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April 25, 2022

Via Electronic Mail: Ch313.apps@cpa.texas.gov
Local Government Assistance & Economic Analysis
Texas Comptroller of Public Accounts
Lyndon B. Johnson State Office Building
111 E. 17th Street
Austin, Texas 78774

Re: Application for Appraised Value Limitation on Qualified Property from OCI San Antonio Hillsboro Solar LLC to Bynum Independent School District

Start of Qualifying Time Period: January 1, 2026
Start of Value Limitation Period: January 1, 2028

Dear Local Government Assistance and Economic Analysis Division:

The Board of Trustees of the Bynum Independent School District (the "District") accepted the enclosed Application for Appraised Value Limitation on Qualified Property (the "Application") at a duly called meeting held on March 28, 2022. The Application was determined to be complete by the District on April 25, 2022.

The Applicant, OCI San Antonio Hillsboro Solar LLC, is proposing to construct a solar electric generating facility in Hill County, Texas. The Board of Trustees believes this project will be beneficial to the District and looks forward to your review and certification of this Application.

An electronic copy of the Application is being provided to the Hill County Appraisal District by copy of this correspondence.

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

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Rick L. Lambert', is written over the typed name.

Rick L. Lambert

RLL;sl

cc: *Via Electronic Mail:* mikem@hillcad.org
Mr. Mike McKibben, Chief Appraiser, Hill County Appraisal District

Via Electronic Mail: lmynarcik@bynumisd.net
Mr. Larry Mynarcik, Superintendent of Schools, Bynum ISD

Via Electronic Mail: smahmood@ocisolarpower.com

Mr. Sabah Mahmood, Vice President of Development, OCI Solar Power

Via Electronic Mail: jscott@ocisolarpower.com

Mr. James Scott, Sr. Project Development Manager, OCI Solar Power

Via Electronic Mail: svandyck@cwlp.net

Mr. Steven Van Dyck, Partner, Cummings Westlake, LLC



CUMMINGS WESTLAKE

OCI SAN ANTONIO HILLSBORO SOLAR LLC
Chapter 313 Application Bynum ISD

TAB 1

Pages 1 through 9 of application

Application for Appraised Value Limitation on Qualified Property (Tax Code, Chapter 313, Subchapter B or C)

INSTRUCTIONS: This application must be completed and filed with the school district. In order for an application to be processed, the governing body (school board) must elect to consider an application, but — by Comptroller rule — the school board may elect to consider the application only after the school district has received a completed application. Texas Tax Code, Section 313.025 requires that any completed application and any supplemental materials received by the school district must be forwarded within seven days to the Texas Comptroller of Public Accounts.

If the school board elects to consider the application, the school district must:

- notify the Comptroller that the school board has elected to consider the application. This notice must include:
 - the date on which the school district received the application;
 - the date the school district determined that the application was complete;
 - the date the school board decided to consider the application; and
 - a request that the Comptroller prepare an economic impact analysis of the application;
- provide a copy of the notice to the appraisal district;
- must complete the sections of the application reserved for the school district and provide information required in the Comptroller rules located at 34 Texas Administrative Code (TAC) Section 9.1054; and
- forward the completed application to the Comptroller, separating each section of the documents. See 34 TAC Chapter 9, Subchapter F.

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 34 TAC Chapter 9, Subchapter F.

When the Comptroller receives the notice and required information from the school district, and has determined that all assertions of confidentiality are appropriate, the Comptroller will publish all submitted non-confidential application materials on its website. The Comptroller is authorized to treat some application information as confidential and withhold it from publication on the Internet. To do so, however, the information must be segregated and comply with the other requirements set out in the Comptroller's rules. For more information, see guidelines on Comptroller's website.

The Comptroller will independently determine whether the application has been completed according to the Comptroller's rules (34 TAC Chapter 9, Subchapter F). If the Comptroller finds the application is not complete, the Comptroller will request additional materials from the school district. Pursuant to 9.1053(a)(1)(C), requested information shall be provided within 20 days of the date of the request. When the Comptroller determines that the application is complete, it will send the school district a notice indicating so. The Comptroller will determine the eligibility of the project and issue a certificate for a limitation on appraised value to the school board regarding the application by the 90th day after the Comptroller receives a complete application—as determined by the Comptroller.

The school board must approve or disapprove the application not later than the 150th day after the application review start date (the date the application is finally determined to be complete by the Comptroller), unless an extension is granted. The Comptroller and school district are authorized to request additional information from the applicant that is reasonably necessary to issue a certificate, complete the economic impact evaluation or consider the application at any time during the application review period.

Please visit the Comptroller's website to find out more about the program at comptroller.texas.gov/economy/local/ch313/. There are links to the Chapter 313 statute, rules, guidelines and forms. Information about minimum limitation values for particular districts and wage standards may also be found at that site.

SECTION 1: School District Information

1. Authorized School District Representative

| | | |
|---------------------------------------|----------------------|-------|
| March 28, 2022 | | |
| Date Application Received by District | | |
| Larry | Mynarcik | |
| First Name | Last Name | |
| Superintendent | | |
| Title | | |
| Bynum ISD | | |
| School District Name | | |
| 704 Toliver | | |
| Street Address | | |
| 704 Toliver | | |
| Mailing Address | | |
| Bynum | TX | 76631 |
| City | State | ZIP |
| 254-531-2341 | 524-531-2342 | |
| Phone Number | Fax Number | |
| N/A | lmyncik@bynumisd.net | |
| Mobile Number (optional) | Email Address | |

2. Does the district authorize the consultant to provide and obtain information related to this application? ☒ Yes ☐ No

SECTION 1: School District Information *(continued)*3. Authorized School District Consultant *(If Applicable)*

| | |
|--|--------------------|
| Shelly | Leung |
| First Name | Last Name |
| Director of Economic Development | |
| Title | |
| Powell Law Group | |
| Firm Name | |
| 512-494-1177 | 512-494-1188 |
| Phone Number | Fax Number |
| N/A | sleung@plg-law.com |
| Mobile Number <i>(optional)</i> | Email Address |
| 4. On what date did the district determine this application complete? April 25, 2022 | |

SECTION 2: Applicant Information

1. Authorized Company Representative *(Applicant)*

| | | |
|---|----------------------------|-------|
| Sabah | Mahmood | |
| First Name | Last Name | |
| VP Development, EPC, and Operations | OCI Solar Power | |
| Title | Organization | |
| 8000 IH 10 West, Suite 1201 | | |
| Street Address | | |
| 8000 IH 10 West, Suite 1201 | | |
| Mailing Address | | |
| San Antonio | Texas | 78230 |
| City | State | ZIP |
| 210-453-3162 | | |
| Phone Number | Fax Number | |
| 210-440-1220 | smahmood@ocisolarpower.com | |
| Mobile Number <i>(optional)</i> | Business Email Address | |
| 2. Will a company official other than the authorized company representative be responsible for responding to future information requests? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | | |

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

| | | |
|---------------------------------|--------------------------|-------|
| James | Scott | |
| First Name | Last Name | |
| Sr. Project Development Manager | OCI Solar Power | |
| Title | Organization | |
| 8000 IH 10 West, Suite 1201 | | |
| Street Address | | |
| 8000 IH 10 West, Suite 1201 | | |
| Mailing Address | | |
| San Antonio | TX | 78230 |
| City | State | ZIP |
| 210-453-3202 | N/A | |
| Phone Number | Fax Number | |
| 210-608-2947 | jscott@ocisolarpower.com | |
| Mobile Number <i>(optional)</i> | Business Email Address | |

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

SECTION 2: Applicant Information (*continued*)4. Authorized Company Consultant (*If Applicable*)

| | |
|------------------------|------------|
| Steven | Van Dyck |
| First Name | Last Name |
| Partner | |
| Title | |
| Cummings Westlake LLC | |
| Firm Name | |
| 713-266-4456 | N/A |
| Phone Number | Fax Number |
| svandyck@cwlp.net | |
| Business Email Address | |

SECTION 3: Fees and Payments

1. Has an application fee been paid to the school district? ☒ Yes ☐ No

The total fee shall be paid at the same time 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.

| | |
|--------------------------------|------------------|
| \$ 75,000.00 | Check |
| Payment Amount | Transaction Type |
| OCI Solar Power | Bynum ISD |
| Payor | Payee |
| April 21, 2022 | |
| 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 ☒ No ☐ N/A
3. If "payments to the school district" will only be determined by a formula or methodology without a specific amount being specified, could such method result in "payments to the school district" that are not in compliance with Tax Code §313.027(i)? ☐ Yes ☒ No ☐ N/A

