



**GLENN HEGAR** TEXAS COMPTROLLER OF PUBLIC ACCOUNTS

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P.O.Box 13528 • Austin, TX 78711-3528

October 25, 2019

Greg Decker  
Superintendent  
Rotan Independent School District  
102 N. McKinley Ave.  
Rotan, Texas 79546

Re: Certificate for Limitation on Appraised Value of Property for School District Maintenance and Operations taxes by and between Rotan Independent School District and Amadeus Wind, LLC, Application 1410

Dear Superintendent Decker:

On October 22, 2019, the Comptroller issued written notice that Amadeus Wind, LLC (applicant) submitted a completed application (Application 1410) for a limitation on appraised value under the provisions of Tax Code Chapter 313.<sup>1</sup> This application was originally submitted on April 15, 2019, to the Rotan 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 1410.

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).

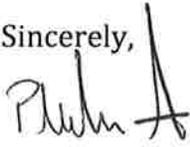
The Comptroller's review of the application assumes the accuracy and completeness of the statements in the application. If the application is approved by the school district, the applicant shall perform according to the provisions of the Texas Economic Development Act Agreement (Form 50-826) executed 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 within a year from the date of this letter.

Note that any building or improvement existing as of the application review start date of October 22, 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](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 "Lisa Craven". The signature is written in a cursive style with a large, prominent initial "L".

Lisa Craven  
Deputy Comptroller

Enclosure

cc: Will Counihan

### Attachment A – Economic Impact Analysis

The following tables summarize the Comptroller’s economic impact analysis of Amadeus Wind, LLC (project) applying to Rotan 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 Amadeus Wind, LLC.

Applicant	Amadeus Wind, LLC
Tax Code, 313.024 Eligibility Category	Renewable Energy Electric Generation
School District	Rotan ISD
2017-2018 Average Daily Attendance	235
County	Fisher, Kent and Stonewall
Proposed Total Investment in District	\$206,936,650
Proposed Qualified Investment	\$206,936,650
Limitation Amount	\$20,000,000
Qualifying Time Period (Full Years)	2021-2022
Number of new qualifying jobs committed to by applicant	4*
Number of new non-qualifying jobs estimated by applicant	0
Average weekly wage of qualifying jobs committed to by applicant	\$961.54
Minimum weekly wage required for each qualifying job by Tax Code, 313.021(5)( B)	\$961.04
Minimum annual wage committed to by applicant for qualified jobs	\$50,000
Minimum weekly wage required for non-qualifying jobs	\$755.50
Minimum annual wage required for non-qualifying jobs	\$39,286
Investment per Qualifying Job	\$51,740,912.50
Estimated M&O levy without any limit (15 years)	\$24,474,609
Estimated M&O levy with Limitation (15 years)	\$7,992,036
Estimated gross M&O tax benefit (15 years)	\$16,482,574

\* 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 Amadeus Wind, LLC (modeled).

Year	Employment			Personal Income		
	Direct	Indirect + Induced	Total	Direct	Indirect + Induced	Total
2019	150	127	277	\$6,103,500	\$10,866,500	\$16,970,000
2020	150	131	281.25	\$6,103,500	\$13,186,500	\$19,290,000
2021	4	17	21	\$200,000	\$3,710,000	\$3,910,000
2022	4	8	12	\$200,000	\$2,490,000	\$2,690,000
2023	4	2	6	\$200,000	\$1,880,000	\$2,080,000
2024	4	(0)	4	\$200,000	\$1,260,000	\$1,460,000
2025	4	8	12	\$200,000	\$1,510,000	\$1,710,000
2026	4	6	10	\$200,000	\$1,140,000	\$1,340,000
2027	4	10	14	\$200,000	\$1,510,000	\$1,710,000
2028	4	10	14	\$200,000	\$1,750,000	\$1,950,000
2029	4	10	14	\$200,000	\$1,510,000	\$1,710,000
2030	4	14	18	\$200,000	\$1,510,000	\$1,710,000
2031	4	10	14	\$200,000	\$1,510,000	\$1,710,000
2032	4	12	16	\$200,000	\$1,020,000	\$1,220,000
2033	4	10	14	\$200,000	\$1,020,000	\$1,220,000

