



AP Solar Holdings, LLC  
 5524 Bee Caves Rd, Suite J1  
 West Lake Hills, TX 78746  
[www.apsolarholdings.com](http://www.apsolarholdings.com)

August 1, 2019

Tabita Collazo  
 Texas Comptroller of Public Accounts  
 111 East 17th Street, Room 427  
 Austin, Texas 78774  
[tabita.collazo@cpa.texas.gov](mailto:tabita.collazo@cpa.texas.gov)

**RE: App 1390 - Wharton ISD 313 Application  
 Response to Email Request for Information 07/31/19**

Dear Ms. Callazo:

Below are responses to the items you raised in your email of July 31, 2019.

1. Section 4 Q2. Invalid Tax ID. Correct

*Response:* Tab 1, Section 4 has been revised to provide the correct Texas Taxpayer ID number.

2. Section 10 Q4. What is ESD1 and ESD4? Also FM & LR? What do they stand for?

*Response:* ESD stands for "Emergency Services District"; the property tracts lie in both ESD #1 and ESD #4. FM&LR stands for "Farm-to-Market and Lateral Roads".

3. Tab 7 & 8. Add language. "This application covers all qualified *property/investment* in the reinvestment zone and project boundary within Wharton ISD."

*Response:* Tabs 7 and 8 have been revised to include the requested language.

4. Section 14 Q7. Q4 for 2018 in QCEW and 2018 Manufacturing Average Wages by Council of Government Region Wages have been released. You will need to update Q7, Tab 13 and Schedule C.

*Response:* Tab 1, Section 14, item 2 has been revised to indicate that the last complete quarter before application determined to be complete is December 2018. Items 7 and 9 have been revised to include Q4 2018 data. Tab 13 has been revised to include the basis for the updated wage data. Tab 14, Schedule C has also been updated.

5. Schedule C Column D (jobs) does not match Section 14 Q4.

*Response:* Tab 14, Schedule C, has been revised to update the qualifying jobs information in column D to match Tab 1, Section 14, item 4.



## 6. Tab 11. Maps.

- a. This application should only reference the project area that resides in Wharton ISD. Please provide a map that depicts only the project area within Wharton ISD. This should include a labeled project boundary, the proposed reinvestment zone, and the qualified property. (Vicinity Map: should show the Project Boundary is within RZ, ISD, and County)

*Response:* The maps have been revised to show only the project area that is within Wharton ISD. The vicinity map has been revised to show the project boundary within the RZ, ISD and County.

A new signature page is required for this amendment. Be advised that a copy or picture of the new signature page will suffice with the amendment.

*Response:* Tab 17 includes an updated signature page to cover Revision 1 dated 08/01/19.

Include the submission date and amendment number on each corrected page.

*Response:* This response includes the revision submission date of August 1, 2019 and designation of "Revision 1".

Also be advise, with the hard copy and CD you will need to submit an electronic copy of the amendment.

*Response:* An electronic version is being transmitted by email, and a hard copy with original signature page will follow by mail.

Please let us know if additional issues arise that require clarification prior to declaring the application complete.

Best Regards,



Lisa Murphy  
Project Developer

Attachments

Tab 1, Form 50-296-A Pages 3 and 7  
Tab 7, Description of Qualified Investment  
Tab 8, Description of Qualified Property  
Tab 11, Maps  
Tab 13, Wages  
Tab 14, Schedule C  
Tab 17, Signature Page



**Application for Appraised Value Limitation on Qualified Property**  
**Red-tailed Hawk Solar Project**

**Submitted to:**  
**Wharton Independent School District**



**Submitted by:**  
**AP Solar Holdings, LLC**



**August 1, 2019**

**Revision 1**



## Texas Comptroller of Public Accounts

Data Analysis and  
Transparency  
Form 50-296-A

## SECTION 2: Applicant Information (continued)

## 4. Authorized Company Consultant (If Applicable)

Steve	Moore
First Name	Last Name
Attorney	
Title	
Jackson Walker LLP	
Firm Name	
512-236-2074	
Phone Number	Fax Number
smoore@jw.com	
Business Email Address	

## SECTION 3: Fees and Payments

1. Has an application fee been paid to the school district? ☒ Yes ☐ No
- The total fee shall be paid at time of the application is submitted to the school district. Any fees not accompanying the original application shall be considered supplemental payments.

