50-296 (Rev. 09-08/5)

APPLICATION FOR APPRAISED VALUE LIMITATION ON QUALIFIED PROPERTY
(Tax Code, Chapter 313, Subchapter B or C)

Supplemented 8/4/09

	Date application filed with district *(To be filled in by school district)* 7-13-09
School district name: Brackett I.S.D.	
Address: 400 Ann Street, P.O. Box 586, Brackettville, TX 78832	Phone *(area code and number)* (830) 563-2491

This form applies to property that meets the requirements of Tax Code Chapter 313. This completed application must be filed with the school district. If the governing body decides to consider this application, the school district must immediately forward three copies of the application to the Comptroller of Public Accounts and request that the Comptroller provide an economic impact evaluation of the application to the school district. The governing body may, at its discretion, allow the applicant to supplement or amend the application after the filing date, subject to the restrictions in Texas Administrative Code Rule 9.1054, to provide information required by the application form that was unavailable prior to the filing date. The school district must forward the supplemental or amended information to the comptroller and the appraisal district. The school board shall approve or disapprove this application before the 121st day from the application filing date, unless an extension is granted.

Step 1: Applicant name and address

Only entities to which Tax Code Chapter 171 applies are eligible for appraised value limitations on qualified property.

Applicant name: EC&R Development, LLC		
Mailing address: 812 San Antonio Street, Suite 201, Austin, TX 78701		
Texas Taxpayer I.D. Number of entity subject to Tax Code, Chapter 171 (11 digits): 32039451532	City, State: Austin, TX	ZIP code + 4: 78701-2224
Name of person preparing this application: Greg Buis	Title: Development Manager	
Phone *(area code and number)*: (512) 517-8199		

Step 2: Describe the property.

(A) Attach the following items to this application:

1. A specific description of all property for which you are requesting an appraised value limitation as defined by Tax Code §313.021(2). Include a description of the land, describe each proposed improvement, and each proposed item of personal property for which you are seeking a limitation. Include each existing appraisal district account number and the legal description of the land, attach a detailed map showing the actual or proposed location of the land and proposed improvements and showing the actual or proposed boundaries and size of the reinvestment zone or enterprise zone in which the property will be located. Attach the order, resolution or ordinance establishing the zone, and the guidelines and criteria for creating the zone (if applicable).
2. A fully detailed description of the scope of the proposed project, including, at a minimum, the type and planned use of real and tangible personal property, the nature of the business, a timeline for property construction or installation, and any other relevant information.
3. A map of the reinvestment zone boundaries, certified to be accurate by either the governmental entity creating the zone, the local appraisal district, or a licensed surveyor.

(B) Answer the following questions:

1. What is the first tax year of your proposed qualifying time period (as defined by Tax Code §313.021(4))? 2010
2. What is the amount of qualified investment, as defined by Tax Code §313.021(1), that will be made during the 2-year qualifying time period? .... $ 85,500,000
3. What is the amount of appraised value limitation for which you are applying?. $ 1,000,000

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 rural, and the school district's property value. For assistance in determining these minimums, access the comptroller's Web site at **http://www.window.state.tx.us/taxinfo/proptax/hb1200/values.html.**

Step 3: Answer these questions about property and job qualifications.

1. Do you propose to construct a new building or to erect or affix a new improvement after the date you submit this application? ☑ Yes ☐ No
2. Will all of the property for which you are requesting an appraised value limitation be free of a tax abatement agreement entered into by a school district for the duration of the qualifying time period, and for the duration of the appraised value limitation? ☑ Yes ☐ No
3. Is the land on which you propose new construction or improvement 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? ☑ Yes ☐ No

   3(a) If you answered "no" to the question above, are you seeking an agreement with a taxing unit that, prior to the first day of the qualifying time period, will result in a reinvestment zone with boundaries encompassing the land on which you propose new construction or improvement? ☐ Yes ☐ No

   Date of anticipated agreement? _____
4. Do you intend to make at least the minimum qualified investment required by Tax Code §313.023 (or 313.053 for rural school districts) for the relevant school district category? ☑ Yes ☐ No
5. On the land and in connection with the new building or other improvement, do you plan to create at least 25 new jobs (at least 10 new jobs for rural school districts)? ☐ Yes ☑ No
6. Will at least 80 percent of all the new jobs created by the property owner be qualifying jobs as defined by Tax Code §313.021(3)? ☑ Yes ☐ No

   6(a) If you answered "yes" to the question above, attach documentation from the Texas Workforce Commission that the new qualifying jobs meet the requirements of Tax Code §313.021(3)(E) or 313.051(b).
7. Do you intend to request that the governing body waive the minimum jobs creation requirement, as provided under Tax Code §313.025(f-1)? ☑ Yes ☐ No

   7(a) If you answered "yes" to the question above, attach evidence documenting that the job creation requirement (5) above exceeds the number of employees necessary for the operation, according to industry standards.
8. Except for new equipment described in Tax Code §151.318(q) or (q-1), is the proposed tangible personal property to be placed in service for the first time

   a) in or on the new building or other new improvement for which you are applying for an appraised value limitation, or

   b) if not in or on the new building or other new improvement for which you are applying for an appraised value limitation, is the personal property necessary and ancillary to the business conducted in the new building or other new improvement, and is the personal property on the same parcel of land as the building for which you are applying for an appraised value limitation? ☑ Yes ☐ No ☐ N/A
   [“First placed in service” means the first use of the property by the taxpayer.]
9. The property will be used as an integral part, or as a necessary auxiliary part, in one of the following activities as defined by Tax Code §313.024(b):
   - manufacturing; ☐ Yes ☑ No
   - research and development ☐ Yes ☑ No
   - a clean coal project; ☐ Yes ☑ No
   - an advanced clean energy project ☐ Yes ☑ No
   - renewable energy electric generation; ☑ Yes ☐ No
   - electric power generation using integrated gasification combined cycle technology; or ☐ Yes ☑ No
   - nuclear electric power generation ☐ Yes ☑ No
10. Are you an entity to which Tax Code, Chapter 171 applies? ☑ Yes ☐ No

Step 4: Answer these questions about investment, property value and employment.

1. Will the investment in real or personal property you propose to be counted toward the minimum qualified investment required by Tax Code §313.023, (or 313.053 for rural school districts) be first placed in service in this state during the applicable qualifying time period? ☑ Yes ☐ No
2. Does the investment in tangible personal property meet the requirements of Tax Code §313.021(1)? ☑ Yes ☐ No ☐ N/A
3. If the proposed investment includes a building or a permanent, non-removable component of a building, does it house tangible personal property described above? ☐ Yes ☐ No ☑ N/A
4. Will you own the property or lease the property under a capitalized lease? If leased, attach a copy of the lease agreement. ☑ Yes ☐ No
5. Are you including property that is owned by a person other than the applicant and that is pooled or proposed to be pooled with property owned by the applicant in determining the amount of your qualified investment? ☐ Yes ☑ No

Step 5: Economic Impact

Please answer the following questions.

1. Applicant's 6-digit North American Industry Classification System (NAICS) code: 221,119
2. Is Schedule A completed for all years and attached? ☑ Yes ☐ No
3. Is Schedule B completed for all years and attached? ☑ Yes ☐ No
4. Is Schedule C completed for all years and attached? ☑ Yes ☐ No
5. Total number of new jobs that will have been created when fully operational: 6
6. Total number of new jobs identified in (5) above that will have wages greater than 110 percent of the county average weekly wage for manufacturing jobs*: 6
7. Total number of new jobs identified in (5) above that will meet all the criteria for "qualifying jobs" as specified in Tax Code §313.021(3): 6
8. Describe each type of benefits to be offered to qualifying jobholders. Explain.

   Employees will have full benefits including health insurance, competitive salaries, and training.

   NOTE: Exhibit C-1 explains E.ON's request for a waiver of the minimum job requirement.

   Exhibits C-2 and C-3 address the county average weekly wage for manufacturing jobs.

