proposed project site?  Yes  No
6. Has the applicant received commitments for state or local incentives for activities at the proposed project site?  Yes  No
7. Is the applicant evaluating other locations not in Texas for the proposed project?  Yes  No
8. Has the applicant provided capital investment or return on investment information for the proposed project in comparison with other alternative investment opportunities?  Yes  No
9. Has the applicant provided information related to the applicant's inputs, transportation and markets for the proposed project?  Yes  No
10. Are you submitting information to assist in the determination as to whether the limitation on appraised value is a determining factor in the applicant's decision to invest capital and construct the project in Texas?  Yes  No

Chapter 313.026(e) states "the applicant may submit information to the Comptroller that would provide a basis for an affirmative determination under Subsection (c)(2)." If you answered "yes" to any of the questions in Section 8, attach supporting information in Tab 5.

For more information, visit our website: [www.TexasAhead.org/tax\\_programs/chapter313/](http://www.TexasAhead.org/tax_programs/chapter313/)

# Supporting Information

Attachments provided in Tab  
5  
of the Application for a  
Limitation on Appraised  
Value



Whatley Solar Ranch LLC  
Chapter 313 Application to Andrews ISD

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CHECKLIST ITEM #5

Documentation to assist in determining if limitation is a determining factor

Section 8, #2: Has the applicant entered into any agreements, contracts or letters of intent related to the proposed project?

Whatley Solar Ranch LLC has begun typical due course, early stage due diligence to explore feasibility of constructing a solar facility at this site. As such, certain contracts have been executed, including agreements to site and install meteorological monitoring equipment, lease and easement agreements with landowners, contracts with environmental contractors to explore environmental impacts of the proposed project, and an Interconnection Agreement with the transmission provider. None of these contracts obligate Whatley Solar Ranch LLC to construct the project.

Section 8, #7 & 10: Is the applicant evaluating other locations not in Texas for the proposed project?

Are you submitting information to assist in the determination as to whether the limitation on appraised value is a determining factor in the applicant's decision to invest capital and construct the project in Texas?

Invenergy maintains a large portfolio of wind developments across the country, including in the nearby states of New Mexico, Oklahoma, and Kansas, all with similar resources and competitive regulatory environments. While the project entity, Whatley Solar Ranch LLC, is specific to this location in Texas, the economic return for the project is constantly compared to returns from other locations within and outside of Texas. Invenergy has limited capital, human, and turbine resources, and must pick the best projects to advance as a company each year. The economic return is a primary input for this decision.

Without the available tax incentives, the economics of the project become far less attractive and the likelihood of completing the project and selling the electricity at competitive prices becomes unlikely. If Whatley Solar Ranch was not able to obtain a value limitation agreement, the project would most likely be terminated and resources would be allocated to projects with more favorable economics.

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ATTACHMENT TO APPLICATION FOR CHAPTER 313 APPRAISED VALUE  
LIMITATION BY WHATLEY SOLAR RANCH LLC TO ANDREWS ISD

# Supporting Information

Additional information  
provided by the Applicant or  
located by the Comptroller

## Solar plant coming to Andrews



By Stephanie Bennett |

Posted: Mon 6:59 PM, Nov 21, 2016



**ANDREWS** -- It's no secret that the oil and gas industry is the backbone of the Permian Basin, but Andrews is taking a different route.

Today commissioners discussed the solar plant that Chicago-based company, Invenergy, plans to construct next year.

The solar farm is set to be on Whatley Ranch property between SW 8000 and SW 3601.

But no vote was taken on the project just yet today in Commissioners Court.

Commissioners would like to hear an additional presentation from an Invenergy representative; it's scheduled for next Monday, November 28.

Commissioners say they want a little more information on the project, but so far, they like the idea.

Precinct 4 County Commissioner Jim Waldrop is entirely on board with the project, noting that the area's recent rolling blackouts have been an issue.

"This is something of the future. We all need electricity. There have been power shortages, power outages—maybe this will help contribute more electricity for the future and keep some of the power outages from happening," Waldrop said.

If approved, the solar plant will bring in over 200 jobs for construction, and two or three permanent jobs.

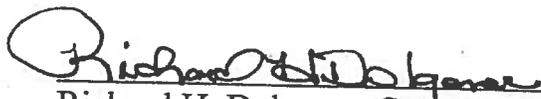
The project could be complete early next year.

NOTICE OF SPECIAL MEETING  
OF  
ANDREWS COUNTY COMMISSIONERS COURT

There will be a Special Meeting of Andrews County Commissioners Court on Monday, December 19, 2016 beginning 9:00 A.M. in the Commissioners Courtroom, Room 107, Andrews County Courthouse, Andrews, Texas. The purpose of this meeting will be to consider the following agenda:

1. Call to Order
2. Pledge of Allegiance
3. Invocation
4. Approve the minutes from the previous meeting of Commissioners Court held on December 12, 2016.
5. Discuss and consider approving the Corrected Application for Tax Abatement for Whatley Solar Ranch LLC.
6. Conduct public hearing regarding the approval of form of Tax Abatement Agreement.
7. Discuss and consider approving the Resolution and Order approving the form of Tax Abatement Agreement with Whatley Solar Ranch LLC.
8. Discuss and consider approving the form of Tax Abatement Agreement between Andrews County and Whatley Solar Ranch LLC effective upon final signature by both parties for a period of seven years.
9. Hear presentation from Lloyd Eisenrich with Weatherby- Eisenrich regarding alternatives for workers' compensation insurance for Andrews County and take action as necessary.

10. Discuss and consider approving the annual contract between Andrews County and the AirMedCare Network regarding the Med-Trans Air Network Transport Membership in the amount of \$67,223.00 for Andrews County residents. To be paid from Fund 39.
11. Discuss and consider approving the job specific testing forms for pre-employment testing with the Odessa Physical Therapy for full-time employment with Andrews County.
12. Hear presentation from Paul Slaughter, President Andrews Country Club on the upcoming contract renewal with the Andrews County Club and take action as necessary.
13. Discuss and consider approving the out of state travel for the Andrews County Judge to travel to Washington, D.C. to attend the Energy Communities Alliance Conference February 22-24, 2017, the County Executives of America Board of Directors and Legislative Conference February 23-24, 2017 and the 2017 NACO Legislative Conference February 25-27, 2017.
14. Open the floor for public forum.
15. Consider approving the various budget amendments for the 2016-2017 Budget years under Local Government Code 111.010(d).
16. Consider approving the payment of financial obligations for Andrews County.
17. Entertain a motion to adjourn.

  
Richard H. Dolgener, County Judge

FILED FOR RECORD  
ANDREWS COUNTY  
2016 DEC 16 A 8:47  
KENDA HECKLER  
COUNTY CLERK  
BY  SCOTT  
DEPUTY