1a. If yes, attach in **Tab 2** proof of application fee paid to the school district.

For the purpose of questions 2 and 3, "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.

2. 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)? ☐ Yes ☒ No ☐ N/A
3. 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)? ☐ Yes ☒ No ☐ N/A

## SECTION 4: Business Applicant Information

1. What is the legal name of the applicant under which this application is made? AP Solar 6, LLC
2. List the Texas Taxpayer I.D. number of entity subject to Tax Code, Chapter 171 (11 digits) 32069929290
3. List the NAICS code 221114
4. Is the applicant a party to any other pending or active Chapter 313 agreements? ☐ Yes ☒ No
- 4a. If yes, please list application number, name of school district and year of agreement

## SECTION 5: Applicant Business Structure

1. Identify Business Organization of Applicant (corporation, limited liability corporation, etc) Limited Liability Company
2. Is applicant a combined group, or comprised of members of a combined group, as defined by Tax Code §171.0001(7)? ☒ Yes ☐ No
- 2a. If yes, attach in **Tab 3** a copy of Texas Comptroller Franchise Tax Form No. 05-165, No. 05-166, or any other documentation from the Franchise Tax Division to demonstrate the applicant's combined group membership and contact information.
3. Is the applicant current on all tax payments due to the State of Texas? ☒ Yes ☐ No
4. Are all applicant members of the combined group current on all tax payments due to the State of Texas? ☒ Yes ☐ No ☐ N/A
5. If the answer to question 3 or 4 is no, please explain and/or disclose any history of default, delinquencies and/or any material litigation, including litigation involving the State of Texas. (If necessary, attach explanation in **Tab 3**)



## Texas Comptroller of Public Accounts

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## SECTION 14: Wage and Employment Information

1. 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)? ..... 0
2. What is the last complete calendar quarter before application review start date:  
☐ First Quarter    ☐ Second Quarter    ☐ Third Quarter    ☒ Fourth Quarter of 2018  
(year)
3. 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 Texas Workforce Commission (TWC)? ..... 0
- Note:** For job definitions see TAC §9.1051 and Tax Code §313.021(3).
4. What is the number of new qualifying jobs you are committing to create? ..... 3
5. What is the number of new non-qualifying jobs you are estimating you will create? ..... 0
6. Do you intend to request that the governing body waive the minimum new qualifying job creation requirement, as provided under Tax Code §313.025(f-1)? ..... ☒ Yes    ☐ No
- 6a. If yes, attach evidence in **Tab 12** documenting that the new qualifying job creation requirement above exceeds the number of employees necessary for the operation, according to industry standards.
7. Attach in **Tab 13** the four most recent quarters of data for each wage calculation below, including documentation from the TWC website. 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(21) and (22).
- a. Average weekly wage for all jobs (all industries) in the county is ..... 756.75
- b. 110% of the average weekly wage for manufacturing jobs in the county is ..... 908.33
- c. 110% of the average weekly wage for manufacturing jobs in the region is ..... 1,309.44
8. Which Tax Code section are you using to estimate the qualifying job wage standard required for this project? ..... ☒ §313.021(5)(A) or ☐ §313.021(5)(B)
9. What is the minimum required annual wage for each qualifying job based on the qualified property? ..... 47,232.90
10. What is the annual wage you are committing to pay for each of the new qualifying jobs you create on the qualified property? ..... 47,232.90
11. Will the qualifying jobs meet all minimum requirements set out in Tax Code §313.021(3)? ..... ☒ Yes    ☐ No
12. Do you intend to satisfy the minimum qualifying job requirement through a determination of cumulative economic benefits to the state as provided by §313.021(3)(F)? ..... ☐ Yes    ☒ No
- 12a. If yes, attach in **Tab 12** supporting documentation from the TWC, pursuant to §313.021(3)(F).
13. Do you intend to rely on the project being part of a single unified project, as allowed in §313.024(d-2), in meeting the qualifying job requirements? ..... ☐ Yes    ☒ No
- 13a. If yes, attach in **Tab 6** supporting documentation including a list of qualifying jobs in the other school district(s).

