



GOVERNOR'S OFFICE OF ENERGY

MINUTES
Of the Renewable Energy Tax Abatement Hearing of the
GOVERNOR'S OFFICE OF ENERGY

AFN 20-0616SPV
325MK 8ME, LLC
Eagle Shadow Mountain
October 21, 2020

The Governor's Office of Energy held a public meeting on October 21, 2020 beginning at 9:00 AM. at the following location:

Via Videoconference – Zoom:
Meeting ID: 932 343 7543
Meeting Password: 9PRmfe
Via Phone Conference:
Conference Call Number: 605-472-5430
Access Code: 349735

Present at the hearing:

David Bobzien, Director of the Governor's Office of Energy
Laura Wickham, Energy Program Manager, Governor's Office of Energy
Lezlie Helget, Management Analyst, Governor's Office of Energy
Josh Hicks, McDonald Carano
Benjamin Droz, VP of Clean Energy Infrastructure, Capital Dynamics, Inc.
Dan Nelson, 8ME Energy, Head of Tax

1. Call to order: The meeting was called to order at 9:03 AM by Director David Bobzien. The Director stated that this was a hearing on the merits of the application for partial abatement of sales and use taxes originally filed by 325MK 8ME, LLC on June 16, 2020. Application filing number 20-0616SPV. This is an application for a 300 MW solar facility located in Clark County, NV on Moapa Tribal land.

2. Public comment and discussion (1st period): The Director asked if anyone from the public sought to make a comment on the matter. There was no public comment.

3. Presentation of Evidence and Testimony: The Director submitted Exhibits A-E, a packet of documents consisting of: Exhibit A – Notice of Public Hearing, dated September 29, 2020; Exhibit B – A redacted application as filed with the Governor's Office of Energy on June 16, 2020; Exhibit

C – 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; Exhibit D – Fiscal Impact of the partial abatement as provided by the Governor’s Finance Office, required by NRS 701A.375-1, received on August 31, 2020; Exhibit E – Pre-filed Testimony of Benjamin Droz.

The parties present introduced themselves.

The Director admitted Exhibits A-E into evidence in this matter.

Director Bobzien asked whether the applicant had any additional information they would like to add. No additional information was added.

The Director asked if there was any additional information to be submitted in this matter. There was no additional information submitted.

The Director asked whether anyone would like to make a closing statement. Closing statements noted below.

Josh Hicks: Thank you to Laura and Anthony. They have been great working through some of the preliminary questions on this application. You have a great staff, perfect to work with, very responsive. Thank you both.

Benjamin Droz: Thank you all for your time. I wanted to express the importance of this tax abatement for projects like Eagle Shadow Mountain, a very large developer and owner within Nevada, and to have permission to develop and deploy the lowest possible cost solar energy, which is a vital part of the programs which are available to projects like Eagle Shadow Mountain. Thank you.

Dan Nelson: 8 Minute is the largest independent developer in the United States of solar power plants. We build plants in California, Nevada, New Mexico, Texas, and Arizona. Sale tax and property taxes are one of the largest construction and operating costs for these projects. Every other state has robust statutory exemptions and reductions for both sales tax and property tax. For example, Arizona is an 80% property tax exclusion and 100% sales tax exclusion. Texas is a 100% sales tax exclusion and probably an 80% property tax exclusion. Even high tax California is 100% property tax exclusion and two-thirds sales tax exclusion. The abatement regime in Nevada is critically important to enable us to be competitive in our projects in Nevada and allow Nevada to be a competitive jurisdiction. Thank you for your continued support and collaboration, and cooperation with these projects. This is the first of five projects in Nevada, and we are delighted to hopefully be getting an abatement certificate with your help that will launch us into our next project. Thank you for your support and time, and we look forward to working with you on this next round of projects.

The Director closed the evidentiary portion of the hearing and thanked everyone for their testimony.

4. The Director stated his findings and conclusions based upon the substantial, reliable, and credible evidence presented in the exhibits and testimony.

As to NRS 701A.360 (1), the Director found that the applicant intends to locate within this State a facility for the generation of solar energy, thus meeting the intent of the statute.

As to NRS 701A.360(2), the Director found that the facility is not owned, operated, leased, or controlled by a government agency, thus meeting the requirement of the statute.

The Director found 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 will be received, 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 150, full-time employees during the second quarter of construction of which at least 50% will be Nevada residents.

As to NRS 701A.365(1)(d)(2), the Director found that the total capital investment in the facility is estimated to be approximately \$339,000,000 thus exceeding the \$10,000,000 capital investment required by the statute.

As to NRS 701A.365(1)(d)(3), the Director found that this statute is met as the application states that the average hourly wage paid by the facility to its operational employees, excluding management and administrative employees, will be approximately \$26.58, which is at least 110% of the average statewide hourly wage set by DETR of \$24.16.

As to NRS 701A.365 (1)(d)(4), the Director found 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 \$42.28, which is at least 175% of the average statewide hourly wage set by DETR of \$24.16.

As to NRS 701A.365(1)(d)(4)(I) and (II), the application 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), the Director found 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.

The Director found that the financial benefits to the state exceeded the abated amounts and provided each figure. The total benefits to the state of Nevada are \$348,168,201 and the total abatement is \$17,601,260.

Director Bobzien found NRS 701A.365(1)(g) to be met as the facility is consistent with the State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of [NRS 231.053](#).

As to NRS 701A.370(1)(a)(3), The Director found that the partial abatement of property tax did not apply during a time in which the facility was receiving an abatement for the same, other than any partial abatement provided pursuant to NRS 361.4722.

As to NRS 701A.370(1)(b)(1)(III), The Director found that the abatement will not apply during any period in which the facility was receiving another abatement or exemption from local sales and use taxes, thus meeting the requirement of the statute.

5. Approval of Application. The Director approved the application for the partial abatement of sales and use taxes. The Director explained that after today's hearing, he will produce a written Findings of Fact, Conclusions of Law, and Order. Once the Order is issued, the Director or his representative, representatives from the Nevada Department of Taxation, and appropriate representatives of 325MK 8ME, LLC may meet to go over the terms and conditions of the Abatement Agreement and after that meeting, we will execute the Abatement Agreement.

The Director stated that 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.

6. Public comment and discussion (2nd period): The Director asked if anyone had any public comment to which there was no response.

7. Adjournment: 9:23 AM.