



Austin  
Houston  
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March 4, 2022

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

Re: Application #1582 for Appraised Value Limitation on Qualified Property from Azalea Springs Solar Park LLC to Central Independent School District—Amendment #001 Post-Agreement Phase

*Start of Qualifying Time Period:* January 2, 2022  
*Start of Value Limitation Period:* January 1, 2025

Dear Local Government Assistance and Economic Analysis Division:

Azalea Springs Solar Park LLC (the “Applicant”) seeks to amend Application #1582. The amended application pages are attached herein as Amendment #001. The project is unchanged from the original application except for the project timeline (see Section 9, Tab 4, Tab 7, and Tab 8) and the cost estimates (see Schedules) due to increased construction costs. Specifically, the Applicant is:

1. Changing the Value Limitation Start Date to 01/01/2025 (see Section 9.4), following the end of the qualifying time period (see Section 9.4.B); and
2. Changing the Commercial Operations Date to Q4 2024 (see Section 9.5).
3. All references to the construction and project timeline in Tabs 4, 7, and 8 and schedules have been updated accordingly.

Thank you so much for your kind consideration to the foregoing. Please do not hesitate to contact me with any questions.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Rick L. Lambert', is written over a light blue circular stamp.

Rick L. Lambert

RLL;sl

cc: Via Electronic Mail: [acad@angelinacad.org](mailto:acad@angelinacad.org)  
Mr. Tim Chambers, Chief Appraiser, Angelina County Appraisal District

*Via Electronic Mail:* [risnerj@centralisd.com](mailto:risnerj@centralisd.com)

Mr. Justin Risner, Superintendent of Schools, Central ISD

*Via Electronic Mail:* [Kristofer.Cheney@edpr.com](mailto:Kristofer.Cheney@edpr.com)

Mr. Kristofer Cheney, Executive Vice President, EDP Renewables North America LLC

*Via Electronic Mail:* [Danielle.Thurber@edpr.com](mailto:Danielle.Thurber@edpr.com)

Ms. Danielle Thurber, Senior Tax Analyst, EDP Renewables North America LLC

*Via Electronic Mail:* [Evan.Halloran@edpr.com](mailto:Evan.Halloran@edpr.com)

Mr. Evan Halloran, Project Developer, EDP Renewables North America LLC

*Via Electronic Mail:* [Jared.Hibshman@edpir.com](mailto:Jared.Hibshman@edpir.com)

Mr. Jared Hibshman, Project Manager, EDP Renewables North America LLC

*Via Electronic Mail:* [renn.neilson@bakerbotts.com](mailto:renn.neilson@bakerbotts.com)

Mr. Renn Neilson, Partner, Baker Botts LLC

**SECTION 8: Limitation as Determining Factor**

1. Does the applicant currently own the land on which the proposed project will occur?  Yes  No
2. Has the applicant entered into any agreements, contracts or letters of intent related to the proposed project?  Yes  No
3. Does the applicant have current business activities at the location where the proposed project will occur?  Yes  No
4. Has the applicant made public statements in SEC filings or other documents regarding its intentions regarding the proposed project location?  Yes  No
5. Has the applicant received any local or state permits for activities on the proposed project site?  Yes  No
6. Has the applicant received commitments for state or local incentives for activities at the proposed project site?  Yes  No
7. Is the applicant evaluating other locations not in Texas for the proposed project?  Yes  No
8. Has the applicant provided capital investment or return on investment information for the proposed project in comparison with other alternative investment opportunities?  Yes  No
9. Has the applicant provided information related to the applicant's inputs, transportation and markets for the proposed project?  Yes  No
10. Are you submitting information to assist in the determination as to whether the limitation on appraised value is a determining factor in the applicant's decision to invest capital and construct the project in Texas?  Yes  No

**Chapter 313.026(e) states "the applicant may submit information to the Comptroller that would provide a basis for an affirmative determination under Subsection (c)(2)." If you answered "yes" to any of the questions in Section 8, attach supporting information in Tab 5.**

**SECTION 9: Projected Timeline**

**NOTE:** Only construction beginning after the application review start date (the date the Texas Comptroller of Public Accounts deems the application complete) can be considered qualified property and/or qualified investment.