   8(a) Will the jobs created offer at least 80 percent of the premiums or other charges assessed for employee-only coverage under the group health benefit plan for qualifying jobholders? ☑ Yes ☐ No

9. Describe the ability of your company to locate or relocate in another state or another region of the state.

   E.ON Climate & Renewables is an international developer of wind projects and has operations in several regions and states within the U.S. We have the ability to locate projects of this type in the Southwest, Northwest, and Northeast, as well as Canada and several European sites.

10. Describe the current economic condition of the region of the state where the property is located.

    The project is expected to add more than $75 million in investment to the local tax base and create jobs in the area. The project should improve economic conditions locally and within the region. The region is rural, with an emphasis on agriculture. Some oil and gas production exists.

*Applicants to rural school districts that are not located in an SIA (see §313.051(a)(2)) must meet the regional wage standard described in 313.051(b).

Step 6: Applicant sign and date application.	By signing this application, you certify that this information is true and correct to the best of your knowledge and belief. Also by signing this application, you agree to respond promptly to all information requests made by the comptroller under Tax Code §313.032 and to send updated contact information to the comptroller throughout the agreement period. **print here** Patrick Woodson — *Name of authorized company officer* Sr. Vice President — *Title* **sign here** — *Signature of authorized company officer* July 13, 2009 — *Date* On behalf of EC&R Development, LLC — *Name of corporation/company*
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 §37.10.	
Step 7: School district official sign and date application.	By signing below, I affirm that I have been delegated the authority by the school district governing body to act on its behalf with regard to this application for a limitation on appraised value. **print here** Robert Westbrook — *Name of authorized school district official* Superintendent — *Title* **sign here** — *Signature of authorized school district official* 7/13/09 — *Date* On behalf of Brackett I.S.D. — *Name of school district*

SCHEDULE A-3676 (Temporary - July 2009): INVESTMENT & TAXES

(Brackett I.S.D.)

				PROPERTY INVESTMENT AMOUNTS ($) (In millions) (Estimated Investment in each year. Do not put cumulative totals.)					TAX INFORMATION		
									Sales Taxable Expenditures		Franchise Tax
		Year	Tax Year (fill in actual tax year below)	Column A: Tangible Personal Property: the amount of new investment (original cost) placed in service during this year	Column B: Building or permanent nonremovable component of building (annual amount only)	Column C: Sum of A and B–Qualifying Investment (during the qualifying time period)	Column D: Other investment that is not qualified investment but investment affecting economic impact and total value	Column E: Total Investment (A+B+D)	Column F: Estimate of total annual expenditures* subject to state sales tax	Column G: Estimate of total annual expenditures* made in Texas NOT subject to sales tax	Column H: Estimate of Franchise tax due from (or attributable to) the applicant
The year preceding the first complete tax year of the qualifying time period (assuming no deferrals)	Investment made before filing application with district (neither qualified property nor eligible to become qualified investment)		2009	0.00	0.00		0.00	0.00			
	Investment made after filing application with district, but before application approval (eligible to become qualified property)			0.00	0.00		0.00	0.00			
	Investment made after application approval and before Jan. 1 of first complete tax year of qualifying time period (qualified investment and eligible to become qualified property)			0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Complete tax years of qualifying time period	1	2010	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
		2	2011	0.00	85.50	85.50	0.00	85.50	25.65	102.60	0.00
Tax Credit Period (with 50% cap on credit)	Value Limitation Period	3	2012	0.00	0.00		0.00	0.00	0.14	5.99	0.00
		4	2013	0.00	0.00		0.00	0.00	0.14	6.02	0.00
		5	2014	0.00	0.00		0.00	0.00	0.13	5.28	0.00
		6	2015	0.00	0.00		0.00	0.00	0.12	4.98	0.00
		7	2016	0.00	0.00		0.00	0.00	0.13	5.32	0.00
		8	2017	0.00	0.00		0.00	0.00	0.15	6.27	0.00
		9	2018	0.00	0.00		0.00	0.00	0.15	6.43	0.00
		10	2019	0.00	0.00		0.00	0.00	0.16	6.57	0.00
Credit Settle-Up Period	Continue to Maintain Viable Presence	11	2020	0.00	0.00		0.00	0.00	0.16	6.72	0.00
		12	2021	0.00	0.00		0.00	0.00	0.16	6.90	0.00
		13	2022	0.00	0.00		0.00	0.00	0.19	7.87	0.00
Post- Settle-Up Period		14	2023	0.00	0.00		0.00	0.00	0.19	7.91	0.00
Post- Settle-Up Period		15	2024	0.00	0.00		0.00	0.00	0.20	8.28	0.00

Qualifying Time Period usually begins with the approval of the application and extends generally for the following two complete tax years.

Column A: This represents the total dollar amount of planned investment in tangible personal property the applicant considers qualified investment- as defined in Tax Code §313.021(1)(A)-(D).
For the purposes of investment, please list amount invested each year, not cumulative totals.
[For the years outside the qualifying time period, this number should simply represent the planned investment in tangible personal property].
Include estimates of investment for "replacement" property-property that is part of original agreement but scheduled for probable replacement during limitation period.

Column B: The total dollar amount of planned investment each year in buildings or nonremovable component of buildings that the applicant considers qualified investment under Tax Code §313.021(1)(E).
For the years outside the qualifying time period, this number should simply represent the planned investment in new buildings or nonremovable components of buildings.

Column D: Dollar value of other investment that may not be qualified investment but that may affect economic impact and total value.
The most significant example for many projects would be land. Other examples may be items such as professional services, etc.
Note: Land can be listed as part of investment during the "pre-year 1" time period. It cannot be part of qualifying investment.

* For planning, construction and operation of the facility.

Note: Information related to taxes in Columns F through H, for the year preceding the first complete year of the qualifying time period, need not be broken out by the time periods used for the requested investment information in Columns A through E.
Note: For advanced clean energy projects, nuclear projects, projects with deferred qualifying time periods, and projects with lengthy application review periods, insert additional rows as needed.

The information on this schedule is required pursuant to the provisions of HB 3676, 81st Legislature, effective June 19, 2009. Additionally, the Comptroller is authorized by 34 TAC § 9.1057(b) to request information from the school district or applicant that is reasonably necessary to complete the recommendation or economic impact evaluation at any time during the application review period.

SCHEDULE B-3676 (Temporary - July 2009): ESTIMATED MARKET AND TAXABLE VALUE (In millions

(Brackett I.S.D.)

				All figures here are to be cumulative						
				Qualified Property			Reductions from market value (exemptions, etc)		Estimated Taxable Value	
		Year	Tax Year (fill in actual tax year)	Column A: Estimated Market Value of Land	Column B: Estimated Total Market Value of new buildings or other new improvements	Column C: Estimated Total Market Value of tangible personal property in the new building or "in or on the new improvement"	D: Due to pollution control property (estimated or actual as appropriate)	E: Due to other exemptions	F: Estimated total taxable value for I&S: (A+B+C)-(D+E)	G: Estimated total taxable value for M&O: (Column F amount with the limitation value in years 3-10)
		pre- year 1	2009	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Complete tax years of qualifying time period	1	2010	0.00	0.00	0.00	0.00	0.00	0.00	0.00
		2	2011	0.00	0.00	0.00	0.00	0.00	0.00	0.00
		3	2012	0.00	82.08	0.00	0.00	0.00	82.08	1.00
		4	2013	0.00	78.79	0.00	0.00	0.00	78.79	1.00
Tax Credit Period (with 50% cap on credit)	Value Limitation Period	5	2014	0.00	75.64	0.00	0.00	0.00	75.64	1.00
		6	2015	0.00	72.60	0.00	0.00	0.00	72.60	1.00
		7	2016	0.00	69.70	0.00	0.00	0.00	69.70	1.00
		8	2017	0.00	66.92	0.00	0.00	0.00	66.92	1.00
		9	2018	0.00	64.24	0.00	0.00	0.00	64.24	1.00
		10	2019	0.00	61.67	0.00	0.00	0.00	61.67	1.00
Credit Settle-Up Period	Continue to Maintain Viable Presence	11	2020	0.00	59.21	0.00	0.00	0.00	59.21	59.21
		12	2021	0.00	56.84	0.00	0.00	0.00	56.84	56.84
		13	2022	0.00	54.56	0.00	0.00	0.00	54.56	54.56
Post- Settle-Up Period		14	2023	0.00	52.38	0.00	0.00	0.00	52.38	52.38
Post- Settle-Up Period		15	2024	0.00	50.29	0.00	0.00	0.00	50.29	50.29

The information on this schedule is required pursuant to the provisions of HB 3676, 81st Legislature, effective June 19, 2009. Additionally, the Comptroller is authorized by 34 TAC § 9.1057(b) to request information from the school district or applicant that is reasonably necessary to complete the recommendation or economic impact evaluation at any time during the application review period.

