



GLENN HEGAR TEXAS COMPTROLLER OF PUBLIC ACCOUNTS

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

April 4, 2019

Aaron Hood
Superintendent
Robert Lee Independent School District
1323 Hamilton
Robert Lee, Texas 76945

Re: Certificate for Limitation on Appraised Value of Property for School District
Maintenance and Operations taxes by and between Robert Lee Independent School
District and Grape Creek Wind, LLC, Application 1296

Dear Superintendent Hood:

On January 15, 2019, the Comptroller issued written notice that Grape Creek Wind, LLC (applicant) submitted a completed application (Application 1296) for a limitation on appraised value under the provisions of Tax Code Chapter 313.¹ This application was originally submitted on September 20, 2018, to the Robert Lee 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.

¹ 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 1296.

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, 2019.

Note that any building or improvement existing as of the application review start date of January 15, 2019, 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 or by phone toll-free at 1-800-531-5441, ext. 6-0758, or at 512-936-0758.

Sincerely,

A handwritten signature in blue ink that reads "Lisa Craven". The signature is fluid and cursive, with the first name "Lisa" and last name "Craven" clearly distinguishable.

Lisa Craven
Deputy Comptroller

Enclosure

cc: Will Counihan

Attachment A – Economic Impact Analysis

The following tables summarize the Comptroller’s economic impact analysis of Grape Creek Wind, LLC (project) applying to Water Valley 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 Grape Creek Wind, LLC.

| | |
|---|--------------------------------------|
| Applicant | Grape Creek Wind, LLC |
| Tax Code, 313.024 Eligibility Category | Renewable Energy Electric Generation |
| School District | Robert Lee ISD |
| 2017-2018 Average Daily Attendance | 253 |
| County | Coke |
| Proposed Total Investment in District | \$216,000,000 |
| Proposed Qualified Investment | \$216,000,000 |
| Limitation Amount | \$25,000,000 |
| Qualifying Time Period (Full Years) | 2020-2021 |
| Number of new qualifying jobs committed to by applicant | 3* |
| Number of new non-qualifying jobs estimated by applicant | 0 |
| Average weekly wage of qualifying jobs committed to by applicant | \$867 |
| Minimum weekly wage required for each qualifying job by Tax Code, 313.021(5)(B) | \$866 |
| Minimum annual wage committed to by applicant for qualified jobs | \$45,100 |
| Minimum weekly wage required for non-qualifying jobs | \$710 |
| Minimum annual wage required for non-qualifying jobs | \$36,895 |
| Investment per Qualifying Job | \$72,000,000 |
| Estimated M&O levy without any limit (15 years) | \$28,194,117 |
| Estimated M&O levy with Limitation (15 years) | \$10,498,567 |
| Estimated gross M&O tax benefit (15 years) | \$17,695,550 |

* 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 Grape Creek Wind, LLC (modeled).

| Year | Employment | | | Personal Income | | |
|------|------------|--------------------|--------|-----------------|--------------------|--------------|
| | Direct | Indirect + Induced | Total | Direct | Indirect + Induced | Total |
| 2020 | 136 | 170 | 306 | \$6,800,000 | \$15,442,000 | \$22,242,000 |
| 2021 | 3 | 23 | 25.782 | \$135,300 | \$3,299,700 | \$3,435,000 |
| 2022 | 3 | 21 | 24 | \$135,300 | \$2,880,700 | \$3,016,000 |
| 2023 | 3 | 15 | 18 | \$135,300 | \$2,277,700 | \$2,413,000 |
| 2024 | 3 | 11 | 14 | \$135,300 | \$1,900,700 | \$2,036,000 |
| 2025 | 3 | 10 | 13 | \$135,300 | \$1,718,700 | \$1,854,000 |
| 2026 | 3 | 10 | 13 | \$135,300 | \$1,653,700 | \$1,789,000 |
| 2027 | 3 | 10 | 13 | \$135,300 | \$1,670,700 | \$1,806,000 |
| 2028 | 3 | 11 | 14 | \$135,300 | \$1,737,700 | \$1,873,000 |
| 2029 | 3 | 12 | 15 | \$135,300 | \$1,828,700 | \$1,964,000 |
| 2030 | 3 | 12 | 15 | \$135,300 | \$1,927,700 | \$2,063,000 |
| 2031 | 3 | 9 | 12 | \$135,300 | \$1,635,700 | \$1,771,000 |
| 2032 | 3 | 8 | 11 | \$135,300 | \$1,505,700 | \$1,641,000 |
| 2033 | 3 | 7 | 10 | \$135,300 | \$1,426,700 | \$1,562,000 |
| 2034 | 3 | 7 | 10 | \$135,300 | \$1,393,700 | \$1,529,000 |
| 2035 | 3 | 7 | 10 | \$135,300 | \$1,389,700 | \$1,525,000 |

