

**MOUNTAIN VIEW SOLAR, LLC**  
**Tax Abatement Hearing Transcript**  
**March 5, 2013 at 2:00 P.M.**  
**Carson City, Nevada**

Present at Hearing

Stacey Crowley, Director of the Governor's Office of Energy  
Suzanne Linfante, Nevada State Office of Energy  
Mitsy Maser, Nevada Department of Taxation

On telephone

Robert Stephens, Tax Manager, Mountain View Solar, LLC

Transcript

**Director Crowley:**

For the record, it's 2:05 on March 5. I am Stacey Crowley, the Director of the Nevada State Office Energy. This is a hearing on the merits of the application for partial abatement of property and sales and use taxes originally filed by Mountain View Solar, LLC, on January 2, 2013, to which we have assigned Application Number 12-0315S. This application is for the construction and operation of a 20MW Solar facility that will be located on approximately 155 acres of private land located in Clark County, Nevada. I will be the presiding officer for the hearing this afternoon. With me is my Program Coordinator Suzanne Linfante.

Is there any public comment? Seeing no public in attendance there will be no public comment here. Let the record reflect that no person has sought to make a public comment in this matter at this time.

As a preliminary matter, we have marked a packet of documents as Exhibit 1 in this matter. Exhibit 1 consists of several subparts: Exhibit A is the Notice of Public Hearing. Exhibit B is the Mountain View Solar, LLC Pre-Application. Exhibit C is the Mountain View Solar, LLC Amended Pre-Application. Exhibit D is the Mountain View Solar, LLC Application (Redacted) as filed with the Nevada State Office of Energy on January 2, 2013. Exhibit E is the Energy Related Tax Incentive Fiscal Note as required by NRS 701A.375-1(a) by the Budget Division of the State of Nevada Department of Administration. Exhibit F is the Fiscal Impact Renewable Energy Partial Abatement of Property Tax letter as required by NRS 701A.375-1(b) by the Nevada Department of Taxation. Exhibit G is the Pre Filed Testimony of Mr. Robert Stephens on behalf of Mountain View Solar, LLC. This is Exhibit 1 and I'm admitting this as evidence in this matter.

Rob would you like to introduce yourself and state your name and title for the record?

**Robert Stephens:**

My name is Robert Stephens. I am tax manager with Mountain View Solar, LLC.

**Director Crowley:**

Thank you. I am going to administer an oath. Do you have anyone else with you?

**Robert Stephens:**

No, I am by myself.

**Director Crowley:**

Do you swear and affirm under Penalty of Perjury to tell the truth the whole truth and nothing but the truth?

**Robert Stephens:**

I do.

**Director Crowley:**

Ok. Do you have any comments or remarks on this hearing?

**Robert Stephens:**

No. Nothing in addition to what I submitted previously.

**Director Crowley:**

And no additional information? For the purposes of the record, and based on the evidence supplied in this matter, I will now state my findings and conclusions based upon the substantial, reliable, and credible evidence presented to me in the exhibits and testimony presented this afternoon. As to each of the statutory requirements for this application, I make the following findings:

