

GOVERNOR'S OFFICE OF BUSINESS AND ECONOMIC DEVELOPMENT



STATE OF CALIFORNIA * OFFICE OF GOVERNOR GAVIN NEWSOM

California Competes Tax Credit Application Workshop

Fiscal Year 2022-2023





Agenda

California Competes Tax Credit Program

- Program Information
- Evaluation Criteria
- Application Deadlines, Process, and Guide
- Example
- Q&A

The California Competes Tax Credit

California Competes Tax Credit (CCTC)

- Credit against the income tax due the Franchise Tax Board
- Non-refundable
- 6 tax year carryover

Accountability:

- Tied to achieving contractual (hiring/investment) milestones
- Recapture provisions

California Competes Tax Credit (Continued)

Awards are based on 12 factors:

- Number of jobs created or retained
- Compensation paid to employees
- Amount of investment
- Duration of proposed project and commitment to remain in this state
- Extent of unemployment or poverty in business area
- Extent the benefit to the state exceeds the amount of the tax credit
- Incentives available in other states
- Opportunity for future growth and expansion
- Other incentives available in California
- Overall economic impact
- Strategic importance to the state, region, or locality
- Training opportunities offered to employees

California Competes Tax Credit (Continued)

GO-Biz is also required to evaluate the extent to which the credit will influence the applicant's ability and/or willingness to create new full-time jobs in California that might not otherwise be created by the applicant or another California business

- How will this credit and more specifically the amount requested factor into the applicant's ability or willingness to expand in California?
- The Frequently Asked Questions on the GO-Biz website provide additional guidance.

California Competes Tax Credit Availability

Amount of Credits Available

\$180 million per fiscal year 2018/19 through 2027/28

Minimum credit request \$20,000

No more than 20% (\$60.9 million) may go to any one applicant per fiscal year

Application Periods

A total of \$304,727,233 in California Competes Tax Credit is available for allocation in the 2022-2023 fiscal year. The Director of GO-Biz sets the application periods each fiscal year:

Fiscal Year 2022-2023

July 25, 2022 – August 15, 2022

\$85 million in tax credits available \$120 million in grants available

January 3, 2023 - January 23, 2023

\$120 million in tax credits available

March 6, 2023 – March 20, 2023

\$99.7 million plus any unallocated remaining amounts

Application Process

- Online application submission: https://www.calcompetes.ca.gov
- Notices and technical assistance: https://www.business.ca.gov/CalCompetes/
- Unsuccessful applicants may resubmit applications after updating the Employees and Investment sections and Current Tax Year.

Credit Application and Award Process

Phase I

- Quantitative analysis
- Cost-benefit ratio



Phase II

Comprehensive evaluation based on nine additional factors and the Phase I ratio calculation



Post Committee Approval

- Information Posting
- Required Reporting
- Agreement Compliance



Agreements

Must be approved by the California Competes Tax Credit Committee

Phase I Evaluation

Cost-Benefit Ratio:

Amount of Credit Requested

Aggregate Employee Compensation



Aggregate Investment

Applications with the most advantageous cost-benefit ratio will be moved to Phase II

There will be a review of the top 200% of applicants respectively for each program

Exemptions to the Phase I Calculation

GO-Biz may move an application to Phase II, regardless of the ratio, if the applicant certifies that:

- a. absent award of the credit, the applicant's project may/will occur in another state, or the applicant may/will terminate or relocate all or a portion of its employees to another state, or
- b. at least 75% of the applicant's net increase of full-time employees work at least 75% of the time in an area of high unemployment or high poverty

High Poverty and Unemployment Areas

High Poverty Area

 A city and/or county within California with a poverty rate of at least 150% of the California statewide poverty rate per the most recently updated data available from the U.S. Census Bureau's American Community Survey thirty days prior to the first day of the applicable application period.

High Unemployment Area

 A city and/or county within California with an unemployment rate of at least 150% of the California statewide unemployment rate per the most recently updated data available from the California Employment Development Department thirty days prior to the first day of the applicable application period.

A list of qualifying high unemployment and high poverty areas will be posted on the California Competes website approximately 30 days prior to the close of an upcoming application period.

Phase II Evaluation

- Phase I information
- Extent of unemployment/poverty
- Economic impact
- Number of retained employees
- Opportunity for growth/expansion
- Other incentives available
- Wages/benefits
- Strategic importance
- Training opportunities offered to employees
- Other information requested

Note: Evaluated factors are in no particular order

Agreements

Terms and conditions of the agreements include:

- Minimum employee compensation and retention period
- Credit distribution period
- Recapture provisions if applicant fails to meet commitments

Tax credit agreements must be approved by California Competes Tax Credit Committee

 Committee Members: State Treasurer, Director of the Department of Finance, two legislative appointees, and the Director of GO-Biz (Chair)

Agreements

Taxpayer: Widget Manufacturing, Inc.

тахрауст.	2022 Tax Year	2022 Tay Voor	2024 Tax Year	2025 Tax Year	2026 Tax Year	2027 Tax Year	Total
	(Base)	2023 Tax Tear	2024 Tax Tear	2025 Tax Tear	2020 Tax Tear	2027 Tax Tear	Total
Total California Full- Time Employees ¹	48	51	56	66	83	88	
Net Increase of Full- Time Employees Compared to the Base Year		3	8	18	35	40	
Minimum Annual Wage of California Full-Time Employees Hired		\$45,000	\$45,000	\$45,000	\$45,000	\$45,000	
Cumulative Average Annual Wage of California Full-Time Employees Hired		\$60,000	\$60,000	\$60,000	\$64,286	\$67,500	
Investments		\$0	\$10,000,000	\$7,660,000	\$0	\$0	\$17,660,000
Tax Credit Allocation		\$82,500	\$137,500	\$275,000	\$467,500	\$137,500	\$1,100,000

¹ Determined on an annual full-time equivalent basis

Post Committee Approval

GO-Biz is required to post information on its website for all awardees



For a list of all tax credit awardees, visit the <u>awardee list</u>.