SCHEDULE C-3676 (Temporary - July 2009): EMPLOYMENT INFORMATION

(Brackett I.S.D.)

				Existing Jobs	Construction		Permanent New Jobs		Qualifying Jobs	
		Year	Tax Year (fill in actual tax year)	Column A: Number of permanent existing full time jobs prior to application	Column B: Number of Construction FTE's or man-hours (specify) **FTE's**	Column C: Average annual wage rates for construction workers	Column D: Total number of permanent full-time new jobs applicant commits to create	Column E: Average annual wage rate for all permanent new jobs for each year	Column. F: Number of qualifying jobs applicant commits to create meeting all criteria of Sec. 313.021(3)	Column G: Avg. annual wage of qualifying jobs
		pre- year 1	2009	0	0	N/A	0	0	0	0
	Complete tax years of qualifying time period	1	2010	0	0	N/A	0	0	0	0
		2	2011	0	100	29,538	6	29,538	6	29,538
	Value Limitation Period	3	2012	0	0	N/A	6	29,538	6	29,538
Tax Credit Period (with 50% cap on credit)		4	2013	0	0	N/A	6	29,538	6	29,538
		5	2014	0	0	N/A	6	29,538	6	29,538
		6	2015	0	0	N/A	6	29,538	6	29,538
		7	2016	0	0	N/A	6	29,538	6	29,538
		8	2017	0	0	N/A	6	29,538	6	29,538
		9	2018	0	0	N/A	6	29,538	6	29,538
		10	2019	0	0	N/A	6	29,538	6	29,538
Credit Settle-Up Period	Continue to Maintain Viable Presence	11	2020	0	0	N/A	6	29,538	6	29,538
		12	2021	0	0	N/A	6	29,538	6	29,538
		13	2022	0	0	N/A	6	29,538	6	29,538
Post- Settle-Up Period		14	2023	0	0	N/A	6	29,538	6	29,538
Post- Settle-Up Period		15	2024	0	0	N/A	6	29,538	6	29,538

The information on this schedule is required pursuant to the provisions of HB 3676, 81st Legislature, effective June 19, 2009. Additionally, the Comptroller is authorized by 34 TAC § 9.1057(b) to request information from the school district or applicant that is reasonably necessary to complete the recommendation or economic impact evaluation at any time during the application review period.

Note: Section 313.024(d) Tax Code requires that, to be eilgible for a limitation, 80 percent of all new jobs must be qualifying jobs.

Temporary Addendum to Application for Appraised Value Limitation on Qualified Property - July 2009

The 81st Legislature passed HB 3676, which made changes to Texas Tax Code, Chapter 313[1], including more information required to be analyzed in the Comptroller's economic impact evaluation (§313.026(a)). In order to facilitate completion of the evaluation, please provide the following, including temporary supplemental schedules A, B & C to collect information needed for HB 3676. The information on this addendum and additional schedules is required pursuant to the provisions of HB 3676, 81st Legislature, effective June 19, 2009. Additionally, the Comptroller is authorized by 34 TAC § 9.1057(b) to request information from the school district or applicant that is reasonably necessary to complete the recommendation or economic impact evaluation at any time during the application review period. (Note: Should the applicant anticipate the need to keep any of the requested information in the application, addendum or supplemental schedules confidential, please read the attachment entitled 'Confidential Information submitted to the Comptroller' at the end of this addendum.)

Applicant name: EC&R Development, LLC

Please describe the general nature of the applicant's investment:
The investment will consist of a wind power generation facility located in Kinney County, Texas. The improvements will include wind turbines and towers and also any other property in the Reinvestment Zone that will be used to produce wind power and perform other functions related to the production, distribution, and transmission of electric power.

Taxing entities that have jurisdiction for the property:
County: Kinney
Are you seeking property tax abatements or other favorable tax treatment from this entity? If so, please describe the request (typically the percentage abatement and the length of time the abatement would be in effect).
Yes. 70% abatement requested for 10 years.

City: Not seeking any tax abatements or favorable tax treatment from the City.
Are you seeking property tax abatements or other favorable tax treatment from this entity? If so, please describe the request (typically the percentage abatement and the length of time the abatement would be in effect)

Hospital District: Not aware of any relevant hospital district for this county.

[1] All §references are to Texas Tax Code, Chapter 313 as amended by HB 3676, 81st Legislature, unless otherwise noted.

Are you seeking property tax abatements or other favorable tax treatment from this entity? If so, please describe the request (typically the percentage abatement and the length of time the abatement would be in effect).

Other (describe): Water Conservation District
Are you seeking property tax abatements or other favorable tax treatment from any of these entities? If so, please describe the request (typically the percentage abatement and the length of time the abatement would be in effect).
Yes. Seeking 70% abatement for 10 years from the Water Conservation District.

Are you seeking any other state or local economic development incentives? Examples could include road or public infrastructure improvements, job training grants, loan guarantees, special financing, etc.) No If yes, please describe, attaching documentation as necessary.

The locally collected sales tax rate is: 2%

Will the land upon which the new building or new improvement be built be part of the qualified property described by §313 021(2)(A)? No If yes, please attach complete documentation: legal description, parcel ID, current taxable value, owner, etc.

Will the project be on leased land? Yes

If there are any other payments made in the state or economic information that you believe should be included in the economic analysis, please attach a separate schedule showing the amount for each year affected, including an explanation.

What is the anticipated date of application approval? December 11, 2009

What is the anticipated date of beginning of the qualifying time period? December 11, 2009

What is the approximate date the proposed facility or new improvement is expected to be fully operational? March 31, 2012

What is the minimum required annual wage for each qualified job in this school district? [See new §§313.021(5)(A) or 313.021(5)(B) or 313.021(3)(E)(ii), or 313.051(b).] Please specify method of computation and attach documentation from TWC web site. (Note that applicants to school districts subject to Subchapter C because of demographic characteristics must meet the regional wage standard described in §313.051(b))

Brackett ISD is a rural district and therefore the minimum required wage is 110% of the annual wage for the Middle Rio Grande Valley Council of Governments (See Exhibit C-3). The annual wage for the MRGVCG is $26,853. Therefore, the minimum required annual wage for the qualifying jobs in this school district is $29,538.

What is the minimum annual wage you will be paying for each qualified job in this school district?

$29,538

What is the maximum number of qualifying jobs meeting all criteria of §313.021(3) you are committing to create? (Use Schedule C-3676, Column F to indicate number of qualifying jobs in specific years.)

6.

By signing this addendum, you certify that this information is true and correct to the best of your knowledge and belief.

Patrick Woodson
Name of authorized company officer

Sr. Vice President
Title

Signature of authorized company officer

10/9/09
Date

On behalf of EC&R Development, LLC
Name of corporation/company

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 §37.10.

School district official sign and date application.

By signing below, I affirm that I have been delegated the authority by the school district governing body to act on its behalf with regard to this application for a limitation on appraised value.

Robert K. Westbrook
Name of authorized school district officer

Superintendent
Title

Signature of authorized school district official

10/14/09
Date

Name of school district Brackett I.S.D.