## SECTION 15: Economic Impact

1. Complete and attach Schedules A1, A2, B, C, and D in **Tab 14**. Note: Excel spreadsheet versions of schedules are available for download and printing at URL listed below.
2. Attach an Economic Impact Analysis, if supplied by other than the Comptroller's Office, in **Tab 15**. (*not required*)
3. If there are any other payments made in the state or economic information that you believe should be included in the economic analysis, attach a separate schedule showing the amount for each year affected, including an explanation, in **Tab 15**.



**Tab 7**  
**Description of Qualified Investment**

AP Solar is requesting an appraise value limitation on all of the property constructed or placed upon the real property described and shown in Tab 11 as the “Site” with the Wharton Independent School District located in Wharton County. This includes but is not limited to the following the following improvements:

- PV modules;
- DC-to-AC inverter stations (inverters, medium-voltage transformers, associated electrical cabling and controls;
- Tracker racking system (mounting structures);
- Medium- and high-voltage electric cabling;
- Project substation (transformer, switchgear, transmission equipment, telecommunications, SCADA equipment);
- High-voltage transmission line connecting the project to the grid;
- Operations and Maintenance trailer; and
- Balance of plant and associated equipment (including DC cabling, communication and control cabling, conduit, combiner boxes and/or disconnect switches) to safely operate and maintain the facility and deliver electricity to the grid.

All of the improvements that make up the amount of the Qualified Investment will be new and will be made within the Project Investment Area depicted in Tab 11.

This application covers all qualified investment in the reinvestment zone and project boundary within Wharton ISD.