SECTION 4: Business Applicant Information

1. What is the legal name of the applicant under which this application is made? OCI SAN ANTONIO HILLSBORO SOLAR LLC
2. Texas Taxpayer I.D. number of entity subject to Tax Code, Chapter 171 (11 digits) 32083436215
3. Parent Company Name OCI Solar Power LLC
4. Parent Company Tax ID 27-0962686
5. NAICS code 221114
6. Is the applicant a party to any other pending or active Chapter 313 agreements? ☐ Yes ☒ No
- 6a. If yes, please list application number, name of school district and year of agreement

SECTION 5: Applicant Business Structure

1. Business Organization of Applicant (*corporation, limited liability corporation, etc*) Limited Liability Company
2. Is applicant a combined group, or comprised of members of a combined group, as defined by Tax Code §171.0001(7)? ☐ Yes ☒ No
- 2a. If yes, attach in **Tab 3** a copy of the most recently submitted 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 5: Applicant Business Structure *(continued)*

2b. Texas Franchise Tax Reporting Entity Taxpayer Name

OCI SAN ANTONIO HILLSBORO SOLAR LLC

2c. Reporting Entity Taxpayer Number

32083436215

3. Is the applicant current on all tax payments due to the State of Texas? ☒ Yes ☐ No
4. Are all applicant members of the combined group current on all tax payments due to the State of Texas? ☐ Yes ☐ No ☒ N/A

SECTION 6: Eligibility Under Tax Code Chapter 313.024

1. Are you an entity subject to the tax under Tax Code, Chapter 171? ☒ Yes ☐ No
2. The property will be used for one of the following activities:
- (1) manufacturing ☐ Yes ☒ No
 - (2) research and development ☐ Yes ☒ No
 - (3) a clean coal project, as defined by Section 5.001, Water Code ☐ Yes ☒ No
 - (4) an advanced clean energy project, as defined by Section 382.003, Health and Safety Code ☐ Yes ☒ No
 - (5) renewable energy electric generation ☒ Yes ☐ No
 - (6) electric power generation using integrated gasification combined cycle technology ☐ Yes ☒ No
 - (7) nuclear electric power generation ☐ Yes ☒ No
 - (8) a computer center that is used as an integral part or as a necessary auxiliary part for the activity conducted by applicant in one or more activities described by Subdivisions (1) through (7) ☐ Yes ☒ No
 - (9) a Texas Priority Project, as defined by 313.024(e)(7) and TAC 9.1051* ☐ Yes ☒ No
3. Are you requesting that any of the land be classified as qualified investment? ☐ Yes ☒ No
4. Will any of the proposed qualified investment be leased under a capitalized lease? ☐ Yes ☒ No
5. Will any of the proposed qualified investment be leased under an operating lease? ☐ Yes ☒ No
6. Are you including property that is owned by a person other than the applicant? ☐ Yes ☒ No
7. Will any property be pooled or proposed to be pooled with property owned by the applicant in determining the amount of your qualified investment? ☐ Yes ☒ No

*Note: Applicants requesting eligibility under this category should note that there are additional application and reporting data submission requirements.

SECTION 7: Project Description

1. In **Tab 4**, attach a 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. If the project is an amendment or a reapplication please specify and provide details regarding the original project.
2. Check the project characteristics that apply to the proposed project:
- | | |
|---|--|
| <input checked="" type="checkbox"/> Land has no existing improvements | <input type="checkbox"/> Land has existing improvements <i>(complete Section 13)</i> |
| <input type="checkbox"/> Expansion of existing operation on the land <i>(complete Section 13)</i> | <input type="checkbox"/> Relocation within Texas |

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 September 2022
 2. Estimated commencement of construction Q1 2027
 3. Beginning of qualifying time period (MM/DD/YYYY) January 1, 2026
 4. First year of limitation (YYYY) January 1, 2028
- 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 Q4 2027

SECTION 10: The Property

1. County or counties in which the proposed project will be located Hill
2. Central Appraisal District (CAD) that will be responsible for appraising the property Hill CAD
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): Bynum ISD, \$0.9603, 100% <small>(Name, tax rate and percent of project)</small> | I&S (ISD): Bynum ISD, \$0.1501, 100% <small>(Name, tax rate and percent of project)</small> |
| County: Hill County, \$0.420202, 100% <small>(Name, tax rate and percent of project)</small> | City: N/A <small>(Name, tax rate and percent of project)</small> |
| Other (describe): Hill Co ESD #1, \$0.2880, 100% <small>(Name, tax rate and percent of project)</small> | Other (describe): Lateral Road, \$0.07704, 100% <small>(Name, tax rate and percent of project)</small> |
| Other (describe): Hill Co ESD #2, \$0.043623, 100% <small>(Name, tax rate and percent of project)</small> | Other (describe): Hill College, \$0.085265, 100% <small>(Name, tax rate and percent of project)</small> |

SECTION 10: The Property *(continued)*

5. List all state and local incentives as an annual percentage. Include the estimated start and end year of the incentive:

County: Abatement, 100%, 2027-2036
*(Incentive type, percentage, start and end year)*City: N/A
*(Incentive type, percentage, start and end year)*Hospital District: N/A
*(Incentive type, percentage, start and end year)*Water District: N/A
*(Incentive type, percentage, start and end year)*Other (describe): N/A
*(Incentive type, percentage, start and end year)*Other (describe): N/A
(Incentive type, percentage, start and end year)

6. Is the project located entirely within the ISD listed in Section 1?
- ☒
- Yes
- ☐
- No

6a. If no, attach in **Tab 6** maps of the entire project (depicting all other relevant school districts) and additional information on the project scope and size. Please note that only the qualified property within the ISD listed in Section 1 is eligible for the limitation from this application. Please verify that all information in **Tabs 7 and 8**, Section 11, 12 and 13, and map project boundaries pertain to only the property within the ISD listed in Section 1.

7. Did you receive a determination from the Texas Economic Development and Tourism Office that this proposed project and at least one other project seeking a limitation agreement constitute a single unified project (SUP), as allowed in §313.024(d-2)?
- ☐
- Yes
- ☒
- No

7a. If yes, attach in **Tab 6** supporting documentation from the Office of the Governor.

SECTION 11: Texas Tax Code 313.021(1) Qualified Investment

NOTE: The minimum amount of qualified investment required to qualify for an appraised value limitation and the minimum amount of appraised value limitation vary depending on whether the school district is classified as Subchapter B or Subchapter C, and the taxable value of the property within the school district. For assistance in determining estimates of these minimums, access the Comptroller's website at comptroller.texas.gov/economy/local/ch313/.1. At the time of application, what is the estimated minimum qualified investment required for this school district? \$ 10,000,000.002. What is the amount of appraised value limitation for which you are applying? \$ 20,000,000.00**Note:** The property value limitation amount is based on property values available at the time of application and may change prior to the execution of any final agreement.

3. Does the qualified investment meet the requirements of Tax Code §313.021(1)?
- ☒
- Yes
- ☐
- No

4. Attach a description of the qualified investment [See §313.021(1).] The description must include:

- a specific and detailed description of the qualified investment you propose to make within the project boundary for which you are requesting an appraised value limitation as defined by Tax Code §313.021 (**Tab 7**);
- a description of any new buildings, proposed new improvements or personal property which you intend to include as part of your minimum qualified investment (**Tab 7**); and
- a detailed map of the qualified investment showing location of tangible personal property to be placed in service during the qualifying time period and buildings to be constructed during the qualifying time period, with vicinity map (**Tab 11**).

5. Do you intend to make at least the minimum qualified investment required by Tax Code §313.023 (or §313.053 for Subchapter C school districts) for the relevant school district category during the qualifying time period?
- ☒
- Yes
- ☐
- No

SECTION 12: Texas Tax Code 313.021(2) Qualified Property

1. Attach a detailed description of the qualified property. [See §313.021(2)] The description must include:

- a specific and detailed description of the qualified property for which you are requesting an appraised value limitation as defined by Tax Code §313.021 (**Tab 8**);
- a description of any new buildings, proposed new improvements or personal property which you intend to include as part of your qualified property (**Tab 8**);
- a map or site plan of the proposed qualified property showing the location of the new buildings or new improvements inside the project area boundaries within a vicinity map that includes school district, county and reinvestment zone boundaries (**Tab 11**); and
- Will any of the proposed qualified property be used to renovate, refurbish, upgrade, maintain, modify, improve, or functionally replace existing buildings or existing improvements inside or outside the project area? ☐ Yes ☒ No

Note: Property used to renovate, refurbish, upgrade, maintain, modify, improve, or functionally replace existing buildings or existing improvements inside or outside the project area cannot be considered qualified property and will not be eligible for a limitation. See TAC §9.1051(16).

