

**BEFORE THE NEVADA ENERGY DIRECTOR  
GOVERNOR’S OFFICE OF ENERGY**

**In the Matter of the Application of:** )  
 ) **Application Filing No. 20-0616SPV**  
**325MK 8ME, LLC** )  
\_\_\_\_\_ )

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

A hearing was held before the Director of the Governor’s Office of Energy (Office) on October 21, 2020 regarding Application Filing Number 20-0616SPV. At the hearing, applicant 325MK 8ME, LLC was represented by Josh Hicks of McDonald Carano, LLP. Based upon the 325MK 8ME, LLC application, and evidence presented at the hearing, the Director makes the following findings of fact, conclusions of law, and order in this matter.

**FINDINGS OF FACT**

1. At the hearing of the matter, 325MK 8ME, LLC presented the testimony of Benjamin Droz. The Office Director admitted into evidence a packet of Exhibits that contained five subparts: (1) Notice of Public Hearing dated September 29, 2020 (2) 325MK 8ME, LLC Application as filed with the Office on June 16, 2020 (3) Fiscal Impact of the partial abatement of Sales and Use Tax as required by NRS 701A.375-1 by the Nevada Department of Taxation, received on August 24, 2020; (4) Fiscal Impact of the partial abatement as provided by the Governor’s Office of Finance required by NRS 701A.375-1, received on August 31, 2020; (5) Pre-filed Testimony of Benjamin Droz. At the hearing, all Exhibits were admitted into evidence.

Based upon the testimony of the witness and the evidence presented, the Director finds the following to be the facts in this matter.

2. 325MK 8ME, LLC is a company with a current Nevada State Business License from the Nevada Secretary of State.

3. On June 16, 2020, 325MK 8ME, LLC submitted its Application seeking partial abatement of sales and use taxes for the construction and operation of a facility for the generation of solar renewable energy (“Facility”) that would be located in Clark County, Nevada on Moapa Tribal Land. The Application described a solar generating facility that would generate up to 300 Nameplate megawatts (MW) that would be sold to NV Energy pursuant to a power purchase agreement.

4. The filed application supported that 325MK 8ME, LLC was properly licensed and qualified to do business in Nevada; that 325MK 8ME, LLC had obtained all required discretionary state and local licenses and permits, with the remaining permits to be obtained prior to start of construction, expected sometime during the third quarter 2020, and intended to maintain all of the required licenses and permits for the Facility; that 325MK 8ME, LLC had all necessary approvals for the Facility; that the Facility would have an AC nameplate rating of up to 300 MW; that 325MK 8ME, LLC had entered into a power purchase agreement with NV Energy; that the Facility was anticipated to be at least partially operational sometime during the fourth quarter of 2021; that the total capital investment of the Facility in Nevada will be approximately \$339,000,000; that the Facility would create approximately 1 full-time operational jobs which would pay an average of approximately \$26.58 per hour; and that the Facility would create an estimated 150 full-time construction jobs over the course of construction which would pay an average hourly wage of \$42.28 per hour.

5. 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 \$26.58 which is at

least 110% of the average statewide hourly wage for green industry tax abatements, currently posted by Department of Employment Training and Rehabilitation.

6. That the average hourly wage paid by the facility to all of its construction employees working on the facility, excluding management and administrative employees, will be approximately \$42.28 which is at least 175% of the average statewide hourly wage for green industry tax abatements, currently posted by Department of Employment Training and Rehabilitation.

7. The Fiscal Impact statement produced by the Department of Taxation shows the following estimated figures regarding the sales and uses taxes related to the Facility:

Total Amount Abated (Year 1)	\$4,400,315
Total Amount Abated (Year 2)	\$13,200,945
Total Amount Abated (Years 3)	\$0.00
<b>TOTAL AMOUNT ABATED</b>	<b>\$17,601,260</b>

Total Amount Abated by Local Government (Year 1)	\$2,876,396
Total Amount Abated by Local Government (Year 2)	\$8,629,189
Total Amount Abated by Local Government (Year 3)	\$0.00
<b>TOTAL AMOUNT ABATED BY LOCAL GOVERNMENT</b>	<b>\$11,505,585</b>
<b>TOTAL LOCAL SCHOOL SUPPORT TAX GAIN</b>	<b>\$7,924,377</b>

8. The Fiscal Impact statement produced by the Department of Taxation shows the following estimated figures regarding the property taxes related to the Facility over the abatement period (20 years):

Total Property Taxes Due Before Abatement	\$0.00
Total Property Taxes Abated Over Abatement Period	\$0.00
Total Taxes to Local Government Over Abatement Period	\$0.00

9. The Fiscal Note produced by the Budget Division shows that the State General Fund will be impacted for a total of approximately \$6,095,675 abated over the period of the abatement (2021 through 2023).

