

# O'HANLON, McCOLLOM & DEMERATH

ATTORNEYS AND COUNSELORS AT LAW

808 WEST AVENUE  
AUSTIN, TEXAS 78701  
TELEPHONE: (512) 494-9949  
FACSIMILE: (512) 494-9919

**KEVIN O'HANLON**  
CERTIFIED, CIVIL APPELLATE  
CERTIFIED, CIVIL TRIAL

**LESLIE McCOLLOM**  
CERTIFIED, CIVIL APPELLATE  
CERTIFIED, LABOR AND EMPLOYMENT  
TEXAS BOARD OF LEGAL SPECIALIZATION

**JUSTIN DEMERATH**

July 31, 2013

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

RE: Application to the Fort Stockton Independent School District from Barilla Solar, LLC

## **FIRST QUALIFYING YEAR 2014**

To the Local Government Assistance & Economic Analysis Division:

By copy of this letter transmitting the application for review to the Comptroller's Office, the Fort Stockton Independent School District is notifying the Applicant Barilla Solar, LLC of its intent to consider Barilla Solar, LLC's application for appraised value limitation on qualified property. The Applicant submitted the application to the school district on July 22, 2013. The Board voted at a properly posted Board meeting to accept the application on July 22, 2013. The application was determined complete by the school district on July 31, 2013. Please prepare the economic impact report.

The Applicant has included confidential materials with the application. The materials have been provided both in electronic and hard copy format. We have not attached the confidential materials to this email to avoid the unintended disclosure of these materials.

Barilla Solar, LLC has also requested that Page 8 of the Application and Schedules A-D attached be kept "Confidential", as well. Your office has already determined that information regarding investment levels and employment cannot be kept confidential. Even though the Applicant has written Confidential across the top of the Schedules, such information must be published on the website.

Letter to Local Government Assistance & Economic Analysis Division

July 31, 2013

Page 2 of 2

No construction has begun at the project site as of the date of the filing of the application and the District's determination that the application is complete. The Applicant is aware that the determination of a completed application by the Comptroller determines what property may be eligible for a value limitation agreement.

The applicant has requested that the District create the reinvestment zone for this project. The legal description and a final executed copy of the reinvestment zone order are attached.

The school district has determined that the wage information included in the application represents the most recent wage data available at the time of the application. The wage the Applicant has committed to paying on this project is above the required statutory minimums.

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 Pecos County Appraisal District.

Please feel free to contact me with questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kevin O'Hanlon', written in a cursive style.

Kevin O'Hanlon  
School District Consultant

Cc: Chief Appraiser  
Pecos County Appraisal District

Barilla Solar, LLC

Ralph Traynham, Fort Stockton ISD



# 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

<b>Authorized School District Representative</b>		Date application received by district <b>July 22, 2013</b>	
First Name <b>Ralph</b>		Last Name <b>Traynham</b>	
Title <b>Superintendent</b>			
School District Name <b>Fort Stockton Independent School District</b>			
Street Address <b>101 West Division</b>			
Mailing Address <b>101 West Division</b>			
City <b>Fort Stockton</b>		State <b>Texas</b>	ZIP <b>79735</b>
Phone Number <b>432-336-4000</b>		Fax Number <b>432-336-4008</b>	
Mobile Number (optional)		E-mail Address <b>ralph.traynham@fsisd.net</b>	

- I authorize the consultant to provide and obtain information related to this application...  Yes  No
- Will consultant be primary contact? ...  Yes  No



**SCHOOL DISTRICT INFORMATION - CERTIFICATION OF APPLICATION (CONTINUED)**

Authorized School District Consultant (If Applicable)

First Name **Daniel** Last Name **Casey**

Title **Partner**

Firm Name **Moak, Casey & Associates**

Street Address **400 W. 15th Street, Suite 1410**

Mailing Address **400 W. 15th Street, Suite 1410**

City **Austin** State **Texas** ZIP **78701**

Phone Number **512-485-7878** Fax Number **512-485-7888**

Mobile Number (Optional) E-mail Address **dcasey@moakcasey.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) *Ralph Grayham* Date **7-30-2013**

Has the district determined this application complete?  Yes  No

If yes, date determined complete. 7/31/13

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

will supplement

**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	will supplement

**APPLICANT INFORMATION - CERTIFICATION OF APPLICATION**

**Authorized Business Representative (Applicant)**

First Name <b>Kathryn</b>		Last Name <b>Arbeit</b>	
Title <b>Director, Project Development</b>			
Organization <b>First Solar, Inc.</b>			
Street Address <b>135 Main Street, 6th Floor</b>			
Mailing Address <b>135 Main Street, 6th Floor</b>			
City <b>San Francisco</b>		State <b>California</b>	ZIP <b>94105</b>
Phone Number <b>415-935-2487</b>		Fax Number <b>415-894-6207</b>	
Mobile Number (optional)		Business e-mail Address <b>karbeit@firstsolar.com</b>	

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 <b>NA</b>		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 <b>John</b>	Last Name <b>Lichtenberger</b>	
Title <b>President</b>		
Firm Name <b>Pelagic Business Consulting LLC</b>		
Street Address		
Mailing Address <b>PO Box 27173</b>		
City <b>Austin</b>	State <b>Texas</b>	ZIP <b>78755</b>
Phone Number <b>512-924-8119</b>	Fax Number <b>512-372-8502</b>	
Business email Address <b>john@pelagicbusinessconsulting.com</b>		

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 <b>7/26/13</b>
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GIVEN under my hand and seal of office this 26 day of July, 2013

State of California County of

SAN FRANCISCO

Subscribed and sworn to (or affirmed)

before me on this 26 day of July, 2013, by KATHRYN ARBEIT

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

(Notary Seal)

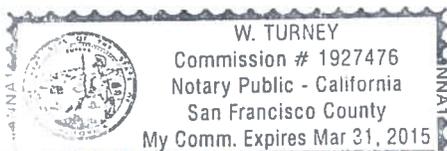
Signature \_\_\_\_\_

(Seal)

Notary Public, State of CALIFORNIA

My commission expires 03/31/15

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

Barilla Solar, LLC

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

32051538604

NAICS code

221114 (2012 Version), 221119 (1997 Version)

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.

NA

**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.)

Limited Liability Company

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.)

CONFIDENTIAL

**ECONOMIC INCENTIVES**

Identify state programs the project will apply for:

State Source	Amount
NA	NA
_____	_____
_____	_____
Total	NA

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.)

Barilla Solar, LLC will apply for property tax abatements with the following taxing entities: Pecos County, Middle Pecos Groundwater District and Midland College

**THE PROPERTY**

Identify county or counties in which the proposed project will be located Pecos County, Texas

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

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: Pecos - 100% City: NA  
(Name and percent of project) (Name and percent of project)

Hospital District: NA Water District: Middle Pecos Groundwater District - 100%  
(Name and percent of project) (Name and percent of project)

Other (describe): Midland College - 100% Other (describe): \_\_\_\_\_  
(Name and percent of project) (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? \$30,000,000
What is the amount of appraised value limitation for which you are applying? \$30,000,000
What is your total estimated qualified investment? \$75,000,000

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? December 2013
What is the anticipated date of the beginning of the qualifying time period? December 2013

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? \$77,500,000

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. \$0.00 2012

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)? 0

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

First Quarter Second Quarter Third Quarter Fourth Quarter of 2013

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? 0

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 1

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? 1

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	N/A
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	N/A
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	N/A
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	N/A

\*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)

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Accounts)*

ATTACHMENT 3

NOT APPLICABLE

ATTACHMENT 4

CONFIDENTIAL

## ATTACHMENT 4 Detailed Description of Project

### **About First Solar**

First Solar is the leading global provider of comprehensive photovoltaic (PV) solar energy solutions. With vertically integrated capabilities improving every aspect of the solar value chain, First Solar delivers power plant solutions that maximize value and mitigate risk for customers worldwide.

### **Leadership Achieving Cost and Scale**

First Solar was formed in 1999 and has become the world's leading thin film module manufacturer. First Solar is the:

- 1st solar company to produce 1 gigawatt (GW) in a single year
- 1st solar company to break the \$1/watt manufacturing cost barrier
- 1st solar company to implement a global PV module recycling program
- World-record-holder for CdTe thin film solar module (14.4%) and cell (18.7%) efficiency

### **Leadership across the Entire Value Chain**

First Solar has gained industry-leading capabilities across the entire solar value chain to become the world's leading provider of PV energy solutions. First Solar has:

- Developed the largest solar project pipeline in the world (currently nearly 3GW contracted worldwide)
- Sold PV power plants to top power producers and energy investors in the industry
- Facilitated the financing for nearly ~2GW (AC) (representing approximately ~\$9 billion) of First Solar power plants
- Designed and constructed over 1.5GW of PV power plants, including the world's largest and most advanced operational PV plant: Agua Caliente in Arizona, USA
- Developed the most advanced grid integration and plant control capability in the solar industry
- Made significant improvements throughout the balance of system to optimize the entire PV power plant and reduce lifecycle costs
- Developed the industry's most advanced O&M program and world-class Operations Center
- Achieved system availabilities of over 99% for fleet of utility-scale PV plants under operation (over 650MW growing to 2.2 GW)

ATTACHMENT 4  
Detailed Description of Project

**Leadership Integrating into the Global Energy Mix**

First Solar's mission is to create enduring value by enabling a world powered by clean, affordable solar electricity. By providing an economically attractive alternative to fossil fuel electricity generation today, First Solar is integrating solar power into the global energy mix.

First Solar delivers advanced PV energy solutions to contemporary problems such as fuel cost volatility and energy supply reliability. First Solar energy solutions include utility-scale generation, industrial power, and fuel replacement solutions. With our proprietary technologies, industry expertise, and proven track record of success, First Solar PV power plants integrate and operate more like traditional generation plants and are the smartest source for reliable and dependable solar energy.

For more information about First Solar's experience and qualifications, please see the attached document:

[FSLR\\_ExperienceandQualifications\\_Combined\\_06032013\\_V2.pdf](#)



## FIRST SOLAR EXPERIENCE AND QUALIFICATIONS

### First Solar Advantage

First Solar is a leading global provider of comprehensive photovoltaic (PV) solar energy solutions. With vertically integrated capabilities improving every aspect of the solar value chain, First Solar delivers power plant solutions that maximize value and mitigate risk for customers worldwide. With over 7 GW of First Solar modules installed worldwide, we are the partner of choice for reliable, dependable, and cost-effective solar energy.

Formed in 1999, First Solar introduced and commercialized proprietary and disruptive technology with significant performance benefits in utility-scale applications. First Solar has since become the world's leading thin film module manufacturer. Among other things, First Solar has achieved the following milestones:

- First to manufacture 1 GW of modules in a single year
- First to break the \$1/watt manufacturing cost barrier
- First to implement a global PV module recycling program
- 14.4% module and 18.7% cell efficiency (both world records for CdTe technology)

First Solar has gained capabilities and demonstrated leadership across the entire solar value chain to become the world's leading provider of PV energy solutions. First Solar has:

- Developed the largest solar project pipeline in the world (with over 3 GW currently contracted worldwide)
- Sold PV power plants to top power producers and energy investors in the industry
- Facilitated the financing for ~2GW<sub>ac</sub> (representing approximately ~\$9 billion) of First Solar power plants
- Designed and constructed over 1.5 GW of PV power plants, including Agua Caliente, the world's largest operational PV plant, located in Yuma County, Arizona.
- Developed the most advanced grid integration and plant control capability in the solar industry
- Made significant improvements throughout the balance of system to optimize the entire PV power plant and reduce lifecycle costs
- Developed the industry's most advanced O&M program and a world-class Operations Center

### Project Development and Finance

First Solar offers the most bankable solar energy solutions in the world. We believe that bankability and low cost of capital is critical to integrating solar power into the global energy mix. With a proven track record, the strongest balance sheet in the industry, and unparalleled use of our technology in debt-financed projects, we power confidence with financial institutions worldwide.



First Solar has engineered, constructed, and operated many of the world's largest and most advanced photovoltaic (PV) power plants and is currently executing on one of the largest contracted solar project pipelines in the world. We have sold our plants to top independent power producers and financial investors in the energy industry. In addition, we have facilitated the financing for nearly 2GW (AC) (representing approximately \$9 billion) of First Solar power plants in debt and equity financing, including public and private bond markets, the Federal Financing Bank, and financial institutions worldwide, which have a long history supporting First Solar's bankable technology. Notable projects in our portfolio and contracted project pipeline include:

- **Desert Sunlight Solar Farm, California, USA – 550MW (AC)**, one of the world's largest PV power plants, First Solar designed, is currently constructing, and will operate and maintain for owners NextEra Energy Resources, GE Energy Financial Services, and Sumitomo Corporation of America. When completed in 2015, Desert Sunlight will power about 160,000 homes annually.
- **Topaz Solar Farm, California, USA – 550MW (AC)**, which will also be one the world's largest PV power plant when completed in 2015, has roughly the nameplate capacity of a coal-fired power plant. First Solar designed, is currently constructing, and will operate and maintain the facility for owner MidAmerican Solar, a Berkshire Hathaway company.
- **Agua Caliente, Arizona, USA – 290MW (AC)** is the world's largest operational PV power plant with 250MW currently connected to the grid. First Solar designed, is currently constructing, and will operate and maintain the facility for owners NRG Energy and MidAmerican Solar. Employing First Solar's advanced grid integration and plant control system, the plant is one of the first projects of its size to connect to a 500kV transmission line.
- **Sarnia, Ontario, Canada – 80MW (AC)**, the largest operating PV power plant in Canada, First Solar designed, constructed, and is operating and maintaining the facility for owner Enbridge Capital.
- **Copper Mountain, Nevada, USA – 58MW (AC)**, First Solar designed and constructed the plant for owner Sempra Generation. Copper Mountain has been expanded multiple times and is co-located with a natural gas-fired power plant.
- **Lieberose, Germany – 53MW (AC)**, located on a former military training ground, spurred the cleanup of land mines, grenades and other munitions on the site. Lieberose was co-financed by First Solar and developer juwi solar, Inc.
- **Dhursar Solar Power Plant, Rajasthan, India – 40MW (AC)**, developed by Reliance Power Limited and constructed by Larsen & Toubro, the plant relies on First Solar's PV energy solutions and demonstrates the enormous potential of solar PV in helping India meet its soaring energy needs.
- **Avra Valley Solar Project, Arizona, USA – 26MW (AC)**, designed and constructed by First Solar for owner NRG Energy, the Avra Valley Solar Project maximizes energy output using First Solar's advanced thin film modules and single-axis tracker system.
- **Greenough River Solar Farm, Geraldton, Australia – 10MW (AC)**, is Australia's first utility-scale PV plant connected to the grid. First Solar engineered and constructed the plant and will operate and maintain the facility for owners Verve Energy and GE Energy Financial Services.



## Grid Integration and Plant Control System

For solar power to become a mainstream source of energy, reliable and predictable solar energy needs to be easily integrated into the electricity grid without negatively impacting grid reliability and stability. First Solar offers a proprietary and revolutionary power plant control system. First Solar's plant control system is designed to regulate real and reactive power output from the PV plant, resulting in electricity generation that behaves as a single large generator. While PV plants are composed of individual small generators—or inverters, which convert DC power generated by solar panels to AC electricity used on the grid—First Solar's plant control system coordinates all power output in order to provide typical large power plant features.

## Thin Film PV Modules

First Solar's world-record setting cadmium telluride (CdTe) thin film solar modules are the foundation to the world's most successful PV power plants. First Solar modules offer a reliable and proven technology that has been validated by numerous independent engineers and backed by financial institutions worldwide. Having secured billions of dollars of project financing due to robust performance and environmental attributes, First Solar modules have a proven energy yield advantage over typical crystalline silicon solar modules. The leading contributor to this performance advantage is due to the superior temperature coefficient of CdTe which delivers higher energy yields at elevated temperatures compared to conventional solar module technologies. The unique cell architecture of First Solar modules is more resilient to partial shading from cloud cover and other physical obstructions, allowing for continued power production even when direct sunlight can only reach a portion of the module surface. In addition, First Solar's thin-film technology is also characterized by higher energy performance in low-light conditions where the absorption properties of CdTe, which are highly matched to the solar spectrum, deliver strong conversion efficiencies in low-light environments such as dawn and dusk.

With these combined benefits, First Solar estimates the performance characteristics of our modules result in an additional 1-1.5% increase in conversion efficiency factor when compared to conventional solar modules in real world conditions. Over the course of a plant's operational life, the advantages of First Solar's low-cost module technology will translate to significant gains in power output and higher financial returns for system owners and project investors, while providing the lowest carbon footprint of any PV technology.

## Balance of Systems

First Solar has made significant improvements to balance of system components to optimize the entire PV power plant and reduce lifecycle costs. Our proprietary data acquisition, plant control, and mounting systems are just a few examples of plant optimizing technologies that enable us to provide reliable and predictable solar energy, increased energy yields and system availabilities, faster construction velocities, and a lower Levelized Cost of Electricity (LCOE).



## Engineering, Procurement, and Construction

First Solar has engineered, constructed, and operated many of the world's largest and most advanced PV power plants and is currently executing on one of the largest contracted solar project pipelines in the world. With a proven track record of success and an award-winning safety record, First Solar is a trusted partner for many of the world's leading utilities and energy investors. First Solar executes to plan and delivers advanced PV power plants and solutions on budget and on time.

An essential component of First Solar's end-to-end value proposition, First Solar's EPC organization:

- Has designed and built over 1.5 GW of generating capacity and is constructing or will construct an additional 3 GW contracted pipeline of solar power plants over the next several years
- Optimizes each plant for project specific-economics, taking site specific factors into account for design, layout, technology selection and system configuration
- Provides a range of services tailored to the needs and capabilities of each customer, including design and engineering, engineering consultation, construction, and construction management
- Takes full value chain responsibility for plants constructed by First Solar, providing customers a single point of contact throughout the plant lifecycle
- Has made significant improvements in cost reduction and construction velocities, reducing the levelized cost of electricity (LCOE) and providing earlier revenue recognition for our customers
- Maintains an industry-leading safety record and award-winning safety management team

## Operations and Maintenance

First Solar has established the most advanced operations and maintenance program in the PV industry today. First Solar O&M combines power prediction and analytical capabilities with advanced diagnostics and plant controls in order to maximize power output, minimize maintenance costs and provide seamless grid integration for customers. First Solar currently operates 19 utility-scale PV power plants with over 1.3 GWh of total energy generated to date and a fleet availability of over 99%.

First Solar's industry-leading global Operations Center located in Mesa, AZ centrally monitors and controls more utility-scale PV power plants than any other company in the world. With automated data analysis and processes, First Solar can quickly detect problems and dispatch maintenance crews to resolve them. First Solar has developed proprietary algorithms to predict potential issues and schedule preventive maintenance before trouble occurs. First Solar's state-of-the-art O&M technology maximizes power output and minimizes maintenance costs, combining to increase customer revenue and to lower the LCOE for utility-scale PV power plants.

## Financing Experience

First Solar's business model is such that it does not typically own projects in the long-term. It is anticipated that on the financial closing date, the equity will be sold to an owner that has experience owning generating facilities and has substantial financial wherewithal. First Solar, Inc. has an unparalleled track record among solar developers of placing equity with top-tier energy companies. The



process will commence approximately six to eight months prior to the financial closing date. First Solar will initially compile a list of potential equity investors, and then conduct Project overview meetings with qualified investors who have signed confidentiality agreements. It will then provide data room access to these companies, which will conduct due diligence and submit proposals to purchase the equity. First Solar will then assess the bids based on a number of factors, including price, experience of the owner and certainty of closing. A bidder will then be selected to conduct full due diligence and to negotiate a Purchase and Sale Agreement, an EPC contract and an O&M agreement. If the sale is contingent on financing, then the sale will close contemporaneously with the financing. Otherwise, the sale will close when due diligence, contract negotiations and development are complete.

We have developed one of the largest solar project pipelines in the world (over 3GW currently contracted) and have sold our plants to top independent power producers and financial investors in the energy industry. In addition, we have facilitated the financing for nearly 2GW (AC) (representing approximately \$9 billion) of First Solar power plants in debt and equity financing, including public and private bond markets, the Federal Financing Bank, and financial institutions worldwide, which have a long history supporting First Solar's bankable technology.

Some of the past financings include such notable projects as the 550 MW<sub>AC</sub> Desert Sunlight Solar Farm, the 550 MW<sub>AC</sub> Topaz Solar Farm, and the 230 MW<sub>AC</sub> AV Solar Ranch One in California; the 290 MW<sub>AC</sub> Agua Caliente Solar Project in Arizona; the 50 MW<sub>AC</sub> Silver State North project in Nevada; and the 53 MW<sub>DC</sub> Lieberose project in Germany. First Solar's projects have been financed by a wide group of global institutions, including Deutsche Bank, Societe Generale, Rabobank, Banco Santander, Dexia Bank, Union Bank, Credit Agricole, NordLB, DZ Bank, Landesbank Hessen-Thuringer and KfW IPEX. Additionally, the U.S. Department of Energy provided loan guarantees for Desert Sunlight, Agua Caliente, and AV Solar Ranch One.

First Solar is an S&P 500 company. For FY 2012, the company had total assets of \$6.35 billion. The company typically selects large experienced partners as equity owners for projects it develops. Examples of solar projects that were financed in this manner include Desert Sunlight (NextEra and GE Energy Financial Services), Topaz (MidAmerican Solar), Agua Caliente (NRG Energy and Mid American Solar), AV Solar Ranch One (Exelon), Silver State North (Enbridge), Blythe (NRG Energy), Cimarron (Southern Company) and Sarnia (Enbridge).

\* \* \*



## Awards

<b>Utility Variable Generation Integration Group</b>	<b>Achievement Award</b> —Pioneering developments in the construction and interconnection of the largest solar PV plants in the world	2013
<b>ENR Southwest</b>	<b>Owner of the Year</b>	2013
<b>SEIA and SEPA</b>	<b>PV Projects of Distinction Awards</b> —Mount St. Mary's Project	2013
<b>Project Finance</b>	<b>North American Solar Deal of the Year 2012</b> —Topaz	2012
<b>Imperial Valley Economic Development Corp</b>	<b>Project of the Year</b> —Tenaska Imperial Solar Energy Center South	2012
<b>Solar Power World</b>	<b>Top 100 Solar Contractors</b>	2012
<b>Project Finance</b>	<b>Project Finance Deal of the Year</b> —Desert Sunlight	2012
<b>Power Intelligence</b>	<b>Best Renewables Deal</b> —Desert Sunlight	2012
<b>Solar Power Generation USA</b>	<b>PV Project of the Year</b> —Agua Caliente	2012
<b>CLP Resources</b>	<b>Safety Partner of the Year</b>	2012
<b>Renewable Energy World.com</b>	<b>Solar Project of the Year</b> —Agua Caliente	2012
<b>Malaysia Greentech Awards</b>	<b>Gold Award</b> —Manufacturing	2012
<b>Power Magazine</b>	<b>Top Renewable Plant</b> —Sarnia	2011
<b>Power Magazine</b>	<b>Top Renewable Plant</b> —Copper Mountain Solar 1	2011
<b>MIT Technology Review</b>	<b>TR50</b> —One of 50 Most Innovative Companies in the World	2011
<b>MIT Technology Review</b>	<b>TR50</b> —One of 50 Most Innovative Companies in the World	2010
<b>Renewable Energy World.com</b>	<b>Solar Project of the Year</b> —Copper Mountain	2010
<b>CanSIA</b>	<b>Solar PV Project of the Year</b> —Sarnia	2010
<b>Renewable Energy World.com</b>	<b>Solar PV Project of the Year</b> —Sarnia	2010



## Staff Composition

With more than 5,600 associates worldwide, First Solar's fully integrated solar power systems business includes project development, engineering, procurement and construction (EPC) services, operating and maintenance (O&M) services, and project finance expertise, as described in more detail below.

- Our **Project Development** group obtains land and land rights for the development of solar power plants incorporating our modules, negotiates long-term power purchase agreements (PPA) with potential purchasers of the electricity to be generated by those plants, manages the interconnection and transmission process, negotiates agreements to interconnect the plant to the electric grid and obtains the permits which are required prior to the construction of the plant, including applicable environmental and land use permits. We sell developed projects or projects under development to system operators who wish to own generating facilities, such as utilities or independent power producers, or to investors who are looking for long-term investment vehicles that are expected to generate consistent returns.
- We provide **Engineering, Procurement, and Construction (EPC)** services for projects developed by our project development business, projects developed by independent solar power project developers, and directly to system owners such as utilities. The procurement component of our EPC services includes deployment of our modules as well as balance of system components that we procure from third parties.
- For solar power plants which we have developed and built, we may provide ongoing **Operations and Maintenance (O&M)** services to the system owner under long-term service agreements. These O&M services may include overseeing the day-to-day operation of the system, safety and security, maximizing energy production, and management of reliability, site services, power purchase agreement and other contractual compliance, environmental and permit compliance, regulatory requirements, recordkeeping, forecasting, warranty, preventative and scheduled maintenance, and spare parts inventory and may also include certain additional guarantees relating to the project.
- Our **Project Finance** group is primarily responsible for negotiating and executing the sale of utility-scale power plant systems incorporating our modules, allowing us to optimize the value of our project development portfolio. This group is experienced in structuring non-recourse project debt financing in the bank loan market and institutional debt capital markets and raising project equity capital from tax oriented and strategic industry equity investors.



## Executive Staff and Key Managers

The following is a list of executive staff followed by key managers in each of the departments listed above:

### 1. Executive Officers

#### **James A. Hughes** ***Chief Executive Officer***

James A. Hughes joined First Solar in March 2012 as Chief Commercial Officer and was appointed Chief Executive Officer in May 2012. Prior to joining First Solar, Mr. Hughes served, from October 2007 until April 2011, as Chief Executive Officer and Director of AEI Services LLC, which owned and operated power distribution, power generation (both thermal and renewable), natural gas transportation and services, and natural gas distribution businesses in emerging markets worldwide. From 2004 to 2007, he engaged in principal investing with a privately held company based in Houston, Texas that focused on micro-cap investments in North American distressed manufacturing assets. Previously, he served, from 2002 until March 2004, as President and Chief Operating Officer of Prisma Energy International, which was formed out of former Enron interests in international electric and natural gas utilities. Prior to that role, Mr. Hughes spent almost a decade with Enron Corporation in positions that included President and Chief Operating Officer of Enron Global Assets, President and Chief Operating Officer of Enron Asia, Pacific Africa and China and as Assistant General Counsel of Enron International. Mr. Hughes is a Non-Executive Director of APR Energy plc, a London Stock Exchange-listed energy company participating in the global market for gas and diesel fired temporary power plants.

Mr. Hughes holds a juris doctor degree from the University of Texas at Austin School of Law, a Certificate of Completion in international business law from Queen Mary's College, University of London, and a bachelor's degree in business administration from Southern Methodist University.

#### **Mark Widmar** ***Chief Financial Officer and Chief Accounting Officer***

Mark Widmar joined First Solar in April 2011 as the company's Chief Financial Officer. In this role he oversees all financial operations, including Financial Planning & Analysis, Treasury, Internal Audit, Investor Relations, Accounting, and Tax. Prior to joining First Solar, Mr. Widmar was the Chief Financial Officer for Graftech International, and was also President of Graftech's Engineering Solutions business.

From 2005 to 2006 Mr. Widmar served as Corporate Controller for NCR Inc. Prior to his appointment to Controller, he was a Business Unit Chief Financial Officer for NCR, with responsibility for setting the financial vision and strategy for a \$2 billion global enterprise. In this position Mr. Widmar was instrumental in the establishment of strategic plans, annual operating plans, and pricing strategy.



Mr. Widmar has also held various financial and managerial positions with Dell, Inc., Lucent Technologies, Inc., AlliedSignal, Inc., and Bristol Myers/Squibb, Inc. He began his career in 1987 as an accountant with Ernst & Young.

He holds a Bachelor of Science and a Masters of Business Administration from Indiana University.

**Georges Antoun**  
***Chief Operating Officer***

Georges Antoun joined First Solar in July 2012 as the company's Chief Operating Officer. Mr. Antoun has over 20 years of operational and technical experience, including leadership positions at several global technology companies. Mr. Antoun most recently served as Venture Partner at Technology Crossover Ventures (TCV), a private equity and venture firm that he joined in July 2011. Prior to joining TCV, Mr. Antoun was the Head of Product Area IP & Broadband Networks for Ericsson, based in San Jose, California. Mr. Antoun joined Ericsson in 2007, when Ericsson acquired Redback Networks, a telecommunications equipment company, where Mr. Antoun served as the Senior Vice President of World Wide Sales & Operations. After the acquisition, Mr. Antoun was promoted to Chief Executive Officer of the Redback Networks subsidiary. Prior to Redback Networks, Mr. Antoun spent five years at Cisco Systems, where he served as Vice President of Worldwide Systems Engineering and Field Marketing, Vice President of Worldwide Optical Operations, and Vice President of Carrier Sales. He has also held senior management positions at Newbridge Networks, a data and voice networking company, and Nynex (now Verizon Communications), where he was part of its Science and Technology Division.

Mr. Antoun earned a Bachelor of Science degree in Engineering from the University of Louisiana at Lafayette and a Master's degree in Information Systems Engineering from Polytechnic Institute of New York University.

**Carol Campbell**  
***Executive Vice President, Human Resources***

Carol Campbell joined First Solar in March 2006 as Director of Human Resources and was named Vice President of Human Resources in March 2007. She became the Company's Executive Vice President of Human Resources in November 2009. Prior to joining First Solar, she was the Regional Director of Human Resources for North America at the Dana Corporation, where she was responsible for all Dana plants in the US, Canada, and Mexico. Ms. Campbell was with Dana for 20 years, progressing through levels of greater responsibility in the Legal and Human Resource Departments. She has her Professional Human Resources certification through the Society of Human Resources Management and has extensive experience successfully developing and running highly effective HR organizations in complex and rapidly changing environments. She graduated Magna Cum Laude from Heidelberg College with a B.S. degree in Business.



**Mary Beth Gustafsson**  
***Executive Vice President, General Counsel and Secretary***

Mary Beth Gustafsson joined First Solar in October 2008 as Vice President, General Counsel. She was named Executive Vice President, General Counsel and Corporate Secretary in November 2009. Ms. Gustafsson was previously Senior Vice President, General Counsel and Secretary of Trane (formerly American Standard Companies, Inc.). Prior to that, she held roles as Chief Counsel of Trane's commercial and residential air conditioning systems business worldwide and Chief Corporate Counsel for corporate legal activities, including acquisitions, joint ventures and alliances, financing transactions, corporate governance and public company regulation. Mary Beth has a bachelor's degree in English Literature from Boston University, and a Juris Doctor degree from The University of Michigan Law School.

**Maja Wessels**  
***Vice President, Global Public Affairs***

Maja Wessels leads First Solar's government affairs, sustainable development and community relations activities globally. Ms. Wessels joined First Solar as Vice President of Government Affairs for the Europe, Middle East and Africa region in May 2008 after serving 4 years as senior vice president, Government Affairs at Honeywell for the EMEA region and three as President, United Technologies International Operations for Europe. Ms. Wessels chaired the American Electronics Industry Association Europe from 2006 to 2007 and prior to that she was president of the American Chamber of Commerce to the EU from 2003 to 2007. From 1997 to 2000 she was employed by Daimler Chrysler as vice president of Government Affairs in Europe. Ms. Wessels is a graduate of Dartmouth College. She also holds a master's degree in international economics and European studies from the School of Advanced International Studies of Johns Hopkins University.

**Raffi Garabedian**  
***Chief Technology Officer***

Raffi Garabedian joined First Solar in 2008 as Director of Disruptive Technologies, and was promoted to Vice President of Advanced Technologies in 2010, overseeing the Company's advanced research and development operations in Santa Clara, California, and was promoted to Chief Technology Officer in May 2012. Prior to joining First Solar, he was founder and CEO of Touchdown Technologies, a semiconductor test equipment company. Prior to that, Mr. Garabedian worked in the semiconductor and microelectromechanical systems industries for over 15 years, developing new products ranging from automotive sensors to telecommunications switching systems, and holds more than 20 issued patents in these fields. Mr. Garabedian earned a BSEE degree from Rensselaer Polytechnic University and an MSEE degree from the University of California at Davis.



**Brian Kunz**  
***Vice President, Project Development***

Brian Kunz is First Solar's Vice President for Project Development in the United States. He is responsible for the development and growth of First Solar's pipeline of utility-scale solar energy projects, currently amounting to 2,000 MW in the U.S. Mr. Kunz joined First Solar in July, 2010 through the Company's purchase of NextLight Renewable Power, the largest independent U.S. solar power plant developer. Mr. Kunz is a founding member of NextLight Renewable Power and served as its Vice President of Development.

Prior to joining NextLight, Mr. Kunz was Vice President and Regional Executive of Competitive Power Ventures (CPV) where he led the regional business and project development activities in California for new fossil and wind facilities. Mr. Kunz also was Senior Business Developer at PPM Energy, where he led the development and acquisition of wind power projects in California and Nevada from early site identification through late stage development. At PPM Energy, Mr. Kunz created a 700 MW wind project pipeline in CA including 350 MWs of late stage development projects.

Prior to PPM Energy, Mr. Kunz held Director-level roles at PG&E National Energy Group and PG&E Enterprises. He was responsible for business and project development for fossil power generation at NEG where he developed the 1,100 MW Harquahala Generation Project. At PG&E Enterprises he served as the country manager for project development and utility acquisitions in Australia. Mr. Kunz holds a Bachelor of Science in Mechanical Engineering from the University of Wisconsin – Madison and is a registered Professional Engineer in the State of California.



## 2. Financial Advisor

First Solar's Finance activities supporting project development are led by Mr. Alexander Bradley.

### **Mr. Alexander Bradley**

Vice President, Project Finance  
620 Eighth Ave. 44<sup>th</sup> Floor, Suite B  
New York, NY 10018

Mr. Bradley joined First Solar in 2008 as Director of Project Finance, in charge of project equity relationships, and since April 2012 has run the global Project Finance group. He has led the sale and financing of several First Solar development assets, including 380MW of utility scale projects, and has been involved in structuring First Solar's entry into emerging markets. Prior to joining First Solar, Mr Bradley worked at HSBC in investment banking and leveraged finance, in London and the USA, covering the energy and utilities sector. He was educated at the University of Edinburgh, Scotland.

## 3. Environmental Consultant

First Solar's environmental activities supporting project development are led by Mr. Roy Skinner.

### **Mr. Roy Skinner**

Director, Siting and Permitting  
135 Main St., 6<sup>th</sup> Floor  
San Francisco, CA 94105  
(415) 935-2514  
[Roy.Skinner@FirstSolar.com](mailto:Roy.Skinner@FirstSolar.com)

Roy Skinner is Director of Siting and Permitting for First Solar. He was previously an independent energy consultant, providing client support for permitting, compliance, and real estate for power projects, and due diligence support for mergers and acquisitions. Mr. Skinner served as Project Development Manager and Permitting Manager for PG&E National Energy Group where he was responsible for development of gas and coal-fired power projects and managed environmental permitting and compliance for a variety of large, utility scale power plants, including gas, wind, and solar. Prior to PG&E National Energy Group, Mr. Skinner was Environmental Manager for Harding Lawson Associates where he managed the environmental staff of the Sacramento office. He was also Environmental Manager for GEO Operator Corporation where he was responsible for geothermal project permitting and compliance for west coast operations. Mr. Skinner has over 30 years of experience in energy development, including project development, environmental management, project permitting and compliance, resource development and technical investigations.



#### 4. Owner's Engineer

First Solar's owner's engineer activities supporting project development are led by Mr. Logan Granger, AIA, LEED AP.

**Mr. Logan Granger, AIA, LEED AP**

Manager, Project Development Engineering

135 Main St., 6<sup>th</sup> Floor

San Francisco, CA 94105

(415) 935-2581

[Logan.Granger@firstsolar.com](mailto:Logan.Granger@firstsolar.com)

Logan Granger is First Solar's Manager of Global Project Development Engineering. He leads a team of project development engineers supporting First Solar's development efforts in the Americas, EMEA, APAC, China, and India. Mr. Granger joined First Solar in March 2012, and he has focused on utility-scale PV power plant project development, engineering, procurement, and construction since 2004. During that time, he has managed the design of over 600MW of installed PV capacity across more than 100 completed projects in North America, Europe, Middle East, and Asia.

Prior to joining First Solar, Mr. Granger spent eight years developing and delivering renewable energy projects with SunPower Corporation. At SunPower he was responsible for Global Project Engineering—providing technical support for late-stage development, detailed design engineering, permitting, and EPC delivery of utility-scale solar power plants.

Mr. Granger is a Licensed Architect in California and holds a Master's degree in Architecture from Harvard University.



## 5. Construction Contractor

First Solar's construction contractor activities supporting project development are led by Mr. Lou Moore.

**Mr. Lou Moore**

Senior VP, EPC

350 West Washington Street

Tempe, AZ 85281

(602) 414-9341

[Lmoore@firstsolar.com](mailto:Lmoore@firstsolar.com)

As Senior Vice President of EPC at First Solar, Lou Moore directs all construction activities for First Solar's Engineering, Procurement, and Construction (EPC) division in North America. In this role, Mr. Moore oversees a team of construction managers and site supervisors and has responsibility for all on-site activities.

Mr. Moore comes to First Solar with more than 35 years of engineering and construction management experience, including significant experience in the construction of power plants. Prior to joining First Solar, Mr. Moore served as Director of The Shaw Group, a leading engineering firm. At Shaw, he led a Site Project Management Organization comprised of more than 240 employees managing the construction of a two unit Westinghouse AP1000 Nuclear Power Station in Haiyang, China.

Before Shaw, Mr. Moore served in a number of roles, including Construction Manager, Operations Manager, and Project Manager, for Bechtel International Systems. While at Bechtel, he oversaw projects including airport, railway and infrastructure projects in North America and the construction of several gas-fired plants in Iraq.

Previously, he worked in a variety of roles, including Project Manager and Construction Manager, for Stone & Webster. In his time there he served as Project Manager overseeing all EPC responsibility for the 1,040 MW Harquahala gas turbine combined cycle power project in Arizona, and also performed engineering and construction work on power projects in several states as well as Taiwan.

Mr. Moore holds a Bachelor of Science in Mechanical Engineering from the United States Merchant Marine Academy.



## 6. Transmission Consultant

First Solar's Transmission and Interconnection activities supporting project development are led by Mr. Jim Filippi.

### **Mr. Jim Filippi**

Director, Transmission and Interconnection  
135 Main St., 6<sup>th</sup> Floor  
San Francisco, CA 94105  
(415) 935-2498  
[James.filippi@firstsolar.com](mailto:James.filippi@firstsolar.com)

Mr. James Filippi is Director of Transmission and Interconnection at First Solar and has over 38 years of power generation and transmission experience. Mr. Filippi joined First Solar in 2010 with its acquisition of NextLight Renewable Resources, where he was the Director of Transmission. Prior to joining NextLight, he was Principal Planning Engineer for Pacific Gas & Electric and represented PG&E on electric transmission planning issues in inter-utility contract negotiations and litigation, state regulatory proceedings, industry associations (e.g., WECC) and joint utility transmission expansion projects. Prior to that, Mr. Filippi was Manager, Transmission Services for PG&E National Energy Group (NEG) responsible for the transmission-related activities to plan, site, permit and interconnect NEG's new generation projects in the Western Interconnection, including the La Paloma, Harquahala and Otay Mesa projects. Before that, Mr. Filippi was a Director of Transmission Planning at Pacific Gas & Electric. Mr. Filippi has served as Chair of the Planning Coordination Committee of the Western Electricity Coordinating Council (WECC), as well as Chair of the Joint Guidance Committee, and continues to serve as the Co-Chair of the Transmission Expansion Planning Technical Advisory Subcommittee.

ATTACHMENT 5

NOT APPLICABLE

ATTACHMENT 6

CONFIDENTIAL

ATTACHMENT 7

CONFIDENTIAL

REINVESTMENT  
ZONE

ATTACHMENT 8

*See* ATTACHMENT NO.'s 6 & 7

ATTACHMENT 9

*See* ATTACHMENT NO.'s 6 & 7

ATTACHMENT 10

*See* ATTACHMENT NO.'s 6 & 7

ATTACHMENT 11

*See* ATTACHMENT NO.'s 6 & 7

ATTACHMENT 12

*See* ATTACHMENT NO.'s 6 & 7



## ATTACHMENT 13

July 26, 2013

Mr. Ralph Traynham  
Superintendent  
Fort Stockton Independent School District  
101 West Division  
Fort Stockton, Texas 79735

Re: Chapter 313 Job Waiver Request for Barilla Solar Project

Dear Mr. Traynham:

This letter is to request a waiver of the requirement to create 10 full-time, permanent jobs as part of the Appraised Value Limitation application for Barilla Solar, LLC ("Barilla Solar")'s solar energy project west of Fort Stockton. Barilla Solar is a wholly owned subsidiary of First Solar, Inc. ("First Solar"). Section 313.025 (f-1) allows a school district to waive the new jobs creation requirement if it finds that the requirement "exceeds the industry standard for the number of employees reasonably necessary for the operation of the facility of the property owner that is described in the application."

With more than 7 gigawatts (GW) installed worldwide, First Solar is the world leader in photovoltaic (PV) solar energy solutions. First Solar's fully integrated solar power systems business includes project development, engineering, procurement and construction (EPC) services, operating and maintenance (O&M) services, and project finance expertise. First Solar has completed construction on 1 GW of projects and has a contracted project pipeline under development or construction of 3 GW. In addition, First Solar has developed the industry's most advanced O&M group, currently operating 19 utility-scale PV plants with 1.3 GWh of total energy generated from plants under operation to date. First Solar's Network Operations Center ("NOC"), located in Mesa AZ, oversees and monitors these plants as well as other assets on a 24x7 hourly basis utilizing the latest technology.

First Solar requests that the Fort Stockton Independent School District waive the new job creation requirement for 10 full-time, permanent jobs. Taking into account industry standards, the size and scope of the Barilla Solar Project and First Solar's extensive experience operating solar plants, First Solar expects to permanently employ one maintenance technician for this facility.

Very truly yours,

A handwritten signature in black ink that reads "Kathryn Arbeit".

Kathryn Arbeit  
Director, Project Development

ATTACHMENT 14  
Calculation for Wage Requirements with TWC Documentation

**Weekly Wage Calculations**

**Pecos County All Industries**

	Raw Data	110%
Q1	\$917	\$1,009
Q2	\$806	\$887
Q3	\$846	\$931
Q4	\$837	\$921
Average		<b>\$937</b>

**Pecos County  
Manufacturing**

	Raw Data	110%
Q1	\$623	\$685
Q2	\$611	\$672
Q3	\$706	\$777
Q4	\$609	\$670
Average		<b>\$701</b>

Source: <http://www.tracer2.com/cgi/dataanalysis/AreaSelection.asp?tableName=Industry>

ATTACHMENT 14  
Calculation for Regional Wage Requirements with Documentation

**2012 Manufacturing Wages by Council of Government Region  
Wages for All Occupations**

COG	Wages	
	Hourly	Annual
Texas	\$23.56	\$48,996
<a href="#">1. Panhandle Regional Planning Commission</a>	\$20.12	\$41,850
<a href="#">2. South Plains Association of Governments</a>	\$16.18	\$33,662
<a href="#">3. NORTEX Regional Planning Commission</a>	\$17.83	\$37,076
<a href="#">4. North Central Texas Council of Governments</a>	\$24.68	\$51,333
<a href="#">5. Ark-Tex Council of Governments</a>	\$16.84	\$35,032
<a href="#">6. East Texas Council of Governments</a>	\$19.61	\$40,797
<a href="#">7. West Central Texas Council of Governments</a>	\$18.24	\$37,941
<a href="#">8. Rio Grande Council of Governments</a>	\$16.17	\$33,631
<a href="#">9. Permian Basin Regional Planning Commission</a>	\$21.93	\$45,624
<a href="#">10. Concho Valley Council of Governments</a>	\$16.33	\$33,956
<a href="#">11. Heart of Texas Council of Governments</a>	\$19.07	\$39,670
<a href="#">12. Capital Area Council of Governments</a>	\$26.03	\$54,146
<a href="#">13. Brazos Valley Council of Governments</a>	\$16.55	\$34,424
<a href="#">14. Deep East Texas Council of Governments</a>	\$16.20	\$33,698
<a href="#">15. South East Texas Regional Planning Commission</a>	\$29.38	\$61,118
<a href="#">16. Houston-Galveston Area Council</a>	\$26.59	\$55,317
<a href="#">17. Golden Crescent Regional Planning Commission</a>	\$21.03	\$43,742
<a href="#">18. Alamo Area Council of Governments</a>	\$18.40	\$38,280
<a href="#">19. South Texas Development Council</a>	\$13.54	\$28,170
<a href="#">20. Coastal Bend Council of Governments</a>	\$22.97	\$47,786
<a href="#">21. Lower Rio Grande Valley Development Council</a>	\$16.33	\$33,961
<a href="#">22. Texoma Council of Governments</a>	\$22.57	\$46,949
<a href="#">23. Central Texas Council of Governments</a>	\$17.16	\$35,689
<a href="#">24. Middle Rio Grande Development Council</a>	\$18.93	\$39,380

Source: Texas Occupational Employment and Wages

Data published: July 2013

Data published annually, next update will be July 31, 2014

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.

Hourly	\$21.93	<del>x110%</del>	\$24.12	<del>x40hours</del>	\$964.92
Annual	\$45,624	<del>x110%</del>	\$50,186.40		

ATTACHMENT 15  
Description of Benefits

Qualified jobholders will be offered First Solar's standard employee benefits package. First Solar currently offers the following benefits to its full-time employees:

- Medical and Prescription,
- Dental,
- Basic Life Insurance,
- Accidental Death & Dismemberment (AD&D),
- Supplemental Life Insurance and AD&D,
- Dependent Life Insurance and AD&D,
- Short-term Disability,
- Long-term Disability,
- Employee Assistance Program (EAP),
- Flexible Spending Accounts (FSA),
- 401(k) Retirement Plan,
- Stock Purchase Plan,
- Tuition Reimbursement, and
- Paid Holidays and Paid Time Off

ATTACHMENT 16  
Economic Impact

No Economic Impact study will be submitted by Applicant.

Applicant Name: Barilla Solar, LLC  
 Fort Stockton ISD

PROPERTY INVESTMENT AMOUNTS  
 (Estimated investment in each year. Do not put cumulative totals.)

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)	Year	School Year (YYYY-YYYY)	Tax Year (Fill in actual tax year below) YYYY	Column A:	Column B:	Column C:	Column D:	Column E:
					Tangible Personal Property (The amount of new investment (original cost) placed in service during this year)	Building or permanent nonremovable component of building (annual amount only)	Sum of A and B (Qualifying investment during the qualifying time period)	Other investment that is not qualified investment but investment affecting economic impact and total value	Total Investment (A+B+D)
Investment made after filing complete application with district, but before final board approval of application (eligible to become qualified property)	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)	2013-14	2013		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
		1	2014-2015	2014	\$75,000,000	\$0.00	\$75,000,000	\$0.00	\$75,000,000
		2	2015-2016	2015	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
		3	2016-2017	2016	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
		4	2017-2018	2017	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
		5	2018-2019	2018	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
		6	2019-2020	2019	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
		7	2020-2021	2020	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
		8	2021-2022	2021	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
		9	2022-2023	2022	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
		10	2023-2024	2023	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
		11	2024-2025	2024	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
		12	2025-2026	2025	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
		13	2026-2027	2026	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
		14	2027-2028	2027	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
15	2028-2029	2028	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00		

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.

Column B: 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).

Column C: 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.

Column D: 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: *[Handwritten Signature]* DATE: *7/29/13*



ATTACHMENT #19

Schedule C - Application: Employment Information

Applicant Name  
ISD Name

Barilla Solar, LLC  
Fort Stockton ISD

Form 50-296

	Complete tax years of qualifying time period	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) 200 FTE	Column B: Average annual wage rates for construction workers \$37,534	Column C: Number of new jobs applicant commits to create (cumulative) 0	Column D: Average annual wage rate for all new jobs. \$50,186	Column E: Number of qualifying jobs applicant commits to create meeting all criteria of Sec. 313.021(3) (cumulative) 0	Column F: Average annual wage of qualifying jobs \$50,186
Tax Credit Period (with 50% cap on credit)	1	2014-2015	2014	200 FTE avg: 450 FTE peak	\$37,534	1	\$50,186	1	\$50,186
	2	2015-2016	2015	0		1	\$50,186	1	\$50,186
	3	2016-2017	2016	0		1	\$50,186	1	\$50,186
	4	2017-2018	2017	0		1	\$50,186	1	\$50,186
	5	2018-2019	2018	0		1	\$50,186	1	\$50,186
	6	2019-2020	2019	0		1	\$50,186	1	\$50,186
	7	2020-2021	2020	0		1	\$50,186	1	\$50,186
	8	2021-2022	2021	0		1	\$50,186	1	\$50,186
	9	2022-2023	2022	0		1	\$50,186	1	\$50,186
	10	2023-2024	2023	0		1	\$50,186	1	\$50,186
Credit Settle-Up Period	Continue to Maintain Viable Presence	2024-2025	2024	0		1	\$50,186	1	\$50,186
		2025-2026	2025	0		1	\$50,186	1	\$50,186
		2026-2027	2026	0		1	\$50,186	1	\$50,186
Post- Settle-Up Period		2027-2028	2027	0		\$50,186	1	\$50,186	
Post- Settle-Up Period		2028-2029	2028	0		\$50,186	1	\$50,186	

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.

*Murphy*

SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE

DATE

*7/26/13*

Applicant Name

Barilla Solar, LLC

ISD Name

Fort Stockton ISD

Form 50-296

**CONFIDENTIAL**

The year preceding the first complete tax year of the qualifying time period (assuming no deferrals)	Complete tax years of qualifying time period	Year	School Year (YYYY-YYYY)	Tax/Calendar Year YYYY	Sales Tax Information		Franchise Tax	Other Property Tax Abatements Sought				
					Sales Taxable Expenditures	Franchise Tax		County	City	Groundwater District	Midland College	
			2013-2014	2013	\$0.00	\$0.00	\$0.00					
	1	2014	2014-2015	2014	\$0.00	\$75,000.000	\$ 16,631.91	80%	N/A	80%	80%	80%
	2	2015	2015-2016	2015	\$0.00	\$0.00	\$ 25,326.32	80%	N/A	80%	80%	80%
	3	2016	2016-2017	2016	\$0.00	\$0.00	\$ 25,954.07	80%	N/A	80%	80%	80%
	4	2017	2017-2018	2017	\$0.00	\$0.00	\$ 25,770.21	80%	N/A	80%	80%	80%
	5	2018	2018-2019	2018	\$0.00	\$0.00	\$ 26,430.12	80%	N/A	80%	80%	80%
	6	2019	2019-2020	2019	\$0.00	\$0.00	\$ 26,798.22	80%	N/A	80%	80%	80%
	7	2020	2020-2021	2020	\$0.00	\$0.00	\$ 27,436.25	80%	N/A	80%	80%	80%
	8	2021	2021-2022	2021	\$0.00	\$0.00	\$ 28,335.73	80%	N/A	80%	80%	80%
	9	2022	2022-2023	2022	\$0.00	\$0.00	\$ 36,883.15	80%	N/A	80%	80%	80%
	10	2023	2023-2024	2023	\$0.00	\$0.00	\$ 36,610.50	80%	N/A	80%	80%	80%
	11	2024	2024-2025	2024	\$0.00	\$0.00	\$ 36,337.86	80%	N/A	80%	80%	80%
	12	2025	2025-2026	2025	\$0.00	\$0.00	\$ 36,065.22	80%	N/A	80%	80%	80%
	13	2026	2026-2027	2026	\$0.00	\$0.00	\$ 35,792.58	80%	N/A	80%	80%	80%
	14	2027	2027-2028	2027	\$0.00	\$0.00	\$ 35,519.94	80%	N/A	80%	80%	80%
	15	2028	2028-2029	2028	\$0.00	\$0.00	\$ 35,247.30	80%	N/A	80%	80%	80%

\*For planning, construction and operation of the facility.

*Michelle Anne*

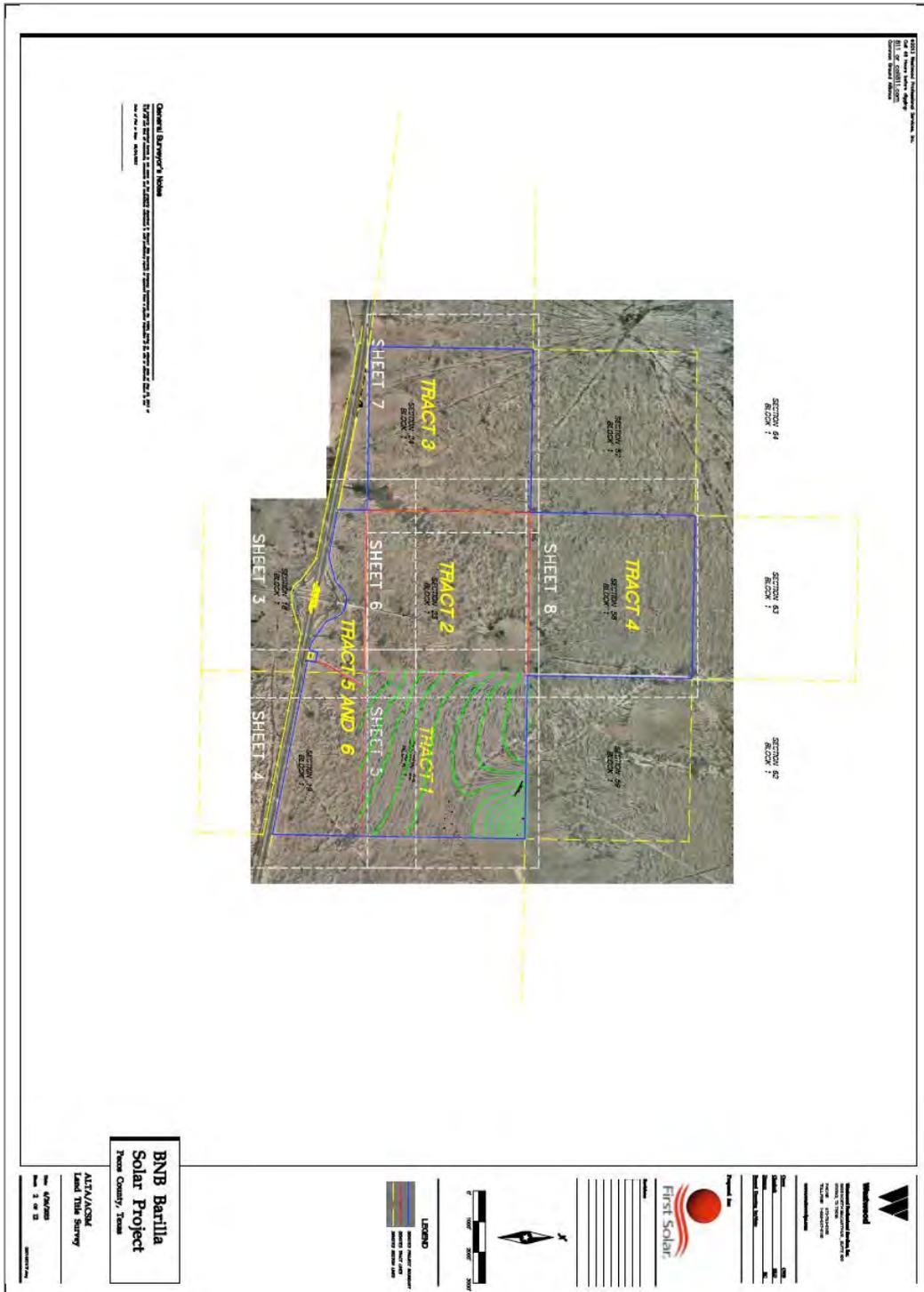
*7/26/13*

SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE

DATE

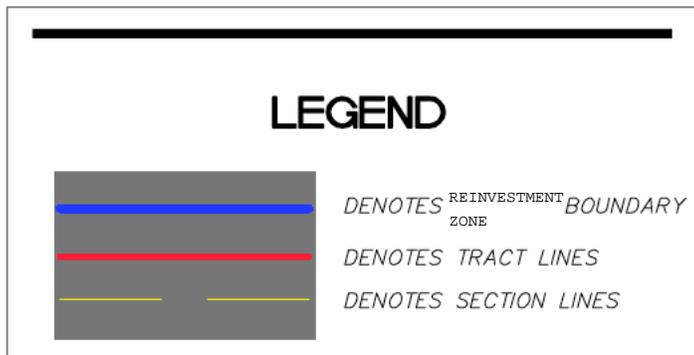
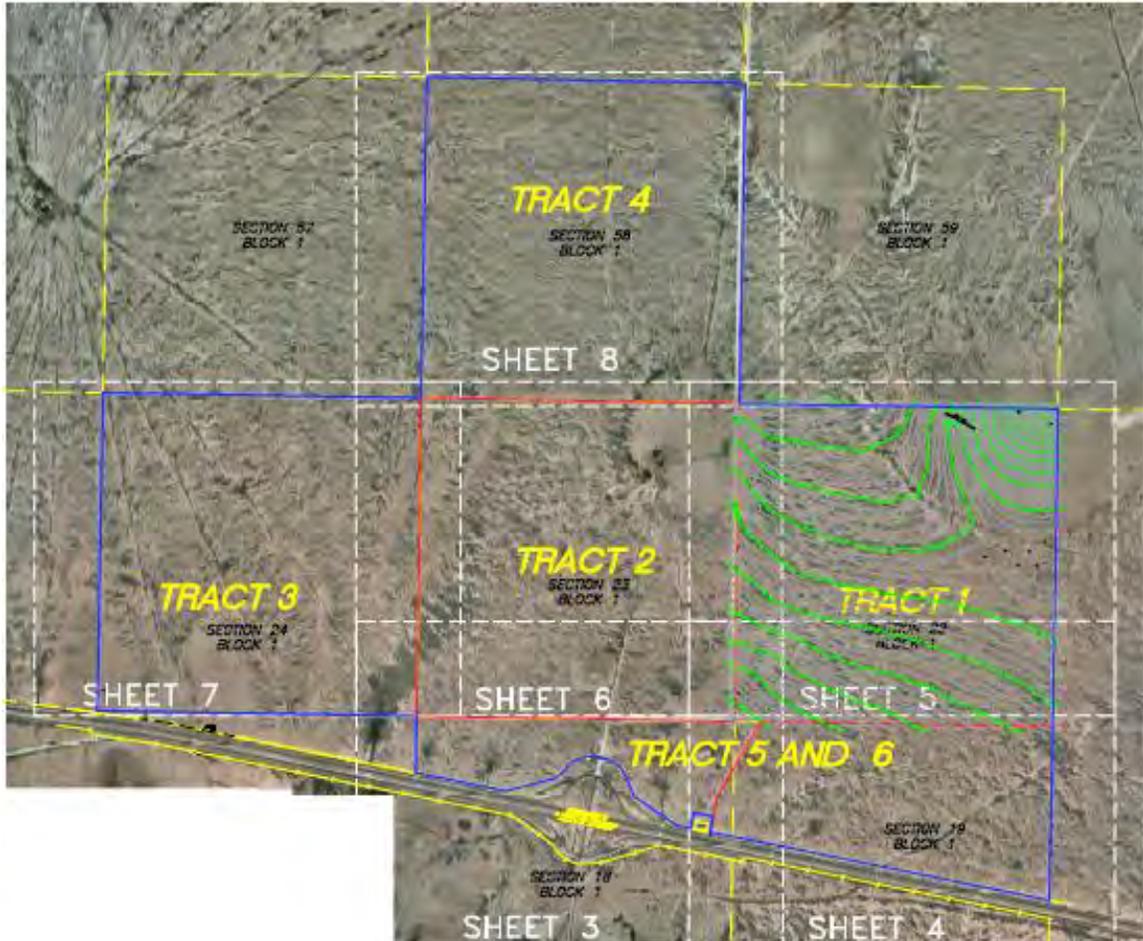
# ATTACHMENT 21 Map of Reinvestment Zone

The Reinvestment Zone consists of tracts 1-6 outlined by the blue border below. The tracts include all of sections 22, 23, 24 and 58 and part of sections 18 and 19. The Reinvestment Zone is located along the north side of IH 10 at Hovey Road.



ATTACHMENT 21  
Map of Reinvestment Zone

See below for an enlarged image of the Reinvestment Zone.



ATTACHMENT 22  
Resolution Establishing Reinvestment Zone

**RESOLUTION OF THE  
FORT STOCKTON INDEPENDENT SCHOOL DISTRICT  
BOARD OF TRUSTEES**

**A RESOLUTION DESIGNATING A CERTAIN AREA AS A REINVESTMENT ZONE FOR TEXAS TAX CODE CHAPTER 313 APPRAISED VALUE LIMITATION IN THE FORT STOCKTON INDEPENDENT SCHOOL DISTRICT, IN PORTIONS OF PECOS COUNTY, TEXAS, TO BE KNOWN AS THE "BARILLA" REINVESTMENT ZONE; ESTABLISHING THE BOUNDARIES THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Board of Trustees of the Fort Stockton Independent School District desires to promote the development or redevelopment of a certain contiguous geographic area within its jurisdiction by the creation of a reinvestment zone as authorized by the Property Redevelopment and Tax Abatement Act, as amended (V.T.C.A. Texas Tax Code § 312.0025), for the purpose of authorizing an Agreement for Limitation on Appraised Value of Property for School District Maintenance and Operations Taxes, as authorized by Chapter 313 of the Texas Tax Code; and,

**WHEREAS**, the Fort Stockton Independent School District (the "District") desires to encourage the development of primary employment and to attract major investment in the District that would be a benefit to property in a reinvestment zone created by the District and to the school district and contribute to the economic development of the region in which the school district is located; and,

**WHEREAS**, on January 22, 2013, a hearing before the Board of Trustees of the District was held, such date being at least seven (7) days after the date of publication of the notice of such public hearing, and the delivery of written notice to the respective presiding officers of each taxing entity which includes within its boundaries real property that is to be included in the proposed reinvestment zone; and,

**WHEREAS**, the Board of Trustees of the District at such public hearing invited any interested person to appear and speak for or against the creation of the reinvestment zone, and whether all or part of the territory described should be included in the proposed reinvestment zone; and,

**WHEREAS**, the proponents of the reinvestment zone offered evidence, both oral and documentary, in favor of all of the foregoing matters relating to the creation of the reinvestment zone and opponents, if any, of the reinvestment zone appeared to contest the creation of the reinvestment zone.

**WHEREAS**, the District wishes to create a reinvestment zone within the boundaries of the District in Pecos County, Texas as shown on the attached **Exhibit A and Exhibit B**.

**BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE FORT STOCKTON INDEPENDENT SCHOOL DISTRICT:**

**SECTION 1.** That the facts and recitations contained in the preamble of this Resolution are hereby found and declared to be true and correct.

**SECTION 2.** That the Board of Trustees of the Fort Stockton Independent School District, after conducting such hearing and having heard such evidence and testimony, has made the following findings and determinations based on the evidence and testimony presented to it:

- (a) That the public hearing on the adoption of the "Barilla" Reinvestment Zone has been properly called, held and conducted, and that notices of such hearing have been published as required by law and mailed to the respective presiding officers of the governing bodies of all taxing units overlapping the territory inside the proposed reinvestment zone; and,
- (b) That the boundaries of the "Barilla" Reinvestment Zone be and, by the adoption of this Resolution, are declared and certified to be, the area as described in the description attached hereto as "EXHIBIT A"; and,
- (c) That the map attached hereto as "EXHIBIT B" is declared to be and (by the adoption of this Resolution) is certified to depict and to show accurately the boundaries of the "Barilla" Reinvestment Zone, which is normatively described in "EXHIBIT A", and further certifies that the property described in "EXHIBIT A" is inside the boundaries shown on "EXHIBIT B"; and,
- (d) That creation of the "Barilla" Reinvestment Zone with boundaries as described in "EXHIBIT A" and "EXHIBIT B" will result in benefits to the Fort Stockton Independent School District and to land included in the zone, and that the improvements sought are feasible and practical; and,
- (e) That the "Barilla" Reinvestment Zone described in "EXHIBIT A" and "EXHIBIT B" meets the criteria set forth in Texas Tax Code §312.0025 for the creation of a reinvestment zone as set forth in the Property Redevelopment and Tax Abatement Act, as amended, in that it is reasonably likely that the designation will contribute to the retention or expansion of primary employment, and/or will attract investment in the zone that will be a benefit to the property, and would contribute to economic development within the Fort Stockton Independent School District.

**SECTION 3.** That pursuant to the Property Redevelopment and Tax Abatement Act, as amended, the Fort Stockton Independent School District, hereby creates a reinvestment zone under the provisions of Texas Tax Code § 312.0025, encompassing the area described by the descriptions in "EXHIBIT A" and "EXHIBIT B", and such reinvestment zone is hereby designated and shall hereafter be referred to as the *Barilla Reinvestment Zone*.

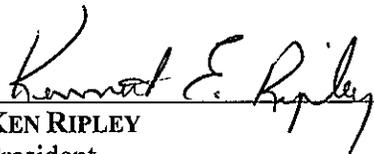
**SECTION 4.** That the *Barilla Reinvestment Zone* shall take effect upon adoption by the Board of Trustees and shall remain designated as a commercial-industrial reinvestment zone for a period of five (5) years from such date of such designation.

**SECTION 5.** That if any section, paragraph, clause, or provision of this resolution shall for any reason beheld to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this resolution.

**SECTION 6.** That it is hereby found, determined, and declared that a sufficient notice of the date, hour, place, and subject of the meeting of the Fort Stockton Independent School District Board of Trustees, at which this resolution was adopted, was posted at a place convenient and readily accessible at all times, as required by the Texas Open Government Act, Texas Government Code, Chapter 551, as amended; and that a public hearing was held prior to the designation of such reinvestment zone, and that proper notice of the hearing was published in newspapers of general circulation in Pecos County of the State of Texas; and that, furthermore, such notice was in fact delivered to the presiding officer of any effected taxing entity as prescribed by the Property Redevelopment and Tax Abatement Act.

PASSED, APPROVED, AND ADOPTED on this 22nd day of July, 2013.

**FORT STOCKTON INDEPENDENT SCHOOL DISTRICT**

By:   
**KEN RIPLEY**  
President  
Board of Trustees

ATTEST:   
~~SANDRA MARQUEZ~~ **Freddie Martinez**  
~~Secretary~~ ~~Assistant Secretary~~  
Board of Trustees

**EXHIBIT A**  
**LEGAL DISCRIPTION OF REINVESTMENT ZONE**

THE SURFACE ESTATE ONLY OF:

TRACT ONE:

ALL OF SECTION TWENTY-TWO (22), BLOCK ONE (1), H&TC CO. RR., PECOS COUNTY, TEXAS, ACCORDING TO THE PROPERTY DESCRIBED IN DEED FROM L.R. FRENCH, JR AND MARCIA FULLER FRENCH TO MCCOY LAND & CATTLE COMPANY DATED JANUARY 16, 1991, RECORDED IN VOLUME 618, PAGE 540 , DEED RECORDS OF PECOS COUNTY, TEXAS.

TRACT TWO:

ALL OF SECTION TWENTY-THREE (23), BLOCK ONE (1), H&TC CO RR., PECOS COUNTY, TEXAS, ACCORDING TO THE PROPERTY DESCRIBED IN DEED FROM L.R. FRENCH, JR AND MARCIA FULLER FRENCH TO MCCOY LAND & CATTLE COMPANY DATED JANUARY 16, 1991, RECORDED IN VOLUME 618, PAGE 540 , DEED RECORDS OF PECOS COUNTY, TEXAS.

TRACT THREE:

ALL OF SECTION TWENTY-FOUR (24), BLOCK ONE (1), H&TC CO RR., PECOS COUNTY, TEXAS, ACCORDING TO THE PROPERTY DESCRIBED IN DEED FROM L.R. FRENCH, JR AND MARCIA FULLER FRENCH TO MCCOY LAND & CATTLE COMPANY DATED JANUARY 16, 1991, RECORDED IN VOLUME 618, PAGE 540, DEED RECORDS OF PECOS COUNTY, TEXAS.

TRACT FOUR:

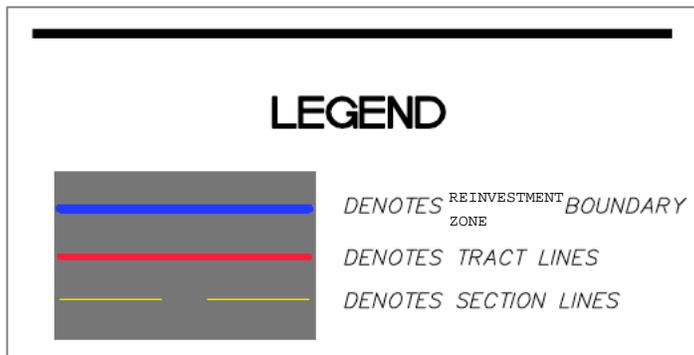
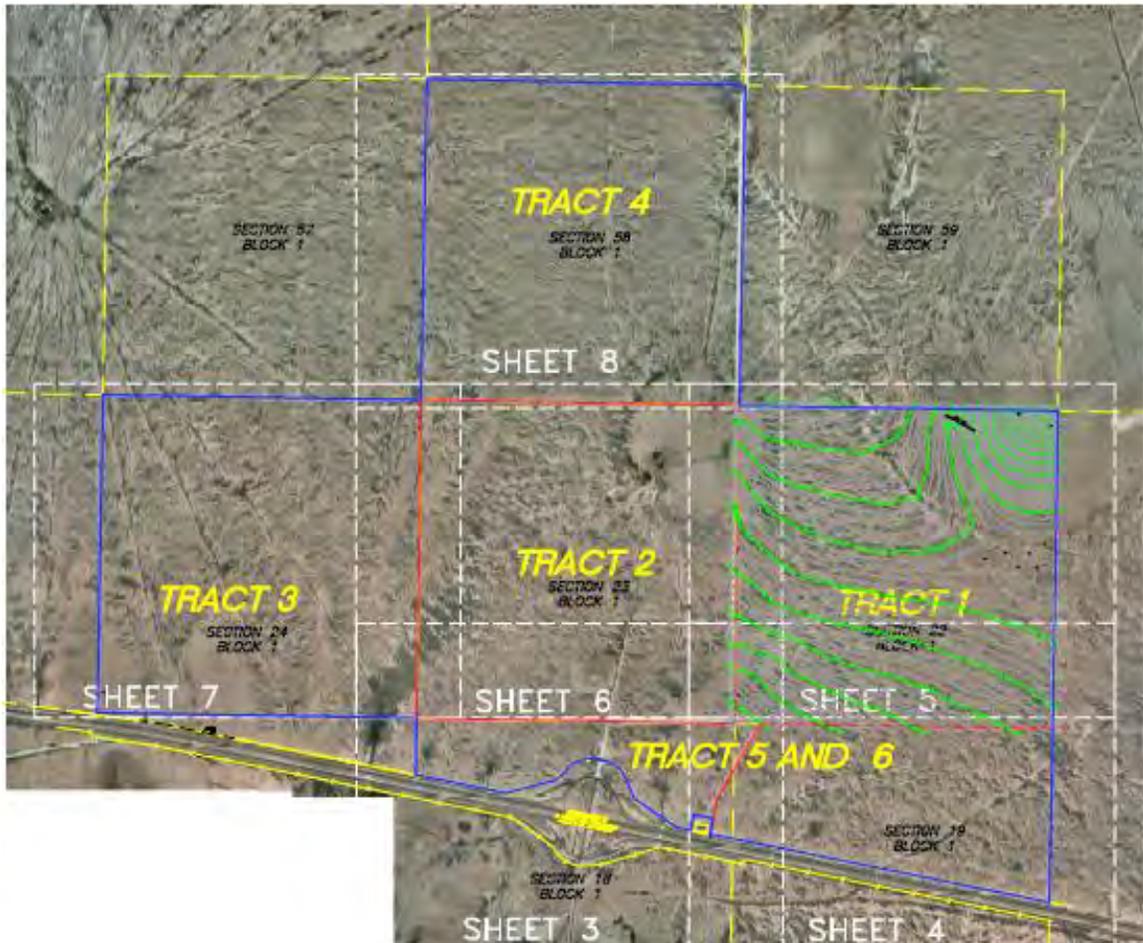
ALL OF SECTION FIFTY-EIGHT (58), BLOCK ONE (1), H&TC CO RR., PECOS COUNTY, TEXAS, ACCORDING TO THE PROPERTY DESCRIBED IN DEED FROM L.R. FRENCH, JR AND MARCIA FULLER FRENCH TO MCCOY LAND & CATTLE COMPANY DATED JANUARY 16, 1991, RECORDED IN VOLUME 618, PAGE 540 , DEED RECORDS OF PECOS COUNTY, TEXAS.

TRACT FIVE AND SIX:

A 141.09 ACRE TRACT OF LAND, MORE OR LESS, IN THE H&TC RR CO SURVEY, BLOCK ONE (1), SURVEY EIGHTEEN AND NINETEEN (18-19), IN PECOS COUNTY, TEXAS BEING OUT OF A CALLED 642.83 ACRE TRACT DESCRIBED BY METES AND BOUNDS DESCRIPTION ON EXHIBIT "A" ATTACHED HERETO FOR ALL INTENTS AND PURPOSES.

**EXHIBIT B**  
**MAP OF REINVESTMENT ZONE**

See below for an enlarged image of the Reinvestment Zone.



ATTACHMENT 23  
Legal Description of Reinvestment Zone

THE SURFACE ESTATE ONLY OF:

TRACT ONE:

ALL OF SECTION TWENTY-TWO (22), BLOCK ONE (1), H&TC CO. RR., PECOS COUNTY, TEXAS, ACCORDING TO THE PROPERTY DESCRIBED IN DEED FROM L.R. FRENCH, JR AND MARCIA FULLER FRENCH TO MCCOY LAND & CATTLE COMPANY DATED JANUARY 16, 1991, RECORDED IN [VOLUME 618, PAGE 540](#), DEED RECORDS OF PECOS COUNTY, TEXAS.

TRACT TWO:

ALL OF SECTION TWENTY-THREE (23), BLOCK ONE (1), H&TC CO RR., PECOS COUNTY, TEXAS, ACCORDING TO THE PROPERTY DESCRIBED IN DEED FROM L.R. FRENCH, JR AND MARCIA FULLER FRENCH TO MCCOY LAND & CATTLE COMPANY DATED JANUARY 16, 1991, RECORDED IN [VOLUME 618, PAGE 540](#), DEED RECORDS OF PECOS COUNTY, TEXAS.

TRACT THREE:

ALL OF SECTION TWENTY-FOUR (24), BLOCK ONE (1), H&TC CO RR., PECOS COUNTY, TEXAS, ACCORDING TO THE PROPERTY DESCRIBED IN DEED FROM L.R. FRENCH, JR AND MARCIA FULLER FRENCH TO MCCOY LAND & CATTLE COMPANY DATED JANUARY 16, 1991, RECORDED IN [VOLUME 618, PAGE 540](#), DEED RECORDS OF PECOS COUNTY, TEXAS.

TRACT FOUR:

ALL OF SECTION FIFTY-EIGHT (58), BLOCK ONE (1), H&TC CO RR., PECOS COUNTY, TEXAS, ACCORDING TO THE PROPERTY DESCRIBED IN DEED FROM L.R. FRENCH, JR AND MARCIA FULLER FRENCH TO MCCOY LAND & CATTLE COMPANY DATED JANUARY 16, 1991, RECORDED IN [VOLUME 618, PAGE 540](#), DEED RECORDS OF PECOS COUNTY, TEXAS.

TRACT FIVE AND SIX:

A 141.09 ACRE TRACT OF LAND, MORE OR LESS, IN THE H&TC RR CO SURVEY, BLOCK ONE (1), SURVEY EIGHTEEN AND NINETEEN (18-19), IN PECOS COUNTY, TEXAS BEING OUT OF A CALLED 642.83 ACRE TRACT DESCRIBED BY METES AND BOUNDS DESCRIPTION ON ATTACHMENT "21" ATTACHED HERETO FOR ALL INTENTS AND PURPOSES.

ATTACHMENT 24

NOT APPLICABLE