

May 14, 2020

Via Hand Delivery and Electronic Mail
Local Government Assistance & Economic Analysis
Texas Comptroller of Public Accounts
Lyndon B. Johnson State Office Building
111 E. 17th Street
Austin, Texas 78774

Re: Application for Appraised Value Limitation on Qualified Property from King Creek Wind Farm LLC to Throckmorton Collegiate Independent School District, Application #1472

First Year of Qualifying Time Period: January 1, 2021
First Year of Limitation Period: January 1, 2022
Application Form 50-296-A: Version 03-17/3

Dear Local Government Assistance and Economic Analysis Division:

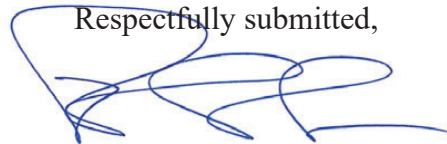
Pursuant to your request for additional information in your March 16, 2020 correspondence, please find attached Amendment #001 to Application #1472. The following changes were made to the amended application pages:

1. **Application Section 4.4.** *Is the Applicant a party to any other pending or active Chapter 313 agreements?*
 - a. The Applicant selected “Yes” and indicated pending Application #1473 to Haskell CISD.
2. **Tab 6.** *Description of how project is located in more than one district, including list of percentage in each district and, if determined to be a single unified project, documentation from the Office of the Governor (if applicable).*
 - a. The Applicant will provide a Map showing Projects for Application #1472 (Throckmorton Collegiate ISD) and Application #1473 and the percentage of each project from the whole wind farm in a Supplement to Amendment #001.
3. **Tab 7.** *Description of Qualified Investment.*
 - a. The following language has been added to the description: “This application covers all qualified property in the reinvestment zone and project boundary within Throckmorton Collegiate ISD.”
4. **Tab 8.** *Description of Qualified Property.*

- a. The following language has been added to the description: “This application covers all qualified property in the reinvestment zone and project boundary within Throckmorton Collegiate ISD.”
5. **Tab 11. Maps.**
 - a. The attached Vicinity Map shows the reinvestment zone, school district boundary, project boundary, and county boundary.
6. **Tab 13. Calculation of non-qualifying wage target and two possible qualifying job wage requirements with TWC documentation.**
 - a. Wage calculations have been updated using data from Q4 2019.
 - b. The updated wage calculations are reflected in Application Section 14.7.
7. **Tab 16. Reinvestment Zone.**
 - a. Throckmorton County will create the Reinvestment Zone. Guidelines and Criteria will be submitted as a Supplement to this Amendment once the County has adopted such.

Thank you so much for your kind consideration to the foregoing.

Respectfully submitted,



Rick L. Lambert

RLL;sl

cc: *Via Electronic Mail:* dsmith@throckmortoncad.org
Ms. Dede Smith, Chief Appraiser, Throckmorton County Appraisal District

Via Electronic Mail: cline@throck.org
Dr. Michelle Cline, Superintendent of Schools, Throckmorton Collegiate ISD

Via Electronic Mail: juan.taboada@edf-re.com
Mr. Juan Carlos Taboada, Project Development Manager, EDF Renewables, Inc.

Via Electronic Mail: matthew.mccluskey@edf-re.com
Mr. Matthew McCluskey, Vice President, King Creek Wind Farm II, LLC

Via Electronic Mail: wjackson@cwlp.net
Mr. Wes Jackson, Partner, Cummings Westlake, LLC

Texas Comptroller of Public Accounts

Data Analysis and
Transparency
Form 50-296-A

SECTION 2: Applicant Information (continued)

4. Authorized Company Consultant (If Applicable)

Wes

Jackson

First Name

Last Name

Partner

Title

Cummings Westlake LLC

Firm Name

713-266-4456

713-266-2333

Phone Number

Fax Number

wjackson@cwlp.net

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? King Creek Wind Farm LLC
2. List the Texas Taxpayer I.D. number of entity subject to Tax Code, Chapter 171 (11 digits) 32071808037
3. List the NAICS code 221115
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
Pending application #1473 to Haskell CISD

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**)

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 2019
(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? 5
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 601.25
 - b. 110% of the average weekly wage for manufacturing jobs in the county is N/A
 - c. 110% of the average weekly wage for manufacturing jobs in the region is 961.04
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? 49,974.00
10. What is the annual wage you are committing to pay for each of the new qualifying jobs you create on the qualified property? 49,974.00
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

King Creek Wind Farm LLC plans to construct a 200 MW wind farm in Throckmorton County.