SECTION 12: Texas Tax Code 313.021(2) Qualified Property (*continued*)

2. Is the land upon which the new buildings or new improvements will be built part of the qualified property described by §313.021(2)(A)? ☐ Yes ☒ No
- 2a. If yes, attach complete documentation including:
- legal description of the land (**Tab 9**);
 - each existing appraisal parcel number of the land on which the new improvements will be constructed, regardless of whether or not all of the land described in the current parcel will become qualified property (**Tab 9**);
 - owner (**Tab 9**);
 - the current taxable value of the land, attach estimate if land is part of larger parcel (**Tab 9**); and
 - a detailed map showing the location of the land with vicinity map (**Tab 11**).
3. Is the land on which you propose new construction or new improvements currently located in an area designated as a reinvestment zone under Tax Code Chapter 311 or 312 or as an enterprise zone under Government Code Chapter 2303? ☐ Yes ☒ No
- 3a. If yes, attach the applicable supporting documentation:
- evidence that the area qualifies as an enterprise zone as defined by the Governor's Office (**Tab 16**);
 - legal description of reinvestment zone (**Tab 16**);
 - order, resolution or ordinance establishing the reinvestment zone (**Tab 16**);
 - guidelines and criteria for creating the zone (**Tab 16**); and
 - a map of the reinvestment zone or enterprise zone boundaries with vicinity map (**Tab 11**).
- 3b. If no, submit detailed description of proposed reinvestment zone or enterprise zone with a map indicating the boundaries of the zone on which you propose new construction or new improvements to the Comptroller's office within 30 days of the application date.

What is the anticipated date on which you will submit final proof of a reinvestment zone or enterprise zone? September 2022

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

1. In **Tab 10**, attach a specific and detailed description of all **existing property within the project boundary**. This includes buildings and improvements existing as of the application review start date (the date the application is determined to be complete by the Comptroller). The description must provide sufficient detail to locate all existing property on the land that will be subject to the agreement and distinguish existing property from future proposed property.
2. In **Tab 10**, attach a specific and detailed description of all **proposed new property within the project boundary that will not become new improvements** as defined by TAC 9.1051. This includes proposed property that: functionally replaces existing or demolished/removed property; is used to maintain, refurbish, renovate, modify or upgrade existing property; or is affixed to existing property; or is otherwise ineligible to become qualified property. The description must provide sufficient detail to distinguish existing property (statement 1) and all proposed new property that cannot become qualified property from proposed qualified property that will be subject to the agreement (as described in Section 12 of this application).
3. For the property not eligible to become qualified property within the project boundary in response to statements 1 and 2 of this section, provide the following supporting information in **Tab 10**:
- maps and/or detailed site plan;
 - surveys;
 - appraisal district values and parcel numbers;
 - inventory lists;
 - existing and proposed property lists;
 - model and serial numbers of existing property; or
 - other information of sufficient detail and description.
4. Total estimated market value of existing property within the project boundary (that property described in response to statement 1): \$ 0.00
5. In **Tab 10**, include an appraisal value by the CAD of all the buildings and improvements existing as of a date within 15 days of the date the application is received by the school district.
6. Total estimated market value of proposed property not eligible to become qualified property (that property described in response to statement 2): \$ 0.00

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

SECTION 14: Wage and Employment Information

1. What is the number of new qualifying jobs you are committing to create? 1
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)? ☒ 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 Texas Workforce Commission 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 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 \$ 893.25
- b. Qualifying job wage minimum option §313.021(5)(A)
-110% of the average weekly wage for manufacturing jobs in the county is \$ 1,127.50
- c. Qualifying job wage minimum option §313.021(5)(B)
-110% of the average weekly wage for manufacturing jobs in the region is \$ 1,030.11
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? \$ 53,565.60
7. What is the annual wage you are committing to pay for each of the new qualifying jobs you create on the qualified property? \$ 53,565.60
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 13** 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 an entity 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**.

APPLICATION TAB ORDER FOR REQUESTED ATTACHMENTS

| ATTACHMENT | |
|------------|---|
| 1 | Sections 1-16 |
| 2 | Proof of Payment of Application Fee |
| 3 | Documentation of Combined Group membership under Texas Tax Code 171.0001(7), history of tax default, delinquencies and/or material litigation <i>(if applicable)</i> |
| 4 | Detailed description of the project |
| 5 | Documentation to assist in determining if limitation is a determining factor |
| 6 | Description of how project is located in more than one district, including list of percentage in each district and, if determined to be a single unified project, documentation from the Office of the Governor <i>(if applicable)</i> |
| 7 | Description of Qualified Investment |
| 8 | Description of Qualified Property |
| 9 | Description of Land |
| 10 | Description of all property not eligible to become qualified property <i>(if applicable)</i> |
| 11 | <p>Maps that clearly show:</p> <ul style="list-style-type: none"> a) Project boundary and project vicinity, including county and school district boundaries b) Qualified investment including location of tangible personal property to be placed in service during the qualifying time period and buildings to be constructed during the qualifying time period c) Qualified property including location of new buildings or new improvements d) Any existing property within the project area e) Any facilities owned or operated by the applicant having interconnections to the proposed project f) Location of project, and related nearby projects within vicinity map g) Reinvestment or Enterprise Zone within vicinity map, showing the actual or proposed boundaries and size <p>Note: Maps should be high resolution files. Include map legends/markers.</p> |
| 12 | Request for Waiver of Job Creation Requirement and supporting information <i>(if applicable)</i> |
| 13 | Calculation of non-qualifying wage target and two possible qualifying job wage requirements with TWC documentation |
| 14 | Schedules A1, A2, B, and C completed and signed Economic Impact <i>(if applicable)</i> |
| 15 | Economic Impact Analysis, other payments made in the state or other economic information <i>(if applicable)</i> |
| 16 | <p>Description of Reinvestment or Enterprise Zone, including:</p> <ul style="list-style-type: none"> a) evidence that the area qualifies as an enterprise zone as defined by the Governor's Office b) legal description of reinvestment zone c) order, resolution or ordinance establishing the reinvestment zone d) guidelines and criteria for creating the zone |
| 17 | Signature and Certification page, signed and dated by Authorized School District Representative and Authorized Company Representative <i>(applicant)</i> |



CUMMINGS WESTLAKE

OCI SAN ANTONIO HILLSBORO SOLAR LLC
Chapter 313 Application Bynum ISD

TAB 2

Proof of Payment of Application Fee

Please find on the attached page, copy of the check for the \$75,000 application fee to Bynum Independent School District.

Proof of payment of filing fee received by the
Comptroller of Public Accounts per TAC Rule
§9.1054 (b)(5)

*(Page Inserted by Office of Texas Comptroller of
Public Accounts)*



CUMMINGS WESTLAKE

OCI SAN ANTONIO HILLSBORO SOLAR LLC
Chapter 313 Application Bynum ISD

TAB 3

Documentation of Combined Group membership under Texas Tax Code 171.0001(7), history of tax default, delinquencies and/or material litigation (if applicable)

OCI San Antonio Hillsboro Solar LLC is not a combined group as defined by Tax Code Section 171.0001(7). Please see attached Franchise Tax Certificate.



Franchise Tax Account Status

As of : 03/24/2022 09:18:31

This page is valid for most business transactions but is not sufficient for filings with the Secretary of State

| OCI SAN ANTONIO HILLSBORO SOLAR LLC | |
|--|---|
| Texas Taxpayer Number | 32083436215 |
| Mailing Address | 206 E 9TH ST STE 1300 AUSTIN, TX 78701-4411 |
| i Right to Transact Business in Texas | ACTIVE |
| State of Formation | DE |
| Effective SOS Registration Date | 03/01/2022 |
| Texas SOS File Number | 0804475604 |
| Registered Agent Name | CAPITOL CORPORATE SERVICES, INC. |
| Registered Office Street Address | 206 E. 9TH ST., STE. 1300 AUSTIN, TX 78701 |



TAB 4

Detailed Description of the Project

Provide a 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.

