



**GLENN HEGAR** TEXAS COMPTROLLER OF PUBLIC ACCOUNTS

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P.O.Box 13528 • Austin, TX 78711-3528

May 26, 2020

Michelle Hartmann  
Superintendent  
Pawnee Independent School District  
6229 FM 798  
P. O. Box 569  
Pawnee, TX 78145

Re: Certificate for Limitation on Appraised Value of Property for School District Maintenance and Operations taxes by and between Pawnee Independent School District and Helena Wind, LLC, Application 1462

Dear Superintendent Hartmann:

On March 5, 2020, the Comptroller issued written notice that Helena Wind, LLC (applicant) submitted a completed application (Application 1462) for a limitation on appraised value under the provisions of Tax Code Chapter 313.<sup>1</sup> This application was originally submitted on January 14, 2020, to the Pawnee 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 1462.

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, 2020.

Note that any building or improvement existing as of the application review start date of March 5, 2020, 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,

DocuSigned by:  
  
11EA6DEF0EC441E...  
Lisa Craven

Deputy Comptroller

Enclosure

cc: Will Counihan

## Attachment A - Economic Impact Analysis

The following tables summarize the Comptroller's economic impact analysis of Helena Wind, LLC (project) applying to Pawnee 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 Helena Wind, LLC.

Applicant	Helena Wind, LLC
Tax Code, 313.024 Eligibility Category	Renewable Energy - Wind
School District	Pawnee ISD
2018-2019 Average Daily Attendance	248
County	Bee
Proposed Total Investment in District	\$249,600,000
Proposed Qualified Investment	\$241,600,000
Limitation Amount	\$25,000,000
Qualifying Time Period (Full Years)	2021-2022
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	\$961
Minimum weekly wage required for each qualifying job by Tax Code, 313.021(5)(A)	\$961
Minimum annual wage committed to by applicant for qualified jobs	\$49,951
Minimum weekly wage required for non-qualifying jobs	\$711
Minimum annual wage required for non-qualifying jobs	\$36,985
Investment per Qualifying Job	\$83,200,000
Estimated M&O levy without any limit (15 years)	\$23,146,714
Estimated M&O levy with Limitation (15 years)	\$7,911,057
Estimated gross M&O tax benefit (15 years)	\$15,235,657

\* 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 Helena Wind, LLC (modeled).

Year	Employment			Personal Income		
	Direct	Indirect + Induced	Total	Direct	Indirect + Induced	Total
2020	0	0	0	\$0	\$0	\$0
2021	180	144	324	\$0	\$27,000,000	\$27,000,000
2022	3	63	66	\$149,853	\$6,850,147	\$7,000,000
2023	3	42	45	\$149,853	\$4,850,147	\$5,000,000
2024	3	18	21	\$149,853	\$2,850,147	\$3,000,000
2025	3	17	20	\$149,853	\$2,850,147	\$3,000,000
2026	3	9	12	\$149,853	\$1,850,147	\$2,000,000
2027	3	9	12	\$149,853	\$1,850,147	\$2,000,000
2028	3	7	10	\$149,853	\$1,850,147	\$2,000,000
2029	3	5	8	\$149,853	\$1,850,147	\$2,000,000
2030	3	5	8	\$149,853	\$850,147	\$1,000,000
2031	3	5	8	\$149,853	\$850,147	\$1,000,000
2032	3	5	8	\$149,853	\$850,147	\$1,000,000
2033	3	3	6	\$149,853	\$850,147	\$1,000,000
2034	3	3	6	\$149,853	\$850,147	\$1,000,000
2035	3	1	4	\$149,853	-\$149,853	\$0