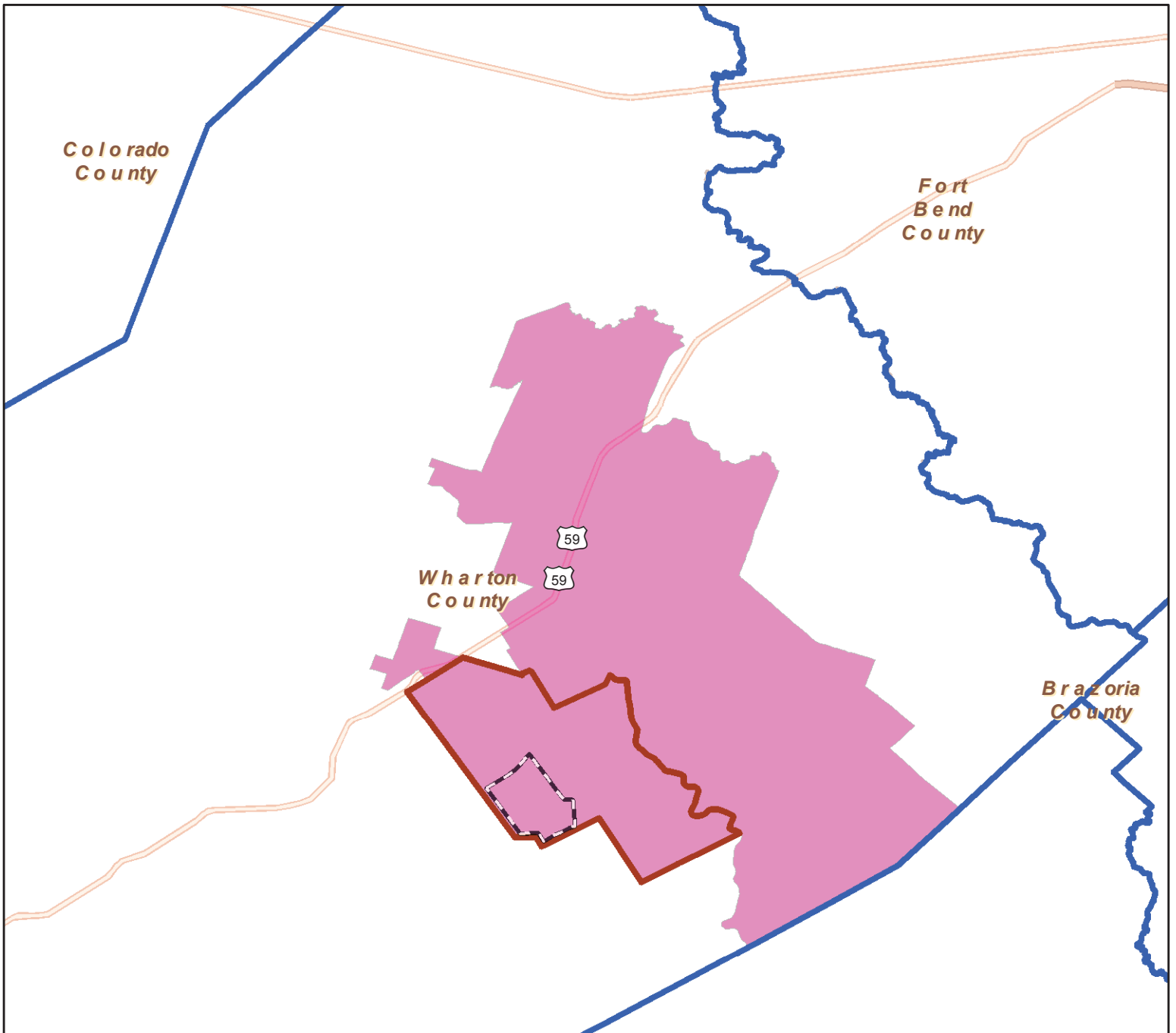


**Tab 8**  
**Description of Qualified Property**


Included in Qualified Investment (Tab 7)

This application covers all qualified property in the reinvestment zone and project boundary within Wharton ISD.






**Legend**

 Location of Qualified Investment including New Buildings and Improvements

 Project Boundary

**Current\_Districts**

**NAME**

 Wharton ISD

*Matagorda  
County*

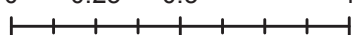
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Datum: WGS 1984