Oversight/Accountability

Franchise Tax Board (FTB)

- Access to application and all documentation
- Must review books/records for agreement compliance

Material Breach

- FTB informs GO-Biz
- Committee approves or denies recapture

California Competes Application Guide



Fiscal Year 2022-2023



General Definitions					
Project	The applicant's proposed business venture that will result in increased employment/investments in California				
Applicant	The legal name of the business (taxpayer) that is registered with the California Secretary of State or otherwise legally authorized to do business in California.				
Base Year	The applicant's taxable year immediately preceding the taxable year in which the application is submitted				



Employment Definitions					
Full-time Employee	An individual paid wages for services in California of not less than an average of 35 hours per week (W-2 Employees)				
Annual Full-time Equivalent	A method of accounting for full-time employees that worked (or will work) less than a full year during the applicant's taxable year				
Aggregate Employee Compensation	A method of accounting for wages of full-time employees on an annual full-time equivalent basis for the current tax year plus four subsequent tax years				
Wages	Is the amount of monetary compensation a full-time employee (whether paid by the hour or a salary) is paid by the applicant per year and does not include tips, overtime, bonuses, commissions, stock options, benefits, or other compensation of any kind. When answering the questions that request the minimum and average wages of California full-time employees to be hired, use the wages the full-time employee(s) would make in a full year of employment, without regard to the projected date of hire				

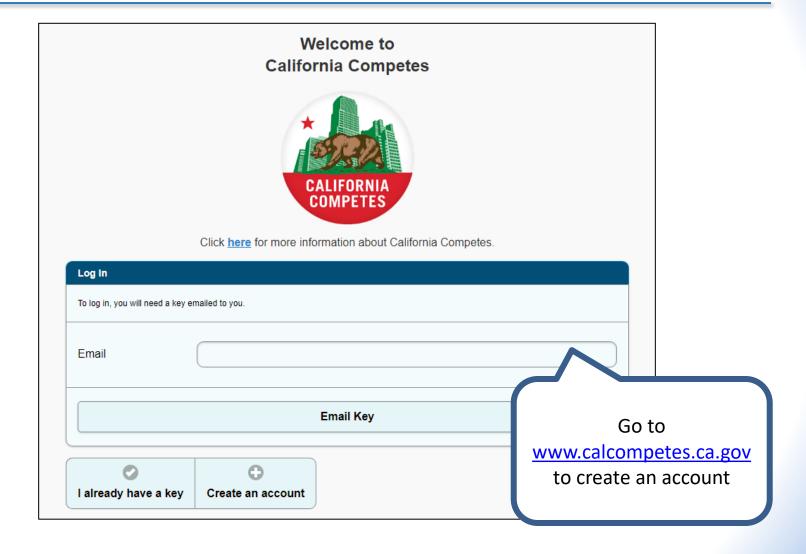


Investment Definitions The amount paid for "real" and "personal" property purchased or leased Investment after the close of the current application period, directly related to the applicant's proposed project. Is any property located in this state that is attached directly to land, as well as the land itself. It includes, but is not limited to all, land, structures, firmly attached and integrated equipment, anything growing on the land, and all other "interests" in the property which may be the right to future ownership, Real right to occupy for a period of time, or an easement across another's Property property. Real property also includes capitalized costs related to new construction, reconstruction, or expansion of buildings or structures which will be used in the applicant's trade or business in connection with the project and are subject to depreciation. Is property that is tangible, movable property, including, but not limited to, Personal vehicles, movable fixtures, equipment, electronic devices, intangible **Property** property, including, but not limited to, software licenses, intellectual property acquired in connection with the project that has a quantifiable value, and other business assets which are subject to depreciation.

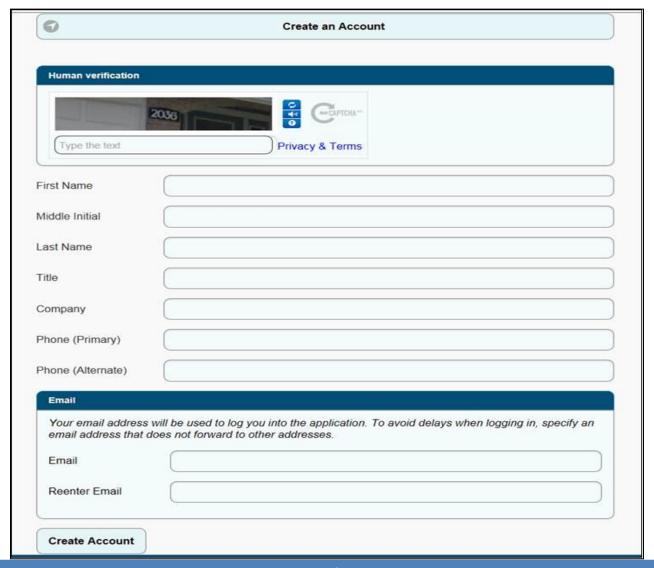
Documents Needed

- ✓ Payroll records for full-time employees employed by the applicant in its prior tax year (i.e., base year)
- √ 5-year business plan, including:
 - Projected number of new full-time employees, their job classifications, and wages
 - Projected amount of new investment

Creating an Account



Creating an Account (Continued)



Login (Continued)

Subject: Cal Competes Login

(This information will expire 30 minutes after it is sent.)

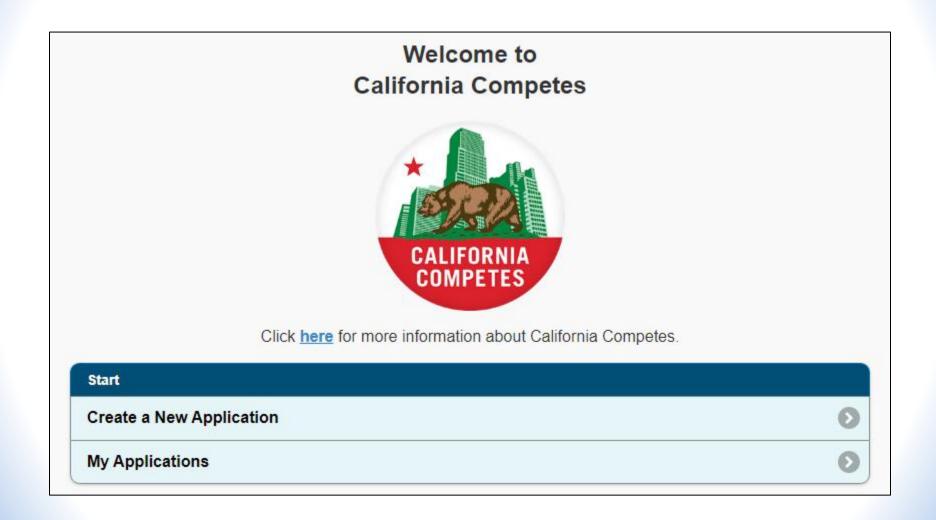
Use this key to log in.

