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TEXAS BOARD OF LEGAL SPECIALIZATION

JUSTIN DEMERATH

May 16, 2012

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

RE: Application to the Chillicothe Independent School District from Blue Summit Wind, LLC

To the Local Government Assistance & Economic Analysis Division:

By copy of this letter transmitting the application for review to the Comptroller's Office, the Chillicothe Independent School District is notifying the Applicant Blue Summit Wind, LLC of its intent to consider the application for appraised value limitation on qualified property. The Applicant originally submitted an application to the school district on February 13, 2012. The Board voted to accept the application on February 13, 2012. The applicant indicated that the size of the project had changed, and that the applicant submitted additional information to the school District. The revised application was determined completed on May 15, 2012. Please prepare the economic impact report.

A paper copy of the application will be hand delivered to your office today. In accordance with 34 Tex. Admin Code §9.1054, a copy of the application will be submitted to the Wilbarger County Appraisal District.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. O'Hanlon', with a stylized flourish extending from the end.

Kevin O'Hanlon
School District Consultant

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Kevin O'Hanlon
School District Consultant



Application for Appraised Value Limitation on Qualified Property

(Tax Code, Chapter 313, Subchapter B or C)

Form 50-296
(Revised May 2010)

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 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 original completed application to the Comptroller in a three-ring binder with tabs separating each section of the documents, in addition to an electronic copy on CD. 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, the Comptroller will publish all submitted application materials on its Web site. 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 rules as explained in the Confidentiality Notice below.

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. 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, make a recommendation to the school board regarding the application and prepare an economic impact evaluation 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 before the 151st day after the application review start date (the date the application is finally determined to be complete), unless an extension is granted. The Comptroller and school district are authorized to request additional information from the applicant that is reasonably necessary to complete the recommendation, economic impact evaluation or consider the application at any time during the application review period.

Please visit the Comptroller's Web site to find out more about the program at <http://www.window.state.tx.us/taxinfo/proptax/hb1200/index.html>. There are links on this Web page to the Chapter 313 statute, rules and forms. Information about minimum limitation values for particular districts and wage standards may also be found at that site.

SCHOOL DISTRICT INFORMATION - CERTIFICATION OF APPLICATION

Authorized School District Representative

Date application received by district

First Name

Last Name

Title

School District Name

Street Address

Mailing Address

City

State

ZIP

Phone Number

Fax Number

Mobile Number (optional)

E-mail Address

I authorize the consultant to provide and obtain information related to this application.. ☐ Yes ☐ No

Will consultant be primary contact? ☐ Yes ☐ No



Form 50-296

Application for Appraised Value Limitation on Qualified Property

SCHOOL DISTRICT INFORMATION - CERTIFICATION OF APPLICATION (CONTINUED)

Authorized School District Consultant (If Applicable)

First Name

Kevin

Last Name

O'Hanlon

Title

Consultant

Firm Name

O'Hanlon, McCollom & Demerath

Street Address

808 West Avenue

Mailing Address

808 West Avenue

City

Austin

State

TX

ZIP

78701

Phone Number

512-494-9949

Fax Number

512-494-9919

Mobile Number (Optional)

E-mail Address

kohanlon@808west.com; mhanley@808west.com

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.

Signature (Authorized School District Representative)

Date

5/15/2012

Has the district determined this application complete? ☒ Yes ☐ No

If yes, date determined complete. May 15, 2012

Have you completed the school finance documents required by TAC 9.1054(c)(3)? ☐ Yes ☒ No

SCHOOL DISTRICT CHECKLIST AND REQUESTED ATTACHMENTS

	Checklist	Page X of 16	Check Completed
1	Date application received by the ISD	1 of 16	✓
2	Certification page signed and dated by authorized school district representative	2 of 16	✓
3	Date application deemed complete by ISD	2 of 16	✓
4	Certification pages signed and dated by applicant or authorized business representative of applicant	4 of 16	✓
5	Completed company checklist	12 of 16	✓
6	School finance documents described in TAC 9.1054(c)(3) (Due within 20 days of district providing notice of completed application)	2 of 16	

**APPLICANT INFORMATION - CERTIFICATION OF APPLICATION****Authorized Business Representative (Applicant)**

First Name	Last Name	
Title		
Organization		
Street Address		
Mailing Address		
City	State	ZIP
Phone Number	Fax Number	
Mobile Number (optional)	Business e-mail Address	

Will a company official other than the authorized business representative be responsible for responding to future information requests? ☐ Yes ☐ No

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

First Name	Last Name	
Title		
Organization		
Street Address		
Mailing Address		
City	State	ZIP
Phone Number	Fax Number	
Mobile Number (optional)	E-mail Address	

I authorize the consultant to provide and obtain information related to this application.. ☐ Yes ☐ No

Will consultant be primary contact? ☐ Yes ☐ No



APPLICANT INFORMATION - CERTIFICATION OF APPLICATION (CONTINUED)

Authorized Company Consultant (If Applicable)

First Name

Last Name

Title

Firm Name

Street Address

Mailing Address

City

State

ZIP

Phone Number

Fax Number

Business email Address

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 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.

Signature (Authorized Business Representative (Applicant))

Date

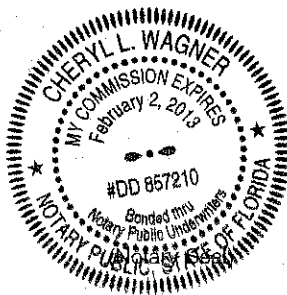
4/27/2012

GIVEN under my hand and seal of office this

27

day of

April 2012



Notary Public, State of

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 § 37.10.

**FEES AND PAYMENTS**

☐ Enclosed is proof of application fee paid to the school district.

For the purpose of this question, "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.

Please answer only either A OR B:

A. 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

B. 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

BUSINESS APPLICANT INFORMATION

Legal Name under which application is made

Texas Taxpayer I.D. Number of entity subject to Tax Code, Chapter 171 (11 digits)

NAICS code

Is the applicant a party to any other Chapter 313 agreements? ☐ Yes ☐ No

If yes, please list name of school district and year of agreement.

APPLICANT BUSINESS STRUCTURE

Registered to do business in Texas with the Texas Secretary of State? ☐ Yes ☐ No

Identify business organization of applicant (corporation, limited liability corporation, etc.)

1. Is the applicant a combined group, or comprised of members of a combined group, as defined by Texas Tax Code Chapter 171.0001(7)? ☐ Yes ☐ No
If so, please attach documentation of the combined group membership and contact information.

2. Is the applicant current on all tax payments due to the State of Texas? ☐ Yes ☐ No

3. Are all applicant members of the combined group current on all tax payments due to the State of Texas? ☐ NA ☐ Yes ☐ No

If the answer to either question is no, please explain and/or disclose any history of default, delinquencies and/or any material litigation, including litigation involving the State of Texas. (Use attachment if necessary.)

**ELIGIBILITY UNDER TAX CODE CHAPTER 313.024**

Are you an entity to which Tax Code, Chapter 171 applies? ☐ Yes ☐ No

The property will be used as an integral part, or as a necessary auxiliary part, in 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

Are you requesting that any of the land be classified as qualified investment? ☐ Yes ☐ No

Will any of the proposed qualified investment be leased under a capitalized lease? ☐ Yes ☐ No

Will any of the proposed qualified investment be leased under an operating lease? ☐ Yes ☐ No

Are you including property that is owned by a person other than the applicant? ☐ Yes ☐ No

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

PROJECT DESCRIPTION

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. (Use attachments as necessary)

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

PROJECT CHARACTERISTICS (CHECK ALL THAT APPLY)

- | | | | |
|---|--|---|---|
| <input type="checkbox"/> New Jobs | <input type="checkbox"/> Construct New Facility | <input type="checkbox"/> New Business / Start-up | <input type="checkbox"/> Expand Existing Facility |
| <input type="checkbox"/> Relocation from Out-of-State | <input type="checkbox"/> Expansion | <input type="checkbox"/> Purchase Machinery & Equipment | |
| <input type="checkbox"/> Consolidation | <input type="checkbox"/> Relocation within Texas | | |

PROJECTED TIMELINE

Begin Construction _____ Begin Hiring New Employees _____

Construction Complete _____ Fully Operational _____

Purchase Machinery & Equipment _____

Do you propose to construct a new building or to erect or affix a new improvement after your application review start date (date your application is finally determined to be complete)? ☐ Yes ☐ No

Note: Improvements made before that time may not be considered qualified property.