OCI San Antonio Hillsboro Solar LLC is requesting an Appraised Value Limitation from Bynum Independent School District for the OCI San Antonio Hillsboro Solar LLC Project (the “Project”), a proposed solar powered electric generating and battery storage facility in Hill County. The proposed Bynum ISD Project (this Application) would be constructed within a Reinvestment Zone that will be created by Hill County prior to execution of a Value Limitation Agreement. A map showing the location of the project is included in Tab 11. The Project does not have a IGNR Number yet.

The full project would have approximately 520,000 panels and associated inverters located in Hill County with a total capacity of 250 MW (ac) of Solar. Solar equipment selection is ongoing at this time and has not been finalized. The exact number of PV panels and their capacity will depend upon the panels and inverters selected, manufacturers availability and prices, ongoing engineering design optimization and the final megawatt generating capacity of the Project when completed. Current plans are to install approximately 520,000 PV panels and associated inverters within Bynum ISD. The Applicant requests a Value Limitation for all materials and equipment installed for the Project, including

- underground collection systems
- transmission lines
- electrical interconnections,
- roads
- control systems necessary for commercial generation of electricity
- solar modules/panels
- racking and mounting structures
- inverters boxes
- combiner boxes
- battery storage for produced power
- energy storage enclosures containing batteries,



- energy storage cooling systems,
- SCADA systems,
- transformers,
- fire suppression systems
- meteorological equipment
- roadways
- maintenance and operations building
- paving
- fencing
- electrical substations



TAB 5

Documentation to assist in determining if limitation is a determining factor.

Headquartered in San Antonio, Texas, OCI Solar Power (OCISP) is one of the most accomplished utility-scale solar developers in the state, having brought 650 MWdc/500 MWac of solar projects into operation in the ERCOT market.

Since 2012, OCISP has had much success in developing, financing, designing, constructing, owning, operating, and maintaining large-scale solar projects in the U.S., including Texas but also in Georgia, and New Jersey. Some of our company highlights include:

- OCISP was the first company to bring utility-scale solar projects to Texas.
- We were also one of the first companies to complete a 1 MWac battery storage solutions which, along with all our other 11 projects, is still in operation today.
- Three out of our nine Texas-based projects are 100% Buy American Act compliant.

OCISP, through its parent company, OCI Enterprises Inc., is a subsidiary of OCI Company Ltd, a global green energy and chemical conglomerate founded in 1959 in South Korea. OCI Company has developed a diversified portfolio of products and solutions for a broad spectrum of industries in the renewable energy sector. OCI Company established OCI Enterprises Inc. as its U.S. holding company in Delaware in 1990.

As a global solar developer, OCI Solar Power has the optionality to locate projects of this type in both the United States market and international locations with favorable solar characteristics. The Applicant is actively assessing locations in Georgia and New Jersey in the US and developing other projects that are competing for limited investment funds. With Texas wholesale electricity prices already below the international average, it is necessary to limit the property tax liabilities for a solar project in order to be able to offer electricity at prices that are marketable to Texas customers at competitive rates. Markets such as California that have statewide available subsidies for renewable energy projects, and which have higher average contracted power rates, offer an attractive incentive for developers to build projects in those markets over Texas.

The property tax liability of a project without tax incentives in Texas would reduce the return to investors and financiers to an unacceptable level at today's contracted power rates under a power purchase agreement (PPA). Without the 313 Value Limitation, the applicant would be forced to walk away from this project and spend the potential investment in other states where the rate of return is higher.

The property tax liability of a project without tax incentives in Texas would reduce the return to investors and financiers to an unacceptable level at today's contracted power rates under a power



CUMMINGS WESTLAKE

OCI SAN ANTONIO HILLSBORO SOLAR LLC
Chapter 313 Application Bynum ISD

purchase agreement (PPA). Therefore, the applicant would be unable to finance and build the project in Texas even with a signed PPA because of the low price in the PPA. Without the 313 Value Limitation, the applicant would be forced to walk away from this project and spend the potential investment in other states where the rate of return is higher.



TAB 6

Description of how project is located in more than one district, including list of percentage in each district and, if determined to be a single unified project, documentation from the Office of the Governor (if applicable)

| District | Percentage | Tax Rate |
|-----------------------|------------|-----------|
| 1) Hill County | 100% | \$.420202 |
| 2) Hill County ESD #1 | 100% | \$.028800 |
| 3) Hill County ESD #2 | 100% | \$.043623 |
| 4) Lateral Road | 100% | \$.077040 |
| 5) Hill College | 100% | \$.085265 |
| 6) Bynum ISD | 100% | \$1.11040 |



TAB 7

Description of Qualified Investment

OCI San Antonio Hillsboro Solar LLC proposes to construct a 250 MW (AC) Photovoltaic solar facility and battery energy storage system that would be sited on approximately 1600 acres of land approximately 1 mile south of the city of Bynum in Hill County. This application covers all qualified property in the reinvestment zone and project boundary within Hill ISD necessary for the commercial operations of the proposed solar project described in Tab 4.

- underground collection systems
- transmission lines
- electrical interconnections,
- roads
- control systems necessary for commercial generation of electricity
- solar modules/panels
- racking and mounting structures
- inverters boxes
- combiner boxes
- battery energy storage system
- battery storage for produced power
- energy storage enclosures containing batteries,
- energy storage cooling systems,
- SCADA systems,
- transformers,
- fire suppression systems
- meteorological equipment
- roadways
- maintenance and operations building
- paving
- fencing
- electrical substations

NOTE- The map in TAB 11 shows the proposed project area with the preliminary panel and inverter locations. The exact placement of these panels and inverters is subject to ongoing planning, soil studies, and engineering and will be determined before construction begins.



TAB 8

Description of Qualified Property

OCI San Antonio Hillsboro Solar LLC proposes to construct a 250 MW (AC) Photovoltaic solar facility and battery energy storage system that would be sited on approximately 1600 acres of land approximately 1 mile south of the city of Bynum in Hill County. This application covers all qualified property in the reinvestment zone and project boundary within Hill ISD necessary for the commercial operations of the proposed solar project described in Tab 4.

- underground collection systems
- transmission lines
- electrical interconnections,
- roads
- control systems necessary for commercial generation of electricity
- solar modules/panels
- racking and mounting structures
- inverters boxes
- combiner boxes
- battery energy storage system
- battery storage for produced power
- energy storage enclosures containing batteries,
- energy storage cooling systems,
- SCADA systems,
- transformers,
- fire suppression systems
- meteorological equipment
- roadways
- maintenance and operations building
- paving
- fencing
- electrical substations

NOTE- The map in TAB 11 shows the proposed project area with the preliminary panel and inverter locations. The exact placement of these panels and inverters is subject to ongoing planning, soil studies, and engineering and will be determined before construction begins.



CUMMINGS WESTLAKE

OCI SAN ANTONIO HILLSBORO SOLAR LLC
Chapter 313 Application Bynum ISD

TAB 9

Description of Land

Not applicable



TAB 10

Description of all property not eligible to become qualified property (if applicable)

The existing property consists of houses, barns, buildings, poles, Oil & Gas Wells and associated facilities, meteorological towers, tanks, silos, and mobile homes that are not owned by OCI San Antonio Hillsboro Solar LLC and are not part of this project.



TAB 11

Maps that clearly show:

- a) Project vicinity
- b) Qualified investment including location of new building or new improvements
- c) Qualified property including location of new building or new improvements
- d) Existing property
- e) Land location within vicinity map
- f) Reinvestment or Enterprise Zone within vicinity map, showing the actual or proposed boundaries and size



CUMMINGS WESTLAKE

OCI SAN ANTONIO HILLSBORO SOLAR LLC
Chapter 313 Application Bynum ISD

TAB 12

Request for Waiver of Job Creation Requirement and supporting information (if applicable)

See Attached



March 28, 2022

Larry Mynarcik
Bynum Independent School District
704 Toliver
Bynum, TX 76631

Re: Chapter 313 Jobs Waiver Request

Dear Superintendent Mynarcik,

OCI San Antonio Hillsboro Solar LLC requests that the Bynum Independent School District's Board of Trustees waive the job requirement provision as allowed by Section 313.025(f-1) of the Tax Code. This waiver would be based on the school district's board findings that the jobs creation requirement exceeds the industry standard for the number of employees reasonably necessary for the operation of the facility of the property owner that is described in the application.

OCI San Antonio Hillsboro Solar LLC requests that the Board of Trustees make such a finding and waive the job creation requirement for 10 permanent jobs. In line with industry standard of one job for every 300 MW, OCI San Antonio Hillsboro Solar LLC has committed to create one job for the project.