Source: CPA REMI, Amadeus Wind, LLC

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

**Table 3 Estimated Direct Ad Valorem Taxes without property tax incentives**

Year	Estimated Taxable Value for I&S	Estimated Taxable Value for M&O	Tax Rate	Rotan ISD I&S Tax Levy	Rotan ISD M&O Tax Levy	Rotan M&O and I&S Tax Levies	Kent County Tax Levy	Fisher County Tax Levy	Stonewall County Tax Levy	Fisher County Hospital District Tax Levy	Stonewall County Hospital District Tax Levy	Clear Fork Groundwater Conservation District Tax Levy	Estimated Total Property Taxes
2021	\$215,825,479	\$215,825,479	0.0000	\$0	\$2,266,168	\$2,266,168	\$1,671,385	\$185,709	\$206,200	\$61,916	\$61,916	\$28,359	\$4,481,653
2022	\$207,192,460	\$207,192,460	0.0000	\$0	\$2,175,521	\$2,175,521	\$1,604,529	\$178,281	\$197,952	\$59,439	\$59,439	\$27,225	\$4,302,387
2023	\$198,559,441	\$198,559,441	0.0000	\$0	\$2,084,874	\$2,084,874	\$1,537,674	\$170,853	\$189,704	\$56,963	\$56,963	\$26,091	\$4,123,121
2024	\$189,926,422	\$189,926,422	0.0000	\$0	\$1,994,227	\$1,994,227	\$1,470,819	\$163,424	\$181,456	\$54,486	\$54,486	\$24,956	\$3,943,854
2025	\$181,293,402	\$181,293,402	0.0000	\$0	\$1,903,581	\$1,903,581	\$1,403,963	\$155,996	\$173,208	\$52,009	\$52,009	\$23,822	\$3,764,588
2026	\$172,660,383	\$172,660,383	0.0000	\$0	\$1,812,934	\$1,812,934	\$1,337,108	\$148,568	\$164,960	\$49,533	\$49,533	\$22,688	\$3,585,322
2027	\$164,027,364	\$164,027,364	0.0000	\$0	\$1,722,287	\$1,722,287	\$1,270,252	\$141,139	\$156,712	\$47,056	\$47,056	\$21,553	\$3,406,056
2028	\$155,394,345	\$155,394,345	0.0000	\$0	\$1,631,641	\$1,631,641	\$1,203,397	\$133,711	\$148,464	\$44,580	\$44,580	\$20,419	\$3,226,790
2029	\$146,761,326	\$146,761,326	0.0000	\$0	\$1,540,994	\$1,540,994	\$1,136,542	\$126,282	\$140,216	\$42,103	\$42,103	\$19,284	\$3,047,524
2030	\$138,128,307	\$138,128,307	0.0000	\$0	\$1,450,347	\$1,450,347	\$1,069,686	\$118,854	\$131,968	\$39,626	\$39,626	\$18,150	\$2,868,258
2031	\$129,495,287	\$129,495,287	0.0000	\$0	\$1,359,701	\$1,359,701	\$1,002,831	\$111,426	\$123,720	\$37,150	\$37,150	\$17,016	\$2,688,992
2032	\$120,862,268	\$120,862,268	0.0000	\$0	\$1,269,054	\$1,269,054	\$935,975	\$103,997	\$115,472	\$34,673	\$34,673	\$15,881	\$2,509,726
2033	\$112,229,249	\$112,229,249	0.0000	\$0	\$1,178,407	\$1,178,407	\$869,120	\$96,569	\$107,224	\$32,196	\$32,196	\$14,747	\$2,330,459
2034	\$103,596,230	\$103,596,230	0.0000	\$0	\$1,087,760	\$1,087,760	\$802,265	\$89,141	\$98,976	\$29,720	\$29,720	\$13,613	\$2,151,193
2035	\$94,963,211	\$94,963,211	0.0000	\$0	\$997,114	\$997,114	\$735,409	\$81,712	\$90,728	\$27,243	\$27,243	\$12,478	\$1,971,927
<b>Total</b>				<b>\$0</b>	<b>\$24,474,609</b>	<b>\$24,474,609</b>	<b>\$18,050,954</b>	<b>\$2,005,662</b>	<b>\$2,226,956</b>	<b>\$668,693</b>	<b>\$668,693</b>	<b>\$306,282</b>	<b>\$48,401,850</b>

