

# O'HANLON, DEMERATH & CASTILLO

ATTORNEYS AND COUNSELORS AT LAW

808 WEST AVENUE  
AUSTIN, TEXAS 78701  
PHONE: (512) 494-9949  
FAX: (512) 494-9919

KEVIN O'HANLON

[kohanlon@808west.com](mailto:kohanlon@808west.com)

**Rio Grande Valley Office**  
426 W. Caffery Ave.  
Pharr, Texas 78577

**San Antonio Office**  
117 W. Craig Place  
San Antonio, Texas 78212

June 24, 2022

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

RE: Amendment One of the Application to the Pecos-Barstow-Toyah Independent  
School District from DBR Solar, LLC

To the Local Government Assistance & Economic Analysis Division:

Enclosed. Please find Amendment One of the Application to the Pecos-Barstow-Toyah  
Independent School District from DBR Solar, LLC. The following changes have been made:

1. Section 10, Q5.: Adjustment from 2026 to 2027
2. Section 14, Q4a.: Wages updated
3. Tab 2: Updated payment information provided
4. Tab 11: Updated maps
5. Tab 13: Updated wages
6. Tab 17: New signature page

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

Sincerely,



Kevin O'Hanlon  
School District Consultant

Cc: Reeves CAD  
DBR Solar, LLC



June 20, 2022

Pecos-Barstow-Toyah Independent School District  
ATT: Mr. Brent H. Jaco  
1301 S Eddy St  
Pecos, Texas 79772

**RE: App#1824-Pecos-Barstow-Toyah ISD-DBR Solar, LLC-Amendment One**

- Section 10, Q5.: adjustment
- Section 14, Q4a.: wages updated
- Tab 2: updated payment information provided
- Tab 11: updated maps
- Tab 13: updated wages
- Tab 17: updated signature page

If you have any questions or would like to request further information, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink that reads "Mike Fry".

Mike Fry-Director, Energy Services  
[mfry@keatax.com](mailto:mfry@keatax.com)

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: \_\_\_\_\_  
(Incentive type, percentage, start and end year)City: \_\_\_\_\_  
(Incentive type, percentage, start and end year)Hospital District: \_\_\_\_\_  
(Incentive type, percentage, start and end year)Water District: \_\_\_\_\_  
(Incentive type, percentage, start and end year)Other (describe): \_\_\_\_\_  
(Incentive type, percentage, start and end year)Other (describe): \_\_\_\_\_  
(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/](http://comptroller.texas.gov/economy/local/ch313/).

1. At the time of application, what is the estimated minimum qualified investment required for this school district? . . . . . \_\_\_\_\_

2. What is the amount of appraised value limitation for which you are applying? . . . . . \_\_\_\_\_

**Note:** The property value limitation amount is based on property values available at the time of application and may change prior to the execution of any final agreement.

3. Does the qualified investment meet the requirements of Tax Code §313.021(1)? .....
- ☐
- 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 14: Wage and Employment Information

1. What is the number of new qualifying jobs you are committing to create? .....
2. What is the number of new non-qualifying jobs you are estimating you will create? (See TAC 9.1051(14)) .....
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 .....
  - b. Qualifying job wage minimum option §313.021(5)(A)
    - 110% of the average weekly wage for manufacturing jobs in the county is .....
  - c. Qualifying job wage minimum option §313.021(5)(B)
    - 110% of the average weekly wage for manufacturing jobs in the region is .....
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? .....
7. What is the annual wage you are committing to pay for each of the new qualifying jobs you create on the qualified property? .....
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**.

*Tab 2: Proof of Payment Application Fee*

Attached.

**Wire Summary Report - WATERBRIDGE NDB OPERATING LLC**

Fedwire					
Sequence Number	Debit Account Name Debit Account #	Recipient Account Name Recipient ID	Status	Confirmation#	Amount
74782702	WATERBRIDGE NDB LLC 1000288961211-USD	Pecos Barstow Toyah ISD 5812054	Confirmed	220414033475	\$ 75,000.00
Total:					<b>\$ 75,000.00</b>

