

**GLENN HEGAR** TEXAS COMPTROLLER OF PUBLIC ACCOUNTS

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

July 30, 2020

AMENDED CERTIFICATION

Bobby Azam  
Superintendent  
Andrews Independent School District  
405 NW 3rd Street  
Andrews, TX, 79714

Re: Amended Certificate for Limitation on Appraised Value of Property for School District Maintenance and Operations taxes by and between Andrews Independent School District and 2W Permian Solar, LLC, Application 1411

Dear Superintendent Azam:

This application (Application 1411) was originally submitted on August 13, 2019, to the Andrews Independent School District (school district) by 2W Permian Solar, LLC (applicant) for a limitation on appraised value under the provisions of Tax Code Chapter 313.<sup>1</sup> On September 17, 2019, the Comptroller issued written notice that the applicant submitted a completed application; and later issued a certificate for a limitation on appraised value on October 9, 2019. The applicant and school district executed an agreement for a limitation on appraised value (agreement) on November 12, 2019.

On June 30, 2020, Comptroller received an amendment to the agreement to change the project boundary, increase investment and MW capacity from 350 to 420. 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.

**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.

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

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

Determination required by 313.026(c)(1)

Based on the amended information provided by the applicant, 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 previously 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, 2020.

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,

DocuSigned by:  
  
11EA6DEF0EC441E...

Lisa Craven  
Deputy Comptroller

Enclosure

cc: Will Counihan

## Amended Attachment A - Economic Impact Analysis

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

**Table 1** is a summary of investment, employment and tax impact of 2W Permian Solar, LLC.

	<b>Original</b>	<b>Amendment No. 1</b>
Applicant	2W Permian Solar, LLC	2W Permian Solar, LLC
Tax Code, 313.024 Eligibility Category	Renewable Energy Electric Generation	Renewable Energy Electric Generation
School District	Andrews ISD	Andrews ISD
2017-2018 Average Daily Attendance	3,840	3,840
County	Andrews	Andrews
Proposed Total Investment in District	\$396,654,638	\$419,800,000
Proposed Qualified Investment	\$386,654,638	\$419,600,000
Limitation Amount	\$30,000,000	\$30,000,000
Qualifying Time Period (Full Years)	2021-2022	2021-2022
Number of new qualifying jobs committed to by applicant	4*	4*
Number of new non-qualifying jobs estimated by applicant	0	0
Average weekly wage of qualifying jobs committed to by applicant	\$1,138	\$1,138
Minimum weekly wage required for each qualifying job by Tax Code, 313.021(5)(A)	\$1,138	\$1,138
Minimum annual wage committed to by applicant for qualified jobs	\$59,160	\$59,160
Minimum weekly wage required for non-qualifying jobs	\$1,327	\$1,327
Minimum annual wage required for non-qualifying jobs	\$69,005	\$69,005
Investment per Qualifying Job	\$99,163,660	\$104,950,000
Estimated M&O levy without any limit (15 years)	\$24,596,219	\$28,829,080
Estimated M&O levy with Limitation (15 years)	\$6,821,056	\$9,365,509
Estimated gross M&O tax benefit (15 years)	\$17,775,163	\$19,463,571

\* 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 2W Permian Solar, LLC (modeled).

Year	Employment			Personal Income		
	Direct	Indirect + Induced	Total	Direct	Indirect + Induced	Total
2019	50	48	98	\$2,750,000	\$3,250,000	\$6,000,000
2020	350	328	678	\$19,250,000	\$28,750,000	\$48,000,000
2021	100	111	211	\$5,500,000	\$13,500,000	\$19,000,000
2022	4	16	20	\$236,640	\$4,763,360	\$5,000,000
2023	4	6	10	\$236,640	\$3,763,360	\$4,000,000
2024	4	(4)	0	\$236,640	\$1,763,360	\$2,000,000
2025	4	2	6	\$236,640	\$1,763,360	\$2,000,000
2026	4	2	6	\$236,640	\$763,360	\$1,000,000
2027	4	4	8	\$236,640	\$1,763,360	\$2,000,000
2028	4	6	10	\$236,640	\$763,360	\$1,000,000
2029	4	0	4	\$236,640	\$763,360	\$1,000,000
2030	4	6	10	\$236,640	\$763,360	\$1,000,000
2031	4	4	8	\$236,640	\$763,360	\$1,000,000
2032	4	8	12	\$236,640	\$763,360	\$1,000,000
2033	4	8	12	\$236,640	\$763,360	\$1,000,000
2034	4	8	12	\$236,640	\$1,763,360	\$2,000,000