When do you anticipate the new buildings or improvements will be placed in service? _____

**ECONOMIC INCENTIVES**

Identify state programs the project will apply for:

State Source

Amount

_____	_____
_____	_____
_____	_____
Total	_____

Will other incentives be offered by local units of government? ☐ Yes ☐ No

Please use the following box for additional details regarding incentives. (Use attachments if necessary.)

THE PROPERTY

Identify county or counties in which the proposed project will be located _____

Central Appraisal District (CAD) that will be responsible for appraising the property _____

Will this CAD be acting on behalf of another CAD to appraise this property? ☐ Yes ☐ No

List all taxing entities that have jurisdiction for the property and the portion of project within each entity

County: _____ (Name and percent of project)
City: _____ (Name and percent of project)

Hospital District: _____ (Name and percent of project)
Water District: _____ (Name and percent of project)

Other (describe): _____ (Name and percent of project)
Other (describe): _____ (Name and percent of project)

Is the project located entirely within this ISD? ☐ Yes ☐ No

If not, please provide additional information on the project scope and size to assist in the economic analysis.

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

At the time of application, what is the estimated minimum qualified investment required for this school district? _____

What is the amount of appraised value limitation for which you are applying? _____

What is your total estimated *qualified* investment? _____

NOTE: See 313.021(1) for full definition. Generally, Qualified Investment is the sum of the investment in tangible personal property and buildings and new improvements made between beginning of the qualifying time period (date of application final approval by the school district) and the end of the second complete tax year.

What is the anticipated date of application approval? _____

What is the anticipated date of the beginning of the qualifying time period? _____

What is the total estimated investment for this project for the period from the time of application submission to the end of the limitation period? _____

Describe the qualified investment. [See 313.021(1).]

Attach the following items to this application:

- (1) a specific and detailed description of the qualified investment you propose to make on the property for which you are requesting an appraised value limitation as defined by Tax Code §313.021,
- (2) a description of any new buildings, proposed improvements or personal property which you intend to include as part of your minimum qualified investment and
- (3) a map of the qualified investment showing location of new buildings or new improvements with vicinity map.

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

Except for new equipment described in Tax Code §151.318(q) or (q-1), is the proposed tangible personal property to be placed in service for the first time:

- (1) in or on the new building or other new improvement for which you are applying? ☐ Yes ☐ No
- (2) if not in or on the new building or other new improvement for which you are applying for an appraised value limitation, is the personal property necessary and ancillary to the business conducted in the new building or other new improvement? ☐ Yes ☐ No
- (3) on the same parcel of land as the building for which you are applying for an appraised value limitation? ☐ Yes ☐ No

("First placed in service" means the first use of the property by the taxpayer.)

Will the investment in real or personal property you propose be counted toward the minimum qualified investment required by Tax Code §313.023, (or 313.053 for rural school districts) be first placed in service in this state during the applicable qualifying time period? ☐ Yes ☐ No

Does the investment in tangible personal property meet the requirements of Tax Code §313.021(1)? ☐ Yes ☐ No

If the proposed investment includes a building or a permanent, non-removable component of a building, does it house tangible personal property? ☐ Yes ☐ No

QUALIFIED PROPERTY

Describe the qualified property. [See 313.021(2)] (If qualified investment describes qualified property exactly you may skip items (1), (2) and (3) below.)

Attach the following items to this application:

- (1) 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,
- (2) a description of any new buildings, proposed improvements or personal property which you intend to include as part of your qualified property and
- (3) a map of the qualified property showing location of new buildings or new improvements – with vicinity map.

Land

Is the land on which you propose new construction or 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

If you answered "no" to the question above, what is the anticipated date on which you will submit proof of a reinvestment zone with boundaries encompassing the land on which you propose new construction or improvements? _____

Will the applicant own the land by the date of agreement execution? ☐ Yes ☐ No

Will the project be on leased land? ☐ Yes ☐ No

QUALIFIED PROPERTY (CONTINUED)

If the land upon which the new building or new improvement is to be built is part of the qualified property described by §313.021(2)(A), please attach complete documentation, including:

1. Legal description of the land
2. Each existing appraisal parcel number of the land on which the improvements will be constructed, regardless of whether or not all of the land described in the current parcel will become qualified property
3. Owner
4. The current taxable value of the land. Attach estimate if land is part of larger parcel.
5. A detailed map (with a vicinity map) showing the location of the land

Attach a map of the reinvestment zone boundaries, certified to be accurate by either the governmental entity creating the zone, the local appraisal district, or a licensed surveyor. (With vicinity map)

Attach the order, resolution or ordinance establishing the zone, and the guidelines and criteria for creating the zone, if applicable.

Miscellaneous

Is the proposed project a building or new improvement to an existing facility? ☐ Yes ☐ No

Attach a description of any existing improvements and include existing appraisal district account numbers.

List current market value of existing property at site as of most recent tax year. _____
(Market Value) (Tax Year)

Is any of the existing property subject to a value limitation agreement under Tax Code 313? ☐ Yes ☐ No

Will all of the property for which you are requesting an appraised value limitation be free of a tax abatement agreement entered into by a school district for the duration of the limitation? ☐ Yes ☐ No

WAGE AND EMPLOYMENT INFORMATION

What is the estimated number of permanent jobs (more than 1,600 hours a year), with the applicant or a contractor of the applicant, on the proposed qualified property during the last complete quarter before the application review start date (date your application is finally determined to be complete)? _____

The last complete calendar quarter before application review start date is the:

☐ First Quarter ☐ Second Quarter ☐ Third Quarter ☐ Fourth Quarter of _____
(year)

What were the number of permanent jobs (more than 1,600 hours a year) this applicant had in Texas during the most recent quarter reported to the TWC? _____

Note: For job definitions see TAC §9.1051(14) and Tax Code 313.021(3). If the applicant intends to apply a definition for "new job" other than TAC §9.1051(14)(C), then please provide the definition of "new job" as used in this application. _____

Total number of new jobs that will have been created when fully operational _____

Do you plan to create at least 25 new jobs (at least 10 new jobs for rural school districts) on the land and in connection with the new building or other improvement? ☐ Yes ☐ No

Do you intend to request that the governing body waive the minimum new job creation requirement, as provided under Tax Code §313.025(f-1)? ☐ Yes ☐ No

If you answered "yes" to the question above, attach evidence documenting that the new job creation requirement above exceeds the number of employees necessary for the operation, according to industry standards. **Note: Even if a minimum new job waiver is provided, 80% of all new jobs must be qualifying jobs pursuant to Texas Tax Code, §313.024(d).**

What is the maximum number of qualifying jobs meeting all criteria of §313.021(3) you are committing to create? _____

If this project creates more than 1,000 new jobs, the minimum required wage for this project is 110% of the average county weekly wage for all jobs as described by 313.021(3)(E)(ii).

If this project creates less than 1,000 new jobs, does this district have territory in a county that meets the demographic characteristics of 313.051(2)? (see table of information showing this district characteristic at <http://www.window.state.tx.us/taxinfo/proptax/hb1200/values.html>)

If yes, the applicant must meet wage standard described in 313.051(b) (110% of the regional average weekly wage for manufacturing)

If no, the applicant shall designate one of the wage standards set out in §§313.021(5)(A) or 313.021(5)(B).

**WAGE AND EMPLOYMENT INFORMATION (CONTINUED)**

For the following three wage calculations please include on an attachment the four most recent quarters of data for each wage calculation. Show the average and the 110% calculation. Include documentation from TWC Web site. The final actual statutory minimum annual wage requirement for the applicant for each qualifying job — which may differ slightly from this estimate — will be based on information from the four quarterly periods for which data were available at the time of the application review start date (date of a completed application). See TAC §9.1051(7).

110% of the county average weekly wage for all jobs (all industries) in the county is _____

110% of the county average weekly wage for manufacturing jobs in the county is _____

110% of the county average weekly wage for manufacturing jobs in the region is _____

Please identify which Tax Code section you are using to estimate the wage standard required for this project:

☐ §313.021(5)(A) or ☐ §313.021(5)(B) or ☐ §313.021(3)(E)(ii), or ☐ §313.051(b)?