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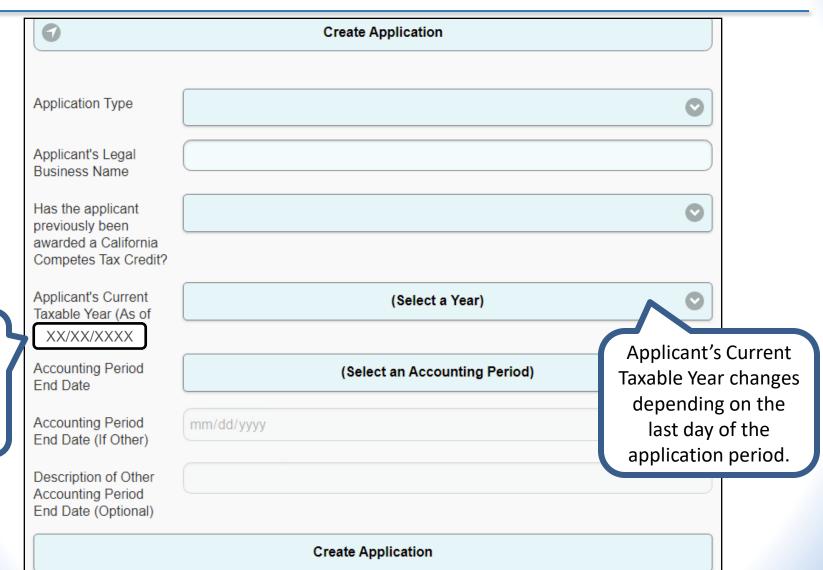
Or just click on this link to log in

 $\frac{https://www.calcompetes.ca.gov/Public/Auth.aspx?id=3-hClslLFtSBtjwhhMgrE9LMK5XealLjBlEO3TZNL3hhdx8HEhib0Ux2F35HbRJlAYB12sv1yXWVX493PDmeM4Y}{}$

Creating an Application



Creating an Application (Continued)



Date will

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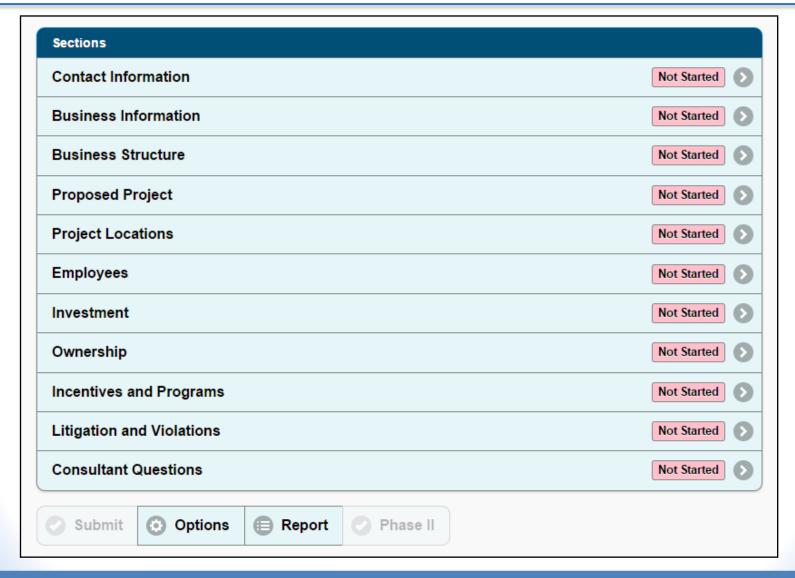
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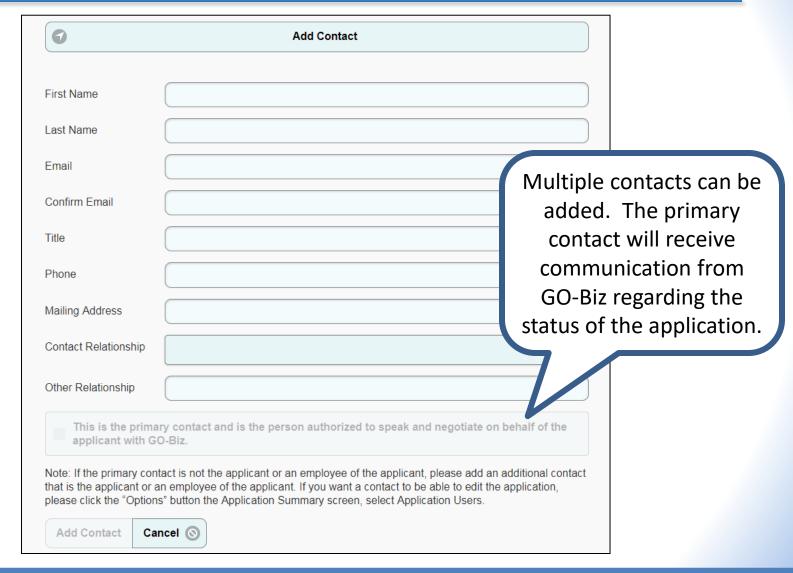
application

period.