1. Estimated school board ratification of final agreement ..... 09/13/2021
  2. Estimated commencement of construction ..... Q3 2022
  3. Beginning of qualifying time period (MM/DD/YYYY) ..... 1/02/2022
  4. First year of limitation (YYYY) ..... 2025
- 4a. For the beginning of the limitation period, notate which **one of the following** will apply according to provision of 313.027(a-1)(2):
- A. January 1 following the application date       B. January 1 following the end of QTP
- C. January 1 following the commencement of commercial operations
5. Commencement of commercial operations ..... Q4 2024

**SECTION 10: The Property**

1. County or counties in which the proposed project will be located Angelina County
2. Central Appraisal District (CAD) that will be responsible for appraising the property Angelina County Appraisal District
3. Will this CAD be acting on behalf of another CAD to appraise this property?  Yes  No
4. List all taxing entities that have jurisdiction for the property, the portion of project within each entity and tax rates for each entity:
 

M&O (ISD): <u>Central ISD; 1.054700%; 100%</u> <small>(Name, tax rate and percent of project)</small>	I&S (ISD): <u>Central ISD; 0.162563%; 100%</u> <small>(Name, tax rate and percent of project)</small>
County: <u>Angelina County; 0.437120%; 100%</u> <small>(Name, tax rate and percent of project)</small>	City: <u>N/A</u> <small>(Name, tax rate and percent of project)</small>
Hospital District: <u>N/A</u> <small>(Name, tax rate and percent of project)</small>	Water District: <u>N/A</u> <small>(Name, tax rate and percent of project)</small>
Other (describe): <u>Angelina College; 0.170958%; 100%</u> <small>(Name, tax rate and percent of project)</small>	Other (describe): <u>N/A</u> <small>(Name, tax rate and percent of project)</small>

## Tab 4

### Detailed Description of Project

*Provide a detailed description of the scope of the proposed project, including, at a minimum, the type and planned use of real and tangible personal property, the nature of the business, a timeline for property construction/installation, and any other relevant information.*

Applicant, Azalea Springs Solar Park LLC, is requesting an appraised value limitation from Central ISD for a proposed solar powered electric generating facility (the “Project”) with a contemplated location in Central ISD and Angelina County. The installed capacity of the proposed project is expected to be approximately 180 megawatts (MW). While solar panel type and size have yet to be finalized, the current plan is to utilize approximately 495,000 panels.

Applicant estimates it would begin construction of the project in Q3 2022, complete construction by Q3 2024, and commence commercial operations by Q4 2024.

Construction of the project would include the following: solar modules/panels, pile driven racking system with single axis tracking, inverters, cabling and associated electrical infrastructure, project substation with transformer and associated equipment, generator lead line from project substation to a new interconnection switchyard to be owned by the utility company, meteorological equipment to monitor solar irradiance and weather conditions, and fencing enclosing the project area. Additionally, a small Operations and Maintenance (O&M) Building will be sited within or near the Project.

## Tab 7

### Description of Qualified Investment

The Applicant, Azalea Spring Solar Park LLC, is requesting an appraised value limitation for all property constructed or placed upon real property located in Central ISD. As explained in more detail in Tab 4, the Project would be a 180 MW solar powered electric generating facility (the “Facility”) which is expected to be operational by the end of year 2024.

The Facility would include solar modules/panels, pile driven racking system with single axis trackers, inverters, cabling and associated electrical infrastructure, project substation with transformer and associated equipment, and fencing enclosing the project area. The total enclosed project area is estimated to be approximately 1,853 acres. A small Operations and Maintenance (O&M) Building will be sited within or near the Project.

The Facility’s major components would include:

- Solar modules/panels;
- Pile driven racking system with single axis trackers;
- Inverters;
- Cabling and associated electrical infrastructure (includes DC cabling from module to inverter and medium-voltage AC cabling from inverter to project substation);
- Project substation (includes transformer and associated equipment, i.e. disconnects, circuit breakers, etc.);
- Generator lead line (138 kV transmission line to transport electricity from project substation to a new switchyard to be owned by the utility company);
- Meteorological equipment to monitor solar irradiance and weather conditions; and
- Fencing.