ATTACHMENT:

Property Tax Limitation Agreement Applications
Texas Government Code Chapter 313
Confidential Information submitted to the Comptroller

Generally, an application for property tax value limitation, the information provided therein, and documents submitted in support thereof, are considered public information subject to release under the Texas Public Information Act. There is an exception, outlined below, by which information will be withheld from disclosure:

The Comptroller's office will withhold information from public release if it 1) describes the specific processes or business activities to be conducted or the specific tangible personal property to be located on real property covered by the application; 2) the information has been segregated in the application from other information in the application; and 3) the party requesting confidentiality provides the Comptroller's office specific reasons, including any relevant legal authority, stating why the material is believed to be confidential. All applications and parts of applications which are not segregated and marked as confidential as outlined above will be considered public information.

Such information properly identified as confidential will be withheld from public release unless and until the governing body of the school district acts on the application or we are directed to do so by a ruling from the Attorney General. Other information in the custody of a school district or the comptroller in connection with the application, including information related to the economic impact of a project or the essential elements of eligibility under Texas Tax Code, Chapter 313, such as the nature and amount of the projected investment, employment, wages, and benefits, will not be considered confidential business information if the governing body of the school district agrees to consider the application.

All documents submitted to the Comptroller, as well as all information in the application once the school district acts thereon, are subject to public release unless specific parts of the application or documents submitted with the application are identified as confidential. Any person seeking to limit disclosure of such submitted records is advised to consult with their legal counsel regarding disclosure issues and also to take the appropriate precautions to safeguard copyrighted material, trade secrets, or any other proprietary information. The Comptroller assumes no obligation or responsibility relating to the disclosure or nondisclosure of information submitted by respondents. A person seeking to limit disclosure of information must submit in writing specific detailed reasons, including any relevant legal authority, stating why that person believes the material to be confidential.

The following outlines how the Comptroller's office will handle requests for information

submitted under the Texas Public Information Act for application portions and submitted records appropriately identified as confidential. This office shall forward the request for records and a copy of the documents at issue to the Texas Attorney General's office for an opinion on whether such information may be withheld from disclosure under the Texas Public Information Act. The Comptroller will notify the person who submitted the application/documents when the information is forwarded to the Attorney General's office. Please be aware that this Office is obligated to comply with an Attorney General's decision, including release of information ruled public even if it was marked confidential.

All §references are to Texas Tax Code, Chapter 313 as amended by HB 3676, 81st Legislature, unless otherwise noted.

Exhibit A-1
Legal Description of Property

1. A description of all property for which you are requesting an appraised value limitation (qualified property) as defined by Tax Code Section 313.021 (2). Include land, improvements and any personal property. Include any existing appraisal district account number and legal description of the land, a survey and a map showing the actual or proposed location of the land and proposed investment, and the actual or proposed boundaries of the reinvestment zone or enterprise zone. Include any existing resolution or ordinance establishing the zone.

- All of the real property contained in Sections 10, 11, 12, 15, and 17 of Block 9, of the I. & G.N. RR. CO. Surveys.
- All of the real property contained in the Sisto Saminiego Survey 618.
- All of the real property contained in the 558.7 acres of the East ½ of the JOHN ERWIN Survey 607.
- All of the real property contained in the 234.1 acres of the East ½ of the R. W. Gilpin Survey 329, North of the Railroad.
- All of the real property contained in the 684.8 acres of the R. W. Gilpin Survey 329, South of the Railroad.
- All of the real property contained in the 2637.7 acres of the Adam Byerly Survey 327, South of State Highway 90.
- All of the real property contained in the 462.8 acres of the Northwest ¼ of the E.A. Pullam Survey 326, North of State Highway10.
- All of the real property contained in the 2076.7 acres of the E.A. Pullam Survey 326, South of State Highway 90.
- All of the real property contained in the Ramon Manchaca Survey 330.
- All of the real property contained in the Jose Ignacio Espinosa Survey 328.
- All of the real property contained in the William Morris Survey 843.
- All of the real property contained in the John C. Knox Survey 11.
- All of the real property contained in Section 621 of the G.C. & S.F. Survey.
- All of the real property contained in Sections 129, 130, 131, of Block 6 of the I. & G.N. RR. CO. Surveys.

- All of the real property contained in the R.J. Calder Survey 877.
- All of the real property contained in Section 839 of the H.C. Willyard Survey.
- All of the real property contained in Section 841 of the N.K. Crow Survey.
- All of the real property contained in the Lem C. Cartwright Survey 842.
- All of the real property contained in the A.C. Pingenot Survey 848.
- All of the real property contained in the M.R. Perez Survey 9.
- All of the real property contained in the 335.9 acres of the West ½ of Section 845 of the GC & F Survey.
- All of the real property contained in the Mrs. Nancy Coursey Survey 838.
- All of the real property contained in the Mrs. Sophonia E. Cone Survey 836.
- All of the real property contained in the G.L. Bledsoe Survey 835.
- All of the real property contained in the Mrs. M.J. Briscoe Survey 834.
- All of the real property contained in the W.B. Rome Survey 840.
- All of the real property contained in the Pacificia Bustamente Survey 10.
- All of the real property contained in Section 621 of the G.C. & S.F. RY. CO. Surveys.

Exhibit A-2

1. A description of all property for which you are requesting an appraised value limitation (qualified property) as defined by Tax Code Section 313.021 (2). Include land, improvements and any personal property. Include any existing appraisal district account number and legal description of the land, a survey and a map showing the actual or proposed location of the land and proposed investment, and the actual or proposed boundaries of the reinvestment zone or enterprise zone. Include any existing resolution or ordinance establishing the zone.

The applicant is requesting an appraised value limitation on all of the property constructed or placed upon the real property described in Exhibit A-1, which is located in Kinney County, Texas and in the Brackett Independent School District. The property for which the applicant is requesting an appraised value limitation shall include, but is not limited to, the following: 85 MW wind power generation facility containing 57 General Electric 1.5 MW 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 facility will require a relatively insubstantial amount of personal property. None of the above property is covered under an existing appraisal account number.