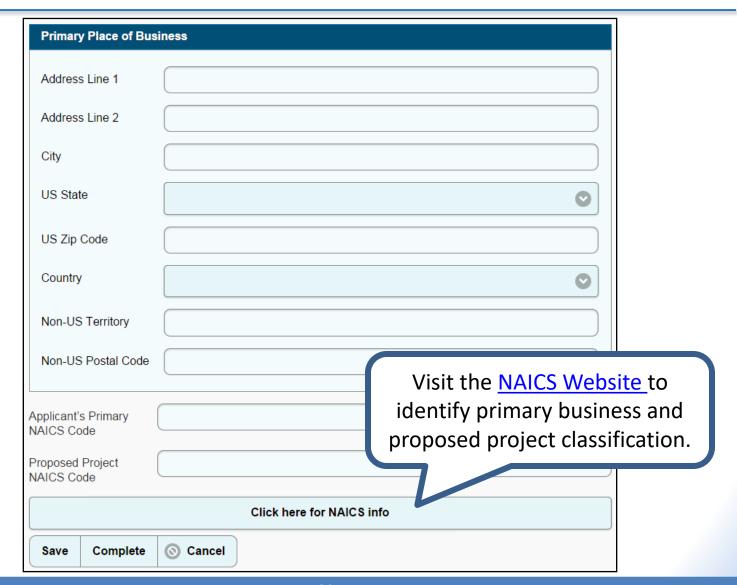
The Application



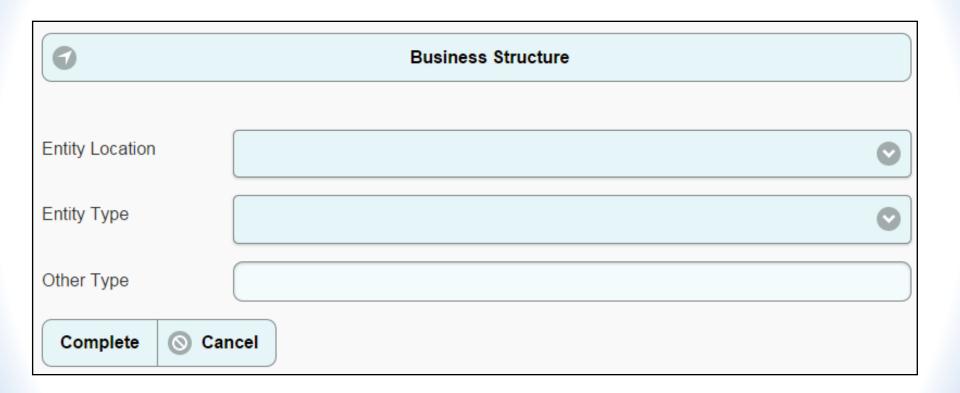
Contact Information



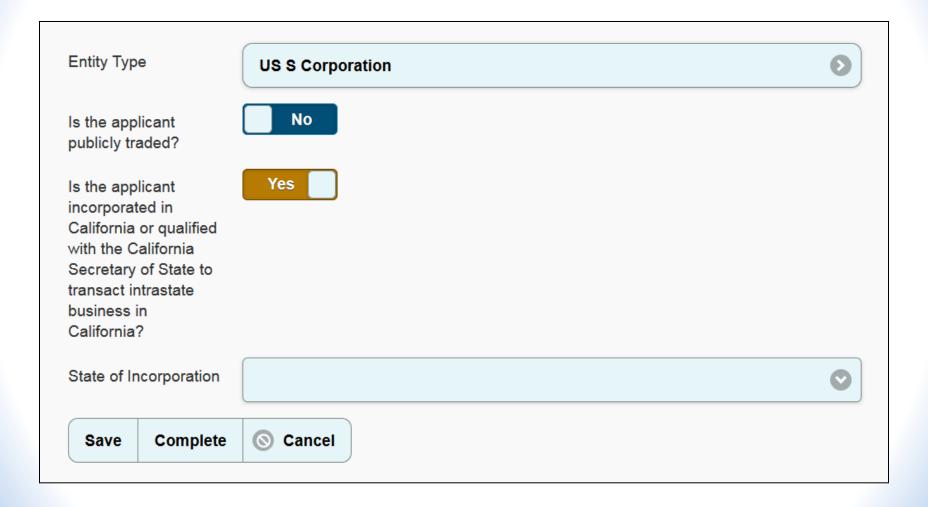
Business Information



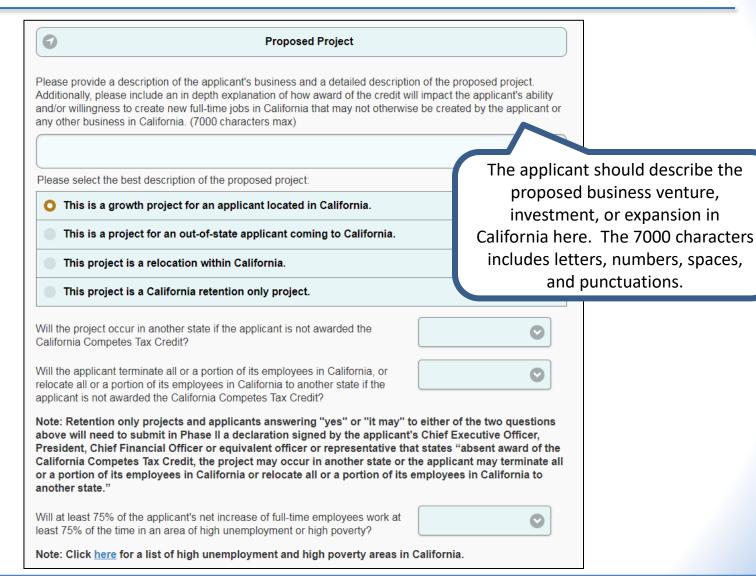
Business Structure



Business Structure (Continued)



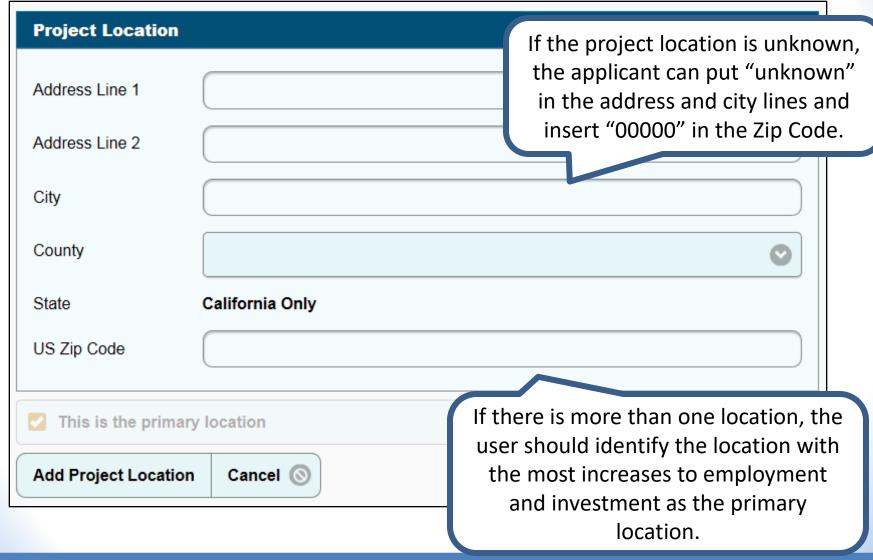
Proposed Project



Proposed Project (Continued)