## Tab 8

### Description of Qualified Property

The Applicant, Azalea Spring Solar Park LLC, is requesting an appraised value limitation for all property constructed or placed upon real property located in Central ISD. As explained in more detail in Tab 4, the Project would be a 180 MW solar powered electric generating facility (the “Facility”) which is expected to be operational by the end of year 2024.

The Facility would include solar modules/panels, pile driven racking system with single axis trackers, inverters, cabling and associated electrical infrastructure, project substation with transformer and associated equipment, and fencing enclosing the project area. The total enclosed project area is estimated to be approximately 1,853 acres. A small Operations and Maintenance (O&M) Building will be sited within or near the Project.

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- Pile driven racking system with single axis trackers;
- Inverters;
- Cabling and associated electrical infrastructure (includes DC cabling from module to inverter and medium-voltage AC cabling from inverter to project substation);
- Project substation (includes transformer and associated equipment, i.e. disconnects, circuit breakers, etc.);
- Generator lead line (138 kV transmission line to transport electricity from project substation to a new switchyard to be owned by the utility company);
- Meteorological equipment to monitor solar irradiance and weather conditions; and
- Fencing.

**Schedule A1: Total Investment for Economic Impact (through the Qualifying Time Period)**

Date **2/24/2022**  
 Applicant Name **Azalea Springs Solar Park LLC**  
 ISD Name **Central ISD**

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PROPERTY INVESTMENT AMOUNTS								
(Estimated Investment in each year. Do not put cumulative totals.)								
				Column A	Column B	Column C	Column D	Column E
	Year	School Year (YYYY-YYYY)	Tax Year (Fill in actual tax year below) YYYY	New investment (original cost) in <b>tangible personal property</b> placed in service during this year that will become Qualified Property	New investment made during this year in <b>buildings or permanent nonremovable components of buildings</b> that will become Qualified Property	Other new investment made during this year that will <u>not</u> become Qualified Property [SEE NOTE]	Other new investment made during this year that may become Qualified Property [SEE NOTE]	<b>Total Investment</b> (Sum of Columns A+B+C+D)
Investment made before filing complete application with district				Not eligible to become Qualified Property		\$0	\$0	\$0
Investment made after filing complete application with district, but before final board approval of application	--	Year preceding the first complete tax year of the qualifying time period (assuming no deferrals of qualifying time period)	2022	\$0	\$0	\$0	\$0	\$0
Investment made after final board approval of application and before Jan. 1 of first complete tax year of qualifying time period				\$90,000,000	\$0	\$0	\$0	\$90,000,000
Complete tax years of qualifying time period	QTP1	2022-2023	2023	\$90,000,000	\$0	\$0	\$0	\$90,000,000
	QTP2	2023-2024	2024	\$80,000,000	\$0	\$0	\$0	\$80,000,000
<b>Total Investment through Qualifying Time Period [ENTER this row in Schedule A2]</b>				\$260,000,000	\$0	\$0	\$0	\$260,000,000
				Enter amounts from TOTAL row above in Schedule A2				
<b>Total Qualified Investment (sum of green cells)</b>				\$260,000,000				

For All Columns: List amount invested each year, not cumulative totals.

Column A: This represents the total dollar amount of planned investment in tangible personal property. Only include estimates of investment for "replacement" property if the property is specifically described in the application.

Only tangible personal property that is specifically described in the application can become qualified property.

Column B: The total dollar amount of planned investment each year in buildings or nonremovable component of buildings.

Column C: Dollar value of other investment that may affect economic impact and total value. Examples of other investment that will not become qualified property include investment meeting the definition of 313.021(1) but not creating a new improvement as defined by TAC 9.1051. This is proposed property that functionally replaces existing property; is used to maintain, refurbish, renovate, modify or upgrade existing property; or is affixed to existing property—described in SECTION 13, question #5 of the application.

Column D: Dollar value of other investment that may affect economic impact and total value. Examples of other investment that may result in qualified property are land or professional services.

Total Investment: Add together each cell in a column and enter the sum in the blue total investment row. Enter the data from this row into the first row in Schedule A2.

