



# Chapter 313 Annual Eligibility Report Form

**Form 50-772**  
(May 2010)

**2009**

Tax Year covered in this report

**Forsan Independent School District**

School district name

**.000593 (2009 rate)**

I&S Tax Rate

**.0104 (2009 rate)**

M&O Tax Rate

**Wind Farm**

Project Name

**Ocotillo Windpower, LP**

Company Name

**400 South Tryon (ST-22M), Charlotte, NC 28285**

Company Address

**Shawn Pittman, Property Tax Manager, 704-382-1119**

Company Contact Information

NOTE: This form must be completed by an authorized representative of each approved applicant and each entity with property subject to the limitation agreement. It must be submitted to the school district by May 15th of every year using information from the previous tax (calendar) year. For limitation agreements where there are multiple company entities that receive a part of the limitation provided by the agreement: 1) each business entity not having a full interest in the agreement should complete a separate form for their proportionate share of required employment and investment information; and, 2) separately, the school district is required to complete an Annual Eligibility Report that provides for each question in this form a sum of the individual answers from reports submitted by each entity so that there is a cumulative Annual Eligibility Report reflecting the entire agreement.

**12020785650**

Texas Taxpayer ID of Applicant

**N/A**

Texas Taxpayer ID Reporting Entity (if appropriate)

**December 17, 2007**

Date of Agreement Approval

**Same**

Original Applicant Name

**2008**

First complete tax year of the qualifying time period

**2009**

Last tax year of the qualifying time period

**2010**

First tax year of the limitation

**\$10,000,000**

Amount of the limitation at the time of application approval

### QUALIFIED PROPERTY INFORMATION

**\$112,126,370**

Market Value

**\$112,126,370**

I&S Taxable Value

**\$112,126,370**

M&O Taxable Value

Is the business entity in good standing with respect to Tax Code, Chapter 171?  
(Attach printout from Comptroller Web site: <http://www.window.state.tx.us/taxinfo/coasintr.html>) .....  Yes  No

Is the business entity current on all taxes due to the State of Texas? .....  Yes  No

Is the business activity of the project an eligible business activity under Section 313.024(b)? .....  Yes  No

Please identify business activity: **Wind Farm Electric Generation**

What was the application review start date for your application (the date your application was determined to be complete)? ..... **N/A**  
(This question must only be answered for projects with applications approved after June 1, 2010.)

How many new jobs were based on the qualified property in the year covered by this report? (See note on page 3.) ..... **11**

What is the number of new jobs required for a project in this school district according to 313.021(2)(A)(iv)(b), 313.051(b), as appropriate? ..... **11**

If the applicant requested a waiver of minimum jobs requirement, how many new jobs must the approved applicant create under the waiver? .....

80 percent of New Jobs (0.80 x number of new jobs based on the qualified property in the year covered by this report.) ..... **9**

What is the minimum required annual wage for each qualifying job in the year covered by the report? ..... \$34,029 (2007 data)

34029\*1.1=37431.9

For agreements executed prior to June 19, 2009, please identify which of the two Tax Code sections is used to determine the wage standard required by the agreement: §313.021(5)(A) or §313.051(b). For agreements executed after June 19, 2009, please identify which of the four Tax Code sections is used to determine the wage standard required by the agreement: §313.021(5)(A), §313.021(5)(B), §313.021(3)(E)(ii), or §313.051(b).....

313.051(b)

Attach calculations and cite (or attach) exact Texas Workforce Commission data sources. ....

See Attached

How many qualifying jobs (employees of this entity and employees of a contractor with this entity) were based on the qualified property in the year covered by the report? .....

11

Of the qualifying job-holders last year, how many were employees of the approved applicant? .....

3

Of the qualifying job-holders last year, how many were employees of an entity contracting with the approved applicant? .....

8

If any qualifying job-holders were employees of an entity contracting with the applicant, does the approved applicant or assignee have documentation from the contractor supporting the conclusion that those jobs are qualifying jobs? .....  NA  Yes  No

**THE FOLLOWING QUESTIONS APPLY ONLY TO APPROVED APPLICANTS WITH AGREEMENTS THAT REQUIRE THE APPROVED APPLICANT TO PROVIDE A SPECIFIED NUMBER OF JOBS AT A SPECIFIED WAGE.**

How many qualifying jobs did the approved applicant commit to create in the year covered by the report? .....

11

At what annual wage?.....

\$52,515 avg

How many qualifying jobs were created at the specified wage? .....

11 avg

**ENTITIES ARE NOT REQUIRED TO ANSWER THE FOLLOWING FIVE QUESTIONS IF THE YEAR COVERED BY THE REPORT IS AFTER THE QUALIFYING TIME PERIOD OF THEIR AGREEMENT.**

What is the qualified investment expended by this entity from the beginning of the qualifying time period through the end of the year covered by this report? .....

\$109,718,205

Was any of the land classified as qualified investment? .....  Yes  No

Was any of the qualified investment leased under a capitalized lease?.....  Yes  No

Was any of the qualified investment leased under and operating lease?.....  Yes  No

Was any property not owned by the applicant part of the qualified investment?.....  Yes  No

**THE FOLLOWING QUESTIONS MUST BE ANSWERED BY ENTITIES HAVING A PARTIAL INTEREST IN AN AGREEMENT.**

What was your limitation amount (or portion of original limitation amount) during the year covered by this report? .....

