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October 4, 2022

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

RE: 1569 – Amendment 2_Execution 1 of the Application to the Livingston Independent School District from Lone Spur Solar Energy LLC

To the Local Government Assistance & Economic Analysis Division:

Enclosed. Please find Amendment 2_Execution 1 of the Application to the Livingston Independent School District from Lone Spur Solar Energy LLC. The following changes have been made:

1. QTP Start date changed to **January 2, 2024**, originally September 1, 2023.
2. Limitation Start date changed to **January 1, 2027**, originally January 1, 2025
3. 6.1 Supplemental Payment for years **2024 and 2025** are now \$50,000, originally years 2023 and 2024.
4. Company Representative is **Julia Kimmerly**, Originally James Williams.
5. **Tab 4 updated with new timeline**
6. **Schedules updated**

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

Sincerely,



Kevin O'Hanlon
School District Consultant

Cc: Polk CAD
Lone Spur Solar Energy LLC



August 12, 2022

Superintendent Dr. Brent Hawkins

Livingston Independent School District
1412 South Houston Ave.
Livingston, TX 77351

Re: 313 Application #1959 – Lone Spur Solar Energy LLC – Amendment After Agreement 1
Changes

Dear Superintendent Dr. Hawkins:

Please find attached Amendment After Agreement 1 for Lone Spur Solar Energy LLC's 313
Application #1959. Specific changes found in the amendment are as follows:

- Application Page 2, Section 2, Question #1: Updated Authorized Company Representative contact information.
- Application Page 2, Section 2, Question #2a: Updated Company Official contact information.
- Application Page 5, Section 9, Question #2, Estimated commencement of construction: Updated from 10/01/2023 → 01/01/2026
- Application Page 5, Section 9, Question #3, Beginning of qualifying time period: Updated from 09/01/2023 → 01/02/2024
- Application Page 5, Section 9, Question #4, First year of Limitation: Updated from 2025 → 2027
- Application Page 5, Section 9, Question #5, Commencement of commercial operations: Updated from 12/31/2024 → 12/31/2026
- Tab (Checklist Item) #4: Updated Detailed Description of Project.
- Tab (Checklist Item) #14: Updated schedules (A1, A2, B, and C) to reflect new "Estimated Market Values" and new project investment and hiring timelines.

Please let me know if you have any questions or comments.

Yours sincerely,

A handwritten signature in cursive script that reads 'Troy Reed'.

Troy Reed
Manager
Ernst &Young LLP

Texas Comptroller of Public Accounts

Data Analysis and
Transparency
Form 50-296-ASECTION 1: School District Information *(continued)*3. Authorized School District Consultant *(If Applicable)*

First Name

Last Name

Title

Firm Name

Phone Number

Fax Number

Mobile Number *(optional)*

Email Address

4. On what date did the district determine this application complete?

SECTION 2: Applicant Information

1. Authorized Company Representative *(Applicant)*

First Name

Last Name

Title

Organization

Street Address

Mailing Address

City

State

ZIP

Phone Number

Fax Number

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? ☐ Yes ☐ No

2a. If yes, please fill out contact information for that person.

First Name

Last Name

Title

Organization

Street Address

Mailing Address

City

State

ZIP

Phone Number

Fax Number

Mobile Number *(optional)*

Business Email Address

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

Texas Comptroller of Public Accounts

Data Analysis and
Transparency
Form 50-296-A

SECTION 8: Limitation as Determining Factor

1. Does the applicant currently own the land on which the proposed project will occur? ☐ Yes ☐ No
2. Has the applicant entered into any agreements, contracts or letters of intent related to the proposed project? ☐ Yes ☐ No
3. Does the applicant have current business activities at the location where the proposed project will occur? ☐ Yes ☐ No
4. Has the applicant made public statements in SEC filings or other documents regarding its intentions regarding the proposed project location? ☐ Yes ☐ No
5. Has the applicant received any local or state permits for activities on the proposed project site? ☐ Yes ☐ No
6. Has the applicant received commitments for state or local incentives for activities at the proposed project site? ☐ Yes ☐ No
7. Is the applicant evaluating other locations not in Texas for the proposed project? ☐ Yes ☐ No
8. Has the applicant provided capital investment or return on investment information for the proposed project in comparison with other alternative investment opportunities? ☐ Yes ☐ No
9. Has the applicant provided information related to the applicant's inputs, transportation and markets for the proposed project? ☐ Yes ☐ No
10. Are you submitting information to assist in the determination as to whether the limitation on appraised value is a determining factor in the applicant's decision to invest capital and construct the project in Texas? ☐ Yes ☐ No

Chapter 313.026(e) states "the applicant may submit information to the Comptroller that would provide a basis for an affirmative determination under Subsection (c)(2)." If you answered "yes" to any of the questions in Section 8, attach supporting information in Tab 5.