Exhibit A-3

Map of Reinvestment Zone

ANACACHO REINVESTMENT ZONE NO. 1

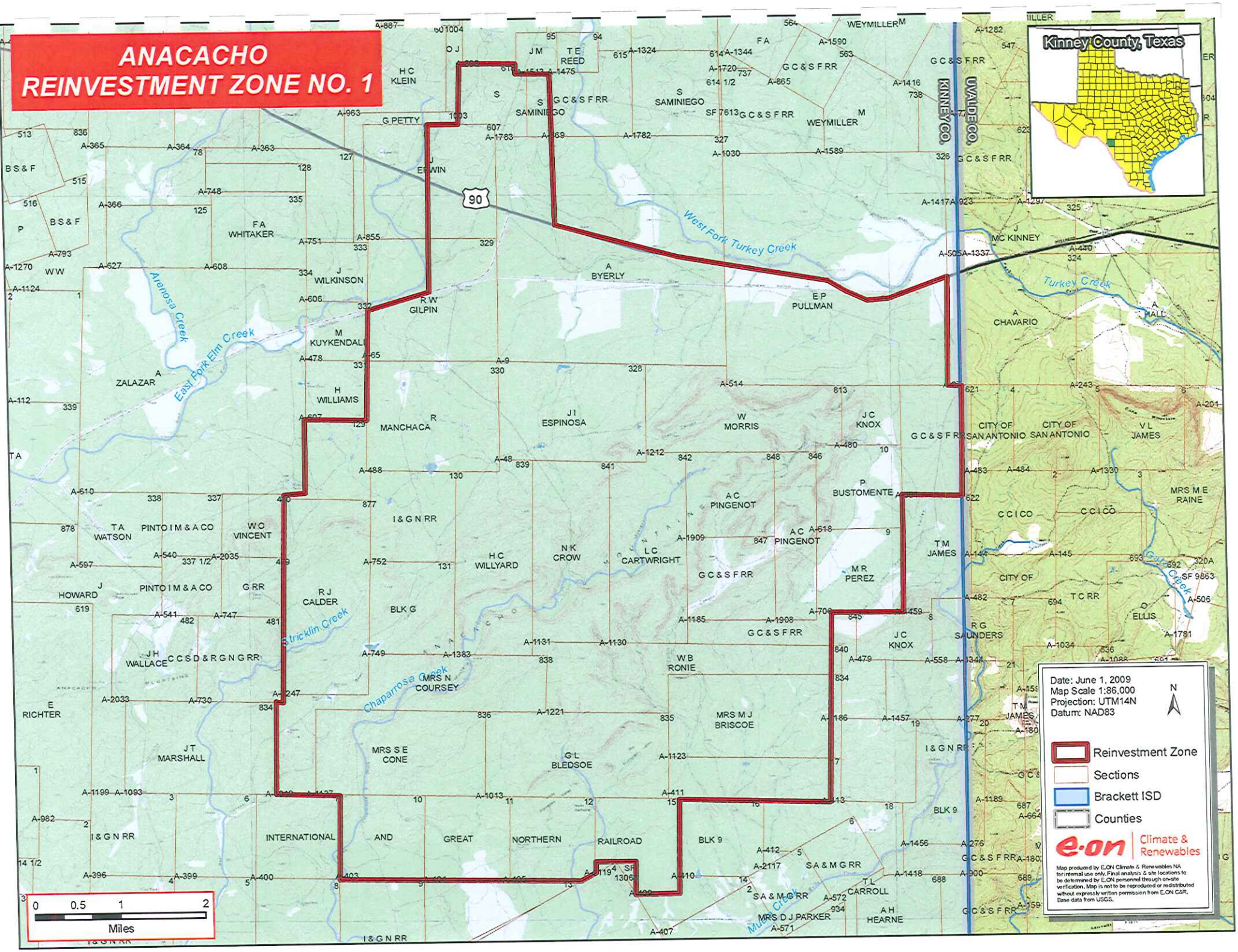


Exhibit A-4

Resolution Establishing the Reinvestment Zone

Resolution re Eligibility to Participate In Tax Abatement Agreements and Adopting Guidelines and Criteria	§ § § §	**Commissioners' Court** **Kinney County, Texas**

RESOLUTION

Declaring Kinney County, Texas Eligible to Participate in Tax Abatement Agreements and Adopting Tax Abatement Guidelines and Criteria

The Commissioners' Court of Kinney County, Texas, meeting in regular session on the 18 day of May, 2009, considered the following resolution:

WHEREAS the Kinney County Commissioners' Court desires to create the proper economic and social environment to induce the investment of private resources in productive business enterprises located in the County and to provide employment to residents of such area, and

WHEREAS, tax abatement is an accepted and proven tool for economic development which can result in long-term positive economic impacts for the community, and

WHEREAS, it is necessary and in the best interest of the County to offer abatement to qualified owners or lessees of new, expanded, or modernized buildings and structures.

WHEREAS, pursuant to section 312.002 (a) of the Texas Tax Code, Kinney County intends to establish Guidelines and Criteria to provide a uniform procedure for the review and approval of tax abatements.

NOW THEREFORE, BE IT RESOLVED, AS FOLLOWS:

THAT the Commissioners' Court of Kinney County, Texas elects to become eligible to participate in tax abatement agreements as authorized by section 312 of the Texas Tax Code, and

THAT Kinney County adopts the Tax Abatement Guidelines and Criteria in substantially the form of Exhibit A attached hereto and incorporated herein by reference.

OFFERED AND ADOPTED this 18 day of May 2009

W W Massingill

Woody Massingill
Commissioner Precinct 1

Joe Montalvo

Joe Montalvo
Commissioner Precinct 2

Dennis Dodson

Dennis Dodson
Commissioner Precinct 3

Pat Melancon

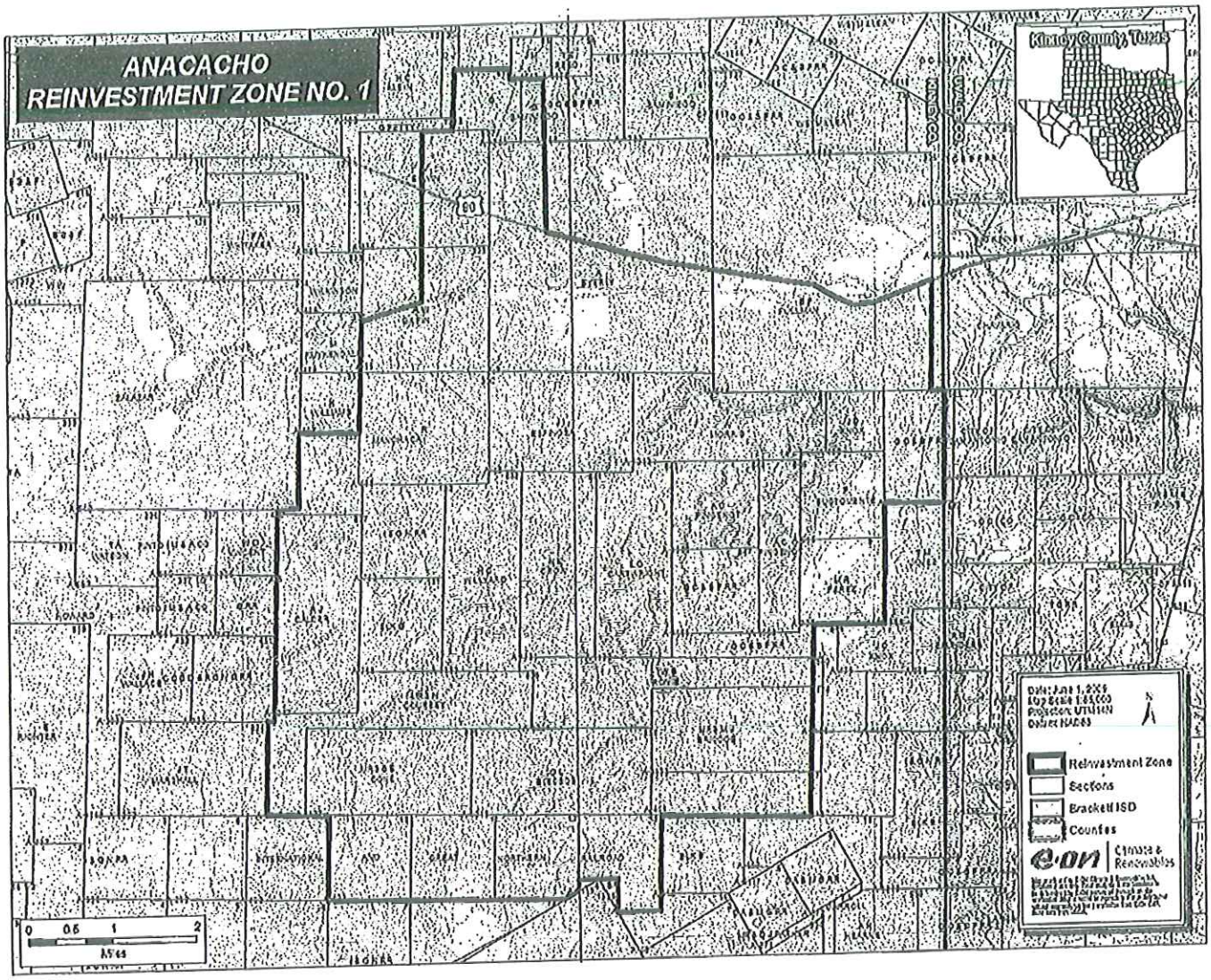
Pat Melancon
Commissioner Precinct 4

The foregoing Resolution is a true and correct copy of the actual Resolution passed by the Commissioner's Court in open and regular session at the Kinney County Courthouse at 10:00 A.M. on the 18 day of May 2009.

Dora Elia Sandoval

Dora Sandoval, County Clerk
Kinney County, Texas

Exhibit B
Map of Reinvestment Zone



KINNEY COUNTY
STATE OF TEXAS
TAX ABATEMENT GUIDELINES AND CRITERIA

The purpose of this document is to establish guidelines, criteria, and a uniform policy of tax abatement for owners or lessees of eligible facilities willing to execute tax abatement contracts designed to provide long-term significant positive economic impact to the community by utilizing the area contractors and work force to the maximum extent feasible, and by developing, redeveloping, and improving property. Except as otherwise provided, all contracts will be identical.