AP Solar 6, LLC  
Red-tailed Hawk Solar Project  
Vicinity Map

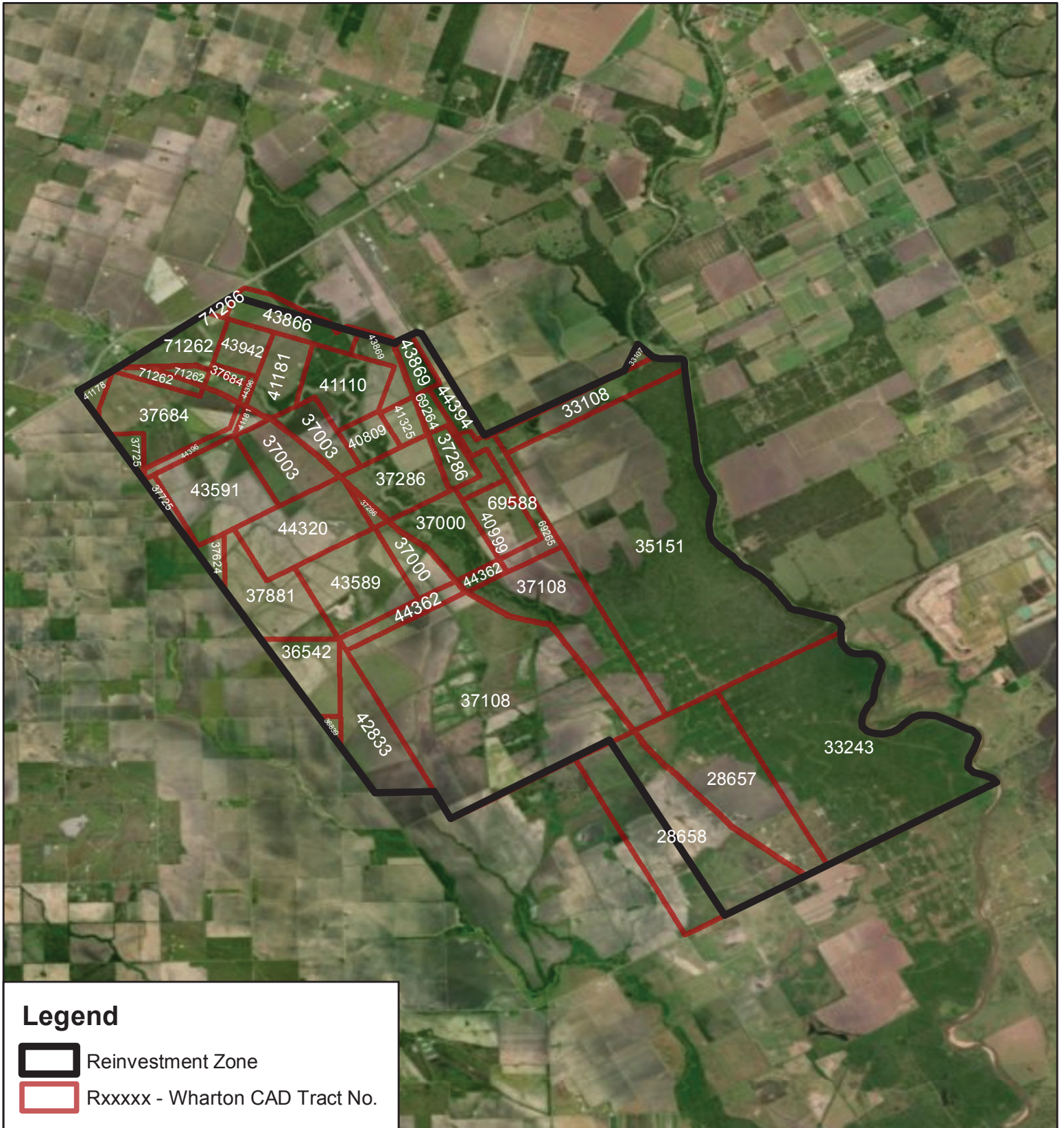


Location:  
Wharton County, Texas

0 0.25 0.5 1 Miles  


Date: 8/1/2019 (Rev 1)