Source: CPA REMI, Grape Creek Wind, 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* | Robert Lee ISD I&S Tax Levy | Robert Lee ISD M&O Tax Levy | Robert Lee ISD M&O and I&S Tax Levies | Coke County Tax Levy | West Coke Hospital District Tax Levy | Coke County Underground Water Conservation District Tax | Estimated Total Property Taxes |
|------|---------------------------------|---------------------------------|---------------|-----------------------------|-----------------------------|---------------------------------------|----------------------|--------------------------------------|---|--------------------------------|
| | | | 0.4200 | 0.4200 | 1.0400 | | 0.6854 | 0.2499 | 0.0125 | |
| 2021 | \$213,040,800 | \$213,040,800 | | \$894,771 | \$2,215,624 | \$3,110,396 | \$1,460,203 | \$532,389 | \$532,389 | \$5,102,988 |
| 2022 | \$209,844,000 | \$209,844,000 | | \$881,345 | \$2,182,378 | \$3,063,722 | \$1,438,292 | \$524,400 | \$524,400 | \$5,026,414 |
| 2023 | \$206,409,600 | \$206,409,600 | | \$866,920 | \$2,146,660 | \$3,013,580 | \$1,414,752 | \$515,818 | \$515,818 | \$4,944,150 |
| 2024 | \$202,694,400 | \$202,694,400 | | \$851,316 | \$2,108,022 | \$2,959,338 | \$1,389,288 | \$506,533 | \$506,533 | \$4,855,159 |
| 2025 | \$198,676,800 | \$198,676,800 | | \$834,443 | \$2,066,239 | \$2,900,681 | \$1,361,751 | \$496,493 | \$496,493 | \$4,758,925 |
| 2026 | \$194,335,200 | \$194,335,200 | | \$816,208 | \$2,021,086 | \$2,837,294 | \$1,331,993 | \$485,644 | \$485,644 | \$4,654,930 |
| 2027 | \$189,626,400 | \$189,626,400 | | \$796,431 | \$1,972,115 | \$2,768,545 | \$1,299,718 | \$473,876 | \$473,876 | \$4,542,140 |
| 2028 | \$184,572,000 | \$184,572,000 | | \$775,202 | \$1,919,549 | \$2,694,751 | \$1,265,075 | \$461,245 | \$461,245 | \$4,421,072 |
| 2029 | \$179,107,200 | \$179,107,200 | | \$752,250 | \$1,862,715 | \$2,614,965 | \$1,227,619 | \$447,589 | \$447,589 | \$4,290,173 |
| 2030 | \$173,188,800 | \$173,188,800 | | \$727,393 | \$1,801,164 | \$2,528,556 | \$1,187,053 | \$432,799 | \$432,799 | \$4,148,409 |
| 2031 | \$166,816,800 | \$166,816,800 | | \$700,631 | \$1,734,895 | \$2,435,525 | \$1,143,379 | \$416,875 | \$416,875 | \$3,995,779 |
| 2032 | \$159,926,400 | \$159,926,400 | | \$671,691 | \$1,663,235 | \$2,334,925 | \$1,096,152 | \$399,656 | \$399,656 | \$3,830,733 |
| 2033 | \$152,496,000 | \$152,496,000 | | \$640,483 | \$1,585,958 | \$2,226,442 | \$1,045,223 | \$381,088 | \$381,088 | \$3,652,752 |
| 2034 | \$144,460,800 | \$144,460,800 | | \$606,735 | \$1,502,392 | \$2,109,128 | \$990,149 | \$361,008 | \$361,008 | \$3,460,284 |
| 2035 | \$135,777,600 | \$135,777,600 | | \$570,266 | \$1,412,087 | \$1,982,353 | \$930,633 | \$339,308 | \$339,308 | \$3,252,294 |
| | | | Total | \$11,386,086 | \$28,194,117 | \$39,580,203 | \$18,581,279 | \$6,774,721 | \$6,774,721 | \$64,936,203 |