Source: CPA, Amadeus Wind, LLC

\*Tax Rate per \$100 Valuation

**Table 4** examines the estimated direct impact on ad valorem taxes to the school district and Fisher, Kent and Stonewall, 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 Fisher, Kent and Stonewall counties.

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	Rotan ISD I&S Tax Levy	Rotan ISD M&O Tax Levy	Rotan M&O and I&S Tax Levies	Kent County Tax Levy	Fisher County Tax Levy	Stonewall County Tax Levy	Fisher County Hospital District Tax Levy	Stonewall County Hospital District Tax Levy	Clear Fork Groundwater Conservation District Tax Levy	Estimated Total Property Taxes
				<b>0.0000</b>	<b>1.0500</b>		<b>0.8605</b>	<b>0.8156</b>	<b>0.9554</b>	<b>0.2869</b>	<b>0.6923</b>	<b>0.0146</b>	
2021	\$215,825,479	\$20,000,000		\$0	\$210,000	\$210,000	\$0	\$0	\$0	\$0	\$6,311	\$9,138	\$210,000
2022	\$207,192,460	\$20,000,000		\$0	\$210,000	\$210,000	\$0	\$0	\$0	\$0	\$6,311	\$8,773	\$210,000
2023	\$198,559,441	\$20,000,000		\$0	\$210,000	\$210,000	\$0	\$0	\$0	\$0	\$6,311	\$8,407	\$210,000
2024	\$189,926,422	\$20,000,000		\$0	\$210,000	\$210,000	\$0	\$0	\$0	\$0	\$6,311	\$8,041	\$210,000
2025	\$181,293,402	\$20,000,000		\$0	\$210,000	\$210,000	\$0	\$0	\$0	\$0	\$6,311	\$7,676	\$210,000
2026	\$172,660,383	\$20,000,000		\$0	\$210,000	\$210,000	\$0	\$0	\$0	\$0	\$6,311	\$7,310	\$210,000
2027	\$164,027,364	\$20,000,000		\$0	\$210,000	\$210,000	\$0	\$0	\$0	\$0	\$6,311	\$6,945	\$210,000
2028	\$155,394,345	\$20,000,000		\$0	\$210,000	\$210,000	\$0	\$0	\$0	\$0	\$6,311	\$6,579	\$210,000
2029	\$146,761,326	\$20,000,000		\$0	\$210,000	\$210,000	\$0	\$0	\$0	\$0	\$6,311	\$6,214	\$210,000
2030	\$138,128,307	\$20,000,000		\$0	\$210,000	\$210,000	\$713,124	\$49,907	\$145,165	\$114,916	\$6,311	\$5,848	\$1,118,195
2031	\$129,495,287	\$129,495,287		\$0	\$1,359,701	\$1,359,701	\$668,554	\$323,134	\$136,092	\$107,734	\$40,865	\$5,483	\$2,487,481
2032	\$120,862,268	\$120,862,268		\$0	\$1,269,054	\$1,269,054	\$623,984	\$301,592	\$127,019	\$100,552	\$38,140	\$5,117	\$2,321,648
2033	\$112,229,249	\$112,229,249		\$0	\$1,178,407	\$1,178,407	\$579,413	\$280,050	\$117,946	\$93,369	\$35,416	\$4,752	\$2,155,816
2034	\$103,596,230	\$103,596,230		\$0	\$1,087,760	\$1,087,760	\$534,843	\$258,507	\$108,873	\$86,187	\$32,692	\$4,386	\$1,989,984
2035	\$94,963,211	\$94,963,211		\$0	\$997,114	\$997,114	\$490,273	\$236,965	\$99,801	\$79,005	\$29,967	\$4,021	\$1,824,152
			<b>Total</b>	<b>\$0</b>	<b>\$7,992,036</b>	<b>\$7,992,036</b>	<b>\$3,610,191</b>	<b>\$1,450,156</b>	<b>\$734,896</b>	<b>\$581,763</b>	<b>\$240,193</b>	<b>\$98,691</b>	<b>\$13,787,278</b>
			<b>Diff</b>	<b>\$0</b>	<b>\$16,482,574</b>	<b>\$16,482,574</b>	<b>\$14,440,764</b>	<b>\$555,506</b>	<b>\$1,492,061</b>	<b>\$86,930</b>	<b>\$428,500</b>	<b>\$207,591</b>	<b>\$34,614,572</b>