**End Of Report**

# App#1824-Pecos-Barstow-Toyah ISD-DBR Solar, LLC-Amendment One-6-24-2022

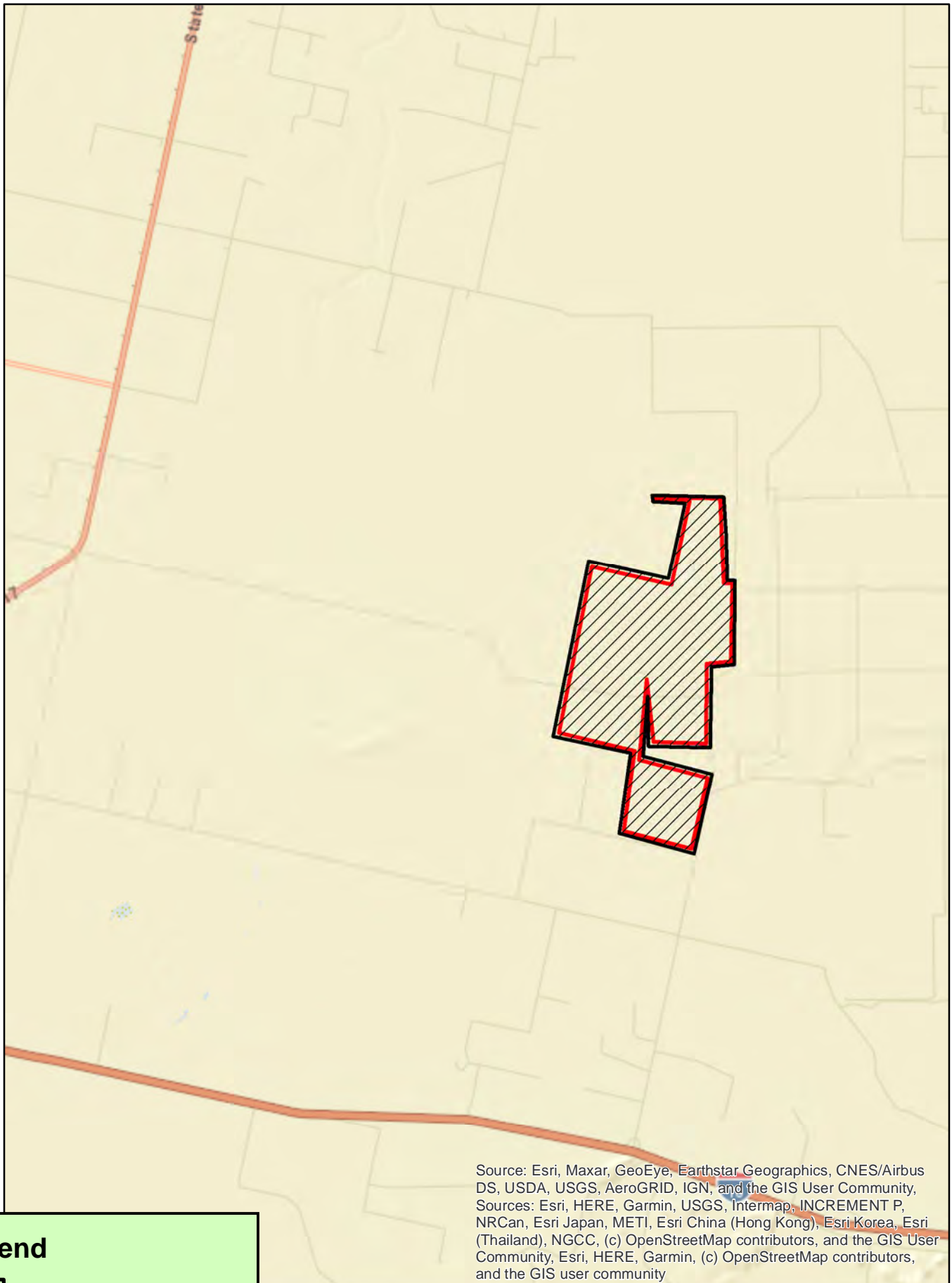
Debit/Credit	Amount	MTS Sequence #	Payment Type
Debit	75,000.00 USD	220414033475	FED
Value Date:	04/14/2022		
Send Date:	04/14/2022		
Wire Service Reference:	IMAD: 0414E3QP021C008040 Ref: 2022041400033475		
Sender Reference:	Chapter 313 App		
Debit Account#:	1000288961211-USD-WATERBRIDGE NDB LLC		
Reference for Recipient:	Chapter 313 App		
Ordering Customer ID:	1000288961211/		
Ordering Customer Name:	WATERBRIDGE NDB LLC		
Ordering Customer Address 1:	840 GESSNER RD STE 100		
Ordering Customer Address 2:	HOUSTON TX 77024		
Recipient ID:	/5812054		
Recipient Name:	Pecos Barstow Toyah ISD		
Sending Bank Reference:	Chapter 313 App		
Recipient Bank ID:	112304678		
Recipient Bank Name:	WEST TEXAS NATIONAL BANK		
Recipient Bank Address 1:	MIDLAND, TX		
Details of Payment 1:	Chapter 313 App		

## *Tab 11: Maps*



Please See Attached.