Is all or a portion of the applicant's proposed increase of employees or investment due to an acquisition of, or merger with, another business?						
Is all or a portion of the applicant's proposed increase of employees due to an employee leasing arrangement with another business?						
Is all or a portion of the applicant's proposed increase of employees due to a reclassification of independent contractors or conversion of employees employed by any type of temporary services provider?						
Is all or a portion of the applicant's proposed increase of employees due to a transfer of employees from any member of a "controlled group of corporations" (as defined in Revenue and Taxation Code section 23626) in which the applicant is a member?						
Does the applicant currently or plan to use a professional employer organization (PEO) as the employer of record?						
Is all or a portion of the applicant's proposed investment due to a conversion from a lease to a purchase or vice versa of real or personal property it already controls or has already acquired?						
Total Amount of California Competes Tax Credit Requested (\$)						
Save Complete Sancel						

Proposed Locations



Employees

Note: Tax Year will be adjusted in each application period.

Existing number of full-time employees in California	
2. Existing number of part-time employees in California The applicant payroll records	
3. Existing number of part-time and full-time employees in the US taxable year im before the ap	•
4. Existing number of part-time and full-time employees worldwide taxable year in application is s	which the
5. Number of California full-time employees that were hired and that will be hired in the applicant's 2023 tax year	
6. Minimum annual wage of California full-time employees that were hired and that will be hired in the applicant's 2023 tax year (\$)	
7. Average annual wage of California full-time employees that were hired and that will be hired in the applicant's 2023 tax year (\$)	
8. Number of California full-time employees that will be hired in the applicant's 2023 tax year after XX/XX/XXXX Date will reflect the last day	

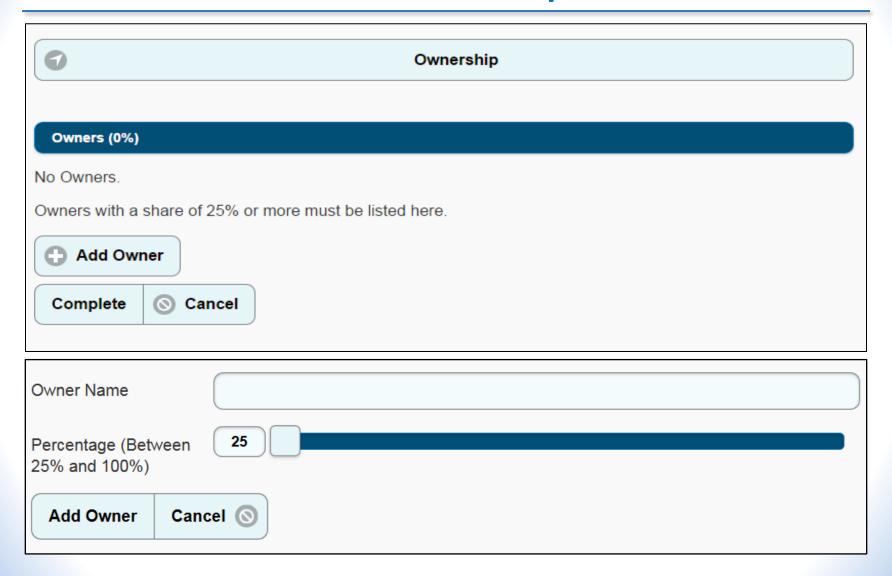
of each application period.

Investment

Investment means the amount that will be paid after the last day of the application period for qualifying real and personal property that will be purchased or leased by the applicant after the last day of the application period. Investment includes capitalized construction costs if the construction activity occurs and is paid for after the last day of the application period. For the complete definition of real and personal property, please review sections 8000(bb) and 8000(ee) of the California Competes Tax Credit regulations located here. Applicants who were previously awarded a California Competes Tax Credit or Grant must exclude any investments that were included in their approved California Competes Tax Credit or Grant Agreement. Amount of Investment after XX/XX/XXX for applicant's 2023 Tax Year Date will reflect Amount of Investment for applicant's 2024 Tax Year the last day of each application Amount of Investment for applicant's 2025 Tax Year period. Amount of Investment for applicant's 2026 Tax Year Amount of Investment for applicant's 2027 Tax Year \$0 Aggregate Investment

Note: Tax Year will be adjusted in each application period.