Source: CPA REMI, 2W Permian Solar, LLC

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

Year	Estimated Taxable Value for I&S	Estimated Taxable Value for M&O	Tax Rate*	Andrews ISD I&S Tax Levy	Andrews ISD M&O Tax Levy	Andrews ISD M&O and I&S Tax Levies	Andrews County Tax Levy	Andrews County Hospital District Tax Levy	Estimated Total Property Taxes
			<b>0.1400</b>		<b>0.9900</b>		<b>0.5189</b>	<b>0.4846</b>	
2020	\$50,000	\$50,000		\$70	\$495	\$565	\$259	\$242	\$1,067
2021	\$226,161,000	\$226,161,000		\$316,625	\$2,238,994	\$2,555,619	\$1,173,549	\$1,095,863	\$4,825,032
2022	\$390,882,800	\$390,882,800		\$547,236	\$3,869,740	\$4,416,976	\$2,028,291	\$1,894,023	\$8,339,289
2023	\$359,606,020	\$359,606,020		\$503,448	\$3,560,100	\$4,063,548	\$1,865,996	\$1,742,471	\$7,672,015
2024	\$325,859,521	\$325,859,521		\$456,203	\$3,226,009	\$3,682,213	\$1,690,885	\$1,578,952	\$6,952,050
2025	\$289,391,979	\$289,391,979		\$405,149	\$2,864,981	\$3,270,129	\$1,501,655	\$1,402,249	\$6,174,033
2026	\$250,035,836	\$250,035,836		\$350,050	\$2,475,355	\$2,825,405	\$1,297,436	\$1,211,549	\$5,334,390
2027	\$207,539,772	\$207,539,772		\$290,556	\$2,054,644	\$2,345,199	\$1,076,924	\$1,005,634	\$4,427,757
2028	\$161,652,469	\$161,652,469		\$226,313	\$1,600,359	\$1,826,673	\$838,815	\$783,287	\$3,448,775
2029	\$112,080,730	\$112,080,730		\$156,913	\$1,109,599	\$1,266,512	\$581,587	\$543,087	\$2,391,186
2030	\$84,496,961	\$84,496,961		\$118,296	\$836,520	\$954,816	\$438,455	\$409,430	\$1,802,700
2031	\$84,471,167	\$84,471,167		\$118,260	\$836,265	\$954,524	\$438,321	\$409,305	\$1,802,150
2032	\$83,960,000	\$83,960,000		\$117,544	\$831,204	\$948,748	\$435,668	\$406,828	\$1,791,245
2033	\$83,960,000	\$83,960,000		\$117,544	\$831,204	\$948,748	\$435,668	\$406,828	\$1,791,245
2034	\$83,960,000	\$83,960,000		\$117,544	\$831,204	\$948,748	\$435,668	\$406,828	\$1,791,245
2035	\$83,960,000	\$83,960,000		\$117,544	\$831,204	\$948,748	\$435,668	\$406,828	\$1,791,245
2036	\$83,960,000	\$83,960,000		\$117,544	\$831,204	\$948,748	\$435,668	\$406,828	\$1,791,245
			<b>Total</b>	<b>\$4,076,840</b>	<b>\$28,829,080</b>	<b>\$32,905,919</b>	<b>\$15,110,515</b>	<b>\$14,110,233</b>	<b>\$62,126,667</b>

