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SARA LEON  
& ASSOCIATES, LLC

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May 6, 2020

*Via Electronic Mail*

Local Government Assistance & Economic Analysis  
Texas Comptroller of Public Accounts  
111 E. 17th Street  
Austin, Texas 78774

Re: First Amendment, Supplemental Information and Revised Attachments and Schedules for that certain Application for Appraised Value Limitation (Texas Comptroller's Applications No. 1475) for Lyford Consolidated Independent School District (the "**District**") approved for consideration at a meeting of the Board of Trustees of the District on February 24, 2020, and determined to be complete by the District on February 28, 2020, submitted by West Raymond Wind Farm, LLC, as the "Applicant" (the "**Application**", the capitalized terms used herein, but not otherwise defined herein being used herein as defined in the Application)

West Raymond Wind Farm, LLC (the "**Applicant**") submitted the following First Amendment, Supplemental Information and Revised Attachments ("**First Amendment**") relating to the above-referenced Application in response to certain requests from the Comptroller's Office. As evidenced by the attached signature pages in the First Amendment, the District acknowledges receipt and acceptance of the information supplementing the original Application as contained in the First Amendment. Attached and included in the First Amendment are the following amended pages, attachments and schedules to the Application:

- Revised pages to form 50-296-A Application (03-17/3) as follows:
  - Section 9, Questions 1 - 8, page 5: The Projected Timeline has been modified Application to modify the Commencement of construction date and beginning of the qualifying time period.
  - Section 12, Question 3b, page 6: The anticipated submittal date for the final proof of a reinvestment zone has been modified to May 31, 2020.
  - Section 13, Question 4, page 6: The total estimated market value of existing property (that property described in response to Section 13, Question 1 and Tab 10) has been supplemented.
  - Section 13, Question 6, page 6: The total estimated market value of the proposed property not eligible to become qualified property (that property described in response to Section 13, Question 2) has been corrected to \$0.00 as there is no such property.

May 6, 2020

Page 2

- Section 14, Question 2, 7a, and 7b, page 7: The Wage and Employment Information has been updated through the first quarter of 2020.
- Section 17, Page 8 and Tab 17: A new signature page certifying to the supplemental information that has been provided in the First Amendment.
- Tab 5: A supplemented response to Limitation as a Determining Factor has been provided just as to the Qualified Property/Qualified Investment located in the Lyford CISD.
- Tabs 4, 7, 8, and 11: These Tabs have been supplemented to include a new map of the Project that shows the Project boundary, the county and District boundaries, and the planned reinvestment zone where the qualified property and qualified investment will be located.
- Tab 14: Schedules.
  - Schedules A-1, A-2 and B have been modified to reflect changes to the non-eligible property, the qualified property and qualified investment.
- Tab 17: A new signature page certifying to the supplemental information that has been provided in the First Amendment.

A copy is being provided to the Willacy, Cameron and Hidalgo Counties Appraisal Districts by copy of this correspondence. The Board of Trustees believes this project will be beneficial to the District and looks forward to your review and certification of this Application.

Thanks so much for your kind attention to this matter.

Respectfully submitted,

A handwritten signature in blue ink that reads "Sara Leon". The signature is written in a cursive style with a large initial "S".

Sara Hardner Leon

May 6, 2020

Page 3

cc: *Via Electronic Mail:* [info@willacycad.org](mailto:info@willacycad.org)

Agustin Lopez  
Chief Appraiser  
Willacy County Appraisal District  
688 FM 3168  
Raymondville, Texas 78580

*Via Electronic Mail:* [public@cameroncad.org](mailto:public@cameroncad.org)

Richard Molina  
Chief Appraiser  
Cameron Appraisal District  
P.O. Box 1010  
2021 Amistad Drive  
San Benito, TX 78586

*Via Electronic Mail:* [kristin.brown@lyfordcisd.net](mailto:kristin.brown@lyfordcisd.net)

Dr. Kristin Brown  
Superintendent of Schools  
Lyford Consolidated Independent School District

*Via Electronic Mail:* [Sean.Logsdon@rwe.com](mailto:Sean.Logsdon@rwe.com)

Sean Logsdon  
Senior Vice President  
RWE Renewables Americas

*Via Electronic Mail:* [richard.saunders@rwe.com](mailto:richard.saunders@rwe.com)

RWE Renewables Americas

SECTION 1: School District Information (continued)

3. Authorized School District Consultant (If Applicable)

Sara Leon
First Name Last Name
Principal
Title
SARA LEON & ASSOCIATES, LLC
Firm Name
(512) 637-4244 (512) 637-4245
Phone Number Fax Number
(512) 656-4546 sleon@saraleonlaw.com
Mobile Number (optional) Email Address

4. On what date did the district determine this application complete? February 28, 2020
5. Has the district determined that the electronic copy and hard copy are identical? [X] Yes [ ] No

SECTION 2: Applicant Information

1. Authorized Company Representative (Applicant)

Sean Logsdon
First Name Last Name
Senior Vice President
Title RWE Renewables Americas
701 Brazos Street, Suite 1400
Street Address
Mailing Address
Austin TX 78701
City State ZIP
405-200-8279 512-494-9581
Phone Number Fax Number
(512) 656-4546 Sean.Logsdon@rwe.com
Mobile Number (optional) Business Email Address

2. Will a company official other than the authorized company representative be responsible for responding to future information requests? [X] Yes [ ] No
2a. If yes, please fill out contact information for that person.

Richard Saunders
First Name Last Name
Title RWE Renewables Americas
701 Brazos Street, Suite 1400
Street Address
Mailing Address
Austin TX 78701
City State ZIP
512-461-9747 512-494-9581
Phone Number Fax Number
512-461-9747 richard.saunders@rwe.com
Mobile Number (optional) Business Email Address

3. Does the applicant authorize the consultant to provide and obtain information related to this application? [ ] Yes [X] No

SECTION 9: Projected Timeline

- 1. Application approval by school board
2. Commencement of construction
3. Beginning of qualifying time period
4. First year of limitation
5. Begin hiring new employees
6. Commencement of commercial operations
7. Do you propose to construct a new building or to erect or affix a new improvement after your application review start date (date your application is finally determined to be complete)?
Note: Improvements made before that time may not be considered qualified property.
8. When do you anticipate the new buildings or improvements will be placed in service?