Source: CPA, Grape Creek Wind, LLC

*Tax Rate per \$100 Valuation

Table 4 examines the estimated direct impact on ad valorem taxes to the school district and Coke 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* | Robert Lee ISD I&S Tax Levy | Robert Lee ISD M&O Tax Levy | Robert Lee ISD M&O and I&S Tax Levies | Coke County Tax Levy | West Coke Hospital District Tax Levy | Coke County Underground Water Conservation District Tax Levy | Estimated Total Property Taxes |
|---|---------------------------------|---------------------------------|--------------|-----------------------------|-----------------------------|---------------------------------------|----------------------|--------------------------------------|--|--------------------------------|
| | | | | 0.4200 | 1.0400 | | 0.6854 | 0.2499 | 0.0125 | |
| 2021 | \$213,040,800 | \$25,000,000 | | \$894,771 | \$260,000 | \$1,154,771 | \$0 | \$532,389 | \$62,475 | \$1,687,160 |
| 2022 | \$209,844,000 | \$25,000,000 | | \$881,345 | \$260,000 | \$1,141,345 | \$0 | \$524,400 | \$62,475 | \$1,665,745 |
| 2023 | \$206,409,600 | \$25,000,000 | | \$866,920 | \$260,000 | \$1,126,920 | \$0 | \$515,818 | \$62,475 | \$1,642,738 |
| 2024 | \$202,694,400 | \$25,000,000 | | \$851,316 | \$260,000 | \$1,111,316 | \$0 | \$506,533 | \$62,475 | \$1,617,850 |
| 2025 | \$198,676,800 | \$25,000,000 | | \$834,443 | \$260,000 | \$1,094,443 | \$0 | \$496,493 | \$62,475 | \$1,590,936 |
| 2026 | \$194,335,200 | \$25,000,000 | | \$816,208 | \$260,000 | \$1,076,208 | \$0 | \$485,644 | \$62,475 | \$1,561,852 |
| 2027 | \$189,626,400 | \$25,000,000 | | \$796,431 | \$260,000 | \$1,056,431 | \$0 | \$473,876 | \$62,475 | \$1,530,307 |
| 2028 | \$184,572,000 | \$25,000,000 | | \$775,202 | \$260,000 | \$1,035,202 | \$0 | \$461,245 | \$62,475 | \$1,496,448 |
| 2029 | \$179,107,200 | \$25,000,000 | | \$752,250 | \$260,000 | \$1,012,250 | \$0 | \$447,589 | \$62,475 | \$1,459,839 |
| 2030 | \$173,188,800 | \$25,000,000 | | \$727,393 | \$260,000 | \$987,393 | \$0 | \$432,799 | \$62,475 | \$1,420,192 |
| 2031 | \$166,816,800 | \$166,816,800 | | \$700,631 | \$1,734,895 | \$2,435,525 | \$1,143,379 | \$416,875 | \$416,875 | \$3,995,779 |
| 2032 | \$159,926,400 | \$159,926,400 | | \$671,691 | \$1,663,235 | \$2,334,925 | \$1,096,152 | \$399,656 | \$399,656 | \$3,830,733 |
| 2033 | \$152,496,000 | \$152,496,000 | | \$640,483 | \$1,585,958 | \$2,226,442 | \$1,045,223 | \$381,088 | \$381,088 | \$3,652,752 |
| 2034 | \$144,460,800 | \$144,460,800 | | \$606,735 | \$1,502,392 | \$2,109,128 | \$990,149 | \$361,008 | \$361,008 | \$3,460,284 |
| 2035 | \$135,777,600 | \$135,777,600 | | \$570,266 | \$1,412,087 | \$1,982,353 | \$930,633 | \$339,308 | \$339,308 | \$3,252,294 |
| | | | Total | \$11,386,086 | \$10,498,567 | \$21,884,653 | \$5,205,535 | \$6,774,721 | \$2,522,685 | \$33,864,909 |
| | | | Diff | \$0 | \$17,695,550 | \$17,695,550 | \$13,375,743 | \$0 | \$4,252,037 | \$31,071,293 |
| Assumes School Value Limitation and Tax Abatements with the County. | | | | | | | | | | |

