

Chapter 313 Annual Eligibility Report Form

SECTION 1: Applicant and District Information

- Tax year covered by this report: 2016
NOTE: This report must be completed and submitted to the school district by May 15 of every year using information from the previous tax (calendar) year.
- Application number: 1063
NOTE: You can find your application number and all agreement documents and reports on the website comptroller.texas.gov/economy/local/ch313/agreement-docs.php
- Name of school district: Fort Stockton ISD
- Name of project on original application (or short description of facility): Buckthorn Westex, LLC
- Name of applicant on original application: Buckthorn Westex, LLC
- Name the company entering into original agreement with district: Buckthorn Westex, LLC
- Amount of limitation at time of application approval: \$ 30,000,000
- If you are one of two or more companies originally applying for a limitation, list all other applicants here and describe their relationships. (Use attachments if necessary.)

N/A

SECTION 2: Current Agreement Information

- Name of current agreement holder(s) Buckthorn Westex, LLC
- Complete mailing address of current agreement holder c/o NRG Energy, Inc., Attn: Tax Dept, 804 Carnegie Center, Princeton, NJ 08540
- Company contact person for agreement holder:

<u>Stephen Cinoski</u>	<u>Tax Director</u>
<small>Name</small>	<small>Title</small>
<u>609-524-4699</u>	<u>stephen.cinoski@nrg.com</u>
<small>Phone</small>	<small>Email</small>
- Texas franchise tax ID number of current agreement holder: 32056395463
- If the current agreement holder does not report under the franchise tax law, please include name and tax ID of reporting entity:

Name

Tax ID

- If the authorized company representative (same as signatory for this form) is different from the contact person listed above, complete the following:

Dan Keane

VP-Tax

Name

Title

NRG Energy, Inc., Attn: Tax Dept, 804 Carnegie Center, Princeton, NJ 08540

Complete Mailing Address

609-524-4500

daniel.keane@nrg.com

Phone

Email

- If you are a current agreement holder who was not an original applicant, please list all other current agreement holders. Please describe the chain of ownership from the original applicant to the new entities. (Use attachments if necessary.)

N/A

- 7c. If yes, how many qualifying jobs were created at the specified wage in the year covered by the report? _____
8. 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? _____
- 8a. Of the qualifying job-holders last year, how many were employees of the approved applicant? _____
- 8b. Of the qualifying job-holders last year, how many were employees of an entity contracting with the approved applicant? _____
- 8c. 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? Yes No N/A

SECTION 5B: Wage and Employment Information for Applications After Jan. 1, 2014 (#1000 and Above)

ONLY COMPLETE THE WAGE SECTION (5A or 5B) THAT APPLIES TO YOUR APPLICATION. You can find your application number on the website at comptroller.texas.gov/economy/local/ch313/agreement-docs.php.

NOTE: For job definitions see TAC §9.1051(14) and Tax Code, §313.021(3).

QUALIFYING JOBS

1. What is the number of new qualifying jobs the applicant committed to create in the year covered by this report? 0
2. Did the applicant request that the governing body waive the minimum qualifying job requirement, as provided under Tax Code §313.025(f-1)? Yes No
- 2a. If yes, how many new qualifying jobs must the approved applicant create under the waiver? 2
-
3. Which Tax Code section are you using to determine the wage standard required for this project? §313.021(5)(A) or §313.021(5)(B)
- 3a. Attach calculations and cite exact Texas Workforce Commission data sources as defined in TAC §9.1051.
4. What is the minimum required annual wage for each qualifying job in the year covered by this report? \$ 0
5. What is the annual wage the applicant committed to pay for each of the qualifying jobs in the year covered by this report? \$ 0.00
6. 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? 0
- 6a. Of the qualifying job-holders last year, how many were employees of the approved applicant? 0
- 6b. Of the qualifying job-holders last year, how many were employees of an entity contracting with the approved applicant? 0
- 6c. 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? Yes No N/A
7. Do the qualifying jobs meet all minimum requirements set out in Tax Code §313.021(3) and TAC 9.1051(30)? Yes No N/A

NON-QUALIFYING JOBS

8. What is the number of non-qualifying jobs the applicant had on Dec. 31 of the year covered by this report? 0
9. What was the average wage you were paying for non-qualifying jobs on Dec. 31 of the year covered by this report? .. \$ 0.00
10. What is the county average weekly wage for non-qualifying jobs, as defined in TAC §9.1051? \$ 866.00