SECTION 10: The Property

- 1. Identify county or counties in which the proposed project will be located
2. Identify Central Appraisal District (CAD) that will be responsible for appraising the property
3. Will this CAD be acting on behalf of another CAD to appraise this property?
4. List all taxing entities that have jurisdiction for the property, the portion of project within each entity and tax rates for each entity:
County: (Name, tax rate and percent of project)
City: (Name, tax rate and percent of project)
Hospital District: (Name, tax rate and percent of project)
Water District: (Name, tax rate and percent of project)
Other (describe): (Name, tax rate and percent of project)
Other (describe): (Name, tax rate and percent of project)
5. Is the project located entirely within the ISD listed in Section 1?
5a. If no, attach in Tab 6 additional information on the project scope and size to assist in the economic analysis.
6. Did you receive a determination from the Texas Economic Development and Tourism Office that this proposed project and at least one other project seeking a limitation agreement constitute a single unified project (SUP), as allowed in §313.024(d-2)?
6a. If yes, attach in Tab 6 supporting documentation from the Office of the Governor.

SECTION 11: Investment

NOTE: The minimum amount of qualified investment required to qualify for an appraised value limitation and the minimum amount of appraised value limitation vary depending on whether the school district is classified as Subchapter B or Subchapter C, and the taxable value of the property within the school district. For assistance in determining estimates of these minimums, access the Comptroller's website at comptroller.texas.gov/economy/local/ch313/.

- 1. At the time of application, what is the estimated minimum qualified investment required for this school district?
2. What is the amount of appraised value limitation for which you are applying?
Note: The property value limitation amount is based on property values available at the time of application and may change prior to the execution of any final agreement.
3. Does the qualified investment meet the requirements of Tax Code §313.021(1)?
4. Attach a description of the qualified investment [See §313.021(1).] The description must include:
a. a specific and detailed description of the qualified investment you propose to make on the property for which you are requesting an appraised value limitation as defined by Tax Code §313.021 (Tab 7);
b. a description of any new buildings, proposed new improvements or personal property which you intend to include as part of your minimum qualified investment (Tab 7); and
c. a detailed map of the qualified investment showing location of tangible personal property to be placed in service during the qualifying time period and buildings to be constructed during the qualifying time period, with vicinity map (Tab 11).
5. Do you intend to make at least the minimum qualified investment required by Tax Code §313.023 (or §313.053 for Subchapter C school districts) for the relevant school district category during the qualifying time period?

SECTION 12: Qualified Property

- 1. Attach a detailed description of the qualified property. [See §313.021(2)] (If qualified investment describes qualified property exactly, you may skip items a, b and c below.) The description must include:
1a. a specific and detailed description of the qualified property for which you are requesting an appraised value limitation as defined by Tax Code §313.021 (Tab 8);
1b. a description of any new buildings, proposed new improvements or personal property which you intend to include as part of your qualified property (Tab 8); and
1c. a map of the qualified property showing location of new buildings or new improvements with vicinity map (Tab 11).
2. Is the land upon which the new buildings or new improvements will be built part of the qualified property described by §313.021(2)(A)?
2a. If yes, attach complete documentation including:
a. legal description of the land (Tab 9);
b. each existing appraisal parcel number of the land on which the new improvements will be constructed, regardless of whether or not all of the land described in the current parcel will become qualified property (Tab 9);
c. owner (Tab 9);
d. the current taxable value of the land. Attach estimate if land is part of larger parcel (Tab 9); and
e. a detailed map showing the location of the land with vicinity map (Tab 11).
3. Is the land on which you propose new construction or new improvements currently located in an area designated as a reinvestment zone under Tax Code Chapter 311 or 312 or as an enterprise zone under Government Code Chapter 2303?
3a. If yes, attach the applicable supporting documentation:
a. evidence that the area qualifies as a enterprise zone as defined by the Governor's Office (Tab 16);
b. legal description of reinvestment zone (Tab 16);
c. order, resolution or ordinance establishing the reinvestment zone (Tab 16);
d. guidelines and criteria for creating the zone (Tab 16); and
e. a map of the reinvestment zone or enterprise zone boundaries with vicinity map (Tab 11)
3b. If no, submit detailed description of proposed reinvestment zone or enterprise zone with a map indicating the boundaries of the zone on which you propose new construction or new improvements to the Comptroller's office within 30 days of the application date. What is the anticipated date on which you will submit final proof of a reinvestment zone or enterprise zone?

SECTION 13: Information on Property Not Eligible to Become Qualified Property

- 1. In Tab 10, attach a specific and detailed description of all existing property. This includes buildings and improvements existing as of the application review start date (the date the application is determined to be complete by the Comptroller). The description must provide sufficient detail to locate all existing property on the land that will be subject to the agreement and distinguish existing property from future proposed property.
2. In Tab 10, attach a specific and detailed description of all proposed new property that will not become new improvements as defined by TAC 9.1051. This includes proposed property that: functionally replaces existing or demolished/removed property; is used to maintain, refurbish, renovate, modify or upgrade existing property; or is affixed to existing property; or is otherwise ineligible to become qualified property. The description must provide sufficient detail to distinguish existing property (question 1) and all proposed new property that cannot become qualified property from proposed qualified property that will be subject to the agreement (as described in Section 12 of this application).
3. For the property not eligible to become qualified property listed in response to questions 1 and 2 of this section, provide the following supporting information in Tab 10:
a. maps and/or detailed site plan;
b. surveys;
c. appraisal district values and parcel numbers;
d. inventory lists;
e. existing and proposed property lists;
f. model and serial numbers of existing property; or
g. other information of sufficient detail and description.
4. Total estimated market value of existing property (that property described in response to question 1): \$
5. In Tab 10, include an appraisal value by the CAD of all the buildings and improvements existing as of a date within 15 days of the date the application is received by the school district.
6. Total estimated market value of proposed property not eligible to become qualified property (that property described in response to question 2): \$

Note: Investment for the property listed in question 2 may count towards qualified investment in Column C of Schedules A-1 and A-2, if it meets the requirements of 313.021(1). Such property cannot become qualified property on Schedule B.