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

The permanent employees of a solar project maintain, and service solar panels, underground electrical connections, substations and other infrastructure associate with the safe and reliable operation of the project. In addition to the onsite employees, there may be managers or technicians who support the project from offsite locations.

Sincerely,

A handwritten signature in blue ink, appearing to read 'S. Van Dyck'.

Steven Van Dyck
Partner



TAB 13

Calculation of three possible wage requirements with TWC documentation

- Hill County average weekly wage for all jobs (all industries)
- Hill County average weekly wage for all jobs (manufacturing)
- See attached Council of Governments Regional Wage Calculation and Documentation

| 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) | Tax Year (Fill in actual tax year below) (YYYY) | New investment (original cost) in tangible personal property placed in service during this year that will become Qualified Property | New investment made during this year in buildings or permanent nonremovable components of buildings that will become Qualified Property | Other new investment made during this year that will <u>not</u> become Qualified Property [SEE NOTE] | Other new investment made during this year that may become Qualified Property [SEE NOTE] | Total Investment (Sum of Columns A+B+C+D) |
| Investment made before filing complete application with district | -- | Year preceding the first complete tax year of the qualifying time period (assuming no deferrals of qualifying time period) | | Not eligible to become Qualified Property | | | [The only other investment made before filing complete application with district that may become Qualified Property is land.] | 0 |
| Investment made after filing complete application with district, but before final board approval of application | | | | 0 | 0 | 0 | 0 | 0 |
| Investment made after final board approval of application and before Jan. 1 of first complete tax year of qualifying time period | | | 2025 | 0 | 0 | 0 | 0 | 0 |
| Complete tax years of qualifying time period | QTP1 | 2026-2027 | 2026 | 0 | 0 | 0 | 0 | 0 |
| | QTP2 | 2027-2028 | 2027 | 224,500,000 | 500,000 | 0 | 0 | 225,000,000 |
| Total Investment through Qualifying Time Period [ENTER this row in Schedule A2] | | | | 224,500,000 | 500,000 | 0 | 0 | 225,000,000 |
| | | | | Enter amounts from TOTAL row above in Schedule A2 | | | | |
| Total Qualified Investment (sum of green cells) | | | | 225,000,000 | | | | |

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 | | 224,500,000 | 500,000 | 0 | 0 | 225,000,000 |
| Each year prior to start of value limitation period** <i>Insert as many rows as necessary</i> | 0 | 2026-2027 | 2026 | 0 | 0 | 0 | 0 | 0 |
| | 0 | 2027-2028 | 2027 | | | | | |
| Value limitation period*** | 1 | 2028-2029 | 2028 | 0 | 0 | 0 | 0 | 0 |
| | 2 | 2029-2030 | 2029 | 0 | 0 | 0 | 0 | 0 |
| | 3 | 2030-2031 | 2030 | 0 | 0 | 0 | 0 | 0 |
| | 4 | 2031-2032 | 2031 | 0 | 0 | 0 | 0 | 0 |
| | 5 | 2032-2033 | 2032 | 0 | 0 | 0 | 0 | 0 |
| | 6 | 2033-2034 | 2033 | 0 | 0 | 0 | 0 | 0 |
| | 7 | 2034-2035 | 2034 | 0 | 0 | 0 | 0 | 0 |
| | 8 | 2035-2036 | 2035 | 0 | 0 | 0 | 0 | 0 |
| | 9 | 2036-2037 | 2036 | 0 | 0 | 0 | 0 | 0 |
| | 10 | 2037-2038 | 2037 | 0 | 0 | 0 | 0 | 0 |
| Total Investment made through limitation | | | | 224,500,000 | 500,000 | 0 | 0 | 225,000,000 |
| Continue to maintain viable presence | 11 | 2038-2039 | 2038 | | | 0 | | 0 |
| | 12 | 2039-2040 | 2039 | | | 0 | | 0 |
| | 13 | 2040-2041 | 2040 | | | 0 | | 0 |
| | 14 | 2041-2042 | 2041 | | | 0 | | 0 |
| | 15 | 2042-2043 | 2042 | | | 0 | | 0 |
| Additional years for 25 year economic impact as required by 313.026(c)(1) | 16 | 2043-2044 | 2043 | | | 0 | | 0 |
| | 17 | 2044-2045 | 2044 | | | 0 | | 0 |
| | 18 | 2045-2046 | 2045 | | | 0 | | 0 |
| | 19 | 2046-2047 | 2046 | | | 0 | | 0 |
| | 20 | 2047-2048 | 2047 | | | 0 | | 0 |
| | 21 | 2048-2049 | 2048 | | | 0 | | 0 |
| | 22 | 2049-2050 | 2049 | | | 0 | | 0 |
| | 23 | 2050-2051 | 2050 | | | 0 | | 0 |
| | 24 | 2051-2052 | 2051 | | | 0 | | 0 |
| | 25 | 2052-2053 | 2052 | | | 0 | | 0 |

* 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

3/28/2022

Applicant Name

OCI San Antonio Hillsboro Solar LLC

Form 50-296A

ISD Name

BYNUM ISD

Revised October 2020

| | | | Tax Year (Fill in actual tax year) YYYY | Qualified Property | | | Estimated Taxable Value | | |
|--|----|-----------|--|--------------------------------|---|--|--|--|--|
| | | | | Estimated Market Value of Land | Estimated Total Market Value of new buildings or other new improvements | Estimated Total Market Value of tangible personal property in the new buildings or "in or on the new improvements" | Market Value less any exemptions (such as pollution control) and before limitation | Final taxable value for I&S after all reductions | Final taxable value for M&O after all reductions |
| Each year prior to start of Value Limitation Period <i>Insert as many rows as necessary</i> | 0 | 2026-2027 | 2026 | 0 | 0 | 0 | 0 | 0 | 0 |
| | | 2027-2028 | 2027 | 0 | 0 | 0 | 0 | 0 | 0 |
| Value Limitation Period | 1 | 2028-2029 | 2028 | 0 | 500,000 | 159,201,000 | 159,701,000 | 159,701,000 | 20,000,000 |
| | 2 | 2029-2030 | 2029 | 0 | 487,500 | 146,444,400 | 146,931,900 | 146,931,900 | 20,000,000 |
| | 3 | 2030-2031 | 2030 | 0 | 475,300 | 132,678,900 | 133,154,200 | 133,154,200 | 20,000,000 |
| | 4 | 2031-2032 | 2031 | 0 | 463,400 | 117,801,900 | 118,265,300 | 118,265,300 | 20,000,000 |
| | 5 | 2032-2033 | 2032 | 0 | 451,800 | 101,745,000 | 102,196,800 | 102,196,800 | 20,000,000 |
| | 6 | 2033-2034 | 2033 | 0 | 440,500 | 84,405,600 | 84,846,100 | 84,846,100 | 20,000,000 |
| | 7 | 2034-2035 | 2034 | 0 | 429,500 | 65,681,100 | 66,110,600 | 66,110,600 | 20,000,000 |
| | 8 | 2035-2036 | 2035 | 0 | 418,800 | 45,451,800 | 45,870,600 | 45,870,600 | 20,000,000 |
| | 9 | 2036-2037 | 2036 | 0 | 408,300 | 34,200,000 | 34,608,300 | 34,608,300 | 20,000,000 |
| | 10 | 2037-2038 | 2037 | 0 | 398,100 | 34,200,000 | 34,598,100 | 34,598,100 | 20,000,000 |
| Continue to maintain viable presence | 11 | 2038-2039 | 2038 | 0 | 388,100 | 34,200,000 | 34,588,100 | 34,588,100 | 34,588,100 |
| | 12 | 2039-2040 | 2039 | 0 | 378,400 | 34,200,000 | 34,578,400 | 34,578,400 | 34,578,400 |
| | 13 | 2040-2041 | 2040 | 0 | 368,900 | 34,200,000 | 34,568,900 | 34,568,900 | 34,568,900 |
| | 14 | 2041-2042 | 2041 | 0 | 359,700 | 34,200,000 | 34,559,700 | 34,559,700 | 34,559,700 |
| | 15 | 2042-2043 | 2042 | 0 | 350,700 | 34,200,000 | 34,550,700 | 34,550,700 | 34,550,700 |
| Additional years for 25 year economic impact as required by 313.026(c)(1) | 16 | 2043-2044 | 2043 | 0 | 341,900 | 34,200,000 | 34,541,900 | 34,541,900 | 34,541,900 |
| | 17 | 2044-2045 | 2044 | 0 | 333,400 | 34,200,000 | 34,533,400 | 34,533,400 | 34,533,400 |
| | 18 | 2045-2046 | 2045 | 0 | 325,100 | 34,200,000 | 34,525,100 | 34,525,100 | 34,525,100 |
| | 19 | 2046-2047 | 2046 | 0 | 317,000 | 34,200,000 | 34,517,000 | 34,517,000 | 34,517,000 |
| | 20 | 2047-2048 | 2047 | 0 | 309,100 | 34,200,000 | 34,509,100 | 34,509,100 | 34,509,100 |
| | 21 | 2048-2049 | 2048 | 0 | 301,400 | 34,200,000 | 34,501,400 | 34,501,400 | 34,501,400 |
| | 22 | 2049-2050 | 2049 | 0 | 293,900 | 34,200,000 | 34,493,900 | 34,493,900 | 34,493,900 |
| | 23 | 2050-2051 | 2050 | 0 | 286,600 | 34,200,000 | 34,486,600 | 34,486,600 | 34,486,600 |
| | 24 | 2051-2052 | 2051 | 0 | 279,400 | 34,200,000 | 34,479,400 | 34,479,400 | 34,479,400 |
| | 25 | 2052-2053 | 2052 | 0 | 272,400 | 34,200,000 | 34,472,400 | 34,472,400 | 34,472,400 |