Source: CPA, 2W Permian Solar, LLC

\*Tax Rate per \$100 Valuation

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

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

Year	Estimated Taxable Value for I&S	Estimated Taxable Value for M&O	Tax Rate*	Andrews ISD I&S Tax Levy	Andrews ISD M&O Tax Levy	Andrews ISD M&O and I&S Tax Levies	Andrews County Tax Levy	Andrews County Hospital District Tax Levy	Estimated Total Property Taxes
				<b>0.1400</b>	<b>0.9900</b>		<b>0.5189</b>	<b>0.4846</b>	
2020	\$50,000	\$50,000		\$70	\$495	\$565	\$259	\$242	\$1,067
2021	\$226,161,000	\$226,161,000		\$316,625	\$2,238,994	\$2,555,619	\$1,173,549	\$1,095,863	\$4,825,032
2022	\$390,882,800	\$30,000,000		\$547,236	\$297,000	\$844,236	\$405,658	\$378,805	\$1,628,699
2023	\$359,606,020	\$30,000,000		\$503,448	\$297,000	\$800,448	\$373,199	\$348,494	\$1,522,142
2024	\$325,859,521	\$30,000,000		\$456,203	\$297,000	\$753,203	\$338,177	\$315,790	\$1,407,171
2025	\$289,391,979	\$30,000,000		\$405,149	\$297,000	\$702,149	\$300,331	\$280,450	\$1,282,930
2026	\$250,035,836	\$30,000,000		\$350,050	\$297,000	\$647,050	\$259,487	\$242,310	\$1,148,847
2027	\$207,539,772	\$30,000,000		\$290,556	\$297,000	\$587,556	\$215,385	\$201,127	\$1,004,067
2028	\$161,652,469	\$30,000,000		\$226,313	\$297,000	\$523,313	\$167,763	\$156,657	\$847,734
2029	\$112,080,730	\$30,000,000		\$156,913	\$297,000	\$453,913	\$116,317	\$108,617	\$678,848
2030	\$84,496,961	\$30,000,000		\$118,296	\$297,000	\$415,296	\$87,691	\$81,886	\$584,873
2031	\$84,471,167	\$30,000,000		\$118,260	\$297,000	\$415,260	\$87,664	\$81,861	\$584,785
2032	\$83,960,000	\$83,960,000		\$117,544	\$831,204	\$948,748	\$435,668	\$406,828	\$1,791,245
2033	\$83,960,000	\$83,960,000		\$117,544	\$831,204	\$948,748	\$435,668	\$406,828	\$1,791,245
2034	\$83,960,000	\$83,960,000		\$117,544	\$831,204	\$948,748	\$435,668	\$406,828	\$1,791,245
2035	\$83,960,000	\$83,960,000		\$117,544	\$831,204	\$948,748	\$435,668	\$406,828	\$1,791,245
2036	\$83,960,000	\$83,960,000		\$117,544	\$831,204	\$948,748	\$435,668	\$406,828	\$1,791,245
			<b>Total</b>	<b>\$4,076,840</b>	<b>\$9,365,509</b>	<b>\$13,442,348</b>	<b>\$5,703,824</b>	<b>\$5,326,244</b>	<b>\$24,472,416</b>
			<b>Diff</b>	<b>\$0</b>	<b>\$19,463,571</b>	<b>\$19,463,571</b>	<b>\$9,406,691</b>	<b>\$8,783,989</b>	<b>\$37,654,251</b>
Assumes School Value Limitation and Tax Abatements with the County and hospital									

Source: CPA, 2W Permian Solar, 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 2W Permian Solar, 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>	2019	\$0	\$0	\$0	\$0
	2020	\$495	\$495	\$0	\$0
	2021	\$2,238,994	\$2,239,489	\$0	\$0
<b>Limitation Period (10 Years)</b>	2022	\$297,000	\$2,536,489	\$3,572,740	\$3,572,740
	2023	\$297,000	\$2,833,489	\$3,263,100	\$6,835,839
	2024	\$297,000	\$3,130,489	\$2,929,009	\$9,764,849
	2025	\$297,000	\$3,427,489	\$2,567,981	\$12,332,829
	2026	\$297,000	\$3,724,489	\$2,178,355	\$14,511,184
	2027	\$297,000	\$4,021,489	\$1,757,644	\$16,268,828
	2028	\$297,000	\$4,318,489	\$1,303,359	\$17,572,187
	2029	\$297,000	\$4,615,489	\$812,599	\$18,384,786
	2030	\$297,000	\$4,912,489	\$539,520	\$18,924,306
	2031	\$297,000	\$5,209,489	\$539,265	\$19,463,571
<b>Maintain Viable Presence (5 Years)</b>	2032	\$831,204	\$6,040,693	\$0	\$19,463,571
	2033	\$831,204	\$6,871,897	\$0	\$19,463,571
	2034	\$831,204	\$7,703,101	\$0	\$19,463,571
	2035	\$831,204	\$8,534,305	\$0	\$19,463,571
	2036	\$831,204	\$9,365,509	\$0	\$19,463,571
<b>Additional Years as Required by 313.026(c)(1) (10 Years)</b>	2037	\$831,204	\$10,196,713	\$0	\$19,463,571
	2038	\$831,204	\$11,027,917	\$0	\$19,463,571
	2039	\$831,204	\$11,859,121	\$0	\$19,463,571
	2040	\$831,204	\$12,690,325	\$0	\$19,463,571
	2041	\$831,204	\$13,521,529	\$0	\$19,463,571
	2042	\$831,204	\$14,352,733	\$0	\$19,463,571
	2043	\$831,204	\$15,183,937	\$0	\$19,463,571
	2044	\$831,204	\$16,015,141	\$0	\$19,463,571
	2045	\$831,204	\$16,846,345	\$0	\$19,463,571
	2046	\$831,204	\$17,677,549	\$0	\$19,463,571
		<b>\$17,677,549</b>	is less than	<b>\$19,463,571</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?					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, 2W Permian Solar, LLC