Qualified Investment: For the green qualified investment cell, enter the sum of all the green-shaded cells.

**Schedule A2: Total Investment for Economic Impact (including Qualified Property and other investments)**

Date **2/24/2022**  
 Applicant Name **Azalea Springs Solar Park LLC**  
 ISD Name **Central ISD**

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PROPERTY INVESTMENT AMOUNTS								
(Estimated investment in each year. Do not put cumulative totals.)								
				Column A	Column B	Column C	Column D	Column E
	Year	School Year (YYYY-YYYY)	Tax Year (Fill in actual tax year below) YYYY	New investment (original cost) in <b>tangible personal property</b> placed in service during this year that will become Qualified Property	New investment made during this year in <b>buildings or permanent nonremovable components of buildings</b> that will become Qualified Property	Other investment made during this year that will <u>not</u> become Qualified Property [SEE NOTE]	Other investment made during this year that will become Qualified Property [SEE NOTE]	Total Investment (A+B+C+D)
Total Investment from Schedule A1*	--	<b>TOTALS FROM SCHEDULE A1</b>		\$260,000,000	\$0	\$0	\$0	\$260,000,000
Value limitation period***	1	2025-2026	2025	\$0	\$0	\$0	\$0	\$0
	2	2026-2027	2026	\$0	\$0	\$0	\$0	\$0
	3	2027-2028	2027	\$0	\$0	\$0	\$0	\$0
	4	2028-2029	2028	\$0	\$0	\$0	\$0	\$0
	5	2029-2030	2029	\$0	\$0	\$0	\$0	\$0
	6	2030-2031	2030	\$0	\$0	\$0	\$0	\$0
	7	2031-2032	2031	\$0	\$0	\$0	\$0	\$0
	8	2032-2033	2032	\$0	\$0	\$0	\$0	\$0
	9	2033-2034	2033	\$0	\$0	\$0	\$0	\$0
	10	2034-2035	2034	\$0	\$0	\$0	\$0	\$0
<b>Total Investment made through limitation</b>				\$260,000,000	\$0	\$0	\$0	\$260,000,000
Continue to maintain viable presence	11	2035-2036	2035					
	12	2036-2037	2036					
	13	2037-2038	2037					
	14	2038-2039	2038					
	15	2039-2040	2039					
Additional years for 25 year economic impact as required by 313.026(c)(1)	16	2040-2041	2040					
	17	2041-2042	2041					
	18	2042-2043	2042					
	19	2043-2044	2043					
	20	2044-2045	2044					
	21	2045-2046	2045					
	22	2046-2047	2046					
	23	2047-2048	2047					
	24	2048-2049	2048					
	25	2049-2050	2049					

\* All investments made through the qualifying time period are captured and totaled on Schedule A1 [blue box] and incorporated into this schedule in the **first row**.

\*\* Only investment made during deferrals of the start of the limitation (after the end of qualifying time period but before the start of the Value Limitation Period) should be included in the "year prior to start of value limitation period" row(s). If the limitation starts at the end of the qualifying time period or the qualifying time period overlaps the limitation, no investment should be included on this line.

\*\*\* If your qualifying time period will overlap your value limitation period, do not also include investment made during the qualifying time period in years 1 and/or 2 of the value limitation period, depending on the overlap. Only include investments/years that were **not** captured on Schedule A1.

For All Columns: List amount invested each year, not cumulative totals. Only include investments in the remaining rows of Schedule A2 that were not captured on Schedule A1.

Column A: This represents the total dollar amount of planned investment in tangible personal property. Only include estimates of investment for "replacement" property if the property is specifically described in the application.

Only tangible personal property that is specifically described in the application can become qualified property.

Column B: The total dollar amount of planned investment each year in buildings or nonremovable component of buildings.

Column C: Dollar value of other investment that may affect economic impact and total value. Examples of other investment that will not become qualified property include investment meeting the definition of 313.021(1) but not creating a new improvement as defined by TAC 9.1051. This is proposed property that functionally replaces existing property; is used to maintain, refurbish, renovate, modify or upgrade existing property; or is affixed to existing property—described in SECTION 13, question #5 of the application.