This application covers all qualified property within Throckmorton Collegiate ISD necessary for the commercial operations of the proposed wind farm described in Tab 4. Two hundred megawatts (200 MW) will be located in Throckmorton Collegiate ISD. Turbine placement is subject to change but for purposes of this application, the Project anticipates using 62 of the 2.9 MW turbines and 8 of the 2.625 MW turbines manufactured by Siemens/Gamesa.

This application covers all qualified investment and qualified property necessary for the commercial operations of the wind farm. This application covers all qualified property in the reinvestment zone and project boundary within Throckmorton Collegiate ISD.

Qualified Investment and qualified property includes turbines, towers, foundations, transformers, pad mounts, an O&M building, underground collection systems, electric substation, transmission lines, electrical interconnections, met towers, roads, and control systems and all eligible ancillary and necessary equipment for commercial generation of electricity.

*NOTE: The map in TAB 11 shows the potential locations of 70 of the wind turbines, an O&M building and a collector substation within Throckmorton Collegiate ISD boundaries; however, the final number of turbines and the location of each of these facilities is dependent upon ongoing negotiations with power purchasers and other factors.



TAB 8

Description of Qualified Property

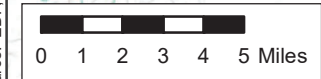
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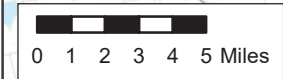
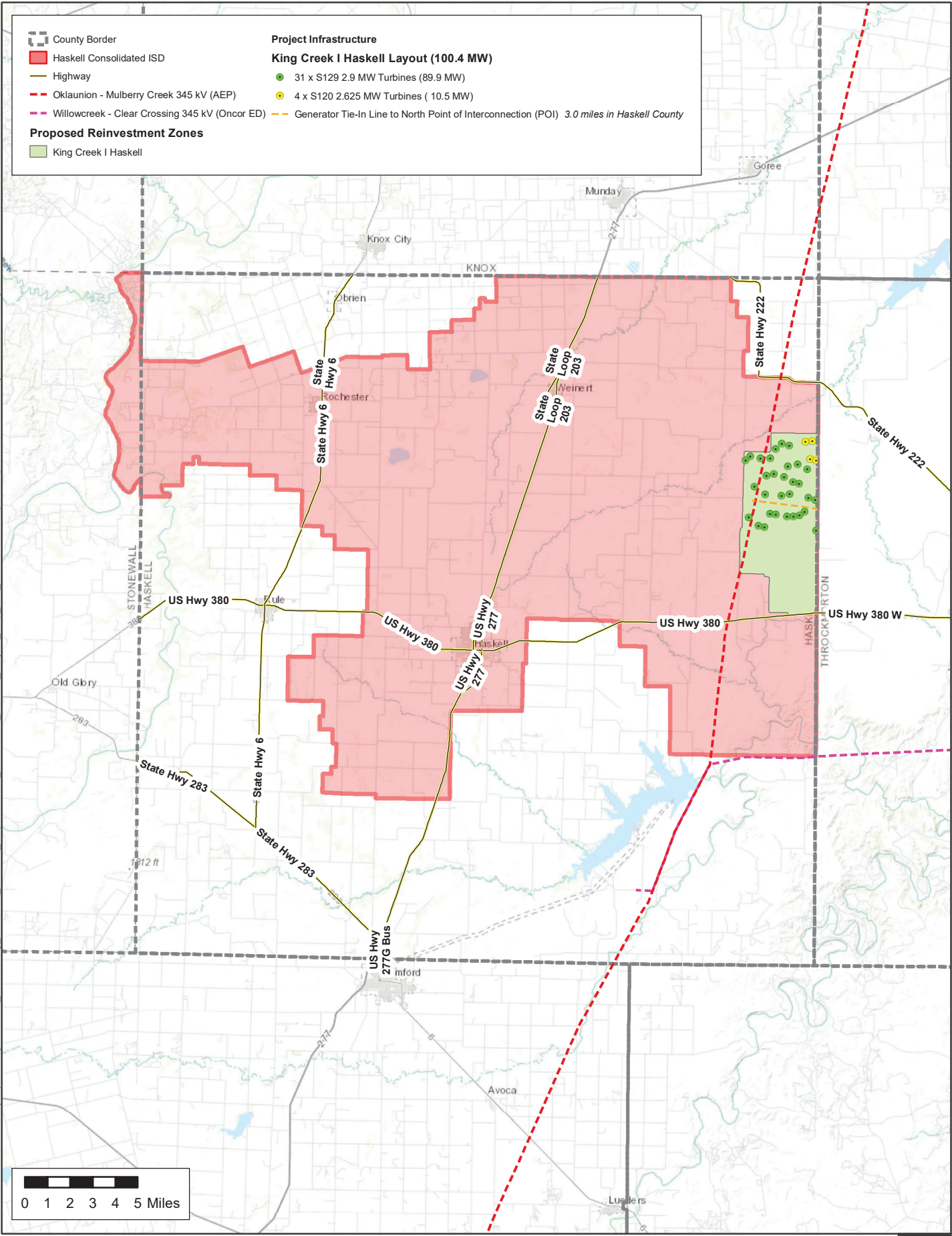
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Source: EDF, USCB, Ventyx | G:\Projects\USA_SouthKing_Creek\05_GIS\052_MapDocs\Tax_Abatement_Haskell_Project_Map_v06_20200417.mxd | Last Updated 4/17/2020 by Brandon McNulty