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)?

2. What is the last complete calendar quarter before application review start date: [ ] First Quarter [ ] Second Quarter [ ] Third Quarter [ ] Fourth Quarter of (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)?

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. What is the number of new non-qualifying jobs you are estimating you will create?

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

b. 110% of the average weekly wage for manufacturing jobs in the county is

c. 110% of the average weekly wage for manufacturing jobs in the region is

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?

10. What is the annual wage you are committing to pay for each of the new qualifying jobs you create on the qualified property?

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.

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 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

Print Name (Authorized School District Representative)

Title

sign here

Signature (Authorized School District Representative)

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

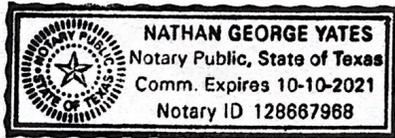
Print Name (Authorized Company Representative (Applicant))

Title

sign here

Signature (Authorized Company Representative (Applicant))

Date



(Notary Seal)

GIVEN under my hand and seal of office this, the

5 day of May, 2020

Nathan George Yates

Notary Public in and for the State of Texas

My Commission expires: 10-10-2021

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.

# Tab 3



May 5, 2020

West Raymond Wind Farm, LLC, Texas tax payer identification number 32070114858, is a limited liability corporation first organized and registered with the Secretary of State on March 19, 2019. As of the date of this letter, the West Raymond Wind Farm, LLC has not been required to file a franchise tax report. As of the first applicable filing period, Raymond Wind Farm, LLC will be a member of a combined group as defined by Texas Tax Code 171.0001 (7). The reporting entity taxpayer name is E.ON Climate & Renewables North America, LLC, Texas tax payer identification number 12000751680.

With kind regards,

A handwritten signature in blue ink, appearing to read 'Sean Logsdon'.

Sean Logsdon  
Sr. Vice President, Development

# Tab 4

**West Raymond Wind Farm, LLC  
Application for Appraised Value Limitations on Qualified Property**

**Tab 4**

**Section 7 — Project Description**

The proposed Project will consist of a facility designed to use wind power to generate electricity, including wind turbines, towers, transformers, transmission lines, and associated ancillary equipment necessary to safely operate, maintain and transmit power to the ERCOT grid, and meteorological equipment to measure and test wind speed and direction. The Project design consists of 109 wind turbine generators, with a capacity of 2.2 megawatts per generator, with an approximate total capacity of 239.8 MW.

The Project layout is not finalized at this time, but the base case scenario assumes 100% of the total project in the Lyford CISD. The base case assumes the Vestas V120 turbine, 2.2 MW model as the turbine for the Project. Therefore, LCISD can expect to have 109 turbines (for a total capacity of 239.8 MWs) in their service territory. All of the qualified property for which the applicant is seeking a limitation on appraised value will be owned by the applicant. All qualified property will be located inside the project boundaries.

The Project has signed a Full Interconnection Agreement with ERCOT. The Project had been assigned interconnection study ERCOT #20INR0088.

The Project will be located in Willacy (77.1%), Cameron (14.6%) and Hidalgo (8.3%) Counties. Current land use for the private property consists of farming with some ranching (note that these uses can continue, as the Project is designed to be compatible with such activities).

The additional improvements for the Project (within the LCISD) include:

- Roadwork, sloped for drainage, with turnouts from public roads
- Fencing to control livestock and to protect substations and other equipment as needed for safety and security.
- 109 wind turbine generator foundations, with anchor bolt embeds and template rings
- Wind turbine obstruction lighting per FAA requirements
- Telephone system
- One collection substations will be connected to the utility interconnection through a single-circuit, double 795 ACSR conductor 345kv transmission line.
- Underground power cables and various cable accessories, with grounding.

# Tab 5

West Raymond Wind Farm, LLC  
Application for Appraised Value Limitations on Qualified Property  
Tab 5  
Section 13 — Limitation as a Determining Factor

1. Does the applicant currently own the land on which the proposed project will occur?

No

2. Has the applicant entered into any agreements, contracts or letters of intent related to the proposed project?

Applicant has entered into contracts relating to the due diligence development phases of the Project, as well as some preliminary site construction work for the existing improvements as more particularly described in Section 13 and Tab 10 of the Application. Such contracts are for preliminary activities relating to the development of the Project and necessary federal tax credit work, contain early termination provisions or other contingency clauses, and allow any facilities to be allocated and utilized on other projects that may be located outside of Texas. There have been no completed wind turbines, transmission lines, or other substantial wind energy related facilities fully constructed on the Project.

3. Does the applicant have current business activities at the location where the proposed project will occur?

No

4. Has the applicant made public statements in SEC filings or other documents regarding its intentions regarding the proposed project location?

The COO of Applicant has made a statement on the project in the past in anticipation of the successful receipt of a Chapter 313 Tax Value Limitation form Lyford CISD. A successful Chapter 313 agreement is crucial to the project achieving financial approval and was factored into the economics considered by management. As of the date of this Amendment, Applicant and its affiliates have never completed a greenfield wind power or solar power project in Texas without a Chapter 313 Agreement. It has walked away from Texas projects where it has been unable to obtain a Chapter 313 Agreement. Chapter 313 tax limitation incentives remain a significant determining factor in whether or not the Applicant invests in any Texas project.

5. Has the applicant received any local or state permits for activities on the proposed project site?

As part of the development activities, Applicant has applied for and received county permits for foundations and crossing permits.