# DBR Solar LLC

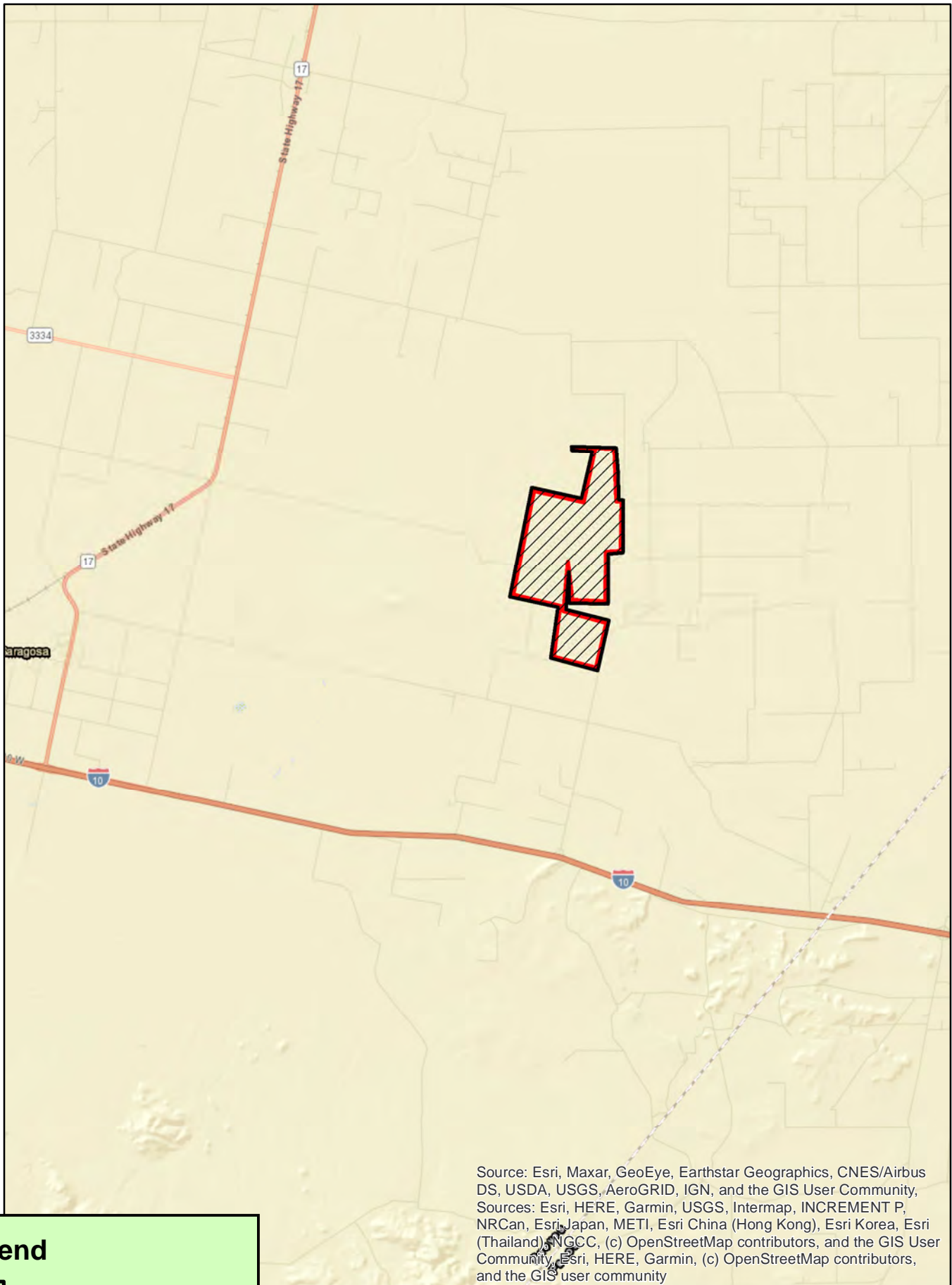


## Legend



-  Proposed Reinvestment Zone
-  Project Boundary

0 1 2 4 Miles

# DBR Solar LLC



## Legend

-  Proposed Reinvestment Zone
-  Project Boundary

0 1.75 3.5 7 Miles

*Tab 13: Calculation of Three Possible Wage Requirements and Supporting Information (if applicable)*