KING CREEK WIND FARM LLC
TAB 13 TO CHAPTER 313 APPLICATION

THROCKMORTON COUNTY
CHAPTER 313 WAGE CALCULATION - ALL JOBS - ALL INDUSTRIES

QUARTER	YEAR	AVG WEEKLY WAGES*		ANNUALIZED	
FIRST	2019	\$	570	\$	29,640
SECOND	2019	\$	574	\$	29,848
THIRD	2019	\$	595	\$	30,940
FOURTH	2019	\$	666	\$	34,632
AVERAGE		\$	601.25	\$	31,265

THROCKMORTON COUNTY
CHAPTER 313 WAGE CALCULATION - MANUFACTURING JOBS

No Information Available

CHAPTER 313 WAGE CALCULATION - REGIONAL WAGE RATE

	YEAR	AVG WEEKLY WAGES*		ANNUALIZED	
West Central	2018	\$	874	\$	45,431
	X		110%		110%
		\$	961.04	\$	49,974

* SEE ATTACHED TWC DOCUMENTATION

Drag a column header and drop it here to group by that column

<input checked="" type="checkbox"/> <u>Year</u>	<input checked="" type="checkbox"/> <u>Period</u>	<input checked="" type="checkbox"/> <u>Area</u>	<input checked="" type="checkbox"/> <u>Ownership</u>	<input checked="" type="checkbox"/> <u>Industry Code</u>	<input checked="" type="checkbox"/> <u>Industry</u>	<input checked="" type="checkbox"/> <u>Average Weekly Wage</u>
2019	01	Throckm...	Total All	10	Total, All Industries	570
2019	02	Throckm...	Total All	10	Total, All Industries	574
2019	03	Throckm...	Total All	10	Total, All Industries	595
2019	04	Throckm...	Total All	10	Total, All Industries	666

Showing 4 items



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2018 Manufacturing Average Wages by Council of Government Region
Wages for All Occupations

COG	COG Number	Wages	
		Hourly	Annual
Texas		\$27.04	\$56,240
<u>Alamo Area Council of Governments</u>	18	\$22.80	\$47,428
<u>Ark-Tex Council of Governments</u>	5	\$18.73	\$38,962
<u>Brazos Valley Council of Governments</u>	13	\$18.16	\$37,783
<u>Capital Area Council of Governments</u>	12	\$32.36	\$67,318
<u>Central Texas Council of Governments</u>	23	\$19.60	\$40,771
<u>Coastal Bend Council of Governments</u>	20	\$28.52	\$59,318
<u>Concho Valley Council of Governments</u>	10	\$21.09	\$43,874
<u>Deep East Texas Council of Governments</u>	14	\$18.28	\$38,021
<u>East Texas Council of Governments</u>	6	\$21.45	\$44,616
<u>Golden Crescent Regional Planning Commission</u>	17	\$28.56	\$59,412
<u>Heart of Texas Council of Governments</u>	11	\$22.71	\$47,245
<u>Houston-Galveston Area Council</u>	16	\$29.76	\$61,909
<u>Lower Rio Grande Valley Development Council</u>	21	\$17.21	\$35,804
<u>Middle Rio Grande Development Council</u>	24	\$20.48	\$42,604
<u>NORTEX Regional Planning Commission</u>	3	\$25.14	\$52,284
<u>North Central Texas Council of Governments</u>	4	\$27.93	\$58,094
<u>Panhandle Regional Planning Commission</u>	1	\$24.19	\$50,314
<u>Permian Basin Regional Planning Commission</u>	9	\$25.90	\$53,882
<u>Rio Grande Council of Governments</u>	8	\$18.51	\$38,493
<u>South East Texas Regional Planning Commission</u>	15	\$36.26	\$75,430
<u>South Plains Association of Governments</u>	2	\$20.04	\$41,691
<u>South Texas Development Council</u>	19	\$17.83	\$37,088
<u>Texoma Council of Governments</u>	22	\$21.73	\$45,198
<u>West Central Texas Council of Governments</u>	7	\$21.84	\$45,431