Column D: Dollar value of other investment that may affect economic impact and total value. Examples of other investment that may result in qualified property are land or professional services.

**Schedule B: Estimated Market And Taxable Value (of Qualified Property Only)**

Date **2/24/2022**  
 Applicant Name **Azalea Springs Solar Park LLC**  
 ISD Name **Central ISD**

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	Year	School Year (YYYY-YYYY)	Tax Year (Fill in actual tax year) YYYY	Qualified Property			Estimated Taxable Value		
				Estimated Market Value of Land	Estimated Total Market Value of new buildings or other new improvements	Estimated Total Market Value of tangible personal property in the new buildings or "in or on the new improvements"	Market Value less any exemptions (such as pollution control) and before limitation	Final taxable value for I&S after all reductions	Final taxable value for M&O after all reductions
Each year prior to start of Value Limitation Period <i>Insert as many rows as necessary</i>	0	2021-2022	2021	\$492,570	\$0	\$0	\$492,570	\$492,570	\$492,570
	0	2022-2023	2022	\$492,570	\$0	\$0	\$492,570	\$492,570	\$492,570
	0	2023-2024	2023	\$492,570	\$0	\$37,500,000	\$37,992,570	\$37,992,570	\$37,992,570
	0	2024-2025	2024	\$492,570	\$0	\$77,007,430	\$77,500,000	\$77,500,000	\$77,500,000
Value Limitation Period	1	2025-2026	2025	\$492,570	\$0	\$247,000,000	\$247,492,570	\$247,492,570	\$20,000,000
	2	2026-2027	2026	\$492,570	\$0	\$227,240,000	\$227,732,570	\$227,732,570	\$20,000,000
	3	2027-2028	2027	\$492,570	\$0	\$207,480,000	\$207,972,570	\$207,972,570	\$20,000,000
	4	2028-2029	2028	\$492,570	\$0	\$187,720,000	\$188,212,570	\$188,212,570	\$20,000,000
	5	2029-2030	2029	\$492,570	\$0	\$167,960,000	\$168,452,570	\$168,452,570	\$20,000,000
	6	2030-2031	2030	\$492,570	\$0	\$148,200,000	\$148,692,570	\$148,692,570	\$20,000,000
	7	2031-2032	2031	\$492,570	\$0	\$128,440,000	\$128,932,570	\$128,932,570	\$20,000,000
	8	2032-2033	2032	\$492,570	\$0	\$108,680,000	\$109,172,570	\$109,172,570	\$20,000,000
	9	2033-2034	2033	\$492,570	\$0	\$88,920,000	\$89,412,570	\$89,412,570	\$20,000,000
Continue to maintain viable presence	10	2034-2035	2034	\$492,570	\$0	\$74,100,000	\$74,592,570	\$74,592,570	\$20,000,000
	11	2035-2036	2035	\$492,570	\$0	\$74,100,000	\$74,592,570	\$74,592,570	\$74,592,570
	12	2036-2037	2036	\$492,570	\$0	\$74,100,000	\$74,592,570	\$74,592,570	\$74,592,570
	13	2037-2038	2037	\$492,570	\$0	\$74,100,000	\$74,592,570	\$74,592,570	\$74,592,570
	14	2038-2039	2038	\$492,570	\$0	\$74,100,000	\$74,592,570	\$74,592,570	\$74,592,570
Additional years for 25 year economic impact as required by 313.026(c)(1)	15	2039-2040	2039	\$492,570	\$0	\$74,100,000	\$74,592,570	\$74,592,570	\$74,592,570
	16	2040-2041	2040	\$492,570	\$0	\$74,100,000	\$74,592,570	\$74,592,570	\$74,592,570
	17	2041-2042	2041	\$492,570	\$0	\$74,100,000	\$74,592,570	\$74,592,570	\$74,592,570
	18	2042-2043	2042	\$492,570	\$0	\$74,100,000	\$74,592,570	\$74,592,570	\$74,592,570
	19	2043-2044	2043	\$492,570	\$0	\$74,100,000	\$74,592,570	\$74,592,570	\$74,592,570
	20	2044-2045	2044	\$492,570	\$0	\$74,100,000	\$74,592,570	\$74,592,570	\$74,592,570
	21	2045-2046	2045	\$492,570	\$0	\$74,100,000	\$74,592,570	\$74,592,570	\$74,592,570
	22	2046-2047	2046	\$492,570	\$0	\$74,100,000	\$74,592,570	\$74,592,570	\$74,592,570
	23	2047-2048	2047	\$492,570	\$0	\$74,100,000	\$74,592,570	\$74,592,570	\$74,592,570
	24	2048-2049	2048	\$492,570	\$0	\$74,100,000	\$74,592,570	\$74,592,570	\$74,592,570
	25	2049-2050	2049	\$492,570	\$0	\$74,100,000	\$74,592,570	\$74,592,570	\$74,592,570