Source: ESRI StreetMap North America  
Datum: WGS 1984



AP Solar 6, LLC  
Red-tailed Hawk Solar Project  
Reinvestment Zone

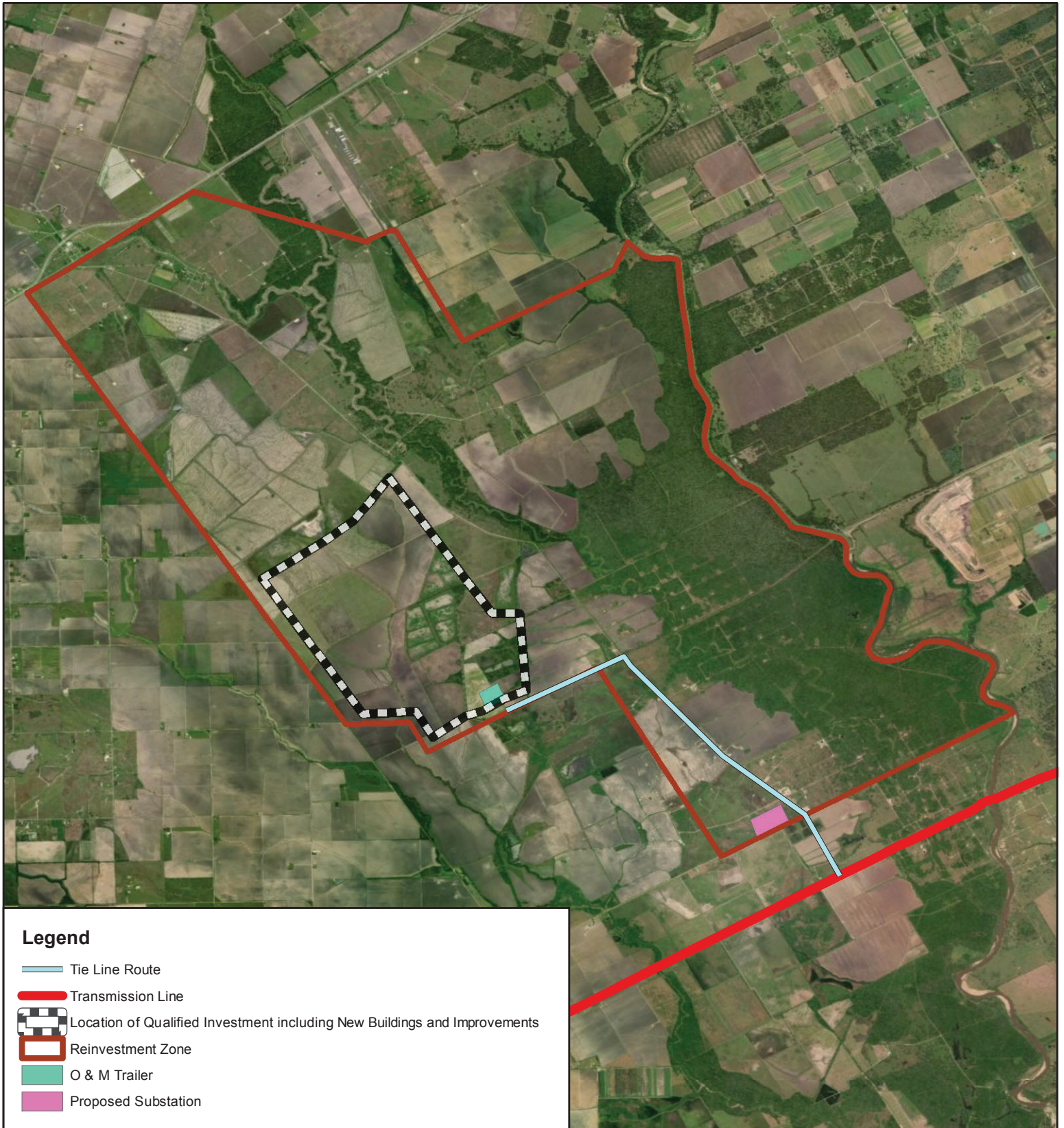


Location:  
Wharton County, Texas




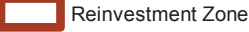


0 0.25 0.5 1 Miles

Date: 8/1/2019 (Rev 1)





### Legend

-  Tie Line Route
-  Transmission Line
-  Location of Qualified Investment including New Buildings and Improvements
-  Reinvestment Zone
-  O & M Trailer
-  Proposed Substation


Source: ESRI StreetMap North America  
Datum: WGS 1984



AP Solar 6, LLC  
Red-tailed Hawk Solar Project  
Location of Qualified Investment