What is the estimated minimum required annual wage for each qualifying job based on the qualified property? _____

What is the estimated minimum required annual wage you are committing to pay for each of the qualifying jobs you create on the qualified property? _____

Will 80% of all new jobs created by the owner be qualifying jobs as defined by 313.021(3)? ☐ Yes ☐ No

Will each qualifying job require at least 1,600 of work a year? ☐ Yes ☐ No

Will any of the qualifying jobs be jobs transferred from one area of the state to another? ☐ Yes ☐ No

Will any of the qualifying jobs be retained jobs? ☐ Yes ☐ No

Will any of the qualifying jobs be created to replace a previous employee? ☐ Yes ☐ No

Will any required qualifying jobs be filled by employees of contractors? ☐ Yes ☐ No

If yes, what percent? _____

Does the applicant or contractor of the applicant offer to pay at least 80% of the employee's health insurance premium for each qualifying job? ☐ Yes ☐ No

Describe each type of benefits to be offered to qualifying jobholders. (Use attachments as necessary.)

ECONOMIC IMPACT

Is an Economic Impact Analysis attached (If supplied by other than the Comptroller's office)? ☐ Yes ☐ No

Is Schedule A completed and signed for all years and attached? ☐ Yes ☐ No

Is Schedule B completed and signed for all years and attached? ☐ Yes ☐ No

Is Schedule C (Application) completed and signed for all years and attached? ☐ Yes ☐ No

Is Schedule D completed and signed for all years and attached? ☐ Yes ☐ No

Note: Excel spreadsheet versions of schedules are available for download and printing at URL listed below.

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

CONFIDENTIALITY NOTICE

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

Generally, an application for property tax value limitation, the information provided therein, and documents submitted in support thereof, are considered public information subject to release under the Texas Public Information Act.

There is an exception, outlined below, by which information will be withheld from disclosure.

The Comptroller's office will withhold information from public release if:

- 1) it describes the specific processes or business activities to be conducted or the specific tangible personal property to be located on real property covered by the application;
- 2) the information has been segregated in the application from other information in the application; and
- 3) the party requesting confidentiality provides the Comptroller's office a list of the documents for which confidentiality is sought and for each document lists the specific reasons, including any relevant legal authority, stating why the material is believed to be confidential.

All applications and parts of applications which are not segregated and marked as confidential as outlined above will be considered public information and will be posted on the internet.

Such information properly identified as confidential will be withheld from public release unless and until the governing body of the school district acts on the application, or we are directed to do so by a ruling from the Attorney General.

Other information in the custody of a school district or the comptroller submitted in connection with the application, including information related to the economic impact of a project or the essential elements of eligibility under Texas Tax Code, Chapter 313, such as

the nature and amount of the projected investment, employment, wages, and benefits, will not be considered confidential business information and will be posted on the internet.

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

The following outlines how the Comptroller's office will handle requests for information submitted under the Texas Public Information Act for application portions and submitted records appropriately identified as confidential.

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



COMPANY CHECKLIST AND REQUESTED ATTACHMENTS

	Checklist	Page X of 16	Check Completed
1	Certification pages signed and dated by Authorized Business Representative (applicant)	4 of 16	
2	Proof of Payment of Application Fee (Attachment)	5 of 16	
3	For applicant members, documentation of Combined Group membership under Texas Tax Code 171.0001(7) (if Applicable) (Attachment)	5 of 16	
4	Detailed description of the project	6 of 16	
5	If project is located in more than one district, name other districts and list percentage in each district (Attachment)	7 of 16	
6	Description of Qualified Investment (Attachment)	8 of 16	
7	Map of qualified investment showing location of new buildings or new improvements with vicinity map.	8 of 16	
8	Description of Qualified Property (Attachment)	8 of 16	
9	Map of qualified property showing location of new buildings or new improvements with vicinity map	8 of 16	
10	Description of Land (Attachment)	9 of 16	
11	A detailed map showing location of the land with vicinity map.	9 of 16	
12	A description of all existing (if any) improvements (Attachment)	9 of 16	
13	Request for Waiver of Job Creation Requirement (if applicable) (Attachment)	9 of 16	
14	Calculation of three possible wage requirements with TWC documentation. (Attachment)	10 of 16	
15	Description of Benefits	10 of 16	
16	Economic Impact (if applicable)	10 of 16	
17	Schedule A completed and signed	13 of 16	
18	Schedule B completed and signed	14 of 16	
19	Schedule C (Application) completed and signed	15 of 16	
20	Schedule D completed and signed	16 of 16	
21	Map of Reinvestment Zone (Attachment) (Showing the actual or proposed boundaries and size, Certified to be accurate by either the government entity creating the zone, the local appraisal district, or a licensed surveyor, with vicinity map)*	9 of 16	
22	Order, Resolution, or Ordinance Establishing the Zone (Attachment)*	9 of 16	
23	Legal Description of Reinvestment Zone (Attachment)*	9 of 16	
24	Guidelines and Criteria for Reinvestment Zone(Attachment)*	9 of 16	

*To be submitted with application or before date of final application approval by school board.

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)*

Checklist Item 3

TX230P01 F0.00.02

TX2011

Ver. 2.1

05-158-A

(Rev. 9-10/5)

Tcode 13250 Annual

TEXAS FRANCHISE TAX REPORT - Page 1

Taxpayer number 32002608134 Report year 2011 Due date 11/15/2011 Privilege period covered by this report 01/01/2011 — 12/31/2011

Taxpayer name NextEra Energy Power Marketing, LLC (fka FPL Energy Power Marketing, LLC)					Secretary of State file number or Comptroller file number 0801079569	
Mailing address 700 Universe Blvd., CTX-JB PO Box 14000						
City Juno Beach	State FL	Country US	ZIP Code 33408	Plus 4	Check box if the address has changed <input type="checkbox"/>	
Check box if this is a combined report <input checked="" type="checkbox"/>		Check box if Total Revenue is adjusted for Tiered Partnership Election, see instructions. <input type="checkbox"/>		Check box to request a Certificate of Account Status <input type="checkbox"/>		
Check box if this is a Corporation or Limited Liability Company <input checked="" type="checkbox"/>			Check box if this is an Entity other than a Corporation or Limited Liability Company <input type="checkbox"/>			

*If not twelve months, see instructions for annualized revenue

Accounting year begin date	Accounting year end date	SIC code	NAICS code
010110	123110	4911	551112

REVENUE (Whole dollars only)

1. Gross receipts or sales	1. <input type="checkbox"/>	28158689111 .00
2. Dividends	2. <input type="checkbox"/>	12226163 .00
3. Interest	3. <input type="checkbox"/>	262518716 .00
4. Rents	4. <input type="checkbox"/>	54428859 .00
5. Royalties	5. <input type="checkbox"/>	0 .00
6. Gains/losses	6. <input type="checkbox"/>	365981028 .00
7. Other income	7. <input type="checkbox"/>	503745926 .00
8. Total gross revenue (Add items 1 thru 7)	8. <input type="checkbox"/>	29357589803 .00
9. Exclusions from gross revenue (See instructions) (Item 8 minus Item 9)	9. <input type="checkbox"/>	2313872514 .00
10. TOTAL REVENUE (If less than zero, enter 0)	10. <input type="checkbox"/>	27043717289 .00

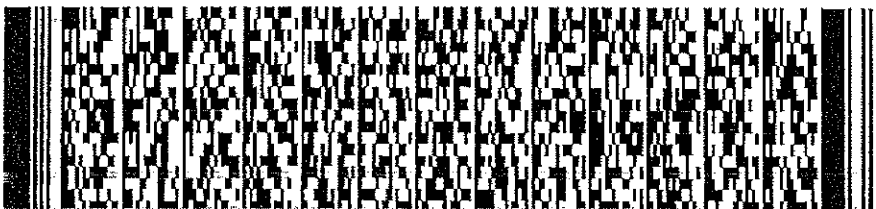
COST OF GOODS SOLD (Whole dollars only)

11. Cost of goods sold	11. <input type="checkbox"/>	22031420712 .00
12. Indirect or administrative overhead costs (Limited to 4%)	12. <input type="checkbox"/>	177002385 .00
13. Other (See instructions)	13. <input type="checkbox"/>	0 .00
14. TOTAL COST OF GOODS SOLD (Add items 11 thru 13)	14. <input type="checkbox"/>	22208423097 .00

COMPENSATION (Whole dollars only)