Source: CPA, Grape Creek Wind, 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 25th Anniversary of Limitation Start

This represents the Comptroller’s determination that Grape Creek Wind, 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) |
|---|----------|---|---|---|---|
| Limitation Pre-Years | 2018 | \$0 | \$0 | \$0 | \$0 |
| | 2019 | \$0 | \$0 | \$0 | \$0 |
| | 2020 | \$0 | \$0 | \$0 | \$0 |
| Limitation Period (10 Years) | 2021 | \$260,000 | \$260,000 | \$1,955,624 | \$1,955,624 |
| | 2022 | \$260,000 | \$520,000 | \$1,922,378 | \$3,878,002 |
| | 2023 | \$260,000 | \$780,000 | \$1,886,660 | \$5,764,662 |
| | 2024 | \$260,000 | \$1,040,000 | \$1,848,022 | \$7,612,684 |
| | 2025 | \$260,000 | \$1,300,000 | \$1,806,239 | \$9,418,922 |
| | 2026 | \$260,000 | \$1,560,000 | \$1,761,086 | \$11,180,008 |
| | 2027 | \$260,000 | \$1,820,000 | \$1,712,115 | \$12,892,123 |
| | 2028 | \$260,000 | \$2,080,000 | \$1,659,549 | \$14,551,672 |
| | 2029 | \$260,000 | \$2,340,000 | \$1,602,715 | \$16,154,387 |
| | 2030 | \$260,000 | \$2,600,000 | \$1,541,164 | \$17,695,550 |
| Maintain Viable Presence (5 Years) | 2031 | \$1,734,895 | \$4,334,895 | \$0 | \$17,695,550 |
| | 2032 | \$1,663,235 | \$5,998,129 | \$0 | \$17,695,550 |
| | 2033 | \$1,585,958 | \$7,584,088 | \$0 | \$17,695,550 |
| | 2034 | \$1,502,392 | \$9,086,480 | \$0 | \$17,695,550 |
| | 2035 | \$1,412,087 | \$10,498,567 | \$0 | \$17,695,550 |
| Additional Years as Required by 313.026(c)(1) (10 Years) | 2036 | \$1,314,593 | \$11,813,160 | \$0 | \$17,695,550 |
| | 2037 | \$1,209,237 | \$13,022,397 | \$0 | \$17,695,550 |
| | 2038 | \$1,095,569 | \$14,117,967 | \$0 | \$17,695,550 |
| | 2039 | \$972,916 | \$15,090,883 | \$0 | \$17,695,550 |
| | 2040 | \$840,154 | \$15,931,036 | \$0 | \$17,695,550 |
| | 2041 | \$697,058 | \$16,628,094 | \$0 | \$17,695,550 |
| | 2042 | \$561,600 | \$17,189,694 | \$0 | \$17,695,550 |
| | 2043 | \$561,600 | \$17,751,294 | \$0 | \$17,695,550 |
| | 2044 | \$561,600 | \$18,312,894 | \$0 | \$17,695,550 |
| | 2045 | \$561,600 | \$18,874,494 | \$0 | \$17,695,550 |