Location:  
Wharton County, Texas

0 0.25 0.5 1 Miles  


Date: 8/1/2019 (Rev 1)



Tab 13

## Calculation of Three Possible Wage Requirements with TWC Documentation

Average Weekly Wage (All Jobs, All Industries)

County: Wharton

Ownership: Total, all

Industry: Total, all industries

Year	Qtr	Average Weekly Wages
2018	1	743
2018	2	738
2018	3	763
2018	4	783
	<b>Average</b>	<b>756.75</b>

Source: <https://texaslmi.com/LMIbyCategory/QCEW>110% of Average Weekly Wage for Manufacturing Jobs

County: Wharton

Ownership: Private

Industry: Manufacturing

Year	Qtr	Average Weekly Wages
2018	1	800
2018	2	851
2018	3	802
2018	4	850
	<b>Average</b>	<b>825.75</b>
	<b>110% of Average</b>	<b>908.33</b>

Source: <https://texaslmi.com/LMIbyCategory/QCEW>**Minimum Required Annual Wage**

$$\$825.75/\text{wk} * 110\% * 52 \text{ wk/yr} = \$47,232.90$$



**110% of Average Weekly Wage for Manufacturing Jobs in Region**

Region: Gulf Coast Area Council of Governments

Average Hourly Wages \$29.76

Average Weekly Wages (40 hr/wk) \$1,190.40

110% of Average Weekly Rate \$1,309.44

**Minimum Required Annual Wage** $\$1,190.40/\text{wk} * 110\% * 52 \text{ wk/yr} = \$68,090.88$ Source: 2018 Manufacturing Average Wages by Council of Government Region; Wages for All Occupations (<https://texaslmi.com/LMIbyCategory/Wages>)**110% of Average Weekly Wage for Utility Construction Jobs**

County: Wharton

Ownership: Private

Industry: Construction: Utility Systems

Year	Qtr	Average Weekly Wages
2017	3	1,178
2017	4	1,155
2018	1	1,162
2018	2	1,238
	Average	1,183.25

Source: <https://tracer2.com/cgi/dataanalysis/AreaSelection.asp?tableName=Industry>**Average Annual Wage Rates for Construction Workers** $\$1,183.25 * 52 = \$61,529$



Year	Period	Area	Ownership	Industry Code	Industry	Level	Establishments	Firms	Average Employment	Average Weekly Wage
2018	01	Wharton	Total All	10	Total, All Industries	0	1,181	1,070	15,557	743
2018	02	Wharton	Total All	10	Total, All Industries	0	1,180	1,067	15,897	738
2018	03	Wharton	Total All	10	Total, All Industries	0	1,186	1,069	16,136	763
2018	04	Wharton	Total All	10	Total, All Industries	0	1,184	1,065	16,267	783



Year	Period	Area	Ownership	Industry	(Industry	Level	Establish	Firms	Average Employment	Average Weekly Wage	Total Wages
2018	01	Wharton	Private	31-33	Manufacturing	2	44	43	1,521	800	15,812,342
2018	02	Wharton	Private	31-33	Manufacturing	2	43	42	1,540	851	17,042,638
2018	03	Wharton	Private	31-33	Manufacturing	2	44	42	1,545	802	16,104,867
2018	04	Wharton	Private	31-33	Manufacturing	2	45	43	1,550	850	17,118,295



Area	SOC Code	Occupation Title	NAICS Code	Industry Title	Rate Type	No. Of Employed	Mean Wage
Gulf Coast	00-0000	Total, All Occupations	31-33	Manufacturing	Hourly	230,810	29.76



Year	Period	Area	Ownership	Industry Code	Industry	Average Weekly Wage
2017	01	Wharton	Private	2371	Utility System Construction	1098
2017	02	Wharton	Private	2371	Utility System Construction	1217
2017	03	Wharton	Private	2371	Utility System Construction	1178
2017	04	Wharton	Private	2371	Utility System Construction	1155
2018	01	Wharton	Private	2371	Utility System Construction	1162
2018	02	Wharton	Private	2371	Utility System Construction	1238