Calculated by the Texas Workforce Commission Labor Market and Career Information Department.

Data published: July 2019

Data published annually, next update will be July 31, 2020

Annual wage figure assumes a 40-hour work week.

Note: Data is not supported by the Bureau of Labor Statistics (BLS).

Wage data is produced from Texas Occupational Employment Statistics (OES) data,
and is not to be compared to BLS estimates.

Data intended only for use in implementing Chapter 313, Tax Code.

Texas Comptroller of Public Accounts

Data Analysis and
Transparency
Form 50-296-A

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

Dr. Michelle Cline

Print Name (Authorized School District Representative)

Superintendent

Title

sign
here

Signature (Authorized School District Representative)

5/14/2020

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

Matthew McCluskey

Print Name (Authorized Company Representative (Applicant))

Vice President

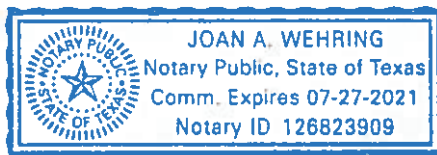
Title

sign
here

Signature (Authorized Company Representative (Applicant))

5/5/20

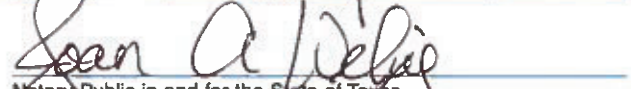
Date



(Notary Seal)

GIVEN under my hand and seal of office this, the

5th day of May, 2020



Notary Public in and for the State of Texas

My Commission expires: 7-27-2021

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.

Certificate Of Completion

Envelope Id: 0BC7BA2FE2BD41B7AF3546F19CFADE50	Status: Completed
Subject: 1472-throckmortoncollegiateisd-kingcreekwindfarmllc-amendment001.p...	
Source Envelope:	
Document Pages: 9	Signatures: 1
Certificate Pages: 1	Initials: 0
AutoNav: Enabled	Envelope Originator:
Envelopeld Stamping: Disabled	Michelle Cline
Time Zone: (UTC-08:00) Pacific Time (US & Canada)	cline@throck.org
	IP Address: 162.248.185.11

Record Tracking

Status: Original	Holder: Michelle Cline	Location: DocuSign
5/14/2020 7:15:16 AM	cline@throck.org	

Signer Events

Signature	Timestamp
Michelle Cline	Sent: 5/14/2020 7:15:17 AM
cline@throck.org	Viewed: 5/14/2020 7:15:23 AM
Superintendent	Signed: 5/14/2020 7:15:55 AM
Michelle Cline	Freeform Signing
Security Level: Email, Account Authentication (None)	Signature Adoption: Uploaded Signature Image
	Using IP Address: 173.185.165.2

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In Person Signer Events

Signature

Timestamp

Editor Delivery Events

Status

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Agent Delivery Events

Status

Timestamp

Intermediary Delivery Events

Status

Timestamp

Certified Delivery Events

Status

Timestamp

Carbon Copy Events

Status

Timestamp

Witness Events

Signature

Timestamp

Notary Events

Signature

Timestamp

Envelope Summary Events

Status

Timestamps

Envelope Sent	Hashed/Encrypted	5/14/2020 7:15:17 AM
Certified Delivered	Security Checked	5/14/2020 7:15:23 AM
Signing Complete	Security Checked	5/14/2020 7:15:55 AM
Completed	Security Checked	5/14/2020 7:15:55 AM

Payment Events

Status

Timestamps