\$18,874,494

is greater than

\$17,695,550

| Analysis Summary | |
|---|-----|
| 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? | Yes |

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

Source: CPA, Grape Creek Wind, 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 Grape Creek Wind, 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 Grape Creek Wind, LLC in Tab 5 of their Application for a Limitation on Appraised Value:
 - A. “Apex, the ultimate parent company of Grape Creek Wind, LLC, has been in the renewable energy sector for over nine years and has capabilities in the development, financing, of independent power assets throughout the United States, of which over 1000 MW have the opportunity to be developed in Texas.”
 - B. “The Project is in the middle stages of development as of the date of this application. This Project was selected as a candidate to explore for development because of the fertile wind resource and investment made in Coke County, access to the ERCOT market, and the favorable property tax incentives under the Tax Code, including the potential availability of tax agreements under Tax Code Chapter 312 and a value limitation agreement under Tax Code Chapter 313.”
 - C. “The approval of the Project’s application for a Chapter 313 Appraised Value Limitation remains an essential factor in the Project being selected for development by Apex. A myriad of variables remain undetermined at this early stage, and Apex could elect to allocate resources to other developable counties and/or states competing for similar projects where Apex has land interests.”
 - D. “Apex would like to develop and build its proposed project, but given the number of undetermined variables at this early stage, a Chapter 313 Appraised Value Limitation Agreement is necessary to make the economics of the project viable by providing relief for the greatest operational cost of the project. If Apex cannot secure a Chapter 313 Appraised Value Limitation Agreement, resources will be likely reallocated to other developable counties and/or states competing for similar projects where Apex has land interests. Apex is currently developing the following facilities that are competing for investment capital with the proposed project in Coke County: a. A large wind farm in Illinois known internally as “Lincoln Land”; b. A large wind farm in Minnesota known internally as “Big Bend” ; c. A large wind farm in Michigan known internally

as "Isabella"; d. A large wind farm in Indiana known internally as "Roaming Bison"; e. A large wind farm in Colorado known internally as "Antelope Creek"; and f. A large wind farm in New Mexico known internally as "Grady Martin."

- According to Coke County Commissioners Court meeting dated July 10, 2018, "Discuss/Act on an Order Approving a Tax Abatement Agreement between Coke County and Grape Creek Wind, LLC."
- According to Robert Lee ISD Board of Trustees Regular Meeting dated September 20, 2018, "Discussion and possible action to accept the Application of Grape Creek Wind, LLC for an Appraised Value Limitation on Qualified Property."
- Per Apex Clean Energy website, they state that Grape Creek Wind project is in development stage with anticipated capacity of 525MW.
- Supplemental information provided by the applicant indicated the following:
 - A. "The Project has been known by no other names."
 - B. "The Project's GINR # is: 19INR0156 and was submitted 11/29/17."

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**

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 (<i>complete Section 13</i>) |
| <input type="checkbox"/> Expansion of existing operation on the land (<i>complete Section 13</i>) | <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.

Supporting Information

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

Documentation to assist in determining if limitation is a determining factor

Apex, the ultimate parent company of Grape Creek Wind, LLC, has been in the renewable energy sector for over nine years and has capabilities in the development, financing, construction and operation of over 14,000 MW of independent power assets throughout the United States, of which over 1000 MW have the opportunity to be developed in Texas.

The Project is in the middle stages of development as of the date of this application. This Project was selected as a candidate to explore for development because of the fertile wind resource and investment made in Coke County, access to the ERCOT market, and the favorable property tax incentives under the Tax Code, including the potential availability of tax abatement agreements under Tax Code Chapter 312 and a value limitation agreement under Tax Code Chapter 313.

The approval of the Project's application for a Chapter 313 Appraised Value Limitation remains an essential factor in the Project being selected for development by Apex. A myriad of variables remain undetermined at this early stage, and Apex could elect to allocate resources to other developable counties and/or states competing for similar projects where Apex has land interests.