Year	Employment			Personal Income			Revenue & Expenditure		
	Direct	Indirect + Induced	Total	Direct	Indirect + Induced	Total	Revenue	Expenditure	Net Tax Effect
2019	50	48	98	\$2,750,000	\$3,250,000	\$6,000,000	340000	-180000	\$520,000
2020	350	328	678	\$19,250,000	\$28,750,000	\$48,000,000	2330000	-1170000	\$3,500,000
2021	100	111	211	\$5,500,000	\$13,500,000	\$19,000,000	800000	180000	\$620,000
2022	4	16	20	\$236,640	\$4,763,360	\$5,000,000	240000	630000	-\$390,000
2023	4	6	10	\$236,640	\$3,763,360	\$4,000,000	210000	590000	-\$380,000
2024	4	(4)	0	\$236,640	\$1,763,360	\$2,000,000	210000	560000	-\$350,000
2025	4	2	6	\$236,640	\$1,763,360	\$2,000,000	220000	520000	-\$300,000
2026	4	2	6	\$236,640	\$1,763,360	\$1,000,000	220000	480000	-\$260,000
2027	4	4	8	\$236,640	\$1,763,360	\$2,000,000	200000	410000	-\$210,000
2028	4	6	10	\$236,640	\$763,360	\$1,000,000	170000	390000	-\$220,000
2029	4	0	4	\$236,640	\$763,360	\$1,000,000	160000	350000	-\$190,000
2030	4	6	10	\$236,640	\$763,360	\$1,000,000	140000	310000	-\$170,000
2031	4	4	8	\$236,640	\$763,360	\$1,000,000	180000	290000	-\$110,000
2032	4	8	12	\$236,640	\$763,360	\$1,000,000	150000	270000	-\$120,000
2033	4	8	12	\$236,640	\$763,360	\$1,000,000	140000	210000	-\$70,000
2034	4	8	12	\$236,640	\$1,763,360	\$2,000,000	140000	200000	-\$60,000
2035	4	10	14	\$236,640	\$763,360	\$1,000,000	90000	150000	-\$60,000
2036	4	8	12	\$236,640	\$763,360	\$1,000,000	80000	110000	-\$30,000
2037	4	8	12	\$236,640	\$763,360	\$1,000,000	50000	80000	-\$30,000
2038	4	4	8	\$236,640	\$763,360	\$1,000,000	50000	50000	\$0
2039	4	12	16	\$236,640	\$1,763,360	\$2,000,000	60000	20000	\$40,000
2040	4	8	12	\$236,640	\$763,360	\$1,000,000	20000	-10000	\$30,000
2041	4	10	14	\$236,640	\$763,360	\$1,000,000	0	-50000	\$50,000
2042	4	10	14	\$236,640	\$763,360	\$1,000,000	-20000	-60000	\$40,000
2043	4	2	6	\$236,640	\$763,360	\$1,000,000	-20000	-70000	\$50,000
2044	4	0	4	\$236,640	\$763,360	\$1,000,000	-80000	-80000	\$0
2045	4	0	4	\$236,640	-\$236,640	\$0	-120000	-160000	\$40,000
2046	4	0	4	\$236,640	-\$236,640	\$0	-60000	-140000	\$80,000
						<b>Total</b>	<b>\$5,900,000</b>	<b>\$3,880,000</b>	<b>\$2,020,000</b>
							<b>\$19,697,549</b>	is greater than	<b>\$19,463,571</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.