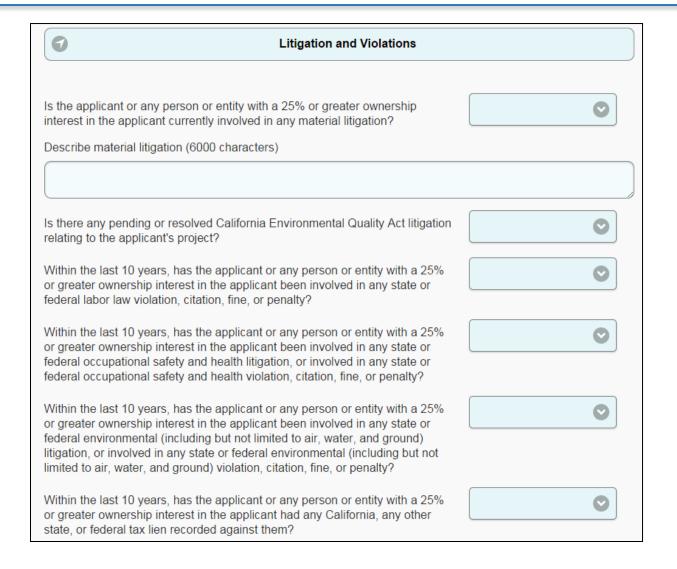
Ownership



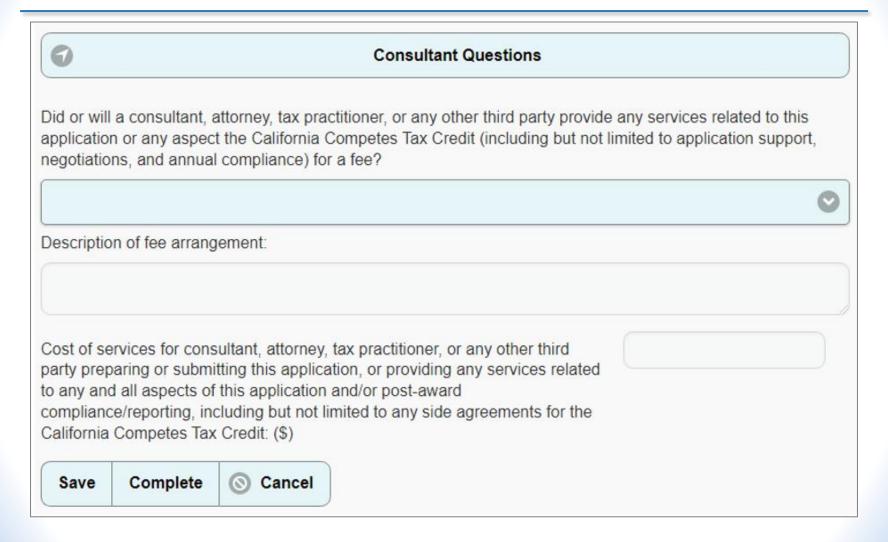
Incentives and Programs



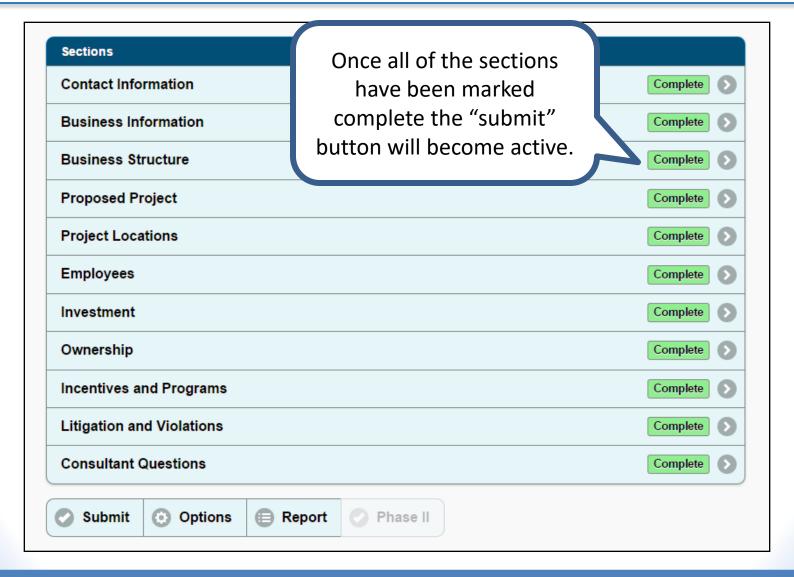
Litigation and Violations



Consultant Questions



Submitting the Application



Submitting the Application (Continued)



Submit Application

By clicking the SUBMIT button, you are certifying the information is complete and accurate and that you have the authority to file this application on behalf of the applicant. GO-Biz may request to see a power of attorney or the equivalent, but is under no obligation to conduct any due diligence or investigation to confirm that proper authority has been established. Further, by clicking the SUBMIT button, you agree that the person designated as the primary contact in the Contact Information section is the responsible representative for the applicant and GO-Biz will speak and negotiate directly with this person. Additionally, the e-mail address listed for the person designated as the primary contact in the Contact Information section is the authorized e-mail address and the owner of that e-mail address is responsible for receipt of GO-Biz communications sent to that e-mail address. GO-Biz is not responsible for any e-mail not received due to the recipient's security or anti-spam software, or any problems within the recipient's e-mail system.

GO-Biz, like all state agencies, is subject to the California Public Records Act (CPRA) found at Government Code section 6250 et. seq. However, a number of exemptions and prohibitions under both state and federal law apply to prevent disclosure of tax, proprietary, confidential, privileged, financial, and/or trade secret information. Additionally, Revenue and Taxation Code section 19542 specifically prohibits the release of the application and application materials submitted as part of the application process. For applicants awarded the credit, the law requires GO-Biz to post on its website the following information:

- A. The name of each taxpayer allocated a credit
- B. The estimated amount of the investment by each taxpayer
- C. The estimated number of jobs created or retained
- D. The amount of the credit allocated to the taxpayer
- E. The amount of the credit recaptured from the taxpayer, if applicable
- F. The primary location where the taxpayer has committed to increase the net number of jobs or make investments
- G. Whether the taxpayer was given priority for being located in a high poverty or high unemployment area

I agree to the conditions above.

If not awarded the California Competes Tax Credit, does the applicant want to be contacted by a member of the GO-Biz team to learn about other economic development incentives that may be available?



Submit Application

Confirmation Email

Subject: Your application was submitted

SUCCESS! Your California Competes Tax Credit application has been received by the Governor's Office of Business and Economic Development (GO-Biz). Please retain this e-mail for your records. Applicants that are moving onto Phase II, will be contacted by GO-Biz and further information as set forth in Title 10, Section 8030(g) of the California Code of Regulations will be requested.

Example Application

Widget Manufacturing, Inc.

- Currently has 50 full-time and 3 part-time employees
- Will hire 5 full-time hourly employees in both its 2023 and 2024 tax years. It will hire another 20 full-time hourly employees in its 2025 tax year. Hourly employees will be paid wages of at least \$45,000 and an average of \$60,000 on an annualized basis.
- Will hire 5 full-time salaried employees in both its 2026 and 2027 tax years. Salaried employees will be paid wages of at least \$90,000.
- Will invest \$10,000,000 purchasing a new facility in its 2024 tax year and \$7,660,000 for manufacturing equipment in its 2025 tax year.