Schedule C: Employment Information

				Construction		Non-Qualifying Jobs		Qualifying Jobs	
				Column A	Column B	Column C	Column D	Column E	
	Year	School Year (YYYY-YYYY)	Tax Year (Actual tax year) YYYY	Number of Construction FTE's or man-hours (specify)	Average annual wage rates for construction workers	Number of non-qualifying jobs applicant estimates it will create (cumulative)	Number of new qualifying jobs applicant commits to create meeting all criteria of Sec. 313.021(3) (cumulative)	Average annual wage of new qualifying jobs	
Each year prior to start of Value Limitation Period <i>Insert as many rows as necessary</i>	0	2019-2020	2019	0	N/A	0			
	1	2020-2021	2020	300	\$61,529	N/A	0		
	2	2021-2022	2021	0	N/A	0	3	47,232.90	
Value Limitation Period <i>The qualifying time period could overlap the value limitation period.</i>	1	2022-2023	2022	N/A	N/A	0	3	47,232.90	
	2	2023-2024	2023	N/A	N/A	0	3	47,232.90	
	3	2024-2025	2024	N/A	N/A	0	3	47,232.90	
	4	2025-2026	2025	N/A	N/A	0	3	47,232.90	
	5	2026-2027	2026	N/A	N/A	0	3	47,232.90	
	6	2027-2028	2027	N/A	N/A	0	3	47,232.90	
	7	2028-2029	2028	N/A	N/A	0	3	47,232.90	
	8	2029-2030	2029	N/A	N/A	0	3	47,232.90	
	9	2030-2031	2030	N/A	N/A	0	3	47,232.90	
	10	2031-2032	2031	N/A	N/A	0	3	47,232.90	
Years Following Value Limitation Period	11 through 25	2032-2047	2032-2047	N/A	N/A	0	3	47,232.90	

Notes: See TAC 9.1051 for definition of non-qualifying jobs.  
Only include jobs on the project site in this school district.

C1.

Are the cumulative number of qualifying jobs listed in Column D less than the number of qualifying jobs required by statute?  
qualifying jobs in Subchapter B districts, 10 qualifying jobs in Subchapter C districts)  
If yes, answer the following two questions:

Yes

No

C1a.

Will the applicant request a job waiver, as provided under 313.025(f-1)?

Yes

No

C1b.

Will the applicant avail itself of the provision in 313.021(3)(F)?

Yes

No



## Texas Comptroller of Public Accounts

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## SECTION 16. Authorized Signatures and Applicant Certification

After the application and schedules are complete, an authorized representative from the school district and the business should review the application documents and complete this authorization page. Attach the completed authorization page in Tab 17. NOTE: If you amend your application, you will need to obtain new signatures and resubmit this page, Section 16, with the amendment request.

## 1. Authorized School District Representative Signature

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.

print  
here

Tina Herrington

Print Name (Authorized School District Representative)

Superintendent

Title

sign  
here

Tina Herrington

Signature (Authorized School District Representative)

8-9-2019

Date

## 2. Authorized Company Representative (Applicant) Signature and Notarization

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 and schedules 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.

print  
here

Christopher Elrod

Print Name (Authorized Company Representative (Applicant))

Manager

Title

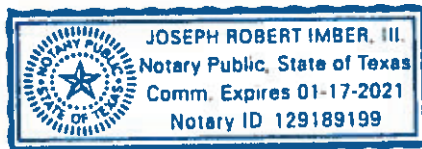
sign  
here

[Signature]

Signature (Authorized Company Representative (Applicant))

08/01/19

Date



(Notary Seal)

GIVEN under my hand and seal of office this, the

day of

Notary Public in and for the State of Texas

My Commission expires:

1-17-2021

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 Section 37.10.