Source: CPA, Amadeus 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 25<sup>th</sup> Anniversary of Limitation Start

This represents the Comptroller’s determination that Amadeus 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 and direct, indirect and induced tax effects from project employment 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>	2018	\$0	\$0	\$0	\$0
	2019	\$0	\$0	\$0	\$0
	2020	\$0	\$0	\$0	\$0
<b>Limitation Period (10 Years)</b>	2021	\$210,000	\$210,000	\$2,056,168	\$2,056,168
	2022	\$210,000	\$420,000	\$1,965,521	\$4,021,688
	2023	\$210,000	\$630,000	\$1,874,874	\$5,896,562
	2024	\$210,000	\$840,000	\$1,784,227	\$7,680,790
	2025	\$210,000	\$1,050,000	\$1,693,581	\$9,374,371
	2026	\$210,000	\$1,260,000	\$1,602,934	\$10,977,305
	2027	\$210,000	\$1,470,000	\$1,512,287	\$12,489,592
	2028	\$210,000	\$1,680,000	\$1,421,641	\$13,911,233
	2029	\$210,000	\$1,890,000	\$1,330,994	\$15,242,227
	2030	\$210,000	\$2,100,000	\$1,240,347	\$16,482,574
<b>Maintain Viable Presence (5 Years)</b>	2031	\$1,359,701	\$3,459,701	\$0	\$16,482,574
	2032	\$1,269,054	\$4,728,754	\$0	\$16,482,574
	2033	\$1,178,407	\$5,907,161	\$0	\$16,482,574
	2034	\$1,087,760	\$6,994,922	\$0	\$16,482,574
	2035	\$997,114	\$7,992,036	\$0	\$16,482,574
<b>Additional Years as Required by 313.026(c)(1) (10 Years)</b>	2036	\$906,467	\$8,898,503	\$0	\$16,482,574
	2037	\$815,820	\$9,714,323	\$0	\$16,482,574
	2038	\$725,174	\$10,439,497	\$0	\$16,482,574
	2039	\$634,527	\$11,074,023	\$0	\$16,482,574
	2040	\$543,880	\$11,617,904	\$0	\$16,482,574
	2041	\$453,234	\$12,071,137	\$0	\$16,482,574
	2042	\$362,587	\$12,433,724	\$0	\$16,482,574
	2043	\$271,940	\$12,705,664	\$0	\$16,482,574
	2044	\$181,293	\$12,886,957	\$0	\$16,482,574
	2045	\$90,647	\$12,977,604	\$0	\$16,482,574