6. Has the applicant received commitments for state or local incentives for activities at the proposed project site?

Applicant has received a property tax abatement for 10 years from Willacy County, Texas, if the Project is completed.

7. Is the applicant evaluating other locations not in Texas for the proposed project?

Applicant is currently considering several other projects in states across the U.S. Applicant actively reviews the financial viability of each of these locations, including state and local incentives which significantly improve the financial viability of the investment and Applicant's ability to invest. Applicant has over 9000 MWs of development assets in approximately 20 states and has the ability to construct projects throughout the U.S. Applicant is required to consider investments in these projects as compared to this Project. Applicant and its affiliated companies have not completed a greenfield wind or solar project in Texas that did not have a Chapter 313 agreement, as it is crucial to exceeding the company financial hurdle. Further, Applicant recently sold a project that was unable to obtain a Chapter 313 agreement, as it was unable to meet the minimum financial hurdle. For this Project to be competitive with the other projects being developed by the Applicant, Applicant must secure a Chapter 313 tax abatement with Lyford CISD. The Chapter 313 agreement with Lyford CISD has a significant impact on the rate of return for this Project and allows it to be competitive not only with other projects in the Applicant's portfolio, but also with other projects being developed by competing companies in Texas.

8. Has the applicant provided capital investment or return on investment information for the proposed project in comparison with other alternative investment opportunities?

N/A

9. Has the applicant provided information related to the applicant's inputs, transportation and markets for the proposed project?

N/A

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?

No

# Tab 7

**West Raymond Wind Farm, LLC**  
**Application for Appraised Value Limitations on Qualified Property**

**Tab 7**

**Section 11— Investment**

**Description of Qualified Investment**

**4a. & 4b.** West Raymond Wind Farm, LLC anticipates constructing a wind-powered electric generating facility with a total operating capacity of approximately 239.8 megawatts all located within the Lyford ISD territory. The current base case turbine is the Vestas V120 with a 2.2 MW capacity. Therefore, it is expected that 109 Vestas turbines will be located in LCISD area.

The additional improvements for the Project include:

- Roadwork, sloped for drainage, with turnouts from public roads
- Fencing to control livestock and to protect substations and other equipment as needed for safety and security.
- 109 wind turbine generator foundations, with anchor bolt embeds and template rings
- Wind turbine obstruction lighting per FAA requirements
- Telephone system
- ECRNA will construct a 345:34.5kV collection substation, including transformers with OLTC's, as well as associated circuit breakers, switches, reactive power compensation equipment and control building. Location of substation is not known at this time.
- The collection substation will be connected to the utility interconnection through a single-circuit, double 795 ACSR conductor 345kv transmission line approximately 6 miles in length.
- Underground power cables from, and various cable accessories, with grounding.
- Permanent meteorological towers, quantity and location of which to be determined by final turbine layout.
- Underground communication cables

**4c.** Please see map in Tab 11. The specific locations of the roads, turbines and ancillary equipment is yet to be determined.

# Tab 8

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West Raymond Wind Farm, LLC  
Application for Appraised Value Limitations on Qualified Property  
Tab 8  
Section 12— Qualified Property

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Description of Qualified Property

**1a. & 1b.** West Raymond Wind Farm, LLC anticipates constructing a wind-powered electric generating facility with an operating capacity of approximately 239.8 megawatts (the "Project"). The exact number of wind turbines and the size of each turbine will vary depending upon the wind turbines selected and the megawatt generating capacity of the project completed. The current base case uses the Vestas V120 turbine with an individual capacity of 2.2 MWs. The base case therefore assumes all 109 turbines in LCISD

The additional improvements for the Project include:

- Roadwork, sloped for drainage, with turnouts from public roads
- Fencing to control livestock and to protect substations and other equipment as needed for safety and security.
- 109 wind turbine generator foundations, with anchor bolt embeds and template rings
- Wind turbine obstruction lighting per FAA requirements
- Telephone system
- ECRNA will construct a 345:34.5kV collection substation, including power transformers with OLTC's, as well as associated circuit breakers, switches, reactive power compensation equipment and control building.
- The collection substation will be connected to the utility interconnection through a single-circuit, double 795 ACSR conductor 345kv transmission line approximately 6 miles in length.
- Underground power cables from, and various cable accessories, with grounding.
- Permanent meteorological towers, quantity and location of which to be determined by final turbine layout.
- Underground communication cables

1c. Please see map in Tab 11. The specific locations of the roads, turbines and ancillary equipment is yet to be determined.

# Tab 10

West Raymond Wind Farm, LLC  
Application for Appraised Value Limitations on Qualified Property  
Tab 10

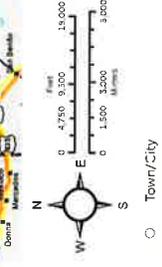
Section 13 — Information on Property Not Eligible to Become Qualified Property

Applicant has constructed access roads, cleared and grubbed the area, poured 39 foundations, and performed certain other preliminary site work necessary to qualify the Project and to meet certain deadlines for full federal tax credit eligibility. This property constitutes existing property and is not eligible to become Qualified Property and is not included in the values of the Qualified Property and Qualified Investment set forth in the Schedules. The estimated fair market value of this existing property is \$ 13,797,072.00. No wind turbines have been constructed on the Project.