Apex would like to develop and build its proposed project, but given the number of undetermined variables at this early stage, a Chapter 313 Appraised Value Limitation Agreement is necessary to make the economics of the project viable by providing relief for the greatest operational cost of the project. If Apex cannot secure a Chapter 313 Appraised Value Limitation Agreement, resources will be likely reallocated to other developable counties and/or states competing for similar projects where Apex has land interests. Apex is currently developing the following facilities that are competing for investment capital with the proposed project in Coke County:

- a. A large wind farm in Illinois known internally as "Lincoln Land";
- b. A large wind farm in Minnesota known internally as "Big Bend" ;
- c. A large wind farm in Michigan known internally as "Isabella";
- d. A large wind farm in Indiana known internally as "Roaming Bison";
- e. A large wind farm in Colorado known internally as "Antelope Creek"; and
- f. A large wind farm in New Mexico known internally as "Grady Martin."

Supporting Information

Additional information
provided by the Applicant or
located by the Comptroller

No. 7539

FILED FOR RECORD

JUL 06 2018

COKE COUNTY & DIST. CLERK
MARY GRIM

NOTICE OF MEETING
COMMISSIONERS' COURT OF COKE COUNTY, TEXAS

Notice is hereby given that a regular meeting of the above named Commissioners' Court will be held on the 10th day of July, 2018 at 9:00 a.m. in the County Courthouse, Robert Lee, Texas, at which time the following subjects will be discussed, to wit:

1. Prayer / Pledge
2. Announce the presence of a quorum
3. Discuss / Approve Minutes
4. Approve Treasurer's Report
5. Discuss / Act / Approve Payroll
6. Discuss / Act / Approve Accounts Payable for Payroll
7. Discuss Extension Report
8. Discuss Sheriff's Report
9. Discuss Tax Collectors' Report
10. Discuss District/County Clerk's Report
11. Discuss Constable Report, Pct. 1
12. Discuss J.P. Report, Pct. 1
13. Discuss D.R. Report
14. Discuss Trappers Report
15. Discuss / Act on Burn Ban
16. Discuss / Act on Salary funding from MHMR for Coke County Mental Health Officers

17. Discuss / Act on Line Item Transfers:
 - Road & Bridge, Pct. 1-
 - From: Caliche
 - To: New Equipment

 - Road & Bridge, Pct. 3 –
 - From: Materials & Supplies
 - To: New Equipment

 - Agricultural Extension Ag –
 - From: FCS Travel
 - To: Vehicle Expense
 - From: FCS Travel
 - To: Agent Travel
18. Discuss / Act on Request from Frontier Communications to construct a communication line within the right-of-way of a County Rd in Coke County as follows: Frontier Communications proposes to place a buried service drop from an existing pedestal located at about 31.805497, -100.6193386 in the North Row of Mountain Rd, under Mountain Rd to the South Row (bore required under Mountain Rd), a distance of about 45 ft, then turning eastward along the South row for about 477 ft to the west side of the private drive to 2133 and 2131 Mountain Rd, ending here. The service drop will be buried at a minimum depth of 24 inches. Row to be restored to a condition better than or equal to existing condition.
19. Discuss / Act on an Order Approving a Tax Abatement Agreement Between Coke County and Grape Creek Wind, LLC
20. Discuss / Act / Approve TAC Insurance rates for 2018/2019
21. Discuss / Act / Approve the TCDRS plan agreement for the Coke County Retirement plan for 2018/2019
22. Discuss / Act on Interlocal Agreement with the City of Bronte and Coke County for Hauling Caliche/Road Material
23. Discuss / Act on Agreement to House Inmates between Coke County and Runnels County
24. Discuss / Act on Texas A&M Agrilife Extension FCH position contract
25. Reports from Commissioners and Judge
26. Approve payment of bills

Robert Lee ISD
Board of Trustees
Regular Meeting
September 20, 2018

5:00 p.m. – Conference Room 119

The subjects to be discussed or considered, or upon which any formal action may be taken, are as follows: *(Items do not have to be taken in the same order as shown on this notice.)*