10. Synthesizing the figures in evidence in this matter, the total estimated benefit pursuant to NRS 701A.365(1)(f) to the state and local governments in Nevada is \$348,168,201 and the total estimated amount of sales and use taxes abated in this matter is \$17,601,260. Thus, the benefits to the state and local governments in Nevada exceeds the total amount of abated taxes. The estimated benefits and amounts abated over the applicable periods of abatement are calculated as follows:

<u>Financial Benefits</u>	
Capital Investment in Nevada	\$339,000,000
Construction Payroll in Nevada residents	\$8,117,760
Operational Payroll in Nevada:	\$1,050,441
<b>TOTAL BENEFITS OVER ABATEMENT PERIODS</b>	<b>\$348,168,201</b>
<u>Amounts Abated</u>	
Total Sales and Use Taxes Abated (3 Years)	\$17,601,260
Total Property Taxes Abated (20 Years)	\$0.00
<b>TOTAL TAXES ABATED</b>	<b>\$17,601,260</b>

11. That all of the evidence discussed in the preceding paragraphs was supported by the substantial, reliable, and probative evidence taken from the record as a whole produced at the hearing of this matter.

## CONCLUSIONS OF LAW

1. The Director has the jurisdiction and authority to adjudicate this matter because the Application is within the scope of NRS 701A.300 through 701A.390 and the Director is required by law to hold the hearing in this matter pursuant to NRS 701A.360(5).

2. The substantial, reliable, and probative evidence in the record of this matter shows that the 325MK 8ME, LLC Application for the construction and operation of the Facility satisfies the following statutory requisites:

(a) NRS 701A.320(1)(a) – The primary source of energy to operate the Facility will be the Facility itself, thus meeting the statutory standard.

(b) NRS 701A.320(1)(b) – The Facility will generate 300 MW AC Nameplate, thus exceeding the statutory standard.

(c) NRS 701A.320(2) – The Facility is not located on residential property, thus meeting the statutory standard.

(d) NRS 701A.360(2) – The Facility is not owned, operated, leased, or controlled by a government agency, thus meeting the statutory standard.

(e) NRS 701A.365(1)(a)(1) – The Facility is anticipated to be operational for at least 25 years, thus exceeding the statutory standard.

(f) NRS 701A.365(1)(b) – The Facility has all the necessary state and local permits and licenses to operate, thus meeting the statutory standard.

(g) NRS 701A.365(1)(c) - No funding for the 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, except any private activity bonds as defined in 26 U.S.C. §141, thus meeting the statutory standard.

(h) NRS 701A.365(1)(d)(1) – The construction of the Facility will employ at least 150 full-time employees during the second quarter of construction. 325MK 8ME, LLC anticipates that at least 50% of those employees will be Nevada residents, thus meeting the statutory standard.

(i) NRS 701A.365(1)(d)(2) – The capital investment in Nevada for the Facility is estimated to be at least \$339,000,000 thus exceeding the statutory standard.

(j) NRS 701A.365(1)(d)(3) – The average hourly wage paid to the operational employees of the Facility will be approximately \$26.58, which is at least 110% of the average hourly wage set by DETR of \$24.16, thus meeting the statutory standard.

(k) NRS 701A.365(1)(d)(4) – The average hourly wage paid to the construction employees on the Facility will be approximately \$42.28, which is at least 175% of the average hourly wage set by DETR of \$24.16, thus meeting the statutory standard.

(l) NRS 701A.365(1)(d)(4)(I) and (II) – The health insurance provided to the construction employees on the Facility was represented to allow for the coverage of the dependents of the employees and will meet or exceed the standards established by the Director, thus meeting the statutory standard.

(m) NRS 701A.365(1)(f) – 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 statutory standard.

(n) NRS 701A.370(1)(a)(3) – 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, thus meeting the statutory standard.

(o) NRS 701A.370(1)(b)(1)(III) – 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.

**ORDER**

Based upon the foregoing, the Director orders that 325MK 8ME, LLC Application Filing No. 20-0616SPV related to the construction and operation of the Facility is hereby **GRANTED**. 325MK 8ME, LLC and the Director may execute an Abatement Agreement as soon as practicable that will satisfy the requisites of NRS 701A.300 through NRS 701A.390. 325MK 8ME, LLC sales and use tax abatement will terminate three years from the effective date of the Abatement Agreement.

SIGNED this 4th day of November, 2020.



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DAVID BOBZIEN  
Director  
Governor's Office of Energy