# Tab 11

# West Raymond Project School District Summary

Willacy-Cameron-Hidalgo Counties, Texas

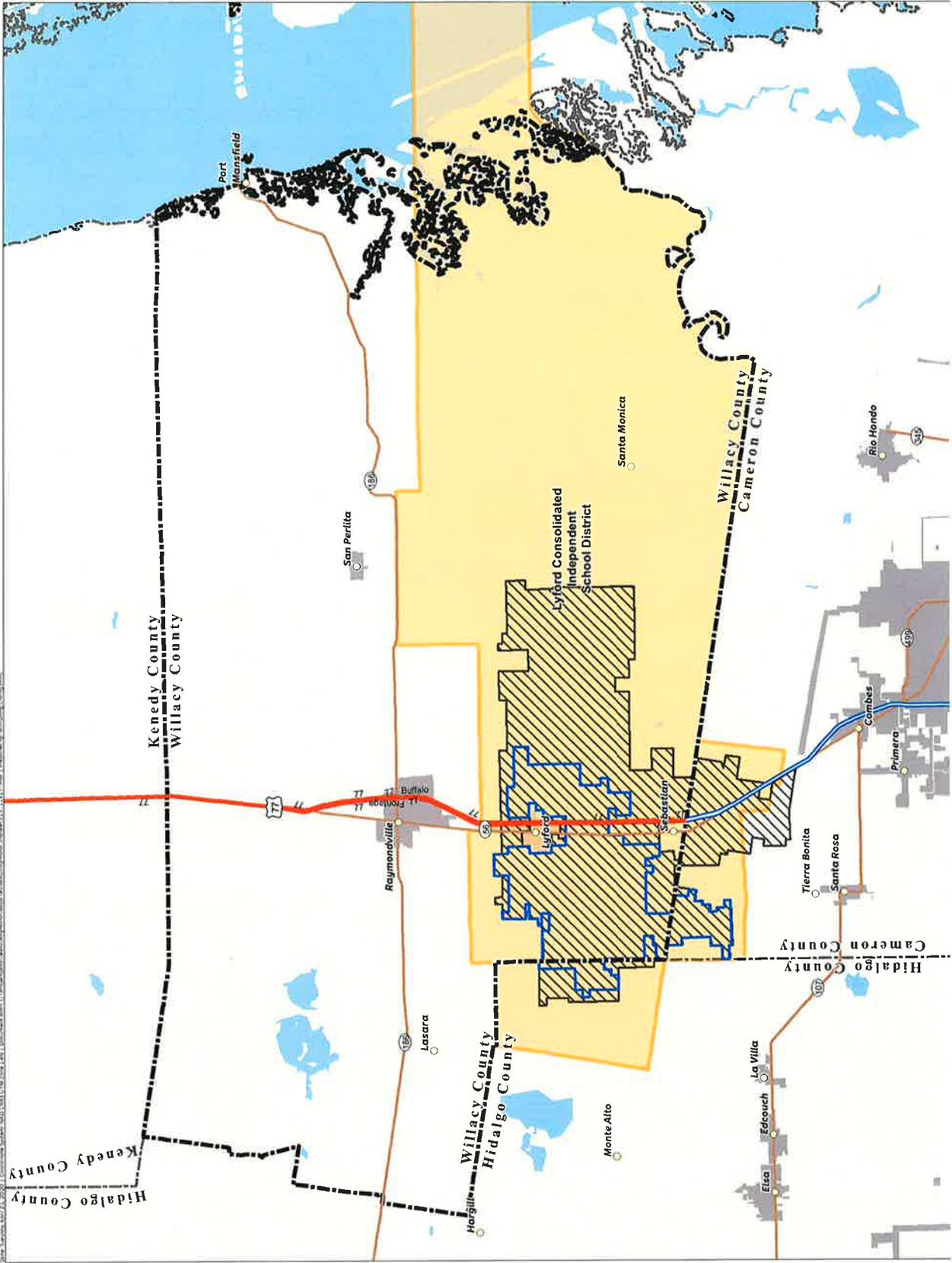


- Town/City
- Limited Access Highway
- Highway
- Major Road
- Local Road
- West Raymond Project Boundary
- Lyford ISD Boundary
- Proposed Reinvestment Zone
- Municipal Boundary
- Willacy County
- County Boundary

Date: April 21, 2020  
 Projection: NAD 1983 UTM Zone 14N  
 Datum: North American 1983



Map produced by RWE Renewables for internal use only. Field data was collected by RWE Renewables and verified through an independent third party. All other data is provided or obtained from public sources. RWE Renewables is not responsible for any errors or omissions. Data from Esri, US Census, ABB.



State: Texas, April 21, 2020 | Coordinates: NAD 1983 UTM Zone 14N | Document Status: U:\MapServer\Server\Raymond\MapServer\1475-lyford-west-raymond-amendment001.mxd | Author: J. Hargrave | Map: West Raymond Project

# Tab 13

## CALCULATION OF WAGE REQUIREMENTS

### TOTAL REGION MANUFACTURING

Council of Government	Hourly	Weekly	Annual
1. Lower Rio Grande Valley Development Council	\$17.21	\$688.54	\$35,804

$\$688.54 \times 1.10 = \mathbf{\$757.39}$

$\$35,804 \times 1.10 = \mathbf{\$39,384.40}$

### TOTAL – MANUFACTURING – Willacy County

Year	Quarter	Average Weekly Wages	Annualized
2018	4Q	\$843	\$43,836
2019	1Q	\$913	\$47,476
2019	2Q	\$911	\$47,372
2019	3Q	\$938	\$47,776
		<hr/>	
		\$901.25	\$46,865
		X	
		<u>110% of County Average Weekly Wage for all Jobs</u>	
		<b>\$991.38</b>	<b>\$51,551.50</b>

### TOTAL – ALL INDUSTRIES – Willacy County

Year	Quarter	Average Weekly Wages	Annualized
2018	4Q	\$747	\$38,844
2019	1Q	\$701	\$36,452
2019	2Q	\$730	\$37,960
2019	3Q	\$734	\$38,168
		<hr/>	
		\$728	<b>\$37,856</b>

**Quarterly Employment and Wages (QCEW)  
Willacy County- Manufacturing**

Year	Period	Area	Ownership	Industry	Average Weekly Wage
2018	04	Willacy	Private	Manufacturing	843
2019	01	Willacy	Private	Manufacturing	913
2019	02	Willacy	Private	Manufacturing	911
2019	03	Willacy	Private	Manufacturing	938