\$10,000,000

Please describe your interest in the agreement and identify all the documents creating that interest.

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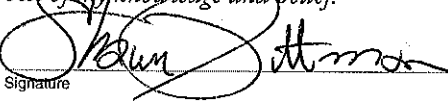
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NOTE: For job definitions see TAC §9.1051(14) and Tax Code, §313.021(3). If the agreement includes a definition of "new job" other than TAC §9.1051(14)(C), then please provide the definition "new job" as used in the agreement.

Notwithstanding any waiver by the district of the requirement for the creation of a minimum number of new jobs, or any other job commitment in the agreement, Tax Code 313.024(d) requires that 80 percent of all new jobs be qualifying jobs.

**APPROVAL**

*"I am the authorized representative for the Company submitting this Annual Eligibility Report. I understand that this Report is a government record as defined in Chapter 37 of the Texas Penal Code. The information I am providing on this Report is true and correct to the best of my knowledge and belief."*



Signature

**Shawn Pittman**

Printed name of authorized company representative

**Property Tax Manager**

Title

**June 30, 2010**

Date

**CONTACT INFORMATION FOR AUTHORIZED REPRESENTATIVE****400 South Tryon (ST-22M), Charlotte NC 28027**

Address

**704-382-1119**

Phone

**Shawn.Pittman@duke-energy.com**

E-mail



## TEXAS COMPTROLLER OF PUBLIC ACCOUNTS

SUSAN COMBS • COMPTROLLER • AUSTIN, TEXAS 78774

August 6, 2010

### CERTIFICATE OF ACCOUNT STATUS

THE STATE OF TEXAS  
COUNTY OF TRAVIS

I, Susan Combs, Comptroller of Public Accounts of the State of Texas, DO  
HEREBY CERTIFY that according to the records of this office

**OCOTILLO WINDPOWER, LP**

is, as of this date, in good standing with this office having no franchise  
tax reports or payments due at this time. This certificate is valid through  
the date that the next franchise tax report will be due August 16, 2010.

This certificate does not make a representation as to the status of the  
entity's registration, if any, with the Texas Secretary of State.

This certificate is valid for the purpose of conversion when the converted  
entity is subject to franchise tax as required by law. This certificate is  
not valid for any other filing with the Texas Secretary of State.

GIVEN UNDER MY HAND AND  
SEAL OF OFFICE in the City of  
Austin, this 6th day of  
August 2010 A.D.

A handwritten signature in cursive script that reads "Susan Combs".

Susan Combs  
Texas Comptroller

Taxpayer number: 12020785650  
File number: 0800574665

Form 05-304 (Rev. 12-07/17)

2007 Manufacturing Wages by Council of Government Region  
Wages for All Occupations

<u>COG</u>	<u>Hourly</u>	<u>Annual</u>
Texas	\$ 19.80	\$ 41,184
1. Panhandle Regional Planning Commission	\$ 17.49	\$ 36,379
2. South Plains Association of Governments	\$ 14.48	\$ 30,118
3. NORTEX Regional Planning Commission	\$ 16.97	\$ 35,298
4. North Central Texas Council of Governments	\$ 21.72	\$ 45,178
5. Ark-Tex Council of Governments	\$ 15.05	\$ 31,304
6. East Texas Council of Governments	\$ 15.40	\$ 32,032
7. West Central Texas Council of Governments	\$ 15.35	\$ 31,928
8. Rio Grande Council of Governments	\$ 14.41	\$ 29,973
9. Permian Basin Regional Planning Commission	\$ 16.36	\$ 34,029
10. Concho Valley Council of Governments	\$ 13.49	\$ 28,059
11. Heart of Texas Council of Governments	\$ 15.65	\$ 32,552
12. Capital Area Council of Governments	\$ 23.66	\$ 49,213
13. Brazos Valley Council of Governments	\$ 14.86	\$ 30,909
14. Deep East Texas Council of Governments	\$ 14.86	\$ 30,909
15. South East Texas Regional Planning Commission	\$ 22.73	\$ 47,278
16. Houston-Galveston Area Council	\$ 21.06	\$ 43,805
17. Golden Crescent Regional Planning Commission	\$ 17.91	\$ 37,253
18. Alamo Area Council of Governments	\$ 16.09	\$ 33,467
19. South Texas Development Council	\$ 12.37	\$ 25,730
20. Coastal Bend Council of Governments	\$ 21.78	\$ 45,302
21. Lower Rio Grande Valley Development Council	\$ 12.66	\$ 26,333
22. Texoma Council of Governments	\$ 18.23	\$ 37,918
23. Central Texas Council of Governments	\$ 15.94	\$ 33,155
24. Middle Rio Grande Development Council	\$ 12.91	\$ 26,853

Source: Texas Occupational Employment and Wages

Data published: 9 June 2008

Data published annually, next update will be June 2009.

$$34,029 * 1.1 = 37,431.90$$

Note: Data is not supported by the Bureau of Labor Statistics (BLS).

Wage data is produced from Texas OES data, and is not to be compared to BLS estimates.

Data intended for TAC 313 purposes only.