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 3/28/2022
 Applicant Name OCI San Antonio Hillsboro Solar LLC
 ISD Name BYNUM 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 or man-hours (specify) | 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) | 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 | 2026-2027 | 2026 | 0 | 0 | 0 | 0 | 0 |
| Each year prior to start of Value Limitation Period <i>Insert as many rows as necessary</i> | 0 | 2027-2028 | 2027 | 200 FTE | 50,000 | 0 | 0 | 0 |
| Value Limitation Period <i>The qualifying time period could overlap the value limitation period.</i> | 1 | 2028-2029 | 2028 | N/A | N/A | 0 | 1 | 53,565.60 |
| | 2 | 2029-2030 | 2029 | N/A | N/A | 0 | 1 | 53,565.60 |
| | 3 | 2030-2031 | 2030 | N/A | N/A | 0 | 1 | 53,565.60 |
| | 4 | 2031-2032 | 2031 | N/A | N/A | 0 | 1 | 53,565.60 |
| | 5 | 2032-2033 | 2032 | N/A | N/A | 0 | 1 | 53,565.60 |
| | 6 | 2033-2034 | 2033 | N/A | N/A | 0 | 1 | 53,565.60 |
| | 7 | 2034-2035 | 2034 | N/A | N/A | 0 | 1 | 53,565.60 |
| | 8 | 2035-2036 | 2035 | N/A | N/A | 0 | 1 | 53,565.60 |
| | 9 | 2036-2037 | 2036 | N/A | N/A | 0 | 1 | 53,565.60 |
| | 10 | 2037-2038 | 2037 | N/A | N/A | 0 | 1 | 53,565.60 |
| Years Following Value Limitation Period | 11 through 25 | 2037-2053 | 2038-2052 | N/A | N/A | 0 | 1 | 53,565.60 |

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

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

OCI SAN ANTONIO HILLSBORO SOLAR LLC
TAB 13 TO CHAPTER 313 APPLICATION

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

| QUARTER | YEAR | AVG WEEKLY WAGES* | ANNUALIZED |
|---------|------|-------------------|--------------|
| FIRST | 2021 | \$ 831 | \$ 43,212 |
| SECOND | 2021 | \$ 877 | \$ 45,604 |
| THIRD | 2021 | \$ 910 | \$ 47,320 |
| FOURTH | 2020 | \$ 955 | \$ 49,660 |
| AVERAGE | | \$ 893.25 | \$ 46,449.00 |

HILL COUNTY
CHAPTER 313 WAGE CALCULATION - MANUFACTURING JOBS

| QUARTER | YEAR | AVG WEEKLY WAGES* | ANNUALIZED |
|---------|------|-------------------|--------------|
| FIRST | 2021 | \$ 936 | \$ 48,672 |
| SECOND | 2021 | \$ 1,004 | \$ 52,208 |
| THIRD | 2021 | \$ 1,041 | \$ 54,132 |
| FOURTH | 2020 | \$ 1,119 | \$ 58,188 |
| AVERAGE | | \$ 1,025 | \$ 53,300 |
| X | | 110% | 110% |
| | | \$ 1,127.50 | \$ 58,630.00 |

CHAPTER 313 WAGE CALCULATION - REGIONAL WAGE RATE

| | YEAR | AVG WEEKLY WAGES* | ANNUALIZED |
|----------------|------|-------------------|--------------|
| HEART OF TEXAS | 2020 | \$ 936.46 | \$ 48,696 |
| X | | 110% | 110% |
| | | \$ 1,030.11 | \$ 53,565.60 |

* SEE ATTACHED TWC DOCUMENTATION

Quarterly Employment and Wages (QCEW)

| Year | Period | Area | Ownership | Industry Code | Industry | Average Weekly Wage |
|------|--------|------|-----------|---------------|-----------------------|---------------------|
| 2021 | 1 | Hill | Total All | 10 | Total, All Industries | 831 |
| 2021 | 2 | Hill | Total All | 10 | Total, All Industries | 877 |
| 2021 | 3 | Hill | Total All | 10 | Total, All Industries | 910 |
| 2020 | 4 | Hill | Total All | 10 | Total, All Industries | 955 |

Quarterly Employment and Wages (QCEW)

| Year | Period | Area | Ownership | Industry Code | Industry | Average Weekly Wage |
|------|--------|------|-----------|---------------|---------------|---------------------|
| 2021 | 1 | Hill | Private | 31-33 | Manufacturing | 936 |
| 2021 | 2 | Hill | Private | 31-33 | Manufacturing | 1,004 |
| 2021 | 3 | Hill | Private | 31-33 | Manufacturing | 1,041 |
| 2020 | 4 | Hill | Private | 31-33 | Manufacturing | 1,119 |

**2020 Manufacturing Average Wages by Council of Government Region
Wages for All Occupations**

| COG | COG Number | Wages | |
|---|------------|---------|----------|
| | | Hourly | Annual |
| Panhandle Regional Planning Commission | 1 | \$23.32 | \$48,501 |
| South Plains Association of Governments | 2 | \$20.42 | \$42,473 |
| NORTEX Regional Planning Commission | 3 | \$20.64 | \$42,928 |
| North Central Texas Council of Governments | 4 | \$32.34 | \$67,261 |
| Ark-Tex Council of Governments | 5 | \$21.30 | \$44,299 |
| East Texas Council of Governments | 6 | \$29.28 | \$60,904 |
| West Central Texas Council of Governments | 7 | \$21.54 | \$44,797 |
| Rio Grande Council of Governments | 8 | \$19.02 | \$39,552 |
| Permian Basin Regional Planning Commission | 9 | \$22.57 | \$46,945 |
| Concho Valley Council of Governments | 10 | \$27.28 | \$56,739 |
| Heart of Texas Council of Governments | 11 | \$23.41 | \$48,696 |
| Capital Area Council of Governments | 12 | \$29.96 | \$62,326 |
| Brazos Valley Council of Governments | 13 | \$18.41 | \$38,286 |
| Deep East Texas Council of Governments | 14 | \$21.07 | \$43,829 |
| South East Texas Regional Planning Commission | 15 | \$27.38 | \$56,957 |
| Houston-Galveston Area Council | 16 | \$29.83 | \$62,050 |
| Golden Crescent Regional Planning Commission | 17 | \$22.09 | \$45,945 |
| Alamo Area Council of Governments | 18 | \$27.45 | \$57,101 |
| South Texas Development Council | 19 | \$19.20 | \$39,945 |
| Coastal Bend Council of Governments | 20 | \$35.39 | \$73,603 |
| Lower Rio Grande Valley Development Council | 21 | \$20.70 | \$43,056 |
| Texoma Council of Governments | 22 | \$19.18 | \$39,897 |
| Central Texas Council of Governments | 23 | \$21.34 | \$44,390 |
| Middle Rio Grande Development Council | 24 | \$22.98 | \$47,809 |
| Texas | | \$28.00 | \$58,233 |

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

Data published: August 2021.

Data published annually, next update will likely be July 31, 2022

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 and Wage Statistics (OEWS) data, and is not to be compared to BLS estimates.