15. Wages and cash compensation	15. <input type="checkbox"/>	1518605606 .00
16. Employee benefits	16. <input type="checkbox"/>	-13493519 .00
17. Other (See instructions)	17. <input type="checkbox"/>	0 .00
18. TOTAL COMPENSATION (Add items 15 thru 17)	18. <input type="checkbox"/>	1505112087 .00

Texas Comptroller Official Use Only



VE/DE	<input type="checkbox"/>
PM Date	



Tcode 13251 Annual

☐ Taxpayer number	☐ Report year	☐ Due date	☐ Taxpayer name
32002608134	2011	11/15/2011	NextEra Energy Power Marketing,

MARGIN (Whole dollars only)			
19. Revenue	(Item 10 X 70%)	19. <input type="checkbox"/>	18930602102.00
20. Revenue	(Item 10 minus Item 14 COGS)	20. <input type="checkbox"/>	4835294192.00
21. Revenue	(Item 10 minus Item 18 Compensation)	21. <input type="checkbox"/>	25538605202.00
22. MARGIN	(Enter the lowest amount from Items 19, 20 or 21)	22. <input type="checkbox"/>	4835294192.00
APPORTIONMENT FACTOR			
23. Gross receipts in Texas	(Whole dollars only)	23. <input type="checkbox"/>	3807861526.00
24. Gross receipts everywhere	(Whole dollars only)	24. <input type="checkbox"/>	27043717289.00
25. APPORTIONMENT FACTOR	(Divide Item 23 by Item 24) (Round to 4 decimal places)	25. <input type="checkbox"/>	0.1408
TAXABLE MARGIN (Whole dollars only)			
26. Apportioned margin	(Multiply Item 22 by Item 25)	26. <input type="checkbox"/>	680809422.00
27. Allowable deductions	(See instructions)	27. <input type="checkbox"/>	33279543.00
28. TAXABLE MARGIN	(Item 26 minus Item 27)	28. <input type="checkbox"/>	647529879.00
TAX DUE			
29. Tax rate	(See instructions for determining the appropriate tax rate)	X X X	29. <input type="checkbox"/> 0.0100
30. Tax due	(Multiply Item 28 by the tax rate in Item 29) (Dollars and cents)	30. <input type="checkbox"/>	6475298.79
TAX ADJUSTMENTS (Dollars and cents) (Do not include prior payments)			
31. Tax credits	(Item 23 from Form 05-160)	31. <input type="checkbox"/>	4336.00
32. Tax due before discount	(Item 30 minus Item 31)	32. <input type="checkbox"/>	6470962.79
33. Discount	(See instructions, not applicable for report year 2010 & 2011)	33. <input type="checkbox"/>	0.00
TOTAL TAX DUE (Dollars and cents)			
34. TOTAL TAX DUE	(Item 32 minus Item 33)	34. <input type="checkbox"/>	6470962.79

Do not include payment if this amount is less than \$1,000 or if annualized total revenue is \$1,000,000 or less (\$300,000 or less for report years 2008 and 2009;

See instructions). If the entity makes a tiered partnership election, ANY amount in Item 34 is due. Complete Form 05-170 if making a payment.

Print or type name		Area code and phone number
		561-671-7605
I declare that the information in this document and any attachments is true and correct to the best of my knowledge and belief.		Mail original to:
sign here	MARK MAISTO: President, Commodities & Retail Markets	COMPTROLLER OF PUBLIC ACCOUNTS
Date	11/15/11	P.O. Box 149348
		Austin, TX 78714-9348

If you have any questions regarding franchise tax, you may contact the Texas State Comptroller's field office in your area or call (800) 252-1381 or (512) 463-4600.

Instructions for each report year are online at <http://www.window.state.tx.us/taxinfo/taxforms/05-forms.html>

Texas Comptroller Official Use Only



VE/DE	<input type="checkbox"/>
PM Date	<input type="text"/>



TEXAS FRANCHISE TAX AFFILIATE SCHEDULE

Tcode 13253 Annual

Reporting entity taxpayer number

Report year

Reporting entity taxpayer name

32002608134

2011

NextEra Energy Power Marketing, LLC (fka FPL

Reporting entity must be included on Affiliate Schedule.

1. Legal name of affiliate Lone Star Wind, LLC		2. Affiliate taxpayer number (if none, use FEI number) 10306094417		3. Affiliate NAICS code 523900	
4. Check box if entity is disregarded for franchise tax <input type="checkbox"/>	5. Check box if this affiliate does NOT have NEXUS in Texas <input type="checkbox"/>	6. Affiliate reporting begin date m m d d y y 010110		7. Affiliate reporting end date m m d d y y 123110	
8. Gross receipts subject to throwback in other states (before eliminations) 0 .00		9. Gross receipts everywhere (before eliminations) 23297748 .00			
10. Gross receipts in Texas (before eliminations) 0 .00		11. Cost of goods sold or compensation (before eliminations) 73553 .00			
Check box if this is a Corporation or Limited Liability Company <input checked="" type="checkbox"/>		Check box if this is an Entity other than a Corporation or Limited Liability Company <input type="checkbox"/>			

1. Legal name of affiliate Blue Summit Wind, LLC		2. Affiliate taxpayer number (if none, use FEI number) 11137881576		3. Affiliate NAICS code 339999	
4. Check box if entity is disregarded for franchise tax <input type="checkbox"/>	5. Check box if this affiliate does NOT have NEXUS in Texas <input type="checkbox"/>	6. Affiliate reporting begin date m m d d y y 010110		7. Affiliate reporting end date m m d d y y 123110	
8. Gross receipts subject to throwback in other states (before eliminations) 0 .00		9. Gross receipts everywhere (before eliminations) 0 .00			
10. Gross receipts in Texas (before eliminations) 0 .00		11. Cost of goods sold or compensation (before eliminations) 10 .00			
Check box if this is a Corporation or Limited Liability Company <input checked="" type="checkbox"/>		Check box if this is an Entity other than a Corporation or Limited Liability Company <input type="checkbox"/>			

1. Legal name of affiliate Capricorn Ridge Wind, LLC		2. Affiliate taxpayer number (if none, use FEI number) 13645968556		3. Affiliate NAICS code 339999	
4. Check box if entity is disregarded for franchise tax <input type="checkbox"/>	5. Check box if this affiliate does NOT have NEXUS in Texas <input type="checkbox"/>	6. Affiliate reporting begin date m m d d y y 010110		7. Affiliate reporting end date m m d d y y 123110	
8. Gross receipts subject to throwback in other states (before eliminations) 0 .00		9. Gross receipts everywhere (before eliminations) 37993801 .00			
10. Gross receipts in Texas (before eliminations) 35223838 .00		11. Cost of goods sold or compensation (before eliminations) 119327544 .00			
Check box if this is a Corporation or Limited Liability Company <input checked="" type="checkbox"/>		Check box if this is an Entity other than a Corporation or Limited Liability Company <input type="checkbox"/>			

An information report (Form 05-102 or Form 05-167) must be filed for each affiliate that is organized in Texas or that has a physical presence in Texas.

Texas Comptroller Official Use Only



VE/DE	<input type="checkbox"/>	FM	<input type="checkbox"/>
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Checklist Item 4

The applicant is requesting an appraised value limitation on all of the property constructed or placed upon the real property described below which is located in Wilbarger County, Texas in the Chillicothe ISD. The project spans two districts. The portion of the project in Chillicothe represents approximately 62% of the project.

Blue Summit Wind, LLC will enter into an agreement with NextEra Energy Operating Services, LLC ("NextEra OSI") for the operation and maintenance of the project. NextEra OSI is a Delaware limited liability company which is an affiliate of Blue Summit Wind, LLC. All persons employed at the site will be employees of NextEra OSI.

As of April 27, 2012 work has commenced on grading and filling at the site, road construction and foundation excavation is underway, but no assets have been placed in service. The first turbines are expected to be complete in November 2012, and the project is expected to be fully operational in December 2012.

The property for which the applicant is requesting an appraised value limitation shall include, but not be limited to, the following: approximately 53 General Electric wind power turbines, which will have a total generating capacity of 84.4 megawatts; towers, reinforced concrete slabs supporting the weight of each turbine tower; equipment and towers used to gather meteorological data; buried and overhead electrical conductor cables (including poles) used to transport electricity from each turbine tower to an electrical substation; the electrical substation and electrical conductor cables used to transport electricity off of the project site; one or more operation and maintenance buildings used to store maintenance supplies, replacement parts and related equipment; and various appurtenant equipment and small items related to the above. The facility will require installation and use of a relatively insubstantial amount of personal property. None of this property is covered under an existing appraisal district account number.