**Quarterly Employment and Wages (QCEW)  
Willacy County – All Industries**

Year	Period	Area	Ownership	Industry	Average Weekly Wage
2018	04	Willacy	Total All	Total, All Industries	747
2019	01	Willacy	Total All	Total, All Industries	701
2019	02	Willacy	Total All	Total, All Industries	729
2019	03	Willacy	Total All	Total, All Industries	734

**Quarterly Employment and Wages (QCEW)  
NORTEX Regional Planning Commission-  
Manufacturing**

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

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



701 Brazos Street  
Suite 1400  
Austin, TX 78701

April 16, 2020

Dr, Kristin Brown  
Superintendent  
Lyford Consolidated Independent School District  
P.O. Box 220  
Lyford, TX 78569

Re: Chapter 313 Job Waiver Request

Dear Superintendent Brown

West Raymond Wind Farm, LLC requests that the Lyford Consolidated Independent School District's Board of Trustees waive the job requirement provision as allowed by Section 313.025(f-1) of the tax code. This waiver would be based on the school district's board findings that the jobs creation requirement exceeds the industry standard for the number of employees reasonably necessary for the operation of the facility attic property owner that is described in the application.

West Raymond Wind Farm, LLC requests that the Lyford Consolidated Independent School District make such a finding and waive the job creation requirement for 10 permanent jobs. In line with industry standards for job requirements, West Raymond Wind Farm, LLC has committed to create 3 total jobs for the project, with all 3 of jobs dedicated to LCISD.

Wind projects create a large number of full and part-time, but temporary jobs during the construction phase of the project, but require a relatively small number of highly skilled technicians to operate and maintain the project after commercial operation commences.

The industry standard for employment is typically one full-time employee for approximately every 15-20 turbines. This number may fluctuate depending on the operations and maintenance requirements of the turbine selected as well as the support and technical assistance offered by the turbine manufacturer. The permanent employees of a wind project maintain and service wind turbines, underground electrical connections, substations and other infrastructure associated with the safe and reliable operation of the project. In addition, to the onsite employees, there may be managers or technicians who support the project from offsite locations.

With kind regards,

A handwritten signature in blue ink, appearing to read 'Sean Logsdon'.

Sean Logsdon  
Sr. Vice President, Development

# Tab 14

**Schedule A1: Total Investment for Economic Impact (through the Qualifying Time Period)**

Date **2/19/2020**  
 Applicant Name **West Raymond Wind Farm, LLC**  
 ISD Name **Lyford CISD**

Form 50-296A

Revised May 2014

PROPERTY INVESTMENT AMOUNTS										
(Estimated Investment in each year. Do not put cumulative totals.)										
				Column A	Column B	Column C	Column D	Column E		
	Year	School Year (YYYY-YYYY)	Tax Year (Fill in actual tax year below) YYYY	New investment (original cost) in tangible personal property placed in service during this year that will become Qualified Property	New investment made during this year in buildings or permanent nonremovable components of buildings that will become Qualified Property	Other new investment made during this year that will <u>not</u> become Qualified Property [SEE NOTE]	Other new investment made during this year that may become Qualified Property [SEE NOTE]	Total Investment (Sum of Columns A+B+C+D)		
Investment made before filing complete application with district	Year preceding the first complete tax year of the qualifying time period (assuming no deferrals of qualifying time period)	2020-2021	2020	Not eligible to become Qualified Property		\$ 13,797,072.00	[The only other investment made before filing complete application with district that may become Qualified Property is land.]	\$ 13,797,072.00		
Investment made after filing complete application with district, but before final board approval of application										
Investment made after final board approval of application and before Jan. 1 of first complete tax year of qualifying time period				\$ 231,452,928.00	\$ -	\$ -	\$ -	\$ 231,452,928.00		
Complete tax years of qualifying time period	QTP1	2021-2022	2021	\$ -	\$ -	\$ -	\$ -	\$ -		
	QTP2	2022-2023	2022	\$ -	\$ -	\$ -	\$ -	\$ -		
<b>Total Investment through Qualifying Time Period [ENTER this row in Schedule A2]</b>				\$ 231,452,928.00		\$ 13,797,072.00		\$ 245,250,000.00		
				<small>Enter amounts from TOTAL row above in Schedule A2</small>						
<b>Total Qualified Investment (sum of green cells)</b>				\$ 231,452,928.00						

For All Columns: List amount invested each year, not cumulative totals.

Column A: This represents the total dollar amount of planned investment in tangible personal property. Only include estimates of investment for "replacement" property if the property is specifically described in the application.

Only tangible personal property that is specifically described in the application can become qualified property.

Column B: The total dollar amount of planned investment each year in buildings or nonremovable component of buildings.

Column C: Dollar value of other investment that may affect economic impact and total value. Examples of other investment that will not become qualified property include investment meeting the definition of 313.021(1) but not creating a new improvement as defined by TAC 9.1051. This is proposed property that functionally replaces existing property; is used to maintain, refurbish, renovate, modify or upgrade existing property; or is affixed to existing property—described in SECTION 13, question #5 of the application.

Column D: Dollar value of other investment that may affect economic impact and total value. Examples of other investment that may result in qualified property are land or professional services.

Total Investment: Add together each cell in a column and enter the sum in the blue total investment row. Enter the data from this row into the first row in Schedule A2.

Qualified Investment: For the green qualified investment cell, enter the sum of all the green-shaded cells.