Project Description

Please provide a description of the applicant's business and a detailed description of the proposed project. Additionally, please include an in depth explanation of how award of the credit will impact the applicant's ability and/or willingness to create new full-time jobs in California that may not otherwise be created by the applicant or any other business in California. (7000 characters max)

Widget Manufacturing, Inc. is a widget manufacturing company located in the city of Anonymous. For the last few years, Widget has experienced consistent growth over time as demand for our product increases. Our manufacturing facility is currently at capacity, and we must expand to a second location in order to meet client's demands.

The second facility is expected to cost \$10,000,000 to construct. There will be an additional \$7,660,000 in various manufacturing equipment, vehicles, and computer equipment. We predict the hiring of 40 employees at this location: 30 jobs will be manufacturing workers of varying classifications, and 10 jobs will be management and other executive positions.

For this expansion, Widget is exploring all of its options, including other states in the US. Our clients are located throughout the United States and we do not necessarily have to locate our second facility in California. We have completed an evaluation of options in other states and will provide the details upon request. If given a credit of \$1,100,000 over the 5-year period, Widget Manufacturing is willing to commit to opening its second facility in California.

Project Description (Continued)

Is all or a portion of the applicant's proposed increase of employees due to a transfer of employees from a person or entity that is treated as related to	No	•		
applicant under section 267, 318, or 707 of the Internal Revenue Code or from any member of a ""controlled group of corporations"" (as defined in Revenue and Taxation Code section 23626) in which the applicant is a member?				
Does the applicant currently or plan to use a professional employer organization (PEO) as the employer of record?	No	•		
Is all or a portion of the applicant's proposed investment due to a conversion from a lease to a purchase or vice versa of real or personal property it already controls or has already acquired?	No	•		
Total Amount of California Competes Tax Credit Requested (\$)				
1,100,000				
Complete				

Employees

Existing number of full-time employees in California	50
Existing number of part-time employees in California	3
3. Existing number of part-time and full-time employees in the US	53
Existing number of part-time and full-time employees worldwide	53
5. Number of California full-time employees that were hired and that will be hired in the applicant's 2023 tax year	5
6. Minimum annual wage of California full-time employees that were hired and that will be hired in the applicant's 2023 tax year (\$)	45,000
7. Average annual wage of California full-time employees that were hired and that will be hired in the applicant's 2023 tax year (\$)	60,000
8. Number of California full-time employees that will be hired in the applicant's 2023 tax year after XX/XX/XXXX	5

Date will reflect the last day of each application period.

9. Number of California full-time employees that will be hired in the applicant's 2024 tax year	5
10. Minimum annual wage of California full-time employees that will be hired in the applicant's 2024 tax year (\$)	45,000
11. Average annual wage of California full-time employees that will be hired in the applicant's 2024 tax year (\$)	60,000
12. Number of California full-time employees that will be hired in the applicant's 2025 tax year	20
13. Minimum annual wage of California full-time employees that will be hired in the applicant's 2025 tax year (\$)	45,000
14. Average annual wage of California full-time employees that will be hired in the applicant's 2025 tax year (\$)	60,000

21. Has the applicant previously been awarded a California Competes Tax Credit or Grant?	No, the applicant has not been previously awarded
20. Average annual wage of California full-time employees that will be hired in the applicant's 2027 tax year (\$)	90,000
19. Minimum annual wage of California full-time employees that will be hired in the applicant's 2027 tax year (\$)	90,000
18. Number of California full-time employees that will be hired in the applicant's 2027 tax year	5
17. Average annual wage of California full-time employees that will be hired in the applicant's 2026 tax year (\$)	90,000
16. Minimum annual wage of California full-time employees that will be hired in the applicant's 2026 tax year (\$)	90,000
15. Number of California full-time employees that will be hired in the applicant's 2026 tax year	5



- 22. Number of hourly full-time employees the applicant employed in California for 1,750 hours or more during the applicant's 2022 tax year
- 23. Number of salaried full-time employees the applicant employed in California for 50 weeks or more during the applicant's 2022 tax year
- 24. Number of hourly full-time employees the applicant employed in California for less than 1,750 hours during the applicant's 2022 tax year
- 25. Total number of hours worked by the employees in question 24
- 26. Number of salaried full-time employees the applicant employed in California for less than 50 weeks during the applicant's 2022 tax year
- 27. Total number of weeks worked by the employees in question 26

Number of full-time employees the applicant employed in the base year, determined on an annual full-time equivalent basis.

Remember parttime employees do not qualify under the annual fulltime equivalent

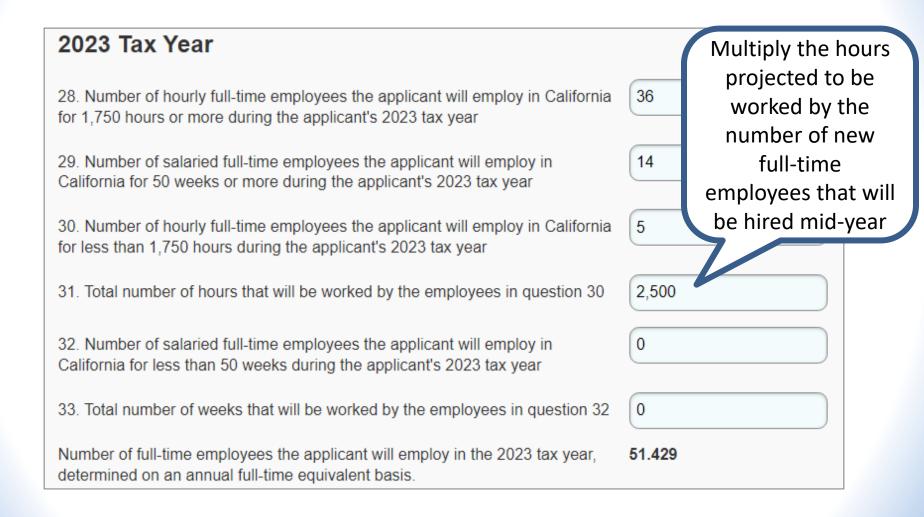
calculation

48

48.368

3

32



2024 Tax Year	
34. Number of hourly full-time employees the applicant will employ in California for 1,750 hours or more during the applicant's 2024 tax year	41
35. Number of salaried full-time employees the applicant will employ in California for 50 weeks or more during the applicant's 2024 tax year	14
36. Number of hourly full-time employees the applicant will employ in California for less than 1,750 hours during the applicant's 2024 tax year	5
37. Total number of hours that will be worked by the employees in question 36	2,500
38. Number of salaried full-time employees the applicant will employ in California for less than 50 weeks during the applicant's 2024 tax year	0
39. Total number of weeks that will be worked by the employees in question 38	0
Number of full-time employees the applicant will employ in the 2024 tax year, determined on an annual full-time equivalent basis.	56.429