Ability to Relocate

Blue Summit Wind, LLC is a subsidiary of NextEra Energy Resources, LLC (NEER), which owns and operates wind farms at a number of locations in Texas and throughout the United States. NEER is currently developing and constructing wind farms in a number of locations. The Project could be sited at any location with adequate wind resource and access to transmission.

Checklist Item 5

53 of the 85 wind turbines are expected to be located in the Chillicothe Independent School District. These turbines are expected to have a combined generating capacity of 84.4 megawatts, which represents approximately 62% of the total project 135.4 megawatt generation capacity.

The remaining 32 turbines, representing about 51 megawatts of generating capacity (38% of total project) are expected to be located in the Northside Independent School District. The project substation is also expected to be located in the Northside ISD.

The attached map provides a visual representation of the turbine locations within each school district.

Checklist Item 6

The property for which the applicant is requesting an appraised value limitation shall include, but not be limited to, the following: approximately 53 General Electric wind power turbines, which will have a total generating capacity of 84.4 megawatts; towers, reinforced concrete slabs supporting the weight of each turbine tower; equipment and towers used to gather meteorological data; buried and overhead electrical conductor cables (including poles) used to transport electricity from each turbine tower to an electrical substation; the electrical substation and electrical conductor cables used to transport electricity off of the project site; one or more operation and maintenance buildings used to store maintenance supplies, replacement parts and related equipment; and various appurtenant equipment and small items related to the above. The facility will require installation and use of a relatively insubstantial amount of personal property.

Checklist Item 8

See Checklist Item 6

Checklist Item 10

SURVEY_NAM	SECTION	BLOCK_NAME	ABSTRACT_N	Acres
H&TCRR	40			22.51
H&TCRR	2	BLK10	1690	102.44
HRS R KEYS			630	243.33
H&TCRR	3	BLK10	194	672.90
H&TCRR	12	BLK10	832	345.56
H&TCRR	12	BLK10	1944	336.20
H HADDEN			33	1143.25
H&TCRR	33	BLK15	389	634.44
H&TCRR	32	BLK15	869	639.87
H&TCRR	12	BLK15	899	639.66
SURVEY #4	4		1655	251.24
H&TCRR	9	BLK16	403	517.63
H&TCRR	10	BLK16	1412	305.36
H&TCRR	10	BLK16	762	329.33
H&TCRR	11	BLK16	404	647.33
H&TCRR	13	BLK10	189	667.88
H&TCRR	11	BLK11	138	635.03
H&TCRR	11	BLK10	190	325.50
H&TCRR	34	BLK15	1980	341.06
H&TCRR	34	BLK15	1978	299.46
H&TCRR	20	BLK15	1374	638.35
H&TCRR	5	BLK10	193	670.06
H&TCRR	9	BLK15	453	544.88
H&TCRR	7	BLK10	192	680.50
H&TCRR	27	BLK10	197	629.73
H&TCRR	14	BLK11	1735	322.55
H&TCRR	14	BLK11	809	308.38
H&TCRR	30	BLK11	1738	646.69
H&TCRR	10	BLK15	1873	306.81
H&TCRR	10	BLK15	1862	159.74
H&TCRR	10	BLK15	1311	157.08
H&TCRR	4	BLK11	1982	111.71
H&TCRR	4	BLK11	2048	89.16
H&TCRR	4	BLK11	1872	107.73
H&TCRR	4	BLK11	2074	323.40
H&TCRR	23	BLK15	337	639.87
H&TCRR	18	BLK15	962	324.22
H&TCRR	18	BLK15	870	315.76
H&TCRR	8	BLK15	1893	319.00
H&TCRR	8	BLK15	1059	317.72
H&TCRR	28	BLK16	851	73.87
H&TCRR	2	BLK11	1760	113.13
H&TCRR	5	BLK11	232	647.04
H&TCRR	25	BLK16	411	549.92
H&TCRR	27	BLK16	412	47.54
H&TCRR	42	BLK16	1118	119.19

Checklist Item 10

SURVEY_NAM	SECTION	BLOCK_NAME	ABSTRACT_N	Acres
H&TCRR	29	BLK11	146	638.75
H&TCRR	8	BLK16	2080	323.12
H&TCRR	8	BLK16	844	324.76
H&TCRR	7	BLK15	452	636.94
H&TCRR	6	BLK11	1499	310.72
H&TCRR	6	BLK11	1624	325.49
H&TCRR	8	BLK10	1609	344.02
H&TCRR	8	BLK10	1968	161.24
H&TCRR	8	BLK10	1712	165.99
SURVEY #2	2		1736	294.08
H&TCRR	21	BLK15	336	638.93
H&TCRR	22	BLK15	1984	645.02
H&TCRR	26	BLK10	784	638.65
H&TCRR	12	BLK16	1917	319.90
H&TCRR	41	BLK16	419	481.53
H&TCRR	40	BLK16	1275	157.81
H&TCRR	19	BLK10	186	682.18
H&TCRR	18	BLK10	2093	84.83
H&TCRR	18	BLK10	2088	168.43
H&TCRR	6	BLK10	1024	676.97
H&TCRR	24	BLK15	1137	641.90
H&TCRR	19	BLK15	335	643.39
H&TCRR	14	BLK10	1590	341.19
H&TCRR	14	BLK10	829	328.13
H&TCRR	25	BLK15	338	638.44
H&TCRR	15	BLK10	188	678.84
H&TCRR	25	BLK10	198	315.66
H&TCRR	13	BLK11	137	638.93
H&TCRR	3	BLK11	231	641.76
H&TCRR	12	BLK11	912	649.09
GC&SFRR	1		623	293.64
H&TCRR	4	BLK10	720	100.47
H&TCRR	4	BLK10	1975	160.48
H&TCRR	4	BLK10	1308	168.83
H&TCRR	4	BLK10	1952	79.44
H&TCRR	4	BLK10	1658	168.88
H&TCRR	11	BLK15	454	637.07
S&M	3		599	212.73
H&TCRR	13	BLK15	455	639.73
H&TCRR	16	BLK10	915	325.70
H&TCRR	16	BLK10	1614	332.53
H&TCRR	26	BLK16	1962	334.96
H&TCRR	26	BLK16	1852	228.36
H&TCRR	43	BLK16	420	382.08
H&TCRR	2	BLK15	1172	95.20
H&TCRR	2	BLK15	2086	237.17

Checklist Item 10

SURVEY_NAM	SECTION	BLOCK_NAME	ABSTRACT_N	Acres
H&TCRR	2	BLK15	1779	78.05
H&TCRR	3		999	211.08
H&TCRR			23	143.62
H&TCRR	10	BLK15	1873	3.14
H&TCRR	2	BLK15	1873	3.14

Checklist Item 12

There are no existing improvements.

Checklist Item 13

Request for Waiver of Jobs Creation Requirement

Blue Summit Wind, LLC requests that the Chillicothe Independent School District's Board of Trustees waive the job requirement provision as allowed by Section 313.025(f-1) of the tax code.

While wind projects involve a large number of temporary jobs during the construction period, the long-term operational phase requires only a relatively small number of highly-skilled technicians. These technicians provide scheduled and unscheduled maintenance and repair work on the wind turbines, electrical collection system, substation, and other ancillary infrastructure associated with a utility-scale wind farm. Additional project-related full-time jobs may include a project manager and an asset manager, although these positions may or may not be located at the project site depending on various factors.

It is anticipated that the Blue Summit Wind project will result in the creation of seven qualifying jobs. Because the project will be located in two school districts these jobs will also be split proportionately between the two school districts.

We find that the industry standard for permanent employment is approximately one full-time technician for every fifteen turbines, although this number varies depending upon the type of turbines and the support and technical assistance offered by the turbine manufacturer.

Based upon our operating procedures, the geographic location of the property and the support we anticipate receiving from the manufacturer, the company staffing plan for this wind farm calls for more than the industry standard of one full-time employee for every fifteen turbines.