As to NRS 701A.360 (1), the applicant intends to locate within this State a facility for the generation of Solar renewable energy, thus meeting the intent of the statute. As to NRS 701A.360(2), I find that the facility is not owned, operated, leased, or controlled by a government agency, thus meeting the requirement of the statute. I find that NRS 701A.365(1)(a)(1) has been met by this renewable energy project, as the facility is expected to continue in operation in this State for a period of at least 10 years and is expected to continue to meet the eligibility requirements for the abatement. As to NRS 701A.365(1)(b), the applicant has provided information supporting testimony that all the necessary state and local permits and licenses to construct and operate have been submitted, thus meeting the requirement of the statute. As to NRS 701A.365(1)(c), the applicant has provided testimony that no funding for facility is or will be provided by any governmental entity in this State for the acquisition, design or construction of the facility or for the acquisition of any land therefore, thus meeting the requirement of the statute. As to NRS 701A.365(1)(d)(1), the application states that the construction of the facility will employ 120 full-time employees during the second quarter of construction of which at least 30% will be Nevada residents. This meets the requirement of this statute. As to NRS 701A.365(1)(d)(2), I find that the total capital investment in the facility is estimated to be \$65,000,000 and that the capital investment thus exceeding the \$10,000,000 capital investment required by the statute. As to NRS 701A.365(1)(d)(3), I find that this statute is met as the application states that the average hourly wage that will be paid by the facility to its employees in this State, excluding management and administrative employees, is approximately \$28.62, which is at least 110% of the average statewide hourly wage set by DETR for Fiscal Year 2012 which stands at \$22.14. As to NRS 701A.365 (1)(d)(4), I find that this statute is met as the application states that the average hourly wage that will be paid by the facility to all of its construction employees working on the facility, excluding management and administrative employees, will be approximately \$35.42, which is at least 150% of the average statewide hourly wage set by DETR, Fiscal Year 2012 which stands at \$30.20. As to NRS 701A.365(1)(d)(4)(I) and (II), the applicant states that the health insurance provided to the construction employees on the facility allows for the coverage of the dependents of the employees and will meet or exceed the standards established by the Director, thus meeting the requirement of the statute. As to NRS 701A.365(1)(f), I find that the benefits that will result to this State from the employment by the facility of the residents of this State and from capital investments by the facility in this State exceeds the loss of tax revenue that will result from the abatement, thus meeting the requirement of the statute. In particular, I find the evidence presented in this matter shows that the benefits to the state include the following amounts: Capital Investment set to be approximately \$65,000,000. The local School Support Tax from Sales & Use Tax Fiscal Note Over the

three year abatement period is estimated at \$771,918.75. The total Property Taxes to Local Government and Renewable Energy Fund over Abatement Period of twenty years is estimated to be \$4,349,652. The construction Payroll in Nevada for 45 employees times 1040 hours which is 6 months of construction at 35.42\$/hr is \$1,657,656. The operational Payroll for two employees at \$28.62/hr x 2080 hours for 20 years period is \$2,381,184. The total benefit to Nevada over the abatement period is \$74,160,410.75. The amounts abated are Sales and Use Tax for three years estimated at \$2,006,989 and total Property Taxes over 20 Years for \$5,316,242 for a total abatement of \$7,323,231.

As to NRS 701A.370(1)(a)(3), I find that the abatement granted by this Order will not apply during any period in which the facility is receiving another abatement or exemption from property taxes imposed pursuant to chapter 361 of NRS, other than any partial abatement provided pursuant to NRS 361.4722. Also, as to NRS 701A.370(1)(b)(1)(III), I find that the abatement granted by this Order will not apply during any period in which the facility is receiving another abatement or exemption from local sales and use taxes, thus meeting the requirement of the statute.

Based upon the previously mentioned findings, I conclude that the Mountain View Solar, LLC, Solar facility that is the subject of Application Number 12-0315S satisfies or exceeds all of the applicable statutory requirements. Therefore, I grant Mountain View partial abatements of sales and use taxes and property taxes pursuant to the authority granted me in NRS 701A.300 through 701A.390.

After today's hearing, I will produce a written Findings of Fact, Conclusions of Law, and Order based upon today's hearing. Once the Order is issued a representative from the Nevada Department of Taxation, our office, and the applicant meet to go over the terms and conditions of the Abatement Agreement and after that meeting, we will execute the Abatement Agreement. As a reminder, pursuant to NRS 701A.380, a partial abatement approved by the Director will terminate upon any determination by the Director that the facility has ceased to meet any eligibility requirements for the abatement. Are there any questions? Is there anybody who would like to make a public comment at this time? Let the record reflect that no person has sought to make a public comment in this matter. This hearing is now concluded. Thank you for your attendance and participation.