



GLENN HEGAR TEXAS COMPTROLLER OF PUBLIC ACCOUNTS

P.O.Box 13528 • Austin, TX 78711-3528

September 18, 2017

AMENDED CERTIFICATION

Billy Collins
Superintendent
Borden County Independent School District
Box 95
Gail, Texas 79738

Re: Amended Certificate for Limitation on Appraised Value of Property for School District Maintenance and Operations Taxes by and between Borden County Independent School District and Fluvanna Wind Energy 2, LLC, Application 1175

Dear Superintendent Collins:

This application (Application 1175) was originally submitted on January 17, 2017, to the Borden County Independent School District (school district) by Fluvanna Wind Energy 2, LLC (applicant) for a limitation on appraised value under the provisions of Tax Code Chapter 313^[1]. On March 23, 2017, the Comptroller issued written notice that the applicant submitted a completed application; and later issued a certificate for a limitation on appraised value on April 10, 2017. The applicant and school district executed an agreement for a limitation on appraised value (agreement) on August 28, 2017.

On September 6, 2017, the Comptroller received an amendment to modify the reinvestment zone. This presents the Comptroller's review of that amendment per Section 10.2 of the agreement 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.

^[1] All statutory references are to the Texas Tax Code, unless otherwise noted.

Determination required by 313.025(h)

The information provided by the applicant related to eligibility has not changed and therefore, 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 information provided by the applicant has not changed and therefore, 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.

Determination required by 313.026(c)(2)

Comptroller has still 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.

Based on these determinations, the Comptroller issues a certificate for a limitation on appraised value for the amendment.

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 amendment to the agreement by December 31, 2017.

Should you have any questions, please contact Will Counihan, Director, Data Analysis & Transparency, by email at 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", written over the typed name.

Mike Reissig
Deputy Comptroller

Enclosure

cc: Will Counihan

*****Certificate Correction*****

The amended certificate, issued September 18, 2017, for a Limitation on Appraised Value of Property for School District Maintenance and Operations taxes by and between Borden County Independent School District and Fluvanna Wind Energy 2, LLC, Application 1175, indicates an expiration date of December 31, 2017. The correct date of expiration for the amended certificate should be September 18, 2018.

The Comptroller acknowledges the error and correction through this notification.