**Schedule A2: Total Investment for Economic Impact (including Qualified Property and other investments)**

Date **2/19/2020**  
 Applicant Name **West Raymond Wind Farm, LLC**  
 ISD Name **Lyford CISD**

Form 50-296A  
 Revised May 2014

PROPERTY INVESTMENT AMOUNTS								
(Estimated Investment in each year. Do not put cumulative totals.)								
	Year	School Year (YYYY)	Tax Year (Fill in actual tax year below) YYYY	Column A New investment (original cost) in tangible personal property placed in service during this year that will become Qualified Property	Column B New investment made during this year in buildings or permanent nonremovable components of buildings that will become Qualified Property	Column C Other investment made during this year that will <u>not</u> become Qualified Property [SEE NOTE]	Column D Other investment made during this year that will become Qualified Property [SEE NOTE]	Column E Total Investment (A+B+C+D)
Total Investment from Schedule A1*	--	TOTALS FROM SCHEDULE A1		\$ 231,452,928.00		\$ 13,797,072.00		\$ 245,250,000.00
Each year prior to start of value limitation period**	0	2020-2021	2020	\$ 231,452,928.00				\$ -
Value limitation period***	1	2021-2022	2021					
	2	2022-2023	2022					
	3	2023-2024	2023					
	4	2024-2025	2024					
	5	2025-2026	2025					
	6	2026-2027	2026					
	7	2027-2028	2027					
	8	2028-2029	2028					
	9	2029-2030	2029					
	10	2030-2031	2030					
<b>Total Investment made through limitation</b>				\$ 231,452,928.00		\$ 13,797,072.00		\$ 245,250,000.00
Continue to maintain viable presence	11	2031-2032	2031					
	12	2032-2033	2032					
	13	2033-2034	2033					
	14	2034-2035	2034					
	15	2035-2036	2035					
Additional years for 25 year economic impact as required by 313.026(c)(1)	16	2036-2037	2036					
	17	2037-2038	2037					
	18	2038-2039	2038					
	19	2039-2040	2039					
	20	2040-2041	2040					
	21	2041-2042	2041					
	22	2042-2043	2042					
	23	2043-2044	2043					
	24	2044-2045	2044					
	25	2045-2046	2045					

\*\* Only investment made during deferrals of the start of the limitation (after the end of qualifying time period but before the start of the Value Limitation Period) should be included in the "year prior to start of value limitation period" row(s). If the limitation starts at the end of the qualifying time period or the qualifying time period will overlap your value limitation period, do not also include investment made during the qualifying time period in years 1 and/or 2 of the value limitation period, depending on the overlap. Only include investments/years that were not captured on Schedule A1.

For All Columns: List amount invested each year, not cumulative totals. Only include investments in the remaining rows of Schedule A2 that were not captured on Schedule A1.  
 Column A: This represents the total dollar amount of planned investment in tangible personal property. Only include estimates of investment for "replacement" property if the property is specifically described in the application. Only tangible personal property that is specifically described in the application can become qualified property.  
 Column B: The total dollar amount of planned investment each year in buildings or nonremovable component of buildings.  
 Column C: Dollar value of other investment that may affect economic impact and total value. Examples of other investment that will not become qualified property include investment meeting the definition of 313.021(1) but not creating a new improvement as defined by TAC 9.1051. This is proposed property that functionally  
 Column D: Dollar value of other investment that may affect economic impact and total value. Examples of other investment that may result in qualified property are land or professional services.

1475-lyford-westraymond-windfarm-amendment001-May 5, 2020

**Schedule B: Estimated Market And Taxable Value (of Qualified Property Only)**

Date **2/19/2020**  
 Applicant Name **West Raymond Wind Farm, LLC**  
 ISD Name **Lyford CISD**

**Form 50-296A**  
 Revised May 2014

	Year	School Year (YYYY-YYYY)	Tax Year (Fill in actual tax year) YYYY	Qualified Property			Estimated Taxable Value		
				Estimated Market Value of Land	Estimated Total Market Value of new buildings or other new improvements	Estimated Total Market Value of tangible personal property in the new buildings or "in or on the new improvements"	Market Value less any exemptions (such as pollution control) and before limitation	Final taxable value for I&S after all reductions	Final taxable value for M&O after all reductions
Each year prior to start of Value Limitation Period <i>Insert as many rows as necessary</i>	0	2020-2021	2020	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Value Limitation Period	1	2021-2022	2021	\$ -	\$ -	\$ 231,452,928	\$ 231,452,928	\$ 231,452,928	\$ 20,000,000
	2	2022-2023	2022	\$ -	\$ -	\$ 214,093,958	\$ 214,093,958	\$ 214,093,958	\$ 20,000,000
	3	2023-2024	2023	\$ -	\$ -	\$ 198,031,125	\$ 198,031,125	\$ 198,031,125	\$ 20,000,000
	4	2024-2025	2024	\$ -	\$ -	\$ 183,194,993	\$ 183,194,993	\$ 183,194,993	\$ 20,000,000
	5	2025-2026	2025	\$ -	\$ -	\$ 169,446,689	\$ 169,446,689	\$ 169,446,689	\$ 20,000,000
	6	2026-2027	2026	\$ -	\$ -	\$ 156,739,923	\$ 156,739,923	\$ 156,739,923	\$ 20,000,000
	7	2027-2028	2027	\$ -	\$ -	\$ 144,982,114	\$ 144,982,114	\$ 144,982,114	\$ 20,000,000
	8	2028-2029	2028	\$ -	\$ -	\$ 134,103,826	\$ 134,103,826	\$ 134,103,826	\$ 20,000,000
	9	2029-2030	2029	\$ -	\$ -	\$ 124,058,769	\$ 124,058,769	\$ 124,058,769	\$ 20,000,000
	10	2030-2031	2030	\$ -	\$ -	\$ 114,754,362	\$ 114,754,362	\$ 114,754,362	\$ 20,000,000
Continue to maintain viable presence	11	2031-2032	2031	\$ -	\$ -	\$ 106,144,313	\$ 106,144,313	\$ 106,144,313	\$ 106,144,313
	12	2032-2033	2032	\$ -	\$ -	\$ 98,182,332	\$ 98,182,332	\$ 98,182,332	\$ 98,182,332
	13	2033-2034	2033	\$ -	\$ -	\$ 90,822,129	\$ 90,822,129	\$ 90,822,129	\$ 90,822,129
	14	2034-2035	2034	\$ -	\$ -	\$ 83,994,268	\$ 83,994,268	\$ 83,994,268	\$ 83,994,268
	15	2035-2036	2035	\$ -	\$ -	\$ 77,698,748	\$ 77,698,748	\$ 77,698,748	\$ 77,698,748
Additional years for 25 year economic impact as required by 313.026(c)(1)	16	2036-2037	2036	\$ -	\$ -	\$ 71,866,134	\$ 71,866,134	\$ 71,866,134	\$ 71,866,134
	17	2037-2038	2037	\$ -	\$ -	\$ 66,496,426	\$ 66,496,426	\$ 66,496,426	\$ 66,496,426
	18	2038-2039	2038	\$ -	\$ -	\$ 61,497,043	\$ 61,497,043	\$ 61,497,043	\$ 61,497,043
	19	2039-2040	2039	\$ -	\$ -	\$ 56,891,130	\$ 56,891,130	\$ 56,891,130	\$ 56,891,130
	20	2040-2041	2040	\$ -	\$ -	\$ 52,609,251	\$ 52,609,251	\$ 52,609,251	\$ 52,609,251
	21	2041-2042	2041	\$ -	\$ -	\$ 48,674,551	\$ 48,674,551	\$ 48,674,551	\$ 48,674,551
	22	2042-2043	2042	\$ -	\$ -	\$ 46,290,586	\$ 46,290,586	\$ 46,290,586	\$ 46,290,586
	23	2043-2044	2043	\$ -	\$ -	\$ 46,290,586	\$ 46,290,586	\$ 46,290,586	\$ 46,290,586
	24	2044-2045	2044	\$ -	\$ -	\$ 46,290,586	\$ 46,290,586	\$ 46,290,586	\$ 46,290,586
	25	2045-2046	2045	\$ -	\$ -	\$ 46,290,586	\$ 46,290,586	\$ 46,290,586	\$ 46,290,586