**\$12,977,604**

is less than

**\$16,482,574**

### 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?

No

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, Amadeus Wind, LLC

Year	Employment			Personal Income			Revenue & Expenditure		
	Direct	Indirect + Induced	Total	Direct	Indirect + Induced	Total	Revenue	Expenditure	Net Tax Effect
2019	150	127	277	\$6,103,500	\$10,866,500	\$16,970,000	920000	-500000	\$1,420,000
2020	150	131	281.25	\$6,103,500	\$13,186,500	\$19,290,000	960000	-300000	\$1,260,000
2021	4	17	21	\$200,000	\$3,710,000	\$3,910,000	210000	380000	-\$170,000
2022	4	8	12	\$200,000	\$2,490,000	\$2,690,000	140000	370000	-\$230,000
2023	4	2	6	\$200,000	\$1,880,000	\$2,080,000	140000	340000	-\$200,000
2024	4	(0)	4	\$200,000	\$1,260,000	\$1,460,000	150000	320000	-\$170,000
2025	4	8	12	\$200,000	\$1,510,000	\$1,710,000	160000	290000	-\$130,000
2026	4	6	10	\$200,000	\$1,140,000	\$1,340,000	180000	270000	-\$90,000
2027	4	10	14	\$200,000	\$1,510,000	\$1,710,000	170000	210000	-\$40,000
2028	4	10	14	\$200,000	\$1,750,000	\$1,950,000	200000	180000	\$20,000
2029	4	10	14	\$200,000	\$1,510,000	\$1,710,000	200000	170000	\$30,000
2030	4	14	18	\$200,000	\$1,510,000	\$1,710,000	230000	140000	\$90,000
2031	4	10	14	\$200,000	\$1,510,000	\$1,710,000	220000	120000	\$100,000
2032	4	12	16	\$200,000	\$1,020,000	\$1,220,000	190000	120000	\$70,000
2033	4	10	14	\$200,000	\$1,020,000	\$1,220,000	210000	90000	\$120,000
2034	4	8	12	\$200,000	\$1,260,000	\$1,460,000	170000	80000	\$90,000
2035	4	6	10	\$200,000	\$1,020,000	\$1,220,000	110000	70000	\$40,000
2036	4	8	12	\$200,000	\$530,000	\$730,000	80000	20000	\$60,000
2037	4	6	10	\$200,000	\$780,000	\$980,000	50000	-30000	\$80,000
2038	4	2	6	\$200,000	\$530,000	\$730,000	30000	-40000	\$70,000
2039	4	8	12	\$200,000	\$1,020,000	\$1,220,000	80000	-50000	\$130,000
2040	4	(0)	4	\$200,000	\$290,000	\$490,000	50000	-110000	\$160,000
2041	4	6	10	\$200,000	\$530,000	\$730,000	30000	-150000	\$180,000
2042	4	4	8	\$200,000	\$290,000	\$490,000	60000	-140000	\$200,000
2043	4	2	6	\$200,000	\$780,000	\$980,000	80000	-180000	\$260,000
2044	4	2	6	\$200,000	\$780,000	\$980,000	90000	-180000	\$270,000
2045	4	(0)	4	\$200,000	\$290,000	\$490,000	60000	-250000	\$310,000
2046	4	4	8	\$200,000	\$1,260,000	\$1,460,000	170000	-220000	\$390,000
<b>Total</b>							<b>\$5,340,000</b>	<b>\$1,020,000</b>	<b>\$4,320,000</b>
							<b>\$17,297,604</b>	is greater than	<b>\$16,482,574</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?									Yes

