

O'HANLON, DEMERATH & CASTILLO

ATTORNEYS AND COUNSELORS AT LAW

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May 20, 2020

Local Government Assistance & Economic Analysis  
Texas Comptroller of Public Accounts  
P.O. Box 13528  
Austin, Texas 78711-3528

RE: 1489-Amended application to the Seymour Independent School District from Western Trail Wind, LLC

To the Local Government Assistance & Economic Analysis Division:

Enclosed. Please find the amended application to the Seymour Independent School District from Western Trail Wind, LLC. The following changes have been made:

1. Section 3, Question 1a – Payor has been updated and the date of transaction has been updated. Verified with Seymour ISD Business Manager (Cindy Davis) that the check cleared on April 28<sup>th</sup>, 2020.
2. Section 14: Wage and Employment Information, Question 4a and 4b has been updated
3. Tab 6 map has been updated
4. Tab 13 has been updated
5. Schedule C, Column E: Has been updated
6. New Signature Page

A copy of the application will be submitted to the Baylor County Appraisal District.

Sincerely,



Kevin O'Hanlon  
School District Consultant

Cc: Baylor County Appraisal District  
Western Trail Wind, LLC

Texas Comptroller of Public Accounts

MOA 2019  
Data Analysis and  
Transparency  
Form 50-296-A

SECTION 2: Applicant Information (continued)

4. Authorized Company Consultant (If Applicable)

David Sewell
First Name Last Name
Partner
Title
Stahl, Davies, Sewell, Chavarria & Friend, LLP
Firm Name
(512) 346-5558 (512) 346-2712
Phone Number Fax Number
dsewell@sbaustinlaw.com
Business Email Address

SECTION 3: Fees and Payments

1. Has an application fee been paid to the school district? [X] 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, include all transaction information below. Include proof of application fee paid to the school district in Tab 2. Any confidential banking information provided will not be publicly posted.
\$75,000 Check
Payment Amount Transaction Type
Lincoln Clean Energy, LLC Seymour Independent School District
Payor Payee
April 20, 2020
Date transaction was processed

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 [X] 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 [X] No [ ] N/A

SECTION 4: Business Applicant Information

1. What is the legal name of the applicant under which this application is made? Western Trail Wind, LLC
2. List the Texas Taxpayer I.D. number of entity subject to Tax Code, Chapter 171 (11 digits) 32066890602
3. Parent Company Name Orsted Holdings N.A. INC.
4. Parent Company Tax ID 32070588606
5. List the NAICS code 221115
6. Is the applicant a party to any other pending or active Chapter 313 agreements? [X] Yes [ ] No
6a. If yes, please list application number, name of school district and year of agreement
1435, Harrold ISD, 2020; 1424 Vernon ISD, 2020