SECTION 9: Projected Timeline

NOTE: Only construction beginning after the application review start date (the date the Texas Comptroller of Public Accounts deems the application complete) can be considered qualified property and/or qualified investment.

1. Estimated school board ratification of final agreement _____
2. Estimated commencement of construction _____
3. Beginning of qualifying time period (MM/DD/YYYY) _____
4. First year of limitation (YYYY) _____
- 4a. For the beginning of the limitation period, notate which **one of the following** will apply according to provision of 313.027(a-1)(2):

☐ A. January 1 following the application date

☐ B. January 1 following the end of QTP

☐ C. January 1 following the commencement of commercial operations
5. Commencement of commercial operations _____

SECTION 10: The Property

1. County or counties in which the proposed project will be located _____
2. 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? ☐ Yes ☐ No
4. List all taxing entities that have jurisdiction for the property, the portion of project within each entity and tax rates for each entity:

M&O (ISD): _____
(Name, tax rate and percent of project)

County: _____
(Name, tax rate and percent of project)

Hospital District: _____
(Name, tax rate and percent of project)

Other (describe): _____
(Name, tax rate and percent of project)

I&S (ISD): _____
(Name, tax rate and percent of project)

City: _____
(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)



Lone Spur Solar Energy LLC
Amendment No. 1 - Chapter 313 Application to Livingston ISD

CHECKLIST ITEM #4

Detailed Description of Project

Lone Spur Solar Energy LLC (Lone Spur) is developing a utility scale single axis tracker photovoltaic facility designed to use solar power to generate electricity. The Project will be capable of generating approximately 105 MWac and will cover a surface area up to 1,200 acres. The exact capacity and specific technology will be determined during the design process, and so the exact location of the improvements cannot be specified at this time. In addition, 100% of the project is planned to be installed in Livingston ISD and Polk County.

If granted an Appraised Value Limitation pursuant to Texas Tax Code 313, Lone Spur Solar Energy expects to issue a full notice to proceed for construction in Q1 of 2026 and expects to complete construction in Q4 2026.

The facility may include eligible ancillary and necessary equipment, including the following improvements:

- approximately 225,000 – 325,000 solar modules/panels
- 20 – 40 inverters
- metal mounting system with tracking capabilities
- battery or battery system
- underground conduit
- communications cables and electric system wiring
- combiner boxes
- a project substation including breakers
- a transformer and meters
- overhead transmission lines
- control house
- an operations and maintenance facility
- fencing for safety and security
- telephone and internet communication system
- meteorological equipment to measure solar irradiation and weather conditions.

In June 2019, the parent company of Lone Spur Solar Energy LLC (Invenergy Renewables LLC) submitted an application to MISO for the project and received a unique identifier of J1442. Lone Spur Solar Energy LLC was subsequently formed on December 29, 2020, and the unique identifier of J1442 was then assigned to Lone Spur Solar Energy LLC.

Batteries or battery system included in the Qualified Investment will only be used to store electricity generated by the solar panels included in the Project.



Lone Spur Solar Energy LLC
Chapter 313 Application to Livingston ISD

CHECKLIST ITEM #14

Schedules A1, A2, B, and C completed and signed Economic Impact (if applicable).

See attached.

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	Stub	Year preceding the first complete tax year of the qualifying time period (assuming no deferrals of qualifying time period)	2024	Not eligible to become Qualified Property			[The only other investment made before filing complete application with district that may become Qualified Property is land.]	-
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				-	-	-	-	-
Complete tax years of qualifying time period	QTP1	2025-2026	2025	-	-	-	-	-
	QTP2	2026-2027	2026	148,380,000	-	-	-	148,380,000
Total Investment through Qualifying Time Period [ENTER this row in Schedule A2]				148,380,000	-	-	-	148,380,000
					Enter amounts from TOTAL row above in Schedule A2			
Total Qualified Investment (sum of green cells)				148,380,000				

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.