Source: CPA REMI, Helena 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		Pawnee ISD I&S Tax Levy	Pawnee ISD M&O Tax Levy	Pawnee ISD M&O and I&S Tax Levies	Bee County Tax Levy	Costal Bend Tax Levy	Estimated Total Property Taxes
			Tax Rate*	<b>0.2418</b>	<b>0.9700</b>		<b>0.6778</b>	<b>0.1769</b>	
2022	\$236,768,000	\$236,768,000		\$572,505	\$2,296,650	\$2,869,155	\$1,604,814	\$418,843	\$4,892,811
2023	\$222,561,920	\$222,561,920		\$538,155	\$2,158,851	\$2,697,005	\$1,508,525	\$393,712	\$4,599,242
2024	\$209,208,205	\$209,208,205		\$505,865	\$2,029,320	\$2,535,185	\$1,418,013	\$370,089	\$4,323,288
2025	\$196,655,713	\$196,655,713		\$475,514	\$1,907,560	\$2,383,074	\$1,332,932	\$347,884	\$4,063,890
2026	\$184,856,370	\$184,856,370		\$446,983	\$1,793,107	\$2,240,089	\$1,252,956	\$327,011	\$3,820,057
2027	\$173,764,988	\$173,764,988		\$420,164	\$1,685,520	\$2,105,684	\$1,177,779	\$307,390	\$3,590,853
2028	\$163,339,088	\$163,339,088		\$394,954	\$1,584,389	\$1,979,343	\$1,107,112	\$288,947	\$3,375,402
2029	\$153,538,743	\$153,538,743		\$371,257	\$1,489,326	\$1,860,582	\$1,040,686	\$271,610	\$3,172,878
2030	\$144,326,418	\$144,326,418		\$348,981	\$1,399,966	\$1,748,948	\$978,244	\$255,313	\$2,982,505
2031	\$135,666,833	\$135,666,833		\$328,042	\$1,315,968	\$1,644,011	\$919,550	\$239,995	\$2,803,555
2032	\$127,526,823	\$127,526,823		\$308,360	\$1,237,010	\$1,545,370	\$864,377	\$225,595	\$2,635,342
2033	\$119,875,214	\$119,875,214		\$289,858	\$1,162,790	\$1,452,648	\$812,514	\$212,059	\$2,477,221
2034	\$112,682,701	\$112,682,701		\$272,467	\$1,093,022	\$1,365,489	\$763,763	\$199,336	\$2,328,588
2035	\$105,921,739	\$105,921,739		\$256,119	\$1,027,441	\$1,283,560	\$717,938	\$187,376	\$2,188,873
2036	\$99,566,435	\$99,566,435		\$240,752	\$965,794	\$1,206,546	\$674,861	\$176,133	\$2,057,540
			<b>Total</b>	<b>\$5,769,975</b>	<b>\$23,146,714</b>	<b>\$28,916,689</b>	<b>\$16,174,065</b>	<b>\$4,221,293</b>	<b>\$49,312,046</b>

Source: CPA, Helena Wind, LLC

\*Tax Rate per \$100 Valuation

**Table 4** examines the estimated direct impact on ad valorem taxes to the school district and Bee 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		Pawnee ISD I&S Tax Levy	Pawnee ISD M&O Tax Levy	Pawnee ISD M&O and I&S Tax Levies	Bee County Tax Levy	Costal Bend Tax Levy	Estimated Total Property Taxes
			Tax Rate*	0.2418	0.9700		0.6778	0.1769	
2022	\$236,768,000	\$25,000,000		\$572,505	\$242,500	\$815,005	\$722,166	\$418,843	\$1,956,014
2023	\$222,561,920	\$25,000,000		\$538,155	\$242,500	\$780,655	\$678,836	\$393,712	\$1,853,203
2024	\$209,208,205	\$25,000,000		\$505,865	\$242,500	\$748,365	\$638,106	\$370,089	\$1,756,561
2025	\$196,655,713	\$25,000,000		\$475,514	\$242,500	\$718,014	\$599,820	\$347,884	\$1,665,717
2026	\$184,856,370	\$25,000,000		\$446,983	\$242,500	\$689,483	\$563,830	\$327,011	\$1,580,324
2027	\$173,764,988	\$25,000,000		\$420,164	\$242,500	\$662,664	\$530,001	\$307,390	\$1,500,055
2028	\$163,339,088	\$25,000,000		\$394,954	\$242,500	\$637,454	\$498,201	\$288,947	\$1,424,601
2029	\$153,538,743	\$25,000,000		\$371,257	\$242,500	\$613,757	\$468,309	\$271,610	\$1,353,675
2030	\$144,326,418	\$25,000,000		\$348,981	\$242,500	\$591,481	\$440,210	\$255,313	\$1,287,005
2031	\$135,666,833	\$25,000,000		\$328,042	\$242,500	\$570,542	\$413,797	\$239,995	\$1,224,334
2032	\$127,526,823	\$127,526,823		\$308,360	\$1,237,010	\$1,545,370	\$864,377	\$225,595	\$2,635,342
2033	\$119,875,214	\$119,875,214		\$289,858	\$1,162,790	\$1,452,648	\$812,514	\$212,059	\$2,477,221
2034	\$112,682,701	\$112,682,701		\$272,467	\$1,093,022	\$1,365,489	\$763,763	\$199,336	\$2,328,588
2035	\$105,921,739	\$105,921,739		\$256,119	\$1,027,441	\$1,283,560	\$717,938	\$187,376	\$2,188,873
2036	\$99,566,435	\$99,566,435		\$240,752	\$965,794	\$1,206,546	\$674,861	\$176,133	\$2,057,540
			<b>Total</b>	<b>\$5,769,975</b>	<b>\$7,911,057</b>	<b>\$13,681,032</b>	<b>\$9,386,728</b>	<b>\$4,221,293</b>	<b>\$27,289,053</b>
			<b>Diff</b>	<b>\$0</b>	<b>\$15,235,657</b>	<b>\$15,235,657</b>	<b>\$6,787,336</b>	<b>\$0</b>	<b>\$22,022,993</b>