SECTION 5: Applicant Business Structure

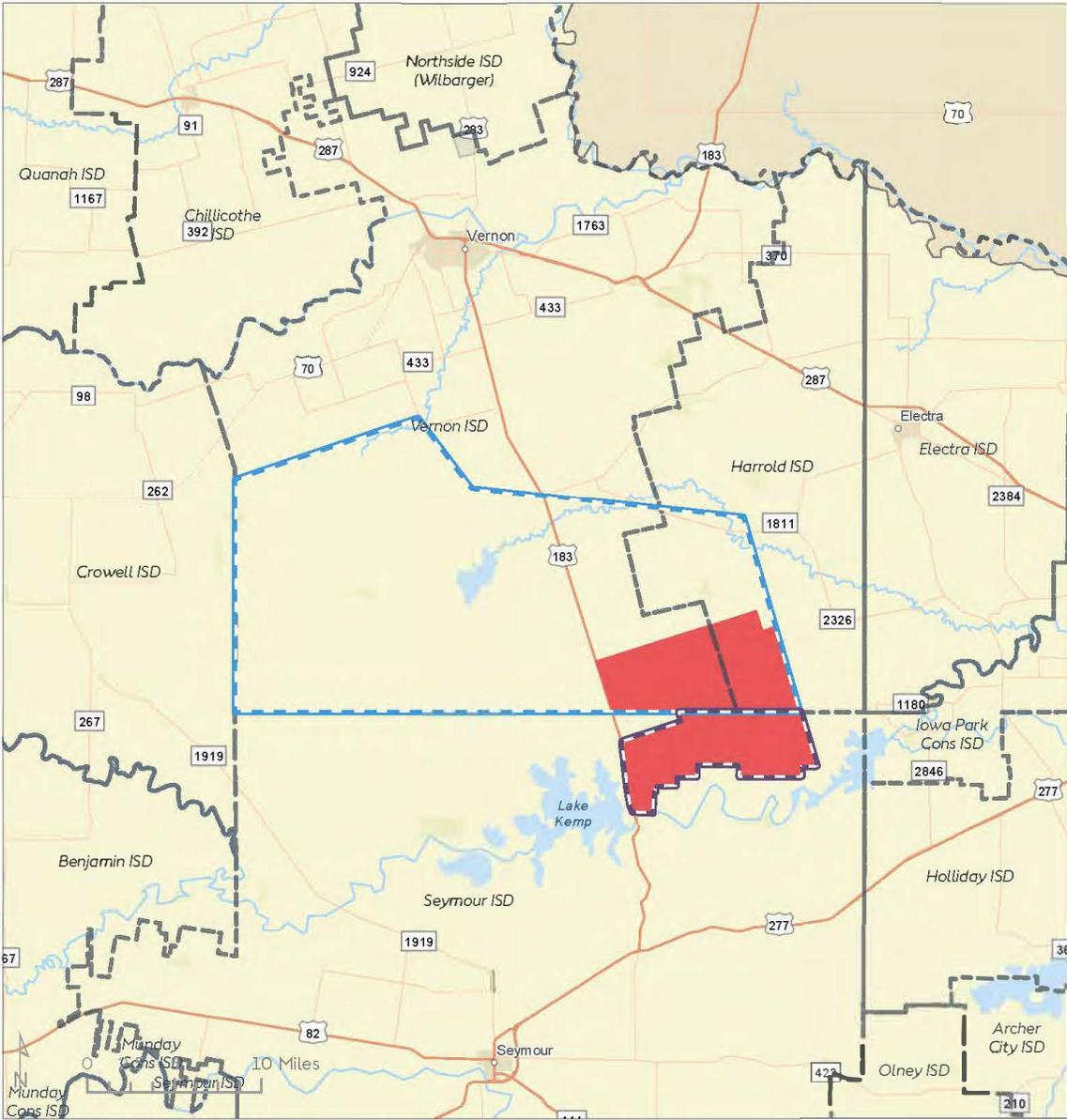
1. Identify Business Organization of Applicant (corporation, limited liability corporation, etc) Limited Liability Corporation
2. Is applicant a combined group, or comprised of members of a combined group, as defined by Tax Code §171.0001(7)? [X] Yes [ ] No
2a. If yes, attach in Tab 3 a copy of Texas 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.

**SECTION 14: Wage and Employment Information**

1. What is the number of new qualifying jobs you are committing to create? ..... 2
2. What is the number of new non-qualifying jobs you are estimating you will create? (See TAC 9.1051(14)) ..... 0
3. 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) and TAC 9.1051(b)(1)? .....  Yes  No
  - 3a. If yes, attach evidence of industry standard 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.
4. 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). **Note:** If a more recent quarter of information becomes available before the application is deemed complete, updated wage information will be required.
  - a. Non-qualified job wages  
- average weekly wage for all jobs (all industries) in the county is ..... 662.75
  - b. Qualifying job wage minimum option §313.021(5)(A)  
-110% of the average weekly wage for manufacturing jobs in the county is ..... 983.95
  - c. Qualifying job wage minimum option §313.021(5)(B)  
-110% of the average weekly wage for manufacturing jobs in the region is ..... 1,106.01
5. 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)
6. What is the minimum required annual wage for each qualifying job based on the qualified property? ..... 51,165.40
7. What is the annual wage you are committing to pay for each of the new qualifying jobs you create on the qualified property? ..... 51,166.00
8. Will the qualifying jobs meet all minimum requirements set out in Tax Code §313.021(3)? .....  Yes  No
9. 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
  - 9a. If yes, attach in **Tab 12** supporting documentation from the TWC, pursuant to §313.021(3)(F).
10. 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
  - 10a. 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, and C 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**.



# Western Trail Wind Project

Wilbarger, Baylor counties, Texas  
April 2020

### Legend

- Total Western Trail Wind Project Area
- ISD Boundary
- Reinvestment Zone - Wilbarger
- Reinvestment Zone - Baylor

### Reinvestment Zones

Texas Independent  
School Districts



**Tab Item 13**

**Calculation of three possible wage requirements with TWC documentation**

Quarterly Employment and Wages (QCEW)

Average Weekly Wage for All Jobs (All Industries) in Baylor County

Year	Period	Area	Ownership	Ind-Code	Industry	Avg. Weekly Wages
2019	1st Qtr	Baylor	Total All	10	Total, All Industries	\$632
2019	2nd Qtr	Baylor	Total All	10	Total, All Industries	\$639
2019	3rd Qtr	Baylor	Total All	10	Total, All Industries	\$667
2019	4 <sup>th</sup> Qtr	Baylor	Total All	10	Total, All Industries	\$713
Average						\$662.75