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 investment made during this year that will <u>not</u> become Qualified Property (SEE NOTE)	Other investment made during this year that will become Qualified Property (SEE NOTE)	Total Investment (A+B+C+D)
Total Investment from Schedule A1*	--	TOTALS FROM SCHEDULE A1		148,380,000	-	-	-	148,380,000
Each year prior to start of value limitation period** <i>Insert as many rows as necessary</i>	0	2023-2024	2023	-	-	-	-	-
	Stub	2024-2025	2024	-	-	-	-	-
	QTP1	2025-2026	2025	-	-	-	-	-
	QTP2	2026-2027	2026	148,380,000	-	-	-	148,380,000
Value limitation period***	1	2027-2028	2027	-	-	-	-	-
	2	2028-2029	2028	-	-	-	-	-
	3	2029-2030	2029	-	-	-	-	-
	4	2030-2031	2030	-	-	-	-	-
	5	2031-2032	2031	-	-	-	-	-
	6	2032-2033	2032	-	-	-	-	-
	7	2033-2034	2033	-	-	-	-	-
	8	2034-2035	2034	-	-	-	-	-
	9	2035-2036	2035	-	-	-	-	-
	10	2036-2037	2036	-	-	-	-	-
Total Investment made through limitation				148,380,000	-	-	-	148,380,000
Continue to maintain viable presence	11	2037-2038	2037			-		-
	12	2038-2039	2038			-		-
	13	2039-2040	2039			-		-
	14	2040-2041	2040			-		-
	15	2041-2042	2041			-		-
Additional years for 25 year economic impact as required by 313.026(c)(1)	16	2042-2043	2042			-		-
	17	2043-2044	2043			-		-
	18	2044-2045	2044			-		-
	19	2045-2046	2045			-		-
	20	2046-2047	2046			-		-
	21	2047-2048	2047			-		-
	22	2048-2049	2048			-		-
	23	2049-2050	2049			-		-
	24	2050-2051	2050			-		-
	25	2051-2052	2051			-		-

* All investments made through the qualifying time period are captured and totaled on Schedule A1 [blue box] and incorporated into this schedule in the **first row**.

** 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 overlaps the limitation, no investment should be included on this line.

*** If your 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 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.

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

Date

8/12/2022

Applicant Name

Lone Spur Solar Energy LLC

ISD Name

Livingston ISD

1569_Livingston ISD_Lone Spur Solar Energy LLC_Amendment After Agreement 001_10/4/22

Form 50-296A

Revised October 2020

				Qualified Property			Estimated Taxable Value		
	Year	School Year (YYYY-YYYY)	Tax Year (Fill in actual tax year) YYYY	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	2023-2024	2023	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Each year prior to start of Value Limitation Period <i>Insert as many rows as necessary</i>	Stub	2024-2025	2024	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Each year prior to start of Value Limitation Period <i>Insert as many rows as necessary</i>	QTP1	2025-2026	2025	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Each year prior to start of Value Limitation Period <i>Insert as many rows as necessary</i>	QTP2	2026-2027	2026	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Value Limitation Period	1	2027-2028	2027	\$ -	\$ -	\$ 130,958,407	\$ 130,958,407	\$ 130,958,407	\$ 20,000,000
	2	2028-2029	2028	\$ -	\$ -	\$ 113,857,078	\$ 113,857,078	\$ 113,857,078	\$ 20,000,000
	3	2029-2030	2029	\$ -	\$ -	\$ 97,168,067	\$ 97,168,067	\$ 97,168,067	\$ 20,000,000
	4	2030-2031	2030	\$ -	\$ -	\$ 80,957,434	\$ 80,957,434	\$ 80,957,434	\$ 20,000,000
	5	2031-2032	2031	\$ -	\$ -	\$ 65,331,714	\$ 65,331,714	\$ 65,331,714	\$ 20,000,000
	6	2032-2033	2032	\$ -	\$ -	\$ 54,197,872	\$ 54,197,872	\$ 54,197,872	\$ 20,000,000
	7	2033-2034	2033	\$ -	\$ -	\$ 42,174,641	\$ 42,174,641	\$ 42,174,641	\$ 20,000,000
	8	2034-2035	2034	\$ -	\$ -	\$ 29,676,000	\$ 29,676,000	\$ 29,676,000	\$ 20,000,000
	9	2035-2036	2035	\$ -	\$ -	\$ 29,676,000	\$ 29,676,000	\$ 29,676,000	\$ 20,000,000
	10	2036-2037	2036	\$ -	\$ -	\$ 29,676,000	\$ 29,676,000	\$ 29,676,000	\$ 20,000,000
Continue to maintain viable presence	11	2037-2038	2037	\$ -	\$ -	\$ 29,676,000	\$ 29,676,000	\$ 29,676,000	\$ 29,676,000
	12	2038-2039	2038	\$ -	\$ -	\$ 29,676,000	\$ 29,676,000	\$ 29,676,000	\$ 29,676,000
	13	2039-2040	2039	\$ -	\$ -	\$ 29,676,000	\$ 29,676,000	\$ 29,676,000	\$ 29,676,000
	14	2040-2041	2040	\$ -	\$ -	\$ 29,676,000	\$ 29,676,000	\$ 29,676,000	\$ 29,676,000
	15	2041-2042	2041	\$ -	\$ -	\$ 29,676,000	\$ 29,676,000	\$ 29,676,000	\$ 29,676,000
Additional years for 25 year economic impact as required by 313.026(c)(1)	16	2042-2043	2042	\$ -	\$ -	\$ 29,676,000	\$ 29,676,000	\$ 29,676,000	\$ 29,676,000
	17	2043-2044	2043	\$ -	\$ -	\$ 29,676,000	\$ 29,676,000	\$ 29,676,000	\$ 29,676,000
	18	2044-2045	2044	\$ -	\$ -	\$ 29,676,000	\$ 29,676,000	\$ 29,676,000	\$ 29,676,000
	19	2045-2046	2045	\$ -	\$ -	\$ 29,676,000	\$ 29,676,000	\$ 29,676,000	\$ 29,676,000
	20	2046-2047	2046	\$ -	\$ -	\$ 29,676,000	\$ 29,676,000	\$ 29,676,000	\$ 29,676,000
	21	2047-2048	2047	\$ -	\$ -	\$ 29,676,000	\$ 29,676,000	\$ 29,676,000	\$ 29,676,000
	22	2048-2049	2048	\$ -	\$ -	\$ 29,676,000	\$ 29,676,000	\$ 29,676,000	\$ 29,676,000
	23	2049-2050	2049	\$ -	\$ -	\$ 29,676,000	\$ 29,676,000	\$ 29,676,000	\$ 29,676,000
	24	2050-2051	2050	\$ -	\$ -	\$ 29,676,000	\$ 29,676,000	\$ 29,676,000	\$ 29,676,000
	25	2051-2052	2051	\$ -	\$ -	\$ 29,676,000	\$ 29,676,000	\$ 29,676,000	\$ 29,676,000