MISCELLANEOUS

11. Did the applicant rely on a determination by the Texas Workforce Commission under the provisions §313.024(3)(F) in meeting the minimum qualifying job requirements? Yes No
- 11a. If yes, attach supporting documentation to evidence that the requirements of §313.021(3)(F) were met.
12. Are you part of a Single Unified Project (SUP) and relying on the provisions in Tax Code §313.024(d-2) to meet the qualifying job requirements? Yes No
- 12a. If yes, attach supporting documentation from the Texas Economic Development and Tourism Office including a list of the other school district(s) and the qualifying jobs located in each.

SECTION 6: Qualified Investment During Qualified Time Period

ENTITIES ARE NOT REQUIRED TO COMPLETE THIS SECTION IF THE YEAR COVERED BY THE REPORT IS AFTER THE QUALIFYING TIME PERIOD OF THEIR AGREEMENT.

1. 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? \$ 1,000,000.00
2. Was any of the land classified as qualified investment? Yes No
3. Was any of the qualified Investment leased under a capitalized lease? Yes No
4. Was any of the qualified Investment leased under an operating lease? Yes No
5. Was any property not owned by the applicant part of the qualified investment? Yes No

SECTION 7: Partial Interest

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

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.

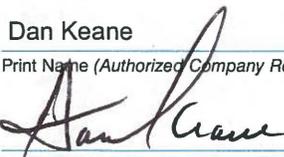
1. What was your limitation amount (or portion of original limitation amount) during the year covered by this report? Not Applicable
2. Please describe your interest in the agreement and identify all the documents creating that interest.

Not Applicable

SECTION 8: 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!"

print here → Dan Keane
Print Name (Authorized Company Representative)

sign here → 
Signature (Authorized Company Representative)

VP-Tax
Title

10/31/17
Date

print here → Shana Davis - Cummings Westlake LLC
Print Name of Preparer (Person Who Completed the Form)

713-266-4456
Phone



Franchise Tax Account Status

As of : 10/04/2017 09:05:18

This Page is Not Sufficient for Filings with the Secretary of State

BUCKTHORN WESTEX, LLC	
Texas Taxpayer Number	32056395463
Mailing Address	804 CARNEGIE CTR PRINCETON, NJ 08540-6023
Right to Transact Business in Texas	ACTIVE
State of Formation	DE
Effective SOS Registration Date	02/12/2015
Texas SOS File Number	0802155672
Registered Agent Name	C T CORPORATION SYSTEM
Registered Office Street Address	1999 BRYAN ST., STE. 900 DALLAS, TX 75201

Quarterly Employment and Wages (QCEW)

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Year	Period	Area	Ownership	Division	Level	Ind Code	Industry	Avg Weekly Wages
2014	1st Qtr	Pecos County	Private	31	2	31-33	Manufacturing	\$681
2014	2nd Qtr	Pecos County	Private	31	2	31-33	Manufacturing	\$655
2014	3rd Qtr	Pecos County	Private	31	2	31-33	Manufacturing	\$716
2014	4th Qtr	Pecos County	Private	31	2	31-33	Manufacturing	\$732

County Wage Data Calculation
 $\$2,764/4 = \$691.00 \times 110\% = \$760.10$

TAB 13

Calculation of three possible wage requirements with supporting documentation

AVERAGE WEEKLY WAGES FOR ALL JOBS, ALL INDUSTRIES IN PECOS COUNTY
FOUR MOST RECENT QUARTERS

COUNTY	YEAR	QUARTER	Avg. Weekly Wage
Pecos	2014	Q3	\$909
Pecos	2014	Q2	\$851
Pecos	2014	Q1	\$957
Pecos	2013	Q4	\$855
SUM:			\$3,572
CALCULATION:			$\$3,572/4 = \893.00

AVERAGE WEEKLY WAGES FOR MANUFACTURING JOBS IN PECOS COUNTY
FOUR MOST RECENT QUARTERS

COUNTY	YEAR	QUARTER	Avg. Weekly Wage
Pecos	2014	Q3	\$716
Pecos	2014	Q2	\$655
Pecos	2014	Q1	\$661
Pecos	2013	Q4	\$561
SUM:			\$2,593
CALCULATION:			$\$2,565/4 = \$648.25 * 1.1 = \$713.08$

AVERAGE WEEKLY WAGES FOR MANUFACTURING JOBS IN THE PERMIAN BASIN REGION (WDA)
FOUR MOST RECENT QUARTERS

REGION / WDA	YEAR	Hourly/Annual	Avg. Weekly Wage
Permian Basin	2013	\$22.89/\$47,604	\$915.46
CALCULATION:			$\$915.46 * 1.1 = \$1,007.01$

Please refer to the attached TWC & Council of Governments documentation below.