110% of \$662.75 = \$729.03

Year	Period	Area	Ownership	Industry Code	Industry	Average Weekly Wage
2018	01	Baylor	Total All	10	Total, All Industries	648
2018	02	Baylor	Total All	10	Total, All Industries	668
2018	03	Baylor	Total All	10	Total, All Industries	685
2018	04	Baylor	Total All	10	Total, All Industries	701
2019	01	Baylor	Total All	10	Total, All Industries	632
2019	02	Baylor	Total All	10	Total, All Industries	639
2019	03	Baylor	Total All	10	Total, All Industries	667
2019	04	Baylor	Total All	10	Total, All Industries	713

Quarterly Employment and Wages (QCEW)

Average Weekly Wage for Manufacturing Jobs in Baylor County

Year	Period	Area	Ownership	Ind-Code	Industry	Avg. Weekly Wages
2019	1 <sup>st</sup> Qtr	Baylor	Private	31-33	Total, Manufacturing	\$855
2019	2 <sup>nd</sup> Qtr	Baylor	Private	31-33	Total, Manufacturing	\$846
2019	3 <sup>rd</sup> Qtr	Baylor	Private	31-33	Total, Manufacturing	\$939
2019	4 <sup>th</sup> Qtr	Baylor	Private	31-33	Total, Manufacturing	\$938
Average						\$894.50

110% of \$894.50 = \$983.95

Year	Period	Area	Ownership	Industry Code	Industry	Average Weekly Wage
2018	03	Baylor	Private	31-33	Manufacturing	780
2018	04	Baylor	Private	31-33	Manufacturing	955
2019	01	Baylor	Private	31-33	Manufacturing	855
2019	02	Baylor	Private	31-33	Manufacturing	846
2019	03	Baylor	Private	31-33	Manufacturing	939
2019	04	Baylor	Private	31-33	Manufacturing	938

## Quarterly Employment and Wages (QCEW)

### Average Weekly Wage for Manufacturing Jobs in Region

Baylor County is included in the NORTEX Regional Planning Commission. The most recently reported (2018) average manufacturing wage for the NORTEX Regional Planning Commission is \$52,284.

$$\$52,284 / 52 = \$1,005.46$$

$$110\% \text{ of } \$1,005.46 = \$1,106.01$$

### 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
<b><a href="#">NORTEX Regional Planning Commission</a></b>	<b>3</b>	<b>\$25.14</b>	<b>\$52,284</b>
<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.

Schedule C: Employment Information

Date

Applicant Name

Western Trail Wind, LLC

Form 50-296A

ISD Name

Seymour ISD

Revised May 2014

	Year	School Year (YYYY-YYYY)	Tax Year (Actual tax year) YYYY	Construction		Non-Qualifying Jobs	Qualifying Jobs	
				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					
Each year prior to start of Value Limitation Period <i>Insert as many rows as necessary</i>	0	2021-2022	2021	150 FTEs	\$40,000	0	0	
	1	2022-2023	2022	N/A	N/A	0	2	\$51,166.00
	2	2023-2024	2023	N/A	N/A	0	2	\$51,166.00
	3	2024-2025	2024	N/A	N/A	0	2	\$51,166.00
	4	2025-2026	2025	N/A	N/A	0	2	\$51,166.00
	5	2026-2027	2026	N/A	N/A	0	2	\$51,166.00
	6	2027-2028	2027	N/A	N/A	0	2	\$51,166.00
	7	2028-2029	2028	N/A	N/A	0	2	\$51,166.00
	8	2029-2030	2029	N/A	N/A	0	2	\$51,166.00
	9	2030-2031	2030	N/A	N/A	0	2	\$51,166.00
	10	2031-2032	2031				2	\$51,166.00
Years Following Value Limitation Period	11 through 25	2032-2047	2032-2046	N/A	N/A	0	2	\$51,166.00

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)  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

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

John Anderson  
Print Name (Authorized School District Representative)

Superintendent  
Title

sign here

[Signature]  
Signature (Authorized School District Representative)

5-19-20  
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

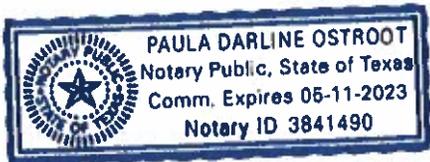
Philip Moore  
Print Name (Authorized Company Representative (Applicant))

Sr. Vice President  
Title

sign here

[Signature]  
Signature (Authorized Company Representative (Applicant))

5/13/2020  
Date



(Notary Seal)

GIVEN under my hand and seal of office this, the

13 day of May 2020  
Paula D Ostrout  
Notary Public in and for the State of Texas  
My Commission expires: 5/11/2023

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.