In order to be eligible for designation as a reinvestment zone and receive tax abatement, the planned improvement:

1. Must be reasonably expected to have an increase in positive net economic benefit to Kinney County of at least $100,000.00 over the life of the abatement, computed to include (but is not limited to) new sustaining payroll and/or capital improvement. The creation of (number and type) of new jobs will also factor into the decision to grant an abatement; and

2. Must not be expected to solely or primarily have the effect of transferring employment from one part of Kinney County to another without a super-majority vote of approval from the Commissioners' Court.

In addition to the criteria set forth above, the Kinney County Commissioners' Court reserves the right to negotiate a Tax Abatement Agreement in order to compete favorably with other communities.

Only that increase in the fair market value of the property directly resultant from the development, redevelopment, and improvement specified in the contract will be eligible for abatement and then only to the extent that such increase exceeds any reduction in the fair market value of the other property of the applicant located within the jurisdiction creating the reinvestment zone.

All abatement contracts will be no longer than allowed by law.

This policy is effective as of _____, 2009 and shall at all times be kept current with regard to the needs of Kinney County and reflective of the official views of the County Commissioners' Court and shall be reviewed every two years.

The adoption of these guidelines and criteria by the Kinney County Commissioners' Court does not:

(1) limit the discretion of the governing body to decide whether to enter into a specific tax abatement agreement;

(2) limit the discretion of the governing body to delegate to its employees the authority to determine whether or not the governing body should consider a particular application or request for tax abatement; or

(3) create any property, contract, or other legal right in any person to have the governing body consider or grant a specific application or request for tax abatement.

DEFINITIONS-SECTION 1

(a) **"Abatement"** means the full or partial exemption from ad valorem taxes of certain property in a reinvestment zone designated by Kinney County for economic development purposes.

(b) **"Agreement"** means a contractual agreement between a property owner and/or lessee and Kinney County.

(c) **"Base year value"** means the assessed value on the eligible property as of January 1 preceding the execution of the agreement.

(d) **"Deferred maintenance"** means improvements necessary for continued operation which do not improve productivity or alter the process technology.

(e) **"Eligible Facilities"** means new, expanded, or modernized buildings and structures, including fixed machinery and equipment, which is reasonably likely as a result of granting abatement to contribute to the retention or expansion of primary employment or to attract major investment in the reinvestment zone that would be a benefit to the property and that would contribute to the economic development of Kinney County, but does not include Facilities which are intended to be primarily to provide goods or services to residents for existing businesses located in Kinney County such as, but not limited to, restaurants and retail sales establishments.

(f) **"Expansion"** means the addition of buildings, structures, machinery, equipment, or payroll for purposes of increasing production capacity.

(g) **"Facility"** means property improvement completed or in the process of construction which together comprise an interregional whole.

(h) **"Modernization"** means a complete or partial demolition of Facilities and the complete or partial reconstruction or installation of a Facility of similar or expanded production capacity. Modernization may result from the construction, alteration, or installation of buildings, structures, machinery, or equipment, or both.

(i) **"New Facility"** means a property previously undeveloped which is placed into service by means other than or in conjunction with Expansion or Modernization.

(j) **"Productive Life"** means the number of years a property improvement is expected to be in service in a facility.

ABATEMENT AUTHORIZED - SECTION 2

(a) **Eligible Facilities.** Upon application, Eligible Facilities shall be considered for Tax Abatement as hereinafter provided.

(b) **Creation of New Values.** Abatement may only be granted for the additional value of eligible property improvements made subsequent to and specified in an abatement agreement between Kinney County and the property owner or lessee, subject to such limitations as Kinney County may require.

(c) **New and Existing Facilities.** Abatement may be granted for the additional value of eligible property improvements made subsequent to and specified in an abatement agreement between Kinney County and the property owner or lessee, subject to such limitations as Kinney County may require.

(d) **Eligible Property.** Abatement may be extended to the value of buildings, structures, fixed machinery and equipment, site improvements, and related fixed improvements necessary to the operation and administration of the Facility.

(e) **Ineligible Property.** The following types of property shall be fully taxable and ineligible for Tax Abatement: land; supplies; tools; furnishings, and other forms of movable personal property; housing; Deferred Maintenance; property to be rented or leased except as provided in Section 2(f); property which has a productive life of less than 10 years.

(f) **Owned/Leased Facilities.** If a leased Facility is granted abatement, the agreement shall be executed with the lessor and the lessee.

(g) **Economic Qualification.** In order to be eligible for designation as a reinvestment zone and receive tax abatement, the planned improvement:

(1) Must be reasonably expected to have an increase in positive net economic benefit to Kinney County of at least $100,000.00 over the life of the abatement, computed to include (but is not limited to) new sustaining payroll and/or capital improvement.. The creation of (number and type) of new jobs will also factor into the decision to grant an abatement; and

(2) Must not be expected to solely or primarily have the effect of transferring employment from one part of Kinney County to another without a super-majority vote of approval from the Commissioners' Court.

(h) **Standards for Tax Abatement.** The following factors, among others, shall be considered in determining whether to grant Tax Abatement:

(1) Value of existing improvements, if any;

(2) Type and value of proposed improvements;

(3) Productive Life of proposed improvements;

(4) Number of existing jobs to be retained by proposed improvements;

(5) Number and type of new jobs to be created by proposed improvements;

(6) Amount of local payroll to be created;

(7) Whether the new jobs to be created will be filled by persons residing or projected to reside within affected taxing jurisdictions;

(8) Amount of local sales taxes to be generated directly;

(9) Amount which property tax base valuation will be increased during term of Abatement and after Abatement, which shall include a definitive commitment that such valuation shall not, in any case, be less than $100,000;

(10) The costs to be incurred by Kinney County to provide facilities or services directly resulting from the new improvements;

(11) The amount of ad valorem taxes to be paid to Kinney County during the Abatement period considering (a) the existing values, (b) the percentage of new value abated, (c) the Abatement period, and (d) the value after expiration of the Abatement period;

(12) The population growth of Kinney County that occurs directly as a result of new improvements;

(13) The types and values of public improvements, if any, to be made by applicant seeking Abatement;

(14) Whether the proposed improvements compete with existing businesses to the detriment of the local economy;

(15) The impact on the business opportunities of existing business;

(16) The attraction of other new businesses to the area;

(17) The overall compatibility with the zoning ordinances and comprehensive plan for the area;

(18) Whether the project obtains all necessary permits from the applicable environmental agencies.

Each Eligible Facility shall be reviewed on its merits utilizing the factors provided above. After such review, Abatement may be denied entirely or may be granted to the extent deemed appropriate after full evaluation.

(i) **Denial of Abatement.** Neither a reinvestment zone nor Abatement Agreement shall be authorized if it is determined that:

(1) There would be substantial adverse affect on the provision of government services or tax base;

(2) The applicant has insufficient financial capacity;

(3) Planned or potential use of the property would constitute a hazard to public safety, health, or morals;

(4) Violation of other codes or laws; or

(5) Any other reason deemed appropriate by Kinney County.

(j) **Taxability**. From the execution of the Abatement to the end of the Agreement period, taxes shall be payable as follows:

(1) The value of ineligible property as provided in Section 2(e) shall be fully taxable; and

(2) The base year value of existing eligible property as determined each year shall be fully taxable.

The additional value of new eligible property shall be fully taxable at the end of the Abatement period.

APPLICATION - SECTION 3

(a) Any present or potential owner of taxable property in Kinney County may request the creation of a reinvestment zone and tax abatement by filing a written application with the County Judge.

(b) The application shall consist of: a general description of the new improvements to be undertaken; a descriptive list of the improvements for which an abatement is requested; a list of the kind, number and location of all proposed improvements of the property; a map

and property description; a time schedule for undertaking and completing the proposed improvements. In the case of modernization a statement of the assessed value of the facility, separately stated for real and personal property, shall be given for the tax year immediately preceding the application. The County may require such financial and other information as deemed appropriate for evaluating the financial capacity and other factors pertaining to the applicant, to be attached to the application. The completed application must be accompanied by the payment of a non-refundable application fee for administrative costs associated with the processing of the tax abatement request. All checks in payment of the administrative fee should be made payable to Kinney County. For abatement requests for improvements with a planned value equal to or in excess of $1,000,000.00 the fee shall be ONE THOUSAND AND 00/100 DOLLARS ($1,000.00). For abatement requests for improvements with a planned value of $999,999.00 or less, the fee shall be FIVE HUNDRED AND 00/100 DOLLARS ($500.00).