Assumes School Value Limitation and Tax Abatements with the County.

Source: CPA, Helena 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 Helena 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>	2019	\$0	\$0	\$0	\$0
	2020	\$0	\$0	\$0	\$0
	2021	\$0	\$0	\$0	\$0
<b>Limitation Period (10 Years)</b>	2022	\$242,500	\$242,500	\$2,054,150	\$2,054,150
	2023	\$242,500	\$485,000	\$1,916,351	\$3,970,500
	2024	\$242,500	\$727,500	\$1,786,820	\$5,757,320
	2025	\$242,500	\$970,000	\$1,665,060	\$7,422,380
	2026	\$242,500	\$1,212,500	\$1,550,607	\$8,972,987
	2027	\$242,500	\$1,455,000	\$1,443,020	\$10,416,007
	2028	\$242,500	\$1,697,500	\$1,341,889	\$11,757,897
	2029	\$242,500	\$1,940,000	\$1,246,826	\$13,004,722
	2030	\$242,500	\$2,182,500	\$1,157,466	\$14,162,189
	2031	\$242,500	\$2,425,000	\$1,073,468	\$15,235,657
<b>Maintain Viable Presence (5 Years)</b>	2032	\$1,237,010	\$3,662,010	\$0	\$15,235,657
	2033	\$1,162,790	\$4,824,800	\$0	\$15,235,657
	2034	\$1,093,022	\$5,917,822	\$0	\$15,235,657
	2035	\$1,027,441	\$6,945,263	\$0	\$15,235,657
	2036	\$965,794	\$7,911,057	\$0	\$15,235,657
<b>Additional Years as Required by 313.026(c)(1) (10 Years)</b>	2037	\$907,847	\$8,818,904	\$0	\$15,235,657
	2038	\$853,376	\$9,672,280	\$0	\$15,235,657
	2039	\$802,173	\$10,474,453	\$0	\$15,235,657
	2040	\$754,043	\$11,228,496	\$0	\$15,235,657
	2041	\$708,800	\$11,937,297	\$0	\$15,235,657
	2042	\$666,272	\$12,603,569	\$0	\$15,235,657
	2043	\$626,296	\$13,229,865	\$0	\$15,235,657
	2044	\$588,718	\$13,818,583	\$0	\$15,235,657
	2045	\$553,395	\$14,371,979	\$0	\$15,235,657
	2046	\$520,191	\$14,892,170	\$0	\$15,235,657
		<b>\$14,892,170</b>	is less than	<b>\$15,235,657</b>	