Quarterly Employment and Wages (QCEW)

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D.PERIODYEAR

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Year	Period	Area	Ownership	Division	Level	Ind Code	Industry	Avg Weekly Wages
2014	1st Qtr	Pecos County	Private	00	0	10	Total, All Industries	\$957
2014	2nd Qtr	Pecos County	Private	00	0	10	Total, All Industries	\$851
2014	3rd Qtr	Pecos County	Private	00	0	10	Total, All Industries	\$909
2013	1st Qtr	Pecos County	Private	00	0	10	Total, All Industries	\$873
2013	2nd Qtr	Pecos County	Private	00	0	10	Total, All Industries	\$844
2013	3rd Qtr	Pecos County	Private	00	0	10	Total, All Industries	\$799
2013	4th Qtr	Pecos County	Private	00	0	10	Total, All Industries	\$855

Quarterly Employment and Wages (QCEW)[Back](#)

D.PERIODYEAR

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▲ Year	▲ Period	▲ Area	▲ Ownership	▲ Division	▲ Level	▲ Ind Code	▲ Industry	▲ Avg Weekly Wages
2014	1st Qtr	Pecos County	Private	31	2	31-33	Manufacturing	\$661
2014	2nd Qtr	Pecos County	Private	31	2	31-33	Manufacturing	\$655
2014	3rd Qtr	Pecos County	Private	31	2	31-33	Manufacturing	\$716
2013	1st Qtr	Pecos County	Private	31	2	31-33	Manufacturing	\$692
2013	2nd Qtr	Pecos County	Private	31	2	31-33	Manufacturing	\$571
2013	3rd Qtr	Pecos County	Private	31	2	31-33	Manufacturing	\$708
2013	4th Qtr	Pecos County	Private	31	2	31-33	Manufacturing	\$561

**2013 Manufacturing Wages by Council of Government Region
Wages for All Occupations**

COG	Wages	
	Hourly	Annual
Texas	\$23.73	\$49,363
1. Panhandle Regional Planning Commission	\$20.43	\$42,499
2. South Plains Association of Governments	\$16.53	\$34,380
3. NORTEX Regional Planning Commission	\$19.15	\$39,838
4. North Central Texas Council of Governments	\$25.00	\$51,997
5. Ark-Tex Council of Governments	\$17.45	\$36,298
6. East Texas Council of Governments	\$19.50	\$40,565
7. West Central Texas Council of Governments	\$18.64	\$38,779
8. Rio Grande Council of Governments	\$16.27	\$33,848
9. Permian Basin Regional Planning Commission	\$22.89	\$47,604
10. Concho Valley Council of Governments	\$17.20	\$35,777
11. Heart of Texas Council of Governments	\$19.44	\$40,444
12. Capital Area Council of Governments	\$27.31	\$56,805
13. Brazos Valley Council of Governments	\$17.20	\$35,770
14. Deep East Texas Council of Governments	\$16.48	\$34,287
15. South East Texas Regional Planning Commission	\$29.09	\$60,501
16. Houston-Galveston Area Council	\$26.13	\$54,350
17. Golden Crescent Regional Planning Commission	\$22.23	\$46,242
18. Alamo Area Council of Governments	\$18.91	\$39,329
19. South Texas Development Council	\$13.94	\$28,990
20. Coastal Bend Council of Governments	\$23.78	\$49,454
21. Lower Rio Grande Valley Development Council	\$15.82	\$32,907
22. Texoma Council of Governments	\$20.93	\$43,529
23. Central Texas Council of Governments	\$17.33	\$36,042
24. Middle Rio Grande Development Council	\$19.07	\$39,666

Source: Texas Occupational Employment and Wages

Data published: July 2014

Data published annually, next update will be July 31, 2015

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.