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



CUMMINGS WESTLAKE

OCI SAN ANTONIO HILLSBORO SOLAR LLC
Chapter 313 Application Bynum ISD

TAB 14

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

See attached Schedules A1, A2, and C



CUMMINGS WESTLAKE

OCI SAN ANTONIO HILLSBORO SOLAR LLC
Chapter 313 Application Bynum ISD

TAB 15

Economic Impact Analysis, other payments made in the state or other economic information (if applicable)

None



TAB 16

Description of Reinvestment Zone or Enterprise Zone, including:

- a) Evidence that the area qualifies as an enterprise zone as defined by the Governor's office
- b) Legal description of reinvestment zone*
- c) Order, resolution, or ordinance established the reinvestment zone*
- d) Guidelines and criteria for creating the zone*

- a) Not applicable
- b) See Attached
- c) Will be provided once Hill County creates the Reinvestment Zone
- d) See Attached Hill County Guidelines and Criteria

SECOND AMENDED AND RESTATED HILL COUNTY TAX ABATEMENT GUIDELINES

1. Purpose

These Second Amended and Restated Tax Abatement Guidelines amend and replace the Restated and Amended Hill County Tax Abatement Guidelines previously adopted.

The purpose of these Guidelines is to comply with §312.002 of the Tax Code, and to adopt guidelines and criteria governing tax abatement agreements entered into or participated in by Hill County. Tax abatement under these Guidelines will be considered for both new structures and facilities and the expansion and modernization of existing structures or facilities.

2. Participation in Tax Abatement in Municipal Reinvestment or Enterprise Zones

2.1 Municipalities may create reinvestment zones in accordance with §312.201 of the Tax Code. Municipalities may enter into tax abatement agreements with the owner(s) of taxable real property within the reinvestment zone to exempt a portion of the taxable value of the real property, and personal property located on the real property. The term “municipal reinvestment zone” includes an “enterprise zone” designated under Chapter 2303 of the Government Code.

2.2 Pursuant to §312.206 of the Tax Code, the County may enter into a tax abatement agreement with the owner of real property within a municipal reinvestment zone when a municipality is entering into a tax abatement agreement with the owner. The terms of the County Agreement are not required to be identical to those in the municipal agreement, however, the duration and percentages of tax abatement are generally the same.

2.3 The duration of any tax abatement may not exceed a period of ten (10) years, or the period allowed by applicable law.

3. County Reinvestment Zones

3.1 In accordance with Chapter 312, Subchapter C of the Tax Code, Hill County may create its own reinvestment zones in the unincorporated areas of the County, including within the ETJ of a municipality. The term “county reinvestment zone” includes an “enterprise zone” designated under Chapter 2303 of the Government Code.

3.2 A County Reinvestment Zone shall only be created in accordance with §312.401 of the Tax Code.

3.3 A tax abatement agreement entered into in a County Reinvestment Zone must comply with §312.402 of the Tax Code.

3.4 The duration of any tax abatement may not exceed a period of ten (10) years, or the period allowed by applicable law.

3.5 Any abatement of County taxes does NOT apply to Farm-to-Market-Lateral Road taxes.

4. Application for Tax Abatement

4.1 The property owner must generally file an application for tax abatement with the County Judge for a tax abatement to be considered by the Commissioners Court. Exceptions to this requirement are:

4.1.1 For tax abatement in a municipal reinvestment zone, the Commissioners Court agrees to accept the application submitted to the municipality as compliance with the application requirement of these Guidelines if it is provided with a copy of the application submitted to the municipality at least ten (10) business days before the abatement is to be considered by the Commissioners Court on behalf of the County. Hill County reserves the right to require additional information which is reasonably necessary to guide its consideration of whether or not to grant tax abatement.

4.1.2 The Commissioners Court may consider as a tax abatement application a submittal which contains a description of the property, the proposed improvements and additions, any employment positions to be created or maintained, abatement terms, percentages and conditions, and other information included therein based on negotiations by County officials and legal counsel with the business, in lieu of requiring an application.

4.1.3 An Application for Tax Abatement must include the following:

- a. a legal description and common description of the real property for which tax abatement is sought;
- b. a description of any personal property for which tax abatement is sought;
- c. the proposed capital improvements to the property and any proposed additions of personal property thereon over and above what exists on the property at the date of the Application and any proposed increases in employment or retention of jobs which the Applicant is proposing as incentive for the grant of the tax abatement. This shall include the number of jobs, average wage of jobs, employment benefits to be provided, and a commitment to retain the jobs throughout the abatement period;
- d. Plans and Specifications for the proposed improvements and additions, and a proposed schedule for such to be completed;
- e. the name, address, and telephone number of the applicant;
- f. if the applicant is other than a natural person, identification of the form of the entity and a copy of the articles of incorporation, partnership agreement, or other document establishing the entity must be provided. Where the applicant is other than a natural person, a

certificate of good standing from the State Comptroller shall be provided, and a verification of the entity's status from the State Secretary of State shall be provided where applicable;

g. the applicant must provide a current tax certificate showing that all property taxes due on the property have been paid;

h. the applicant must provide a statement of the taxable value of the property and personal property thereon as shown on the assessment for the year of the application, and must state the estimated increase in the taxable value;

i. the Application must disclose any discharges of pollutants which are expected to accompany the Applicant's operations on the property; and

j. the applicant shall provide a map showing the property, and the location of proposed improvements.

4.2. Except as otherwise provided herein, before Hill County enters into a tax abatement agreement for a property located within a reinvestment or enterprise zone, the following requirements must be shown to have been met:

4.2.1 The reinvestment zone or enterprise zone must have been created in compliance with the requirements of the Tax Code.

4.2.2 The term of the proposed abatement cannot exceed 10 years, or the period allowed by applicable law.

4.2.3 The application requirements of these Guidelines have been complied with by the property owner, unless exempted as set forth above.

4.2.4 The terms and conditions of the proposed abatement are found acceptable to the County and its legal counsel.

4.2.5 Sufficient public benefit in the form of improvements/additions to the property, and, if applicable, creation/retention of jobs in the County, is to be generated by the property for which tax abatement is granted.

4.2.6 The terms of the proposed tax abatement agreement must specify the obligations of the property owner to meet certain capital investment and, if applicable, employment standards, and must provide methods to audit compliance of the property owner, and to recover abated taxes, and/or penalties, interest, and/or attorney's fees from the property owner if the property owner fails to meet the obligations.

4.2.7 The property owner must not be currently delinquent on any County taxes.

5. Tax Abatement Agreements

5.1 Tax Abatement Agreements must, by statute, contain the following terms and conditions:

- (a) list the kind, number, and location of all proposed improvements of the property;
- (b) provide access to and authorize inspection of the property by County employees to ensure that the improvements or repairs are made according to the specifications and conditions of the agreement;
- (c) limit the uses of the property consistent with the general purpose of encouraging development or redevelopment of the zone during the period that property tax exemptions are in effect;
- (d) provide for recapturing property tax revenue lost as a result of the agreement if the owner of the property fails to make the improvements or repairs as provided by the agreement;
- (e) contain each term agreed to by the owner of the property;
- (f) require the owner of the property to certify annually to the governing body of each taxing unit that the owner is in compliance with each applicable term of the agreement; and
- (g) provide that the governing body of the County may cancel or modify the agreement if the property owner fails to comply with the agreement.

See §§312.205 and 312.206, Tax Code. *See Also* §312.402, Tax Code.

5.2 The Tax Abatement Agreement may contain other provisions as required by the County or its legal counsel.

5.3 The duration of a tax abatement shall not exceed ten (10) years.

5.4 The Base Year Value of the property, the percentage of abatement, and the length of abatement shall be clearly set forth in the Agreement.

5.5 The “Base Year Value” is the taxable value of the property for the tax year in which the Agreement is executed.

5.6 The abatement provided by a Tax Abatement Agreement is only for the increase of the taxable value over the Base Year Value caused by the improvements and additions made by the property owner to the property which are specifically set forth in the Agreement. The abatement shall not be applied to improvements or personal property located on the property before the Tax Abatement Agreement is executed, or which are not included in the

improvements or additions expressly described in the Tax Abatement Agreement. The abatement provided by the Tax Abatement Agreement shall not apply to inventory or supplies.

5.7 A Tax Abatement Agreement will generally take effect on January 1 of the next year after the improvements and/or additions are completed. A certificate of completion must be provided to the County Judge upon (or the entity administering compliance) completion of the improvements/additions. “Completion” is subject to independent verification of completion by the County (and the municipality if in a municipal reinvestment zone).