1. Call to Order and Establish a Quorum.
2. Invocation/Pledge of Allegiance
3. Public Comment
4. Approval of Minutes of Previous Meeting
5. Approval of Financial Reports, Tax Collection Reports, Bills and Salaries and Budget Amendments.
6. Discussion and possible Board action to adopt amended Board policy CCG (LOCAL)
Aaron Hood
7. Discussion and possible action to: accept the Application of Grape Creek Wind, LLC for an Appraised Value Limitation on Qualified Property; authorize the Superintendent to review the Application for completeness and submit to the Comptroller; and authorize the Superintendent to enter into any agreement to extend the deadline for Board action beyond 150 days subject to Board ratification.
Aaron Hood
8. Discussion and possible action to retain consultants to assist the District in processing of Application for Appraised Value Limitation on Qualified Property from Grape Creek Wind, LLC, LLC.
Aaron Hood
9. Principal's Report
 - Elementary Report
 - High School Report*Lee McCown and David O'Dell*
10. Public Meeting on Accountability Ratings and Performance of Robert Lee Elementary
Aaron Hood
11. Public Hearing and Presentation of Targeted Improvement Plan for Robert Lee Elementary
Aaron Hood
12. Discussion and possible action to approve Targeted Improvement Plan for Robert Lee Elementary
Aaron Hood
13. Discussion and possible action on Intergovernmental Contract Between Coke County, Texas and the Robert Lee Independent School District
Aaron Hood
14. Discussion and possible action on Extracurricular Status of 4-H Organization
Aaron Hood
15. Discussion and possible action on Adjunct Faculty Agreement
Aaron Hood
16. Discussion and possible action to award bid for 2018 SUV
Aaron Hood
17. Discussion and possible action to amend Board Policy EIC (LOCAL)
Aaron Hood
18. Discussion and possible action to amend Board Policy EHBB (LOCAL)
Aaron Hood

19. Discussion and possible action to adopt Resolution of Board-Approved Credit-by-Examination Audit Process
Aaron Hood
20. Discussion and possible action for 2017 Property Value Study
Aaron Hood
21. Discussion and possible action for Memorandum of Understanding with the Alcohol & Drug Abuse Council for the Concho Valley
Aaron Hood
22. Discussion and possible action to amend 2018-2019 Robert Lee ISD Calendar
Aaron Hood
23. Discussion and possible action to adopt CKE (LOCAL)
Aaron Hood
24. Superintendent's Report
 - Board Convention
 - Audit
 - Thank You Cards
Aaron Hood
25. Closed Session:
 - Discussion of Personnel Matters, Including Re-assignment, Resignation, Re-hiring and Discipline
 - i. Personnel
 - 551.087 – Discuss commercial or financial information received from Grape Creek Wind with whom the District may be commencing economic development negotiations.
26. Adjourn -- Set Next School Board Meeting (October 18, 2018)

Aaron Hood, Superintendent

If during the course of the meeting, any discussion of any item on the agenda should be held in a closed meeting, the board will conduct a closed meeting in accordance with the Texas Open Meetings Act, Tex. Gov't Code, Chapter 551.071, Subchapters D and E. Before any closed meeting is convened, the presiding officer will publicly identify the section or sections of the Act authorizing the closed meeting. All final votes, actions, or decisions will be taken in open meeting.

COMPTROLLER QUERY RELATED TO TAX CODE CHAPTER 313.026(c)(2)
- Robert Lee ISD - Grape Creek Wind, LLC, App. #1296

Comptroller Questions (via email on February 15, 2019):

1. *Please list any other names by which this project may have known in the past--in media reports, investor presentations, or any listings with any federal or state agency.*
2. *Has this project applied to ERCOT at this time? If so, please provide the project's GINR number and when was it assigned.*

Applicant Response (via email on February 15, 2019):

1. *The Project has been known by no other names.*
2. *The Project's GINR # is: 19INR0156 and was submitted 11/29/17.*