Notes: Market value in future years is good faith estimate of future taxable value for the purposes of property taxation.  
 Only include market value for eligible property on this schedule.

1475-lyford-westraymond-windfarm-amendment001-May 5, 2020

Schedule C: Employment Information

Date 2/19/2020  
 Applicant Name West Raymond Wind Farm, LLC  
 ISD Name Lyford CISD

Form 50-296A  
 Revised May 2014

				Construction		Non-Qualifying Jobs	Qualifying Jobs	
	Year	School Year (YYYY-YYYY)	Tax Year (Actual tax year) YYYY	Column A Number of Construction FTE's or man-hours (specify)	Column B Average annual wage rates for construction workers	Column C Number of non-qualifying jobs applicant estimates it will create (cumulative)	Column D Number of new qualifying jobs applicant commits to create meeting all criteria of Sec. 313.021(3) (cumulative)	Column E Average annual wage of new qualifying jobs
Each year prior to start of Value Limitation Period <i>Insert as many rows as necessary</i>	0	2020-2021	2020	150FTE	\$ 42,529.30	N/A	0	\$ -
Value Limitation Period <i>The qualifying time period could overlap the value limitation period.</i>	1	2021-2022	2021			0	3	\$ 39,384.00
	2	2022-2023	2022			0	3	\$ 39,384.00
	3	2023-2024	2023			0	3	\$ 39,384.00
	4	2024-2025	2024			0	3	\$ 39,384.00
	5	2025-2026	2025			0	3	\$ 39,384.00
	6	2026-2027	2026			0	3	\$ 39,384.00
	7	2027-2028	2027			0	3	\$ 39,384.00
	8	2028-2029	2028			0	3	\$ 39,384.00
	9	2029-2030	2029			0	3	\$ 39,384.00
10	2030-2031	2030			0	3	\$ 39,384.00	
Years Following Value Limitation Period	11 through 25	2031-2045	2031-2045			0	3	\$ 39,384.00

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

- C1. Are the cumulative number of qualifying jobs listed in Column D less than the number of qualifying jobs required by statute? (25 qualifying jobs in Subchapter B districts, 10 qualifying jobs in Subchapter C districts)  Yes  No  
 If yes, answer the following two questions:
- C1a. Will the applicant request a job waiver, as provided under 313.025(f-1)?  Yes  No
- C1b. Will the applicant avail itself of the provision in 313.021(3)(F)?  Yes  No

**Schedule D: Other Incentives (Estimated)**

Date **2/9/20**  
 Applicant Name **West Raymond Wind Farm, LLC**  
 ISD Name **Lyford CISD**

**Form 50-296A**  
 Revised May 2014

State and Local Incentives for which the Applicant intends to apply (Estimated)						
Incentive Description	Taxing Entity (as applicable)	Beginning Year of Benefit	Duration of Benefit	Annual Tax Levy without Incentive	Annual Incentive	Annual Net Tax Levy
Tax Code Chapter 311	County:					
	City:					
	Other:					
Tax Code Chapter 312	County: Cameron County					
	City:					
	Other: Willacy County	2021	2030	\$ 1,259,476.00	85% / Year w/PIL 1125/mw	\$ 634,871.00
Local Government Code Chapters 380/381	County:					
	City:					
	Other:					
Freeport Exemptions						
Non-Annexation Agreements						
Enterprise Zone/Project						
Economic Development Corporation						
Texas Enterprise Fund						
Employee Recruitment						
Skills Development Fund						
Training Facility Space and Equipment						
Infrastructure Incentives						
Permitting Assistance						
Other:						
Other:						
Other:						
Other:						
<b>TOTAL</b>				<b>\$ 1,259,476.00</b>		<b>\$ 634,871.00</b>

Additional information on incentives for this project:

# Tab 17

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.

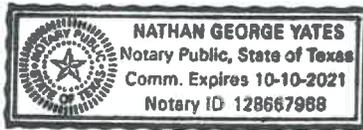
print here Dr. Kristin N. Brown Superintendent
sign here [Signature] 5/6/2020

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 Sean Legsdon SR VP Development
sign here [Signature] 5/5/2020



(Notary Seal)

GIVEN under my hand and seal of office this, the

5 day of May, 2020

Nathan George Yates
Notary Public in and for the State of Texas

My Commission expires: 10-10-2021

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.