5.8 For participation in municipal reinvestment zone tax abatement, the County may choose to use an abbreviated tax abatement agreement that adopts the terms of the municipal tax abatement agreement except as otherwise stated.

5.9 The Abatement Period may be started during construction if the parties so agree in the Tax Abatement Agreement.

5.10 The start of the Abatement Period may be deferred to a later year if the parties agree to such in the Tax Abatement Agreement.

5.11 Tax abatement compliance for a municipal reinvestment zone is generally monitored and administered by the city.

6. Guidelines of General Application

6.1 No member of the County Commissioners Court may have an interest in property to be included in a reinvestment zone, or property for which a tax abatement is granted by the County.

6.2 No tax abatement agreement is effective until formally approved by the Commissioners Court and fully executed by all parties. NO TAX ABATEMENT CAN BE GRANTED FOR PROPERTY THAT IS NOT LOCATED WITHIN A PROPERLY ESTABLISHED REINVESTMENT ZONE.

6.3 Tax abatement will only be granted for increases in the taxable value of the property over the Base Year Value as defined in these Guidelines, and only for increases in value caused by improvements/additions identified in the applicable tax abatement agreement. The term improvements/additions includes both new structures and facilities and the expansion and modernization of existing structures or facilities. In some situations, involving leases—the applicable Base Year value may be zero, or may be the value of the leasehold, if any. According to Section 312.402 (a-3) of the Tax Code the value of fixtures and personal property placed on the leased property is what is considered for abatement.

6.4 There can be no implied promise to grant tax abatement, and tax abatement may only be granted by the Commissioners Court by formal action, taken by the Commissioners Court as a body, which approves the same.

6.5 Meetings at which a tax abatement is considered by the Commissioners Court must be posted and held in accordance with the Open Meetings Act (Chapter 551 of the Government Code).

6.6 The conflict of interest provisions of Chapter 171 of the Local Government Code apply to actions taken by the Commissioners Court on any tax abatement.

6.7 For tax abatement in a municipal reinvestment zone, the term and percentages of the abatement are the same as those provided for in the municipal tax abatement agreement, except that the County does not recognize or provide additional premium opportunities or additional abatement provided by a municipality (ex. Added % abatement if x number or percentage of employees reside within the municipality, etc.). If the Commissioners Court does not agree with the term or percentages contained in the municipal agreement, it can choose not to participate in the abatement. In determining whether to participate in tax abatement in a municipal reinvestment zone the County will apply a rational review of the proposed term and percentages versus the development and/or employment being provided to determine whether such adequately serves the public purpose of tax abatement and is in the public interest.

For County Reinvestment Zones, rational review of the proposed length and percentages of tax abatement shall be applied. The proposed term/percentages should primarily be a function of the level of improvements/additions and job creation/retention. Proposals which include job creation/retention shall generally have priority over those which involve only improvements/additions to property. Another factor shall be the quality of the jobs proposed. Generally, a proposed abatement involving creation of near minimum wage jobs should be accorded less favorable abatement than one involving provision of jobs having more attractive wages and benefits. Greater consideration may be given to an applicant that commits to use contractors, vendors and suppliers located in Hill County for a substantial portion of its construction expenditures and annual supplies and service needs, and presents the County with a plan to do so as part of its application. Greater consideration may be given to an applicant that commits to fill at least 2/3rds of the new employment positions created with persons who reside in Hill County, and presents the County with a plan to do so as part of its application. In addition, businesses having a regional or national impact will be given greater consideration. These are businesses that ship most of their production outside of the County. Other businesses may be given greater consideration because they draw consumers into the County to make purchases.

When a project provides for little job creation but significant capital investment, care must be taken to properly analyze the possible impacts to the tax valuation in the future from factors such as depreciation, market changes, regulatory changes, appraisal methodologies, tax exemptions, and other relevant matters. The percentage and length of tax abatement must be carefully considered in view of the diminishing or fluctuating future value of the project. Rapid depreciation and unpredictable future valuations are factors that will be considered in setting abatement percentages and length on such projects. The Green Energy Abatement opportunity granted hereby is one of these areas. However, beyond the capital investment, the provision of green energy creates more energy to power Texas industry while reducing pollution in creating

that energy—which also makes Texas a better place to live and work. Standard abatement periods and percentages are set. *See* Appendix 1.

Other factors such as the infrastructure and utility requirements of the development, community impacts, direct and indirect economic impacts, environmental impacts, and the potential for future expansion may also be considered as part of the analysis.

6.8 In accordance with §312.002(d) of the Tax Code, Hill County’s adoption of these Guidelines 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.

6.9 Sale, Lease or Allocation to Tax Exempt Entity. If a sale, lease, or allocation of the Project or its output is made to an entity exempt from property taxation, and such results in a portion of the Project being exempt from property taxation, the County may terminate the Tax Abatement Agreement and the Abatement granted thereunder. If this occurs, the owner must repay any taxes abated related to the portion of the property that has become exempt from year 1 to when the portion of the property became tax exempt.

6.10 Alternatively, to keep the tax abatement agreement in place for the rest of the property, the Owner shall pay in a lump sum the present value of taxes that will be lost to the County with regard to the exempt portion of the property over the next 20 years using a calculation agreed to by the parties in writing, but if unable to be agreed to, resolved by binding mediation to take place in Hill County, Texas before a mediator selected by the County from the approved list of mediators maintained by the Federal District Court in Waco..

6.11 In the event of conflict between these Guidelines and a provision of Chapter 312 of the Tax Code, Chapter 312 of the Tax Code shall control.

6.12 These Guidelines must be re-evaluated and re-approved every two years.

Approved and adopted by the Hill County Commissioners Court on this the ____ day of _____, 2019.

Justin Lewis, County Judge

Attest:

County Clerk

Appendix 1.

Clean Energy. This category generally provides limited job creation and involves rapid depreciation in value for property tax purposes. Therefore, standard Abatement Periods and Percentages are set. The minimum Capital Investment to be considered for Green Energy Abatement is \$20,000,000.

Between \$20,000,000 and \$50,000,000 of Capital Investment

| Abatement Year | Abatement Percentage |
|----------------|----------------------|
| 1 | 50% |
| 2 | 50% |
| 3 | 40% |
| 4 | 40% |
| 5 | 35% |
| 6 | 20% |

Between \$50,000,000 and \$100,000,000 of Capital Investment

| Abatement Year | Abatement Percentage |
|----------------|----------------------|
| 1 | 50% |
| 2 | 50% |
| 3 | 50% |
| 4 | 45% |
| 5 | 40% |
| 6 | 40% |
| 7 | 30% |

Between \$100,000,000 and \$200,000,000

| Abatement Year | Abatement Percentage |
|----------------|----------------------|
| 1 | 60% |
| 2 | 60% |
| 3 | 55% |
| 4 | 55% |

| | |
|----|-----|
| 5 | 50% |
| 6 | 50% |
| 7 | 50% |
| 8 | 40% |
| 9 | 40% |
| 10 | 30% |

Greater than \$200,000,000 of Capital Investment

| Abatement Year | Abatement Percentage |
|----------------|----------------------|
| 1 | 60% |
| 2 | 60% |
| 3 | 60% |
| 4 | 60% |
| 5 | 60% |
| 6 | 55% |
| 7 | 50% |
| 8 | 45% |
| 9 | 45% |
| 10 | 30% |



CUMMINGS WESTLAKE

OCI SAN ANTONIO HILLSBORO SOLAR LLC
Chapter 313 Application Bynum ISD

TAB 17

Signature and Certification Page; signed and dated by Authorized School District Representative and
Authorized Company Representative (applicant)

See Attached

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

Larry Mynarcik

Print Name (Authorized School District Representative)

Superintendent

Title

sign
here

Signature (Authorized School District Representative)

Date

3-28-2022

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

Sabah Mahmood

Print Name (Authorized Company Representative (Applicant))

VP Development, EPC, and Operations

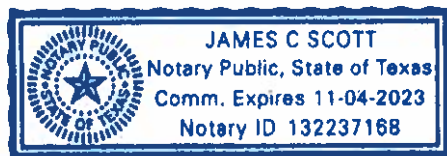
Title

sign
here

Signature (Authorized Company Representative (Applicant))

Date

3/28/22



(Notary Seal)

GIVEN under my hand and seal of office this, the

28th day of March, 2022

Notary Public in and for the State of Texas

My Commission expires: 11/4/2022

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.