**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

Source: CPA, Helena Wind, LLC

Year	Employment			Personal Income			Revenue & Expenditure		
	Direct	Indirect + Induced	Total	Direct	Indirect + Induced	Total	Revenue	Expenditure	Net Tax Effect
2020	0	0	0	\$0	\$0	\$0	0	0	\$0
2021	180	144	324	\$0	\$27,000,000	\$27,000,000	1300000	-620000	\$1,920,000
2022	3	63	66	\$149,853	\$6,850,147	\$7,000,000	360000	110000	\$250,000
2023	3	42	45	\$149,853	\$4,850,147	\$5,000,000	300000	180000	\$120,000
2024	3	18	21	\$149,853	\$2,850,147	\$3,000,000	270000	230000	\$40,000
2025	3	17	20	\$149,853	\$2,850,147	\$3,000,000	230000	230000	\$0
2026	3	9	12	\$149,853	\$1,850,147	\$2,000,000	230000	250000	-\$20,000
2027	3	9	12	\$149,853	\$1,850,147	\$2,000,000	230000	240000	-\$10,000
2028	3	7	10	\$149,853	\$1,850,147	\$2,000,000	240000	240000	\$0
2029	3	5	8	\$149,853	\$1,850,147	\$2,000,000	230000	230000	\$0
2030	3	5	8	\$149,853	\$850,147	\$1,000,000	210000	210000	\$0
2031	3	5	8	\$149,853	\$850,147	\$1,000,000	190000	200000	-\$10,000
2032	3	5	8	\$149,853	\$850,147	\$1,000,000	130000	190000	-\$60,000
2033	3	3	6	\$149,853	\$850,147	\$1,000,000	110000	140000	-\$30,000
2034	3	3	6	\$149,853	\$850,147	\$1,000,000	80000	130000	-\$50,000
2035	3	1	4	\$149,853	-\$149,853	\$0	50000	110000	-\$60,000
2036	3	5	8	\$149,853	-\$149,853	\$0	20000	90000	-\$70,000
2037	3	3	6	\$149,853	\$850,147	\$1,000,000	20000	50000	-\$30,000
2038	3	(1)	2	\$149,853	-\$149,853	\$0	20000	50000	-\$30,000
2039	3	1	4	\$149,853	\$850,147	\$1,000,000	0	30000	-\$30,000
2040	3	1	4	\$149,853	\$850,147	\$1,000,000	20000	0	\$20,000
2041	3	7	10	\$149,853	-\$149,853	\$0	-30000	-40000	\$10,000
2042	3	5	8	\$149,853	\$850,147	\$1,000,000	50000	-40000	\$90,000
2043	3	5	8	\$149,853	\$1,850,147	\$2,000,000	60000	-50000	\$110,000
2044	3	5	8	\$149,853	\$2,850,147	\$3,000,000	60000	-20000	\$80,000
2045	3	5	8	\$149,853	\$1,850,147	\$2,000,000	30000	-80000	\$110,000
2046	3	9	12	\$149,853	\$2,850,147	\$3,000,000	140000	-80000	\$220,000
2047	3	13	16	\$149,853	\$3,850,147	\$4,000,000	230000	-80000	\$310,000
						<b>Total</b>	<b>\$4,780,000</b>	<b>\$1,900,000</b>	<b>\$2,880,000</b>
							<b>\$17,772,170</b>	is greater than	<b>\$15,235,657</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 Helena 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 Helena Wind, LLC in Tab 5 of their Application for a Limitation on Appraised Value:
  - A. “Helena Wind, LLC is a Delaware limited liability company. Helena Wind, LLC has one member with 100% ownership, Orsted Onshore North America, LLC (“Orsted”) Orsted has successfully developed projects involving over \$1 billion in capital investment in some of the largest electricity markets in the United States, including California, New Jersey, Nebraska, South Dakota, and Texas.”
  - B. “The Applicant is a national wind developer with the ability to locate projects of this type in other states within the United States and other regions within Texas with favorable wind characteristics. The Applicant is actively assessing and developing other projects outside of Texas that are competing for limited investment funds. The applicant’s current projects in development include projects in the following states: Florida, Illinois, Missouri, Nebraska, South Dakota, Colorado, and Virginia. This appraised value limitation is critical to the ability of the Project to move forward as currently sited.”
  - C. “Without the available tax incentives, the economics of the Project become far less attractive and the likelihood of selling the electricity at a competitive price will significantly decrease.
- Website for the Helen Wind project <https://helenawind.com/>
- Helena Wind Project website: “Orsted contacted Bee County residents via phone surveys and asked how they felt about a wind energy investment in their area. The results (shown across two independent surveys) reported a 2:1 ratio of supporters in favor of locating a wind farm project in the County. The project will generate new property tax revenue to support local schools and county services.”
- “Helena Wind, LLC has a project website available to the public. Orsted Onshore has websites for

several of its development projects, and none are intended to imply that further investment of resources into the projects are a foregone conclusion. Rather, the project websites are intended as a resource for the communities to find information about potential developments in their community, communicate with Orsted Onshore, and learn more about the respective project technologies.”

**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

Texas Comptroller of Public Accounts

Data Analysis and  
 Transparency  
 Form 50-296-A

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 type="checkbox"/> Land has no existing improvements	<input checked="" 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 Item 5

### **Documentation to assist in determining if limitation is a determining factor:**

Helena Wind, LLC is a Delaware limited liability company. Helena Wind, LLC has one member with 100% ownership, Orsted Onshore North America, LLC (“Orsted”). Orsted has successfully developed projects involving over \$1 billion in capital investment in some of the largest electricity markets in the United States, including California, New Jersey, Nebraska, South Dakota, and Texas.