2025 Tax Year	
40. Number of hourly full-time employees the applicant will employ in California for 1,750 hours or more during the applicant's 2025 tax year	46
41. Number of salaried full-time employees the applicant will employ in California for 50 weeks or more during the applicant's 2025 tax year	14
42. Number of hourly full-time employees the applicant will employ in California for less than 1,750 hours during the applicant's 2025 tax year	20
43. Total number of hours that will be worked by the employees in question 42	10,000
44. Number of salaried full-time employees the applicant will employ in California for less than 50 weeks during the applicant's 2025 tax year	0
45. Total number of weeks that will be worked by the employees in question 44	0
Number of full-time employees the applicant will employ in the 2025 tax year, determined on an annual full-time equivalent basis.	65.714

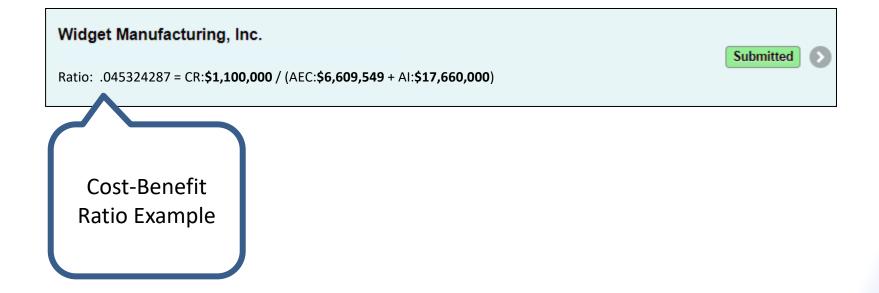
2026 Tax Year	
46. Number of hourly full-time employees the applicant will employ in California for 1,750 hours or more during the applicant's 2026 tax year	66
47. Number of salaried full-time employees the applicant will employ in California for 50 weeks or more during the applicant's 2026 tax year	14
48. Number of hourly full-time employees the applicant will employ in California for less than 1,750 hours during the applicant's 2026 tax year	0
49. Total number of hours that will be worked by the employees in question 48	0
50. Number of salaried full-time employees the applicant will employ in California for less than 50 weeks during the applicant's 2026 tax year	5
51. Total number of weeks that will be worked by the employees in question 50	150
Number of full-time employees the applicant will employ in the 2026 tax year, determined on an annual full-time equivalent basis.	83.000

2027 Tax Year	
52. Number of hourly full-time employees the applicant will employ in California for 1,750 hours or more during the applicant's 2027 tax year	66
53. Number of salaried full-time employees the applicant will employ in California for 50 weeks or more during the applicant's 2027 tax year	19
54. Number of hourly full-time employees the applicant will employ in California for less than 1,750 hours during the applicant's 2027 tax year	0
55. Total number of hours that will be worked by the employees in question 54	0
56. Number of salaried full-time employees the applicant will employ in California for less than 50 weeks during the applicant's 2027 tax year	5
57. Total number of weeks that will be worked by the employees in question 56	150
Number of full-time employees the applicant will employ in the 2027 tax year, determined on an annual full-time equivalent basis.	88.000
Aggregate Employee Compensation	\$6,609,549

Investment

Investment means the amount that will be paid after the last day of the application period for qualifying real and personal property that will be purchased or leased by the applicant after the last day of the application period. Investment includes capitalized construction costs if the construction activity occurs and is paid for after the last day of the application period. For the complete definition of real and personal property, please review sections 8000(bb) and 8000(ee) of the California Competes Tax Credit regulations located here. Applicants who were previously awarded a California Competes Tax Credit or Grant must exclude any investments that were included in their approved California Competes Tax Credit or Grant Agreement. Amount of Investment after XX/XX/XXXX for applicant's 2023 Tax Year 0 Date will reflect the last day of each application period. 10,000,000 Amount of Investment for applicant's 2024 Tax Amount of Investment for applicant's 2025 Tax Year 7,660,000 Amount of Investment for applicant's 2026 Tax Year Amount of Investment for applicant's 2027 Tax Year 0 \$17,660,000 Aggregate Investment Complete Save Cancel

My Application



Historical Ratios: Tax Credit Program

FISCAL YEAR	RATIO
2021-22 1 st period	.0769
2021-22 2 nd period	.3906
2021-22 3 rd period	.0601
2022-23 1 st period	.0380

This information is updated after every application period and can be found online at https://business.ca.gov/CalCompetes/ under Frequently Asked Questions.

Contractual Milestones / Credit Allocation

Taxpayer: Widget Manufacturing, Inc.

тахрауст.	2022 Tax Year	2022 Tay Voor	2024 Tax Year	2025 Tax Year	2026 Tax Year	2027 Tax Year	Total
	(Base)	2023 Tax Tear	2024 Tax Tear	2025 Tax Tear	2020 Tax Tear	2027 Tax Tear	Total
Total California Full- Time Employees ¹	48	51	56	66	83	88	
Net Increase of Full- Time Employees Compared to the Base Year		3	8	18	35	40	
Minimum Annual Wage of California Full-Time Employees Hired		\$45,000	\$45,000	\$45,000	\$45,000	\$45,000	
Cumulative Average Annual Wage of California Full-Time Employees Hired		\$60,000	\$60,000	\$60,000	\$64,286	\$67,500	
Investments		\$0	\$10,000,000	\$7,660,000	\$0	\$0	\$17,660,000
Tax Credit Allocation		\$82,500	\$137,500	\$275,000	\$467,500	\$137,500	\$1,100,000

¹ Determined on an annual full-time equivalent basis

California Competes

Questions?



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