*Calculation 1: Reeves County Average Weekly Wage: \$1,271.75*

Quarter	Area	Ownership	Industry	Average Weekly Wage
Q1 2021	Reeves County, TX	Total All	All Industries	\$1,246.00
Q2 2021	Reeves County, TX	Total All	All Industries	\$1,234.00
Q3 2021	Reeves County, TX	Total All	All Industries	\$1,222.00
Q4 2021	Reeves County, TX	Total All	All Industries	\$1,385.00

## Quarterly Census of Employment and Wages (QCEW) Report

[Customize the report/Help with Accessibility](#)

Drag a column header and drop it here to group by that column

Year	Period	Area	Ownership	Industry	Average Weekly Wage
2021	01	Reeves	Total All	Total, All Industries	1,246
2021	02	Reeves	Total All	Total, All Industries	1,234
2021	03	Reeves	Total All	Total, All Industries	1,222
2021	04	Reeves	Total All	Total, All Industries	1,385

*Tab 17: Signature and Certification Page, Signed and Dated by  
Authorized School District Representative and Authorized  
Company Representative (applicant)*

Please See Attached.

## Texas Comptroller of Public Accounts

Data Analysis and  
Transparency  
Form 50-296-A

## SECTION 16: Authorized Signatures and Applicant Certification

After the application and schedules are complete, an authorized representative from the school district and the business should review the application documents and complete this authorization page. Attach the completed authorization page in **Tab 17**.

**NOTE:** If you amend your application, you will need to obtain new signatures and resubmit this page, Section 16, with the amendment request.

## 1. Authorized School District Representative Signature

I am the authorized representative for the school district to which this application is being submitted. I understand that this application is a government record as defined in Chapter 37 of the Texas Penal Code.

print  
here

Brent Jaco

Print Name (Authorized School District Representative)

Superintendent

Title

sign  
here


Signature (Authorized School District Representative)

June 24, 2022

Date

## 2. Authorized Company Representative (Applicant) Signature and Notarization

I am the authorized representative for the business entity for the purpose of filing this application. I understand that this application is a government record as defined in Chapter 37 of the Texas Penal Code. The information contained in this application and schedules is true and correct to the best of my knowledge and belief.

I hereby certify and affirm that the business entity I represent is in good standing under the laws of the state in which the business entity was organized and that no delinquent taxes are owed to the State of Texas.

print  
here

Print Name (Authorized Company Representative (Applicant))

Title

sign  
here

Signature (Authorized Company Representative (Applicant))

Date

GIVEN under my hand and seal of office this, the

day of \_\_\_\_\_

Notary Public in and for the State of Texas

(Notary Seal)

My Commission expires: \_\_\_\_\_

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.



## Texas Comptroller of Public Accounts

Data Analysis and  
Transparency  
Form 50-296-A

## SECTION 16: Authorized Signatures and Applicant Certification

After the application and schedules are complete, an authorized representative from the school district and the business should review the application documents and complete this authorization page. Attach the completed authorization page in **Tab 17**.

**NOTE:** If you amend your application, you will need to obtain new signatures and resubmit this page, Section 16, with the amendment request.

## 1. Authorized School District Representative Signature

I am the authorized representative for the school district to which this application is being submitted. I understand that this application is a government record as defined in Chapter 37 of the Texas Penal Code.

print  
here

Print Name (Authorized School District Representative)

Title

sign  
here

Signature (Authorized School District Representative)

Date

## 2. Authorized Company Representative (Applicant) Signature and Notarization

I am the authorized representative for the business entity for the purpose of filing this application. I understand that this application is a government record as defined in Chapter 37 of the Texas Penal Code. The information contained in this application and schedules is true and correct to the best of my knowledge and belief.

I hereby certify and affirm that the business entity I represent is in good standing under the laws of the state in which the business entity was organized and that no delinquent taxes are owed to the State of Texas.

print  
here

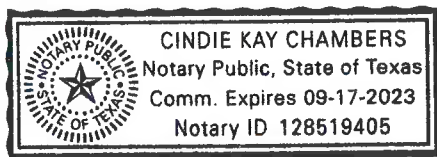
Print Name (Authorized Company Representative (Applicant))

Title

sign  
here

Signature (Authorized Company Representative (Applicant))

Date



(Notary Seal)

GIVEN under my hand and seal of office this, the

24 day of June, 2022

Notary Public in and for the State of Texas

My Commission expires: 9.17.2023

If you make a false statement on this application, you could be found guilty of a Class A misdemeanor or a state jail felony under Texas Penal Code Section 37.10.