The Applicant for this Project has entered into several contracts related to the project, including long-term lease option agreements with area landowners and service agreements and scopes with various consultants (environmental, airspace, etc.) to assess the suitability of the site, and a request for studies leading to an interconnection agreement with the transmission provider. None of these contracts obligate Applicant to construct the Project, and each of these contracts may be terminated by Applicant without incurring any significant liability.

The Project was previously known by the name “Foxtrot Wind, LLC.” The Project applied to ERCOT on July 26, 2018, and it has been assigned GINR number 20INR0129.

For the project to qualify for the federal income tax Production Tax Credit (PTC), the Applicant was required to complete a minimum amount of PTC qualification work before the statutorily imposed deadline of December 31, 2018. This work consisted of earth-moving to prepare eight (8) holes for turbine foundations (though foundations were not installed) and installation of 4,000 linear feet of road connecting three foundation holes. These preconstruction activities were not deemed taxable improvements by the Bee County Central Appraisal District and no tax bill was delivered.

The Applicant’s completion of the minor amount of PTC work qualification work does not, either legally or financially, commit it to constructing the Project in Bee County.

The Applicant is a national wind developer with the ability to locate projects of this type in other states within the United States and other regions within Texas with favorable wind characteristics. The Applicant is actively assessing and developing other projects outside of Texas that are competing for limited investment funds. The applicant’s current projects in development include projects in the following states: Florida, Illinois, Missouri, Nebraska, South Dakota, Colorado, and Virginia. This appraised value limitation is critical to the ability of the Project to move forward as currently sited.

Without the available tax incentives, the economics of the Project become far less attractive and the likelihood of selling the electricity at a competitive price will significantly decrease. The Applicant for this project is competing against other developers who have been offered or are in the process of applying for Value Limitation Agreements with other school districts.

Obtaining the limitation is critical to the economic and competitive viability of this Project. Without the limitation approval, the Applicant would likely terminate the Project, including the aforementioned contracts, leases, and limited improvements, in order to reallocate resources in areas with more favorable economics.

Helena Wind, LLC has a project website available to the public. Orsted Onshore has websites for several of its development projects, and none are intended to imply that further investment of resources into the projects are a foregone conclusion. Rather, the project websites are intended as a resource for the communities to find information about potential developments in their community, communicate with Orsted Onshore, and learn more about the respective project technologies.

# **Supporting Information**

Additional information  
provided by the Applicant or  
located by the Comptroller

COMPTROLLER QUERY RELATED TO TAX CODE CHAPTER 313.026(c)(2)  
Pawnee ISD–Helena Wind, LLC App. #1462

Comptroller Questions (via email on February 5, 2020 and Tab 5):

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

Applicant Response (via email on February 13, 2020 and Tab 5):

1. *No.*
2. The Project applied to ERCOT on July 26, 2018 and it has been assigned GINR number 201NRO129.
3. *The project was formerly known as Foxtrot Wind, LLC.*

# Helena Wind Farm

## About the project

Our nation is in the midst of an energy transformation and Texas is leading the charge. Bee County has an opportunity not only to participate in this energy revolution, but to reap the economic benefits.

Located across 20,000 acres in northern Bee County, the 250 MW Helena Wind Project will have the capacity to generate enough electricity to supply an estimated 90,000 homes each year. Project wind turbines will be sited on private land; because the towers take up less than 1% of the total land area, ranchers and farmers can continue their operations.

The Helena Wind project expands upon roughly 1,000 megawatts of wind projects developed by Ørsted across Texas. Ørsted is one of the world's largest energy companies and has proven financial strength and access to resources for development of projects.

Name:	<b>Helena Wind</b>
Location:	<b>Bee County, Texas</b>
Capacity:	<b>250 MWac</b>
Annual Production:	<b>Enough to power 90,000 homes</b>
Owner & Developer:	<b>Ørsted</b>
Interconnection via:	<b>American Electric Power</b>

Jobs created during construction:

Approximately 250

## Community and Property Value Impact

Throughout Texas, wind energy projects are transforming rural economies, which enhances the quality of life and opportunities in a community. Ørsted is not only committed to being good stewards of the land, but also to the environment in which our neighbors live, work and raise a family.

A wind energy investment has no significant long-term adverse impact to local property values, and can actually increase value, according to the most recent (2019) survey of wind farm impacts compiled by the Texas A&M University Real Estate Center.