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.

Schedule C: Employment Information

Date

8/12/2022

Applicant Name

Lone Spur Solar Energy LLC

ISD Name

Livingston ISD

Form 50-296A

Revised October 2020

				Construction		Non-Qualifying Jobs	Qualifying Jobs	
				Column A	Column B	Column C	Column D	Column E
	Year	School Year (YYYY-YYYY)	Tax Year (Actual tax year) YYYY	Number of Construction FTE's	Average annual wage rates for construction workers	Number of non-qualifying jobs applicant estimates it will create (cumulative)	Number of new qualifying jobs applicant commits to create meeting all criteria of Sec. 313.021(3) (cumulative)	Annual wage of new qualifying jobs
Each year prior to start of Value Limitation Period <i>Insert as many rows as necessary</i>	0	2025-2026	2025	0	\$ -	0	0	n/a
Each year prior to start of Value Limitation Period <i>Insert as many rows as necessary</i>	0	2026-2027	2026	250 FTE	\$ 50,000	0	0	n/a
Value Limitation Period <i>The qualifying time period could overlap the value limitation period.</i>	1	2027-2028	2027	0	n/a	0	1	\$ 40,484
	2	2028-2029	2028	0	n/a	0	1	\$ 40,484
	3	2029-2030	2029	0	n/a	0	1	\$ 40,484
	4	2030-2031	2030	0	n/a	0	1	\$ 40,484
	5	2031-2032	2031	0	n/a	0	1	\$ 40,484
	6	2032-2033	2032	0	n/a	0	1	\$ 40,484
	7	2033-2034	2033	0	n/a	0	1	\$ 40,484
	8	2034-2035	2034	0	n/a	0	1	\$ 40,484
	9	2035-2036	2035	0	n/a	0	1	\$ 40,484
	10	2036-2037	2036	0	n/a	0	1	\$ 40,484
Years Following Value Limitation Period	11 through 25	2037-2052	2037-2051	0	n/a	0	1	\$ 40,484

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

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. Brent Hawkins

Print Name (Authorized School District Representative)

sign
here ➡


Signature (Authorized School District Representative)

Superintendent

Title

9/19/22

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 ➡

Julia Kimmerly

Print Name (Authorized Company Representative (Applicant))

sign
here ➡


Signature (Authorized Company Representative (Applicant))

Authorized Signatory

Title

9/19/2022

Date



(Notary Seal)

GIVEN under my hand and seal of office this, the

19 day of Sept, 2022


Notary Public in and for the State of ~~Texas~~ ILLINOIS

My Commission expires: 11/8/2025

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.