

Chapter 313 Annual Eligibility Report Form

SECTION 1: Applicant and District Information

1. 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.
2. Application number: 1136
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
3. Name of school district: Eden CISD
4. Name of project on original application (or short description of facility): Cactus Flats Wind Project
5. Name of applicant on original application: RES Cactus Flats Wind Energy, LLC
6. Name the company entering into original agreement with district: RES Cactus Flats Wind Energy, LLC
7. Amount of limitation at time of application approval: \$ 20,000,000
8. 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.)

SECTION 2: Current Agreement Information

1. Name of current agreement holder(s) SP Cactus Flats Wind Energy, LLC
2. Complete mailing address of current agreement holder 30 Ivan Allen Jr. Blvd, NW, BIN SC1105, Atlanta, GA 30308
3. Company contact person for agreement holder:
- | | |
|------------------------|--------------------------------|
| <u>Suzanne Goodman</u> | <u>Accountant, Staff</u> |
| Name | Title |
| <u>404-506-0221</u> | <u>sagoodma@southernco.com</u> |
| Phone | Email |
4. Texas franchise tax ID number of current agreement holder: 32058765176
5. If the current agreement holder does not report under the franchise tax law, please include name and tax ID of reporting entity:
- | | |
|-------------------------------|--------------------|
| <u>Nacogdoches Power, LLC</u> | <u>32018754666</u> |
| Name | Tax ID |
6. If the authorized company representative (same as signatory for this form) is different from the contact person listed above, complete the following:
- | | |
|--|------------------------------------|
| <u>Kevin L. Martin</u> | <u>Property Accounting Manager</u> |
| Name | Title |
| <u>30 Ivan Allen Jr. Blvd, NW, BIN SC1105, Atlanta, GA 30308</u> | |
| Complete Mailing Address | |
| <u>404-506-1786</u> | <u>klmartin@southernco.com</u> |
| Phone | Email |
7. 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? 5
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

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? \$ 696.00

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? \$ 0.00
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 ▶ Kevin L. Martin
Print Name (Authorized Company Representative)

Property Accounting Manager
Title

sign here ▶ *Kevin L. Martin*
Signature (Authorized Company Representative)

10/27/2017
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 : 09/28/2017 14:59:38

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

SP CACTUS FLATS WIND ENERGY, LLC

Texas Taxpayer Number 32058765176

Mailing Address 1999 BRYAN ST STE 900 DALLAS, TX 75201-3140

Right to Transact Business in Texas ACTIVE

State of Formation DE

Effective SOS Registration Date 11/06/2015

Texas SOS File Number 0802327615

Registered Agent Name C T CORPORATION SYSTEM

Registered Office Street Address 1999 BRYAN ST., STE. 900 DALLAS, TX 75201

**CACTUS FLATS WIND LLC
TAB 13 TO CHAPTER 313 APPLICATION**

**CONCHO COUNTY
CHAPTER 313 WAGE CALCULATION - ALL JOBS - ALL INDUSTRIES**

QUARTER	YEAR	AVG WEEKLY WAGES*	ANNUALIZED
FIRST	2015	\$ 691	\$ 35,932
SECOND	2015	\$ 629	\$ 32,708
THIRD	2015	\$ 710	\$ 36,920
FOURTH	2015	\$ 752	\$ 39,104
AVERAGE		\$ 696	\$ 36,166

**CONCHO COUNTY
CHAPTER 313 WAGE CALCULATION - MANUFACTURING JOBS**

QUARTER	YEAR	AVG WEEKLY WAGES*	ANNUALIZED
FIRST	2015	\$ 519	\$ 26,988
SECOND	2015	\$ 455	\$ 23,660
THIRD	2015	\$ 470	\$ 24,440
FOURTH	2015	\$ 495	\$ 25,740
AVERAGE		\$ 485	\$ 25,207
		X 110%	110%
		\$ 533	\$ 27,728

CHAPTER 313 WAGE CALCULATION - REGIONAL WAGE RATE

	YEAR	AVG WEEKLY WAGES*	ANNUALIZED
Concho	2014	\$ 748	\$ 38,886
		X 110%	110%
		\$ 822.59	\$ 42,775

** SEE ATTACHED TWC DOCUMENTATION*

Quarterly Employment and Wages (QCEW)

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<input type="text" value="2015"/>	<input type="text" value="1st Qtr"/>	<input type="text" value="Concho County"/