## Winds' Impact on Wildlife

As part of project development, a full suite of environmental studies will be performed to identify any potential environmental impacts from the project. These studies will impact the layout and design of the project as to minimize and mitigate any potential environmental impacts. Wind is responsible for less than 0.01 percent (1 in 10,000) of all human related bird deaths. By comparison, domestic cats, per data from the US Fish and Wildlife Service and the National Audubon Society, are responsible for over 70% of all human related bird deaths.

## Benefits of partnering with Ørsted

### Landowner & Community Benefits

Participating landowners will receive long-term, consistent income from the project that does not impact other sources of income from their land.

In addition, Bee County, Pawnee School District, and Coastal Bend College stand to receive tens of millions in new tax revenue during the 30-year lifespan of the project. This is stable revenue that county officials and school districts can count on as soon as the project becomes operational in 2022.

## **The Highest Standards for Health, Safety, and Maintenance**

Ørsted's experience operating renewable energy facilities throughout the United States ensures that policies and procedures are in place to deliver a safe and effective project. Ørsted is committed to the highest quality standards of project construction, maintenance, and operation. This starts with the first steps of development and lasts until the project is decommissioned.

Examples:

- Procurement of wind turbines from Tier 1 manufacturers that adhere to the highest quality standards
- Local procurement of materials and local hiring, when possible
- Regular deployment of Operation & Maintenance staff to ensure site safety and peak performance
- 24/7 system monitoring to track performance and proactively detect any issues

Ørsted is dedicated to operating a wind energy project that creates long-term value for the land and long-term benefits for the community. Operations & maintenance teams are deployed regularly to guarantee site safety and peak performance. The company is committed to a safe and efficient construction process and conducts thorough analyses to ensure the impacts on the community, wildlife, and land are minimal for our neighbors in Bee County.

## **Good Neighbors**

Ørsted listens to the community and is committed to being a good neighbor. We analyze the potential traffic, economic, and environmental impacts during development. Throughout the construction and operation of the project, Ørsted will hold regular meetings with Bee County officials so that a direct line of communication is maintained. We are also available to meet with neighbors to address any concerns.

## **Land Restoration**

Texas law governing wind farm leases specify termination rights and restoration. Upon termination or project completion, Ørsted will remove facilities down to 3 feet below grade.

## What does Bee County think?

Ørsted contacted Bee County residents via phone surveys and asked how they felt about a wind energy investment in their area. The results (shown across two independent surveys) reported a 2:1 ratio of supporters in favor of locating a wind farm project in the County. The project will generate new property tax revenue to support local schools and county services.

## Why Wind?

Wind energy is thriving across the country; more than 1.3 million American homes are now located within five miles of a turbine. Already, Texas leads the nation, generating nearly \$300 million in tax and lease investments every year and supporting 25,000 wind-related jobs across the state. Farmers and ranchers nationwide who lease their land for wind development receive more than \$250 million annually in stable income.

A Lawrence Berkeley National Laboratory study found no evidence that the presence of wind facilities impacted home values. The study was based on 50,000 home sales near 67 wind facilities in 9 states.

Ørsted is committed to ensuring that Bee County residents have all the information they need as development moves forward. Local landowners can optimize the economic potential of their property by generating income for their families and benefit from clean and affordable electricity.

”

**Farmers and ranchers nationwide who lease their land for wind turbines receive more than \$250 million annually in stable income from the developments**

-American Wind Energy Association

## About Ørsted

Ørsted is a global renewable energy company with operations in Europe, Asia-Pacific and North America. Publicly traded since 2016 and headquartered in Denmark, Ørsted develops, constructs, owns and operates offshore and onshore utility-scale wind farms, solar, energy storage facilities and bioenergy plants and provides energy products to its customers. In the United States, Ørsted's renewable energy portfolio spans technologies and geographies with onshore wind, offshore wind, solar and storage in operation or construction across Texas, the Midwest and Northeast markets. Of Ørsted's 8GW of global installed capacity, we have 1GW of onshore wind in the US with a further 670MW under construction. In addition, we have 460MWAC of solar PV and battery storage under construction. By 2025 we aim to have at least 5GW operational onshore capacity across the country. Ørsted has the ambition to be a global green energy major in the rapidly expanding renewable energy market with 30 gigawatts of installed capacity by 2030, enough to power the lives of more than 55 million people.

For more information on Ørsted, visit [orsted.com](https://orsted.com) or follow us on [Facebook](#), [LinkedIn](#), [Instagram](#) and [Twitter](#).

## Contact us

We prioritize hiring locally and working with local contractors. Please contact us if you want us to know about your services.

Your message \*

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