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 Amadeus 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 Amadeus Wind, LLC in Tab 5 of their Application for a Limitation on Appraised Value:
  - A. “BayWa r.e. (“BayWa”), the parent company of Amadeus Wind, LLC, is a leading global renewable energy developer, service supplier, wholesaler and energy solutions provider with operations throughout North America, Europe, and Asia.”
  - B. “BayWa previously developed, and constructed the Mozart Wind Project, located in Kent, and Stonewall Counties, Texas, which it currently operates and for it which they received a 313 Agreement for Appraised Value Limitation.”
  - C. “A 313 Agreement for Appraised Value Limitation is an essential factor for a company seeking to build a wind farm in Texas. Based off of past precedent and past experience with the Mozart Wind Project BayWa has pushed forward with the development of the Amadeus Wind Project and is currently in the later stages of development.”
  - D. “However, as a leading renewable energy developer BayWa is active throughout Texas and worldwide and the Amadeus Wind Project by necessity is competing for a finite pool of resources. As a result, the tax incentives provided by a 313 Agreement for Appraised Value Limitation helps increases the likelihood that the Amadeus Wind Project will in fact be built.”
  - E. “If a 313 Agreement for Appraised Value Limitation is not granted BayWa will be forced to reevaluate the Amadeus Wind Project and may decide to divert the resources allocated to the Amadeus Wind Project to one of the many other projects currently under development throughout the United States.”
- Supplemental information provided by the applicant stated the following:
  - A. “The project was previously known as the Mozart Wind project or Mozart Wind, LLC. Development began in 2008 and 30 MW was constructed in 2012. Amadeus Wind, LLC was then formed to develop the current 250 MW project remaining land under easement.”
  - B. The project’s IGNR number is 14INR0009.

**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

## **Tab 5**

# **Limitation as Determining Factor**

BayWa r.e. ("*BayWa*"), the parent company of Amadeus Wind, LLC, is a leading global renewable energy developer, service supplier, wholesaler and energy solutions provider with operations throughout North America, Europe, and Asia. BayWa has over 30 years of experience in developing, constructing, managing, operating, and financing wind energy power projects with over 1,400 megawatts installed worldwide.

BayWa previously developed, and constructed the Mozart Wind Project, located in Kent, and Stonewall Counties, Texas, which it currently operates and for it which they received a 313 Agreement for Appraised Value Limitation. Looking to expand upon the relationships created from the Mozart Wind Project and, most importantly, the local tax incentives BayWa has leased over 40,000 acres in hopes of installing up to 250 megawatts in Fisher, Kent, and Stonewall Counties, Texas.

A 313 Agreement for Appraised Value Limitation is an essential factor for a company seeking to build a wind farm in Texas. Based off of past precedent and past experience with the Mozart Wind Project BayWa has pushed forward with the development of the Amadeus Wind Project and is currently in the later stages of development. However, as a leading renewable energy developer BayWa is active throughout Texas and worldwide and the Amadeus Wind Project by necessity is competing for a finite pool of resources. As a result, the tax incentives provided by a 313 Agreement for Appraised Value Limitation helps increase the likelihood that the Amadeus Wind Project will in fact be built. If a 313 Agreement for Appraised Value Limitation is not granted BayWa will be forced to reevaluate the Amadeus Wind Project and may decide to divert the resources allocated to the Amadeus Wind Project to one of the many other projects currently under development throughout the United States.

# **Supporting Information**

Additional information  
provided by the Applicant or  
located by the Comptroller

COMPTROLLER QUERY RELATED TO TAX CODE CHAPTER 313.026(c)(2)  
– Rotan ISD – Amadeus Wind, LLC App. #1410

Comptroller Questions (via email on October 18, 2019):

1. *Is the Amadeus Wind project currently known by any other project names? If so please list any other names by which the project may have been known in the past (in media reports, investor presentations, or any listings with any federal or state agency).*
2. *Has the project as applied to ERCOT at this time (if so please provide the project's IGNR number)?*

Applicant Response (via email on October 18, 2019):

1. *The project was previously known as the Mozart Wind project or Mozart Wind, LLC. Development began in 2008 and 30 MW was constructed in 2012. Amadeus Wind, LLC was then formed to develop the current 250 MW project remaining land under easement.*
2. *Yes. 14INR0009.*