Checklist Item 14 - Wage Information

110% of Wilbarger County Average Weekly Wage for All Jobs

2011 Q1	582				
2011 Q2	563				
2011 Q3	619				
2011 Q4	<u>664</u>				
	607	x	110%	\$	667.70

110% of Wilbarger County Average Weekly Wage for Manufacturing Jobs

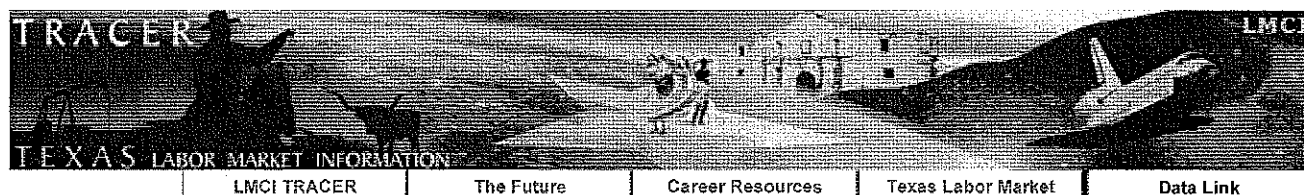
2011 Q1	741				
2011 Q2	718				
2011 Q3	866				
2011 Q4	<u>921</u>				
	812	x	110%	\$	892.65

110% of NORTEX Average Annual Wage for Manufacturing Jobs

$$38,153 \times 110\% = \$ 41,968.30$$

110% of NORTEX Average Weekly Wage for Manufacturing Jobs

$$38,153 \div 52 \text{ weeks} \times 110\% = 807.08$$



Quarterly Employment and Wages (QCEW)

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Resource](#)

[LMCI Publications](#)

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Page 1 of 1 (40 results/page)

Year	Period	Area	Ownership	Division	Level	Ind Code	Industry	Avg Weekly Wages
2011	1st Qtr	Wilbarger County	Private	00	0	10	Total, All Industries	\$582
2011	2nd Qtr	Wilbarger County	Private	00	0	10	Total, All Industries	\$563
2011	3rd Qtr	Wilbarger County	Private	00	0	10	Total, All Industries	\$619
2011	4th Qtr	Wilbarger County	Private	00	0	10	Total, All Industries	\$664

☒ Select Data Type

All Data Types

Unemployment (LAUS)

Employment Estimates
(CES)

Quarterly Employment
and Wages (QCEW)

Wages by Profession

Projections - Occupation

Projections - Industry

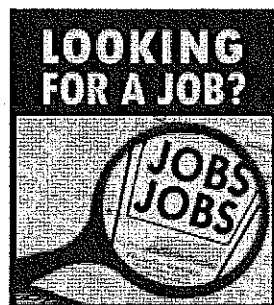
Consumer Price Index

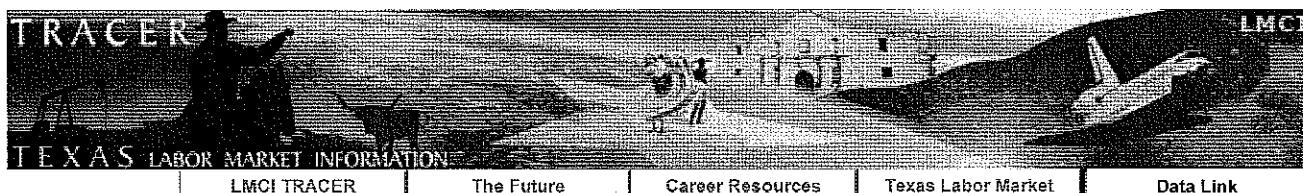
Income

Staffing Patterns

Population

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Year	Period	Area	Ownership	Division	Level	Ind Code	Industry	Avg Weekly Wages
2011	1st Qtr	Wilbarger County	Private	31	2	31-33	Manufacturing	\$741
2011	2nd Qtr	Wilbarger County	Private	31	2	31-33	Manufacturing	\$718
2011	3rd Qtr	Wilbarger County	Private	31	2	31-33	Manufacturing	\$866
2011	4th Qtr	Wilbarger County	Private	31	2	31-33	Manufacturing	\$921

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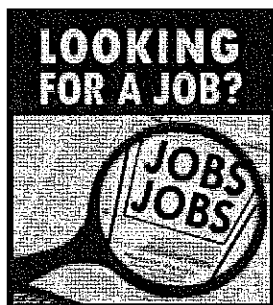
[Projections - Industry](#)

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2010 Manufacturing Wages by Council of Government Region
Wages for All Occupations

COG	Wages	
	Hourly	Annual
Texas		
1. Panhandle Regional Planning Commission	\$18.60	\$38,683
2. South Plains Association of Governments	\$16.21	\$33,717
3. NORTEX Regional Planning Commission	\$18.34	\$38,153
4. North Central Texas Council of Governments	\$23.45	\$48,777
5. Ark-Tex Council of Governments	\$15.49	\$32,224
6. East Texas Council of Governments	\$17.63	\$36,672
7. West Central Texas Council of Governments	\$17.48	\$36,352
8. Rio Grande Council of Governments	\$15.71	\$32,683
9. Permian Basin Regional Planning Commission	\$19.90	\$41,398
10. Concho Valley Council of Governments	\$15.33	\$31,891
11. Heart of Texas Council of Governments	\$17.91	\$37,257
12. Capital Area Council of Governments	\$25.37	\$52,778
13. Brazos Valley Council of Governments	\$15.24	\$31,705
14. Deep East Texas Council of Governments	\$15.71	\$32,682
15. South East Texas Regional Planning Commission	\$27.56	\$57,333
16. Houston-Galveston Area Council	\$24.52	\$51,002
17. Golden Crescent Regional Planning Commission	\$20.07	\$41,738
18. Alamo Area Council of Governments	\$17.28	\$35,952
19. South Texas Development Council	\$13.27	\$27,601
20. Coastal Bend Council of Governments	\$21.55	\$44,822
21. Lower Rio Grande Valley Development Council	\$14.35	\$29,846
22. Texoma Council of Governments	\$18.10	\$37,651
23. Central Texas Council of Governments	\$17.21	\$35,788
24. Middle Rio Grande Development Council	\$13.21	\$27,471

Source: Texas Occupational Employment and Wages

Data published: June 2011

Data published annually, next update will be June 2012.

Note: Data is not supported by the Bureau of Labor Statistics (BLS).

Wage data is produced from Texas OES data, and is not to be compared to BLS estimates.

Data intended for TAC 313 purposes only.

Checklist Item 15

In addition to the annual salary, each qualified position will receive the following benefits:

- Medical, dental and vision insurance coverage
- Paid holidays
- Paid vacations
- Pension
- 401k
- Short and Long term disability
- Life insurance
- Sick time / sickness in family time
- Education assistance
- Flexible spending accounts

Checklist Item 16

Blue Summit is not submitting an economic impact report, so this item is not applicable.

Schedule A (Rev. May 2010): Investment

Applicant Name
ISD Name
Blue Summit Wind, LLC
Chillicothe

Form 50-296

PROPERTY INVESTMENT AMOUNTS

(Estimated Investment in each year. Do not put cumulative totals.)

	School Year (YYYY-YYYY)	Tax Year (Fill in actual tax year below) YYYY	Column A: Tangible Personal Property The amount of new investment (original cost) placed in service during this year	Column B: Building or permanent nonremovable component of building (annual amount only)	Column C: Sum of A and B Qualifying investment (during the qualifying time period)	Column D: Other investment that is not qualified investment but investment affecting economic impact and total value	Column E: Total Investment (A+B+D)
The year preceding the first complete tax year of the qualifying time period (assuming no deferrals)	Investment made before filing complete application with district (neither qualified property nor eligible to become qualified investment)						
	Investment made after filing complete application with district, but before final board approval of application (eligible to become qualified property)	2012-13					
	Investment made after final board approval of application and before Jan. 1 of first complete tax year of qualifying time period (qualified investment and eligible to become qualified property)	2012	\$60,061,471				\$60,061,471
Tax Credit Period (with 50% cap on credit)	Complete tax years of qualifying time period	1	2013-14	2013			
		2	2014-15	2014			
	Value Limitation Period	3	2015-16	2015			
		4	2016-17	2016			
		5	2017-18	2017			
		6	2018-19	2018			
		7	2019-20	2019			
		8	2020-21	2020			
		9	2021-22	2021			
		10	2022-23	2022			
		11	2023-24	2023			
Credit Settle-Up Period	Continue to Maintain Viable Presence	12	2024-25	2024			
		13	2025-26	2025			
		14	2026-27	2026			
	Post- Settle-Up Period	15	2027-28	2027			
	Post- Settle-Up Period				\$83,100,882		\$83,100,882

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

Column A: This represents the total dollar amount of planned investment in tangible personal property the applicant considers qualified investment -- as defined in Tax Code §313.021(1)(A)-(D).

For the purposes of investment, please list amount invested each year, not cumulative totals.

[For the years outside the qualifying time period, this number should simply represent the planned investment in tangible personal property].

Include estimates of investment for "replacement" property-property that is part of original agreement but scheduled for probable replacement during limitation period.

The total dollar amount of planned investment each year in buildings or nonremovable component of buildings that the applicant considers

qualified investment under Tax Code §313.021(1)(E).

For the years outside the qualifying time period, this number should simply represent the planned investment in new buildings or nonremovable components of buildings.

Dollar value of other investment that may not be qualified investment but that may affect economic impact and total value for planning, construction and operation of the facility.

The most significant example for many projects would be land. Other examples may be items such as professional services, etc.

Note: Land can be listed as part of investment during the "pre-year 1" time period. It cannot be part of qualifying investment.

Notes: For advanced clean energy projects, nuclear projects, projects with deferred qualifying time periods, and projects with lengthy application review periods, insert additional rows as needed.

This schedule must be submitted with the original application and any application for tax credit. When using this schedule for any purpose other than the original application,

replace original estimates with actual appraisal district data for past years and update estimates for current and future years. If original estimates have not changed, enter

those amounts for future years.

SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE

4/27/2012

DATE

Schedule B (Rev. May 2010): Estimated Market And Taxable Value
Blue Summit Wind, LLC

Form 50-296

Applicant Name
ISD Name

Chillicothe

Form 6061														
100 Name									Qualified Property			Reductions from Market Value	Estimated Taxable Value	
					School Year (YYYY-YYYY)	Tax Year (Fill in actual tax year) YYYY	Estimated Market Value of Land	Estimated Total Market Value of new buildings or other new improvements	Estimated Total Market Value of tangible personal property in the new building or "in or on the new improvement"			Final taxable value for I&S - after all reductions	Final taxable value for M&O--after all reductions	

Notes: Market value in future years is good faith estimate of future taxable value for the purposes of property taxation.

This schedule must be submitted with the original application and any application for tax credit. When using this schedule for any purpose other than the original application, replace original estimates with actual appraisal district data for past years and update estimates for current and future years. If original estimates have not changed, enter those amounts for future years.

SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE

4/27/2012

DATE

Blue Summit Wind, LLC
Chillicothe

Form 50-296

Form 30-250											
	Year	School Year (YYYY-YYYY)	Tax Year (Fill in actual tax year) YYYY	Construction		New Jobs		Qualifying Jobs			
				Column A: Number of Construction FTE's or man- hours (specify)	Column B: Average annual wage rates for construction workers	Column C: Number of new jobs applicant commits to create (cumulative)	Column D: Average annual wage rate for all new jobs.	Column E: Number of qualifying jobs applicant commits to create meeting all criteria of Sec. 313.021(3) (cumulative)	Column F: Average annual wage of qualifying jobs		
Tax Credit Period (with 50% cap on credit)			pre- year 1	2012-13	2012	139,500 man- hours	52,000	4	48,000	4	48,000
		Complete tax years of qualifying time period	1	2013-14	2013			4	48,000	4	48,000
			2	2014-15	2014			4	48,000	4	48,000
			3	2015-16	2015			4	48,000	4	48,000
			4	2016-17	2016			4	48,000	4	48,000
			5	2017-18	2017			4	48,000	4	48,000
			6	2018-19	2018			4	48,000	4	48,000
		Value Limitation Period	7	2019-20	2019			4	48,000	4	48,000
			8	2020-21	2020			4	48,000	4	48,000
			9	2021-22	2021			4	48,000	4	48,000
			10	2022-23	2022			4	48,000	4	48,000
			11	2023-24	2023			4	48,000	4	48,000
	Credit Settle-Up Period		12	2024-25	2024			4	48,000	4	48,000
			13	2025-26	2025			4	48,000	4	48,000
	Post- Settle-Up Period		14	2026-27	2026			4	48,000	4	48,000
Post- Settle-Up Period		15	2027-28	2027			4	48,000	4	48,000	

Notes: For job definitions see TAC §9.1051(14) and Tax Code §313.021(3).

This schedule must be submitted with the original application and any application for tax credit. When using this schedule for any purpose other than the original application, replace original estimates with actual appraisal district data for past years and update estimates for current and future years. If original estimates have not changed, enter those amounts for future years.

SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE

DATE _____

4/27/2012

**Applicant
Name**

Blue Summit Wind, LLC

ISD Name

Cillicothe

Form 50-296

[illegible]

*For planning, construction and operation of the facility.

SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE

DATE _____

Checklist Item 21

See Checklist Item 7

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**AN ORDER DESIGNATING CERTAIN REAL PROPERTY WITHIN
UNINCORPORATED WILBARGER COUNTY, TEXAS A REINVESTMENT
ZONE**

WHEREAS, on the 12th day of March, 2012, the Commissioners Court of Wilbarger County held a public hearing to consider the designation of an unincorporated area within Wilbarger County, Texas, as reinvestment zone; and

WHEREAS, the Commissioners Court of Wilbarger County finds that the designation of the area as a reinvestment zone would contribute to the creation of new primary employment; and

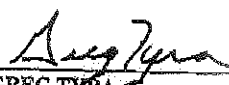
WHEREAS, Commissioners Court of Wilbarger County finds that the designation of the area as a reinvestment zone would contribute to the economic development of Wilbarger County, Texas; and

WHEREAS, the Commissioners Court of Wilbarger County finds that the area to be designated as a reinvestment zone is not within the taxing jurisdiction of any municipality;

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF WILBARGER COUNTY TEXAS:

Section 1. That the findings and recitals in the preamble to this Order are found to be true and correct and are hereby ratified approved and adopted.

Section 2. That pursuant to Chapter 312 of the Texas Tax Code, all real property within Wilbarger County, save and except all property within the City Limits and/or taxing jurisdiction of the City of Vernon, is hereby designated as a reinvestment zone to be called the Wilbarger County Reinvestment Zone.



GREG TYRA
Wilbarger County Judge
Wilbarger County, Texas

ATTEST:


JANA KENNON, Wilbarger County Clerk

FILED
Jana Kennon, County Clerk
Wilbarger County, Texas

MAR 19 2012

By  Deputy

Checklist Item 23

The Wilbarger County Reinvestment Zone established pursuant to the March 19, 2012 Order consists of all real property within Wilbarger County, save and except all property within the City Limits and/or taxing jurisdiction of the City of Vernon.

See Checklist Item 22 for a copy of the Order and the description of the Wilbarger County Reinvestment Zone.

Guidelines & Criteria For Granting Tax Abatements in Reinvestment Zones

Wilbarger County, Texas

Preamble

Pursuant to Chapter 312 of the Texas Tax Code, Wilbarger County may consider an application for tax abatement, Designate a reinvestment zone and enter into a tax abatement agreement as provided in theses Guidelines and Criteria.

I. Abatement Application Procedure

- (a) Who may apply. Any present or potential owner or lessee of taxable property in Wilbarger County may submit an application for tax abatement conforming to the requirements outlined herein.**
- (b) Eligible property. Abatement may only be granted for the following property constructed or otherwise put in place after the effective date of the tax abatement agreement: new, expanded or modernized buildings and structures, fixed machinery and equipment; site improvements; related fixed improvements; other tangible items necessary to the operation and administration of the project or facility; and all other real and tangible personal property permitted by Chapter 312 of the Texas Tax Code.**
- (c) Application provisions. The application shall consist of a completed Wilbarger County Tax Abatement Application Form, which shall contain the following:**
 - (1) information showing how the project meets the requirements of the criteria outlined in Section II below;**
 - (2) a map and description of the property;**

(3) a time schedule for completing the planned improvements;

(4) the estimated taxable value or range of values of the project or facility; and

(5) basic financial information about the principles sufficient to enable evaluation of the applicant's financial capacity.

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(6) Application shall be accompanied by an application fee of \$1,000.00 payable to Wilbarger County.

(d) Procedure for Application Consideration. The procedure for consideration by the County of a Tax Abatement Application is as follows:

(1) An applicant may request a Tax Abatement Application from the County Judge Secretary.

(2) After an applicant completes the Tax Abatement Application, applicant provides a copy to each member to the Wilbarger County Commissioners Court and the County Judge Secretary.

(3) After receipt of an application, the Commissioners Court determines within forty-five (45) days how to proceed with the application. The Commissioners Court shall choose either to deny the application, consider the application, or consider the application on an expedited basis.

(A) Denial of application. If the Commissioners Court chooses to deny the application, it shall make a finding by majority vote at a regularly scheduled meeting that the application does not meet the requirements of the criteria provided below in Section II,

(B) Consideration of application. If the County determines that the application should be further considered, the

County Judge shall schedule a hearing to obtain public input on the application. At least seven (7) days prior to the hearing, the County must send written notice to the presiding officers of all taxing units with jurisdiction over the property for which an abatement is sought and must publish notice of the hearing time, place and subject in the local newspaper. At the hearing, the Commissioners Court evaluates the application against the criteria in Section II and decides whether to designate the property for which the abatement is sought as a reinvestment zone. If the reinvestment zone is not designated, the application fails, although it may be amended and resubmitted. If the reinvestment zone is designated, the Commissioners Court shall pass an order to that effect and may then arrange to consider for approval the tax abatement agreement between the applicant and the county at its next regularly scheduled meeting. At least seven days prior to entering into a tax abatement agreement, the County must give written notice of its intent to do so to the presiding officers of all taxing units with jurisdiction over the property for which abatement is sought, along with a copy of the proposed tax abatement agreement. At the regularly scheduled meeting, the Commissioners Court may finally vote by simple majority to enter into the tax abatement agreement or to decline. An approved tax abatement agreement may be executed in the same manner as other contracts made by the county.

(C) Expedited consideration of application. If the County determines that the application should receive expedited consideration, the County Judge shall schedule an opportunity to obtain public input on the application at the Commissioners Court next meeting. At least seven (7) days prior to the meeting, the County must send written notice to the presiding officers of all taxing units with jurisdiction over the property for which an abatement is sought and must publish notice of the hearing time, place and subject in the local newspaper. Also at this time the County must give written notice of its intent to enter into a tax abatement agreement to the presiding officers of all taxing units with jurisdiction over the property for which an abatement is sought, along with a copy of the proposed tax abatement agreement. During the regularly scheduled meeting, the

Commissioners Court evaluates the application against the criteria in Section II and decides whether to designate the property for which the abatement is sought as a reinvestment zone. If the reinvestment zone is not designated, the Commissioner Court shall pass an order to that effect and may then immediately consider for approval the tax abatement agreement between the applicant and the county. After consideration, the Commissioners Court may finally vote by simple majority to enter into the tax abatement agreement, or to decline. An approved tax abatement agreement may be executed in the same manner as other contracts made by the County.

(e) Confidentiality. As required by Section 312.003 of the Texas Tax Code, information that is provided to Wilbarger County in connection with an application or request for tax abatement under this chapter and that describes the specific processes or business activities to be conducted or the equipment or other property to be located on the property for which tax abatement is sought is confidential and not subject to public disclosure until the tax abatement agreement is executed.

II. Criteria for Designating a Reinvestment Zone

(a) Minimum requirement. To be designated a reinvestment zone, County Commissioners must find by majority vote that:

(1) the property for which the abatement is sought will be reasonable likely as a result the designation to contribute to the retention or expansion of primary employment or to attract major investment in the zone that would be a benefit to the property and that would contribute to the economic development of the county, or meet one or more of the other requirements provided in section 312.202 of the Texas Tax Code; and

(2) that the improvements sought are feasible and practical and would be a benefit to the land to be included in the zone and to the county after expiration of the tax abatement agreement.

(b) Criteria. In determining whether to designate a reinvestment zone and whether to enter into a tax abatement agreement, the Commissioners Court shall consider the following factors, among others determined appropriate by the Court:

- (1) value of land and existing improvements, if any;**
- (2) type and value of proposed improvements;**
- (3) productive life of proposed improvements;**
- (4) number of existing jobs to be retained by proposed improvements.**
- (5) number and type of new jobs, if any, to be created by proposed improvements;**
- (6) costs to be incurred by Wilbarger County, if any, to provide facilities or services directly resulting from the new improvements;**
- (7) types and values of public improvements, if any, to be made by applicant seeking abatement;**
- (8) the amount of ad valorem property taxes to be paid to Wilbarger County after expiration of the abatement agreement;**
- (9) the impact on the business opportunities of existing businesses and the attraction of new businesses to the area, if any; and**
- (10) the overall compatibility with the zoning ordinances and comprehensive plan, if any, for the area.**

Fire medical?

III. Format for Tax Abatement Agreement

(a) Required provisions. If the Wilbarger County Commissioners Court designates a reinvestment zone, it may consider and execute a tax abatement agreement with the owner of the designated property and lessee, as appropriate, as outlined above. Any tax abatement agreement shall include at least the following:

- (1) the kind, number and location of all proposed improvements of the property;**
- (2) provisions allowing for reasonable access to the property for initial and intermittent inspection purposes by County employees or designated representatives to ensure improvements are made in compliance with the agreement;**

(3) provisions limiting the use of the property consistent with the general purpose of encouraging development or redevelopment of the area during the period of abatement;

(4) provisions 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 in the agreement;

(5) each term agreed to by the recipient of the abatement;

(6) a requirement that the abatement recipient certify its compliance with the agreement annually to the County; and

(7) provisions allowing the County to cancel or modify the agreement if the recipient is out of compliance with the agreement.

(b) **Optional provisions.** The tax abatement agreement may also contain any or all of the following items, in addition to any others deemed appropriate by the contracting parties;

(1) the estimated taxable value or range of values for which taxes are to be abated;

(2) percent of value to be abated each year;

(3) the commencement and termination dates of the abatement;

(4) proposed use of the property;

(5) nature of construction, time schedule, map and property description;

(6) contractual obligations in the event of default or violation of terms or conditions;

(7) size of investment and number of temporary and permanent jobs involved, if any;

(8) provisions for dispute resolution.

(c) **Duration and portion of abatement.** A tax abatement agreement granted by Wilbarger County shall be up to but not exceeding ten (10) years in duration and up to but not exceeding 100% in portion of ad valorem property taxes abated.

(d) **Time limit.** Such agreement shall be executed within 30 days after passage of the resolution approving the agreement, unless the County and the applicant mutually agree otherwise.

IV. Administration of Tax Abatement Agreement

(a) **Inspections.** County employees or their designated representatives shall have reasonable access to the property for initial and intermittent inspection purposes in order to ensure that the improvements or repairs are made according to the specifications and conditions of the agreement.

(b) **Cure provisions.** Should Wilbarger County determine that the company or individual receiving the abatement is in default of the tax abatement agreement, it shall notify the company or individual of such default in writing at the address specified in the agreement, and if such is not cured within sixty (60) days of notice, the agreement may be terminated by the County.

(c) **Modification and termination.** At any time before the expiration of a tax abatement agreement, an agreement may be modified by the parties to include other provisions that could have been included in the original agreement or to delete provisions that were not necessary to the original agreement. The modification must be made by the same procedure by which the original agreement was made. An agreement may also be terminated by the mutual consent of the parties in the same way the agreement was made, or by other means as agreed by the parties according to the provisions of the agreement.

V. Assignment

An abatement granted by Wilbarger County may be transferred and assigned by the holder to a new owner or lessee of the same property upon the approval by resolution of Wilbarger County subject to the financial capacity of the assignee and provided that all conditions and obligations in the tax abatement agreement are guaranteed by the execution of a new contractual agreement with Wilbarger County. Approval shall not be unreasonably withheld by Wilbarger County.

VI. Sunset and Amendment of Guidelines and Criteria

These Guideline and Criteria are effective upon the date of their adoption and will remain in force for two years, unless amended by three-fourths vote of the Wilbarger County Commissioners Court.

Passed and approved at a regular meeting of the Wilbarger County Commissioners' Court, at which a quorum was present on the _____ day of _____, 2008.

Greg Tyra, County Judge

**Richard Jacobs
Commissioner, Precinct 1**

**Phillip Graf
Commissioner, Precinct 2**

**Rodney Johnston
Commissioner, Precinct 3**

**Lenville Morris
Commissioner, Precinct 4**