(c) Kinney County shall give notice as provided by the Property Tax Code, *i. e.*, written notice to the presiding officer of the governing body of each taxing unit in which the property to be subject to the agreement is located not later than the seven days before the public hearing and (2) publication in a newspaper of general circulation within such taxing jurisdiction not later than the seventh day before the public hearing. Before acting upon the application, Kinney County shall through public hearing, afford the applicant and the designated representative of any governing body referenced hereinabove opportunity to show cause why the Abatement should or should not be granted.

(d) If a city within Kinney County designates a reinvestment zone within its corporate limits and enters into or proposes to enter into an Abatement Agreement with a present or potential owner of a taxable property, such present or potential owner of taxable property may request Tax Abatement by Kinney County by following the same application process described in Section 3 (a) hereof. No other notice or hearing shall be required except compliance with the Open Meetings Act, unless the Commissioners' Court deems them necessary in a particular case.

AGREEMENT - SECTION 4

(a) After approval, the Commissioners' Court of Kinney County shall formally pass a resolution and execute an Agreement with the owner of the Facility and lessee as required which shall:

(1) include a list of the kind, number, and location of all proposed improvements to the property;

(2) provide access to and authorize inspection of the property by the taxing unit to ensure compliance with the agreement;

(3) limit the use of the property consistent with the taxing unit's development goals;

(4) provide for recapturing property tax revenues that are lost if the owner fails to make the improvements as provided by the agreement;

(5) include each term that was agreed upon with the property owner and require the owner to annually certify compliance with the terms of the agreement to each taxing unit; and

(6) allow the taxing unit to cancel or modify the agreement at any time if the property owner fails to comply with the terms of the agreement.

(b) Such agreement shall normally be executed within sixty (60) days after the applicant has forwarded all necessary information and documentation to the Commissioners' Court.

RECAPTURE - SECTION 5

(a) In the event that the company or individual (1) allows its ad valorem taxes owed Kinney County to become delinquent and fails to timely and properly follow the legal procedures for their protest and/or contest; or (2) violates any of the terms and conditions of the Abatement Agreement and fails to cure within sixty (60) days from the date of notice of the violation ("Cure Period") the agreement then may be terminated and all taxes previously abated by virtue of the agreement will be recaptured and paid within sixty (60) days of the termination.

(b) Should Kinney County determine that the company or individual is in default according to the terms and conditions of its Agreement, Kinney County shall notify the company or individual in writing at the address stated in the Agreement, and if such is not cured within the Cure Period, then the Agreement may be terminated.

ADMINISTRATION - SECTION 6

(a) The Chief Appraiser of the Kinney County Appraisal District will annually determine an assessment of the real and personal property comprising the reinvestment zone. Each year, the company or individual receiving abatement shall furnish the Appraiser with such information as may be necessary for the abatement. Once value has been established, the Chief Appraiser will notify the Commissioners' Court of Kinney County of the amount of the assessment.

(b) Kinney County may execute a contract with any other jurisdiction(s) to inspect the Facility to determine if the terms and conditions of the Abatement Agreement are being met. The Abatement Agreement shall stipulate that employees and/or designated representatives of Kinney County will have access to the reinvestment zone during the term of the Abatement to inspect the Facility to determine if the terms and conditions of the Agreement are being met. All inspections will be made only after the giving of twenty-four (24) hours prior notice and will only be conducted in such manner as to not unreasonably interfere with the construction and/or operation of the Facility. All

inspections will be made with one or more representatives of the company or individual and in accordance with its safety standards.

(c) Upon completion of construction, the designated representative of Kinney County shall annually evaluate each Facility receiving Abatement to ensure compliance with the agreement, a formal annual report shall be made to the Commissioners' Court.

ASSIGNMENT - SECTION 7

Abatement may be transferred and assigned by the holder to a new owner or lessee of the same Facility upon the approval by resolution of the Commissioners' Court of Kinney County subject to the financial capacity of the assignee and provided that all conditions and obligations in the Abatement Agreement are guaranteed by the execution of a new contractual Agreement with Kinney County. No assignment or transfer shall be approved if the parties to the existing Agreement, the new owner or new lessee are liable to any jurisdiction for outstanding taxes or other obligations. Approval shall not be unreasonably delayed or withheld.

SUNSET PROVISION - SECTION 8

These Guidelines and Criteria are effective upon the date of their adoption and will remain in force for two years, unless amended by three-quarters vote of the Commissioners' Court of Kinney County, at which time all reinvestment zones and Tax Abatement Agreements created pursuant to these provisions will be reviewed to determine whether the goals have been achieved. Based on that review, the Guidelines and Criteria will be modified, renewed, or eliminated.

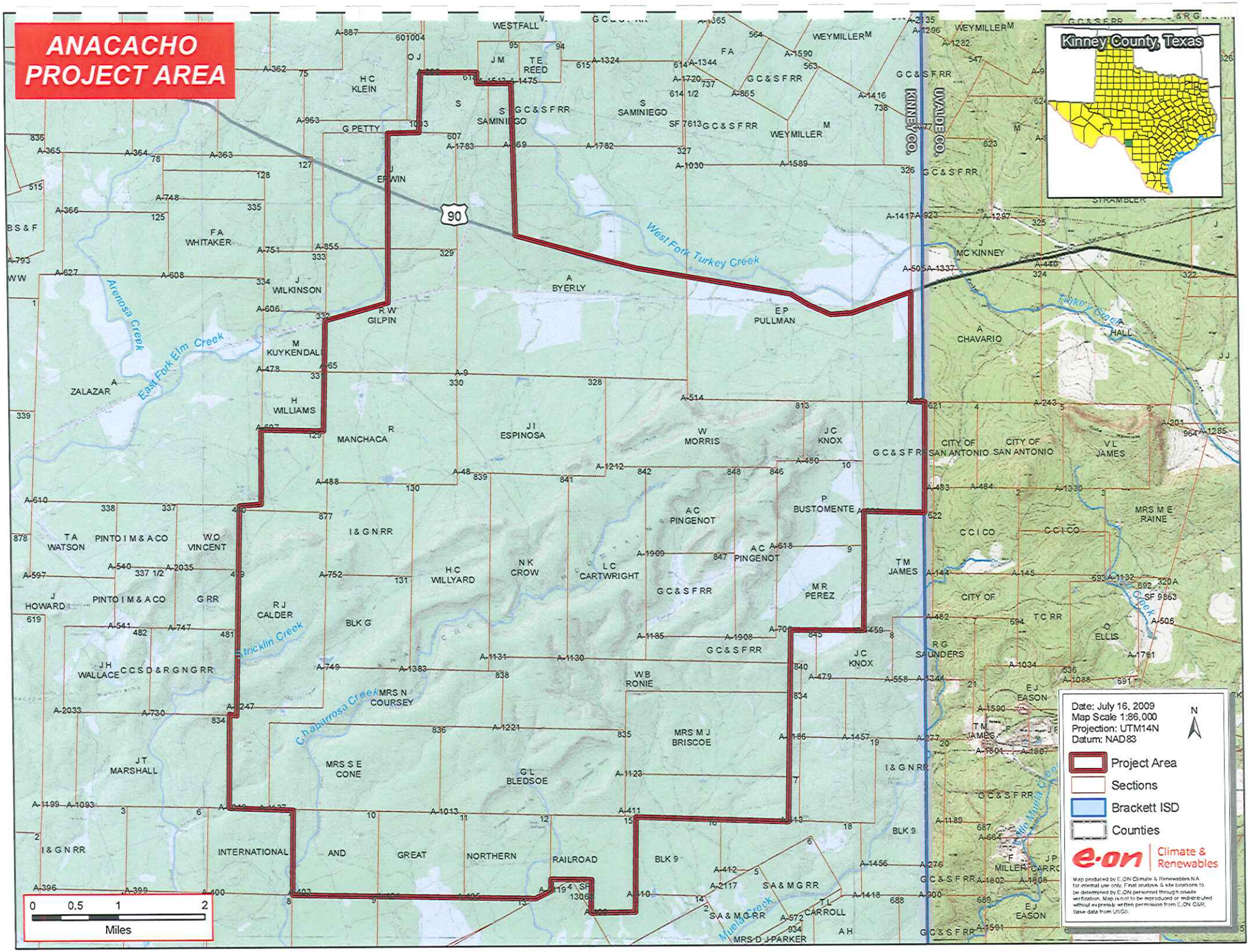
Adopted _____, 2009
Kinney County Commissioners' Court

Exhibit B

2. A description of the scope of the proposed project, including the type and planned use of real and tangible personal property, the nature of the business, a timeline for property construction or installation, and any other relevant information.

The proposed project will consist of a facility designed to use wind power to generate electricity (commonly referred to as a wind farm). The applicant expects to build the proposed project to be operational in first quarter 2012, with 100% of the construction to be in the Brackett Independent School District. The applicant will commence construction on or before December 1, 2010. The applicant intends to complete construction within one (1) year and expects to meet the minimum qualified investment threshold referenced in Step 2, Question 3 by the end of 2011 and in any event prior to the expiration of the qualifying period. All of the property for which the applicant is seeking a limitation on appraised value will be owned by the applicant.

ANACACHO PROJECT AREA



Ms. Alison Gilliam
Research Analyst
Economic Analysis
Local Government Assistance and Economic Development Division
Texas Comptroller of Public Accounts
LBJ State Office Building
111 E. 17th Street
Austin, TX 78774

Re: Proposed Turbine Placement

Dear Ms. Gilliam:

Due to the nature of the project, at this time, we are unable to precisely pinpoint the location of the 57 turbines listed on the Chapter 313 Application for Appraised Value Limitation on Qualified Property.

The property for which EC&R Development, LLC is requesting an appraised value limitation, as defined by Tax Code Section 313.021(2), includes approximately 57 MW GE 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 facility will require a relatively insubstantial amount of personal property, which will be placed within the Kinney County Reinvestment Zone, which was created by the Kinney County Commissioner's Court on June 15, 2009, as stated in our application. The project boundaries are wholly contained within the reinvestment zone boundaries.

The proposed project will consist of a facility designed to use wind power to generate electricity (commonly referred to as a windfarm). The applicant expects to build the proposed project within one year, with 100% of the construction to be in the Brackett Independent School District. The applicant will commence construction on or before December 1, 2010. The applicant intends to complete construction prior to the end of 2012 and expects to meet the minimum qualified investment threshold referenced in Step 2, Question 3 by the end of 2011 and in any event prior to the expiration of the Qualifying Period. All of the property for which the applicant is seeking a limitation on appraised value will be owned by the applicant.

Sincerely,

Greg Buls
EC&R Development, LLC

Exhibit C-1

Request for Waiver of Jobs Creation Requirement

Pursuant to Section 313.025 (f-1) of the Texas Tax Code, the governing body of a school district may waive the new jobs creation requirement in Section 313.021(2)(A)(iv)(b) or 313.051(b) and approve an application if the governing body makes a finding that the jobs creation requirement exceeds the industry standard for the number of employees reasonably necessary for the operation of the facility of the property owner that is described in the application.

The operations and maintenance demands of the project will be sufficient to create a total of 6 full-time jobs. This number of jobs is consistent with the total jobs created by other recent E.ON projects in the previous year, and E.ON believes this number to be consistent with (and possibly higher than) the industry standard number of full-time jobs created by projects of this scale. According to econometric projections, and based on E.ON's experience with existing wind projects in proximity to the proposed project, E.ON's investments in the District will result in substantially increased local economic activity, which, in addition to creating new jobs, will have a positive effect on existing jobs.

The proposed project cannot sustain the 10-job minimum required the District, as set forth in Section 313.051(b) of the Texas Tax Code. Accordingly, E.ON hereby requests that Brackett I.S.D. waive its requirement that E.ON's project create a minimum number of jobs within the District.

Exhibit C-2
Average Weekly Wage Data

Brackett ISD is a rural district pursuant to the State Comptroller School District Economic Development Categories. Therefore, the average project wage must exceed 110% of the county average manufacturing wage figures found at the Texas Workforce Commission's ("TWC") "Tracer" website at http://www.tracer2.com/cgi/dataanalysis/AreaSelection.asp?tableName=Industry. Based on the information provided by the TWC, EON estimates the Kinney County average weekly wage for construction jobs to be $364.25.

Note that these figures are for "construction" jobs. The "manufacturing" jobs designation is not listed as a searchable category for Kinney County on this website.

	Period	Area	Ownership	Division	Level	Ind Code	Industry	Avg Weekly Wages
2008	1st Qtr	Kinney County	Total All	23	2	23	Construction	$363
2008	2nd Qtr	Kinney County	Total All	23	2	23	Construction	$375
2008	3rd Qtr	Kinney County	Total All	23	2	23	Construction	$389
2008	4th Qtr	Kinney County	Total All	23	2	23	Construction	$330

Based on these statistics, EON calculates the average weekly wage for the 4 quarters of 2008 to be $364.25. Based on the statistics from Texas Data Center and Office of the State Demographer (see Exhibit C-3) the average weekly wage for counties that are members of the Middle Rio Grande Development Council is $516.40. The average wage to be paid on the project is $568.04, 110% of the manufacturing wages for counties that are members of the Middle Rio Grande Development Council.

Exhibit C-3
Average Weekly Wage Data

Based on an average 40-hour work week and an average hourly rate of $12.91, EON estimates that the Kinney County average weekly wage for manufacturing jobs to be $516.40. This figure is calculated using information published by the agencies listed below.

The Texas Data Center and Office of the State Demographer has provided the following county cross-reference information:

- Kinney County is associated with the Middle Rio Grande Valley Council of Governments;
- Council of Government Code:
- Economic Region Code: 08
- Economic Region: South Texas
- This regional data is available at: http://www.txsdc.utsa.edu/reference/georef/county_master.php

The 2007 regional wage information for the Middle Rio Grande Valley Council of Governments is shown on the following list, available at: http://www.tracer2.com/admin/uploadedPublications/COGwages.pdf

2007 Manufacturing Wages by Council of Government Region
Wages for All Occupations

COG	Hourly	Annual
Texas	$19.80	$41,184
1. Panhandle Regional Planning Commission	$17.49	$36,379
2. South Plains Association of Governments	$14.48	$30,118
3. NORTEX Regional Planning Commission	$16.97	$35,298
4. North Central Texas Council of Governments	$21.72	$45,178
5. Ark-Tex Council of Governments	$15.05	$31,304
6. East Texas Council of Governments	$15.40	$32,032
7. West Central Texas Council of Governments	$15.35	$31,928
8. Rio Grande Council of Governments	$14.41	$29,973
9. Permian Basin Regional Planning Commission	$16.36	$34,029
10. Concho Valley Council of Governments	$13.49	$28,059
11. Heart of Texas Council of Governments	$15.65	$32,552
12. Capital Area Council of Governments	$23.66	$49,213
13. Brazos Valley Council of Governments	$14.86	$30,909
14. Deep East Texas Council of Governments	$14.86	$30,909
15. South East Texas Regional Planning Commission	$22.73	$47,278
16. Houston-Galveston Area Council	$21.06	$43,805
17. Golden Crescent Regional Planning Commission	$17.91	$37,253
18. Alamo Area Council of Governments	$16.09	$33,467
19. South Texas Development Council	$12.37	$25,730
20. Coastal Bend Council of Governments	$21.78	$45,302
21. Lower Rio Grande Valley Development Council	$12.66	$26,333
22. Texoma Council of Governments	$18.23	$37,918
23. Central Texas Council of Governments	$15.94	$33,155
24. Middle Rio Grande Development Council	$12.91	$26,853