Notes: Market value in future years is good faith estimate of future taxable value for the purposes of property taxation.  
 Only include market value for eligible property on this schedule.

**Schedule C: Employment Information**

Date **2/24/2022**  
 Applicant Name **Azalea Springs Solar Park LLC**  
 ISD Name **Central ISD**

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				Construction		Non-Qualifying Jobs	Qualifying Jobs	
				Column A	Column B	Column C	Column D	Column E
	Year	School Year (YYYY-YYYY)	Tax Year (Actual tax year) YYYY	Number of Construction FTE's	Average annual wage rates for construction workers	Number of non-qualifying jobs applicant estimates it will create (cumulative)	Number of new qualifying jobs applicant commits to create meeting all criteria of Sec. 313.021(3) (cumulative)	Annual wage of new qualifying jobs
Each year prior to start of Value Limitation Period <i>Insert as many rows as necessary</i>	0	2021-2022	2021	0	0	0	0	
	0	2022-2023	2022	200	\$47,619	0	0	
	0	2023-2024	2023	200	\$47,619	0	0	
	0	2024-2025	2024	200	\$47,619	0	0	
Value Limitation Period <i>The qualifying time period could overlap the value limitation period.</i>	1	2025-2026	2025	0	0	0	3	\$48,175.40
	2	2026-2027	2026	0	0	0	3	\$48,175.40
	3	2027-2028	2027	0	0	0	3	\$48,175.40
	4	2028-2029	2028	0	0	0	3	\$48,175.40
	5	2029-2030	2029	0	0	0	3	\$48,175.40
	6	2030-2031	2030	0	0	0	3	\$48,175.40
	7	2031-2032	2031	0	0	0	3	\$48,175.40
	8	2032-2033	2032	0	0	0	3	\$48,175.40
	9	2033-2034	2033	0	0	0	3	\$48,175.40
Years Following Value Limitation Period	11 through 15	2035-2036 through 2039-2040	2035 through 2039	0	0	0	3	\$48,175.40
	16 through 25	2040-2041 through 2049-2050	2040 through 2049	0	0	0	0	0

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

**SECTION 16: Authorized Signatures and Applicant Certification**

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

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

**1. Authorized School District Representative Signature**


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

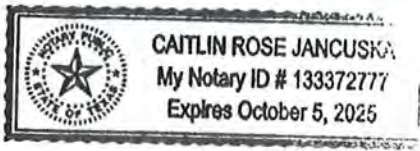
**print here** ➤ Justin Risner Superintendent  
Print Name (Authorized School District Representative)  
**sign here** ➤  Title  
Signature (Authorized School District Representative) 3/3/2022  
Date

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

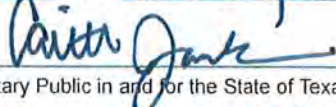
I am the authorized representative for the business entity for the purpose of filing this application. I understand that this application is a government record as defined in Chapter 37 of the Texas Penal Code. The information contained in this application and schedules is true and correct to the best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

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

**print here** ➤ Kris Cheney Executive Vice President  
Print Name (Authorized Company Representative (Applicant))  
**sign here** ➤  Title  
Signature (Authorized Company Representative (Applicant)) 2/28/2022  
Date



(Notary Seal)

GIVEN under my hand and seal of office this, the  
28<sup>th</sup> day of February, 2022  
  
 Notary Public in and for the State of Texas  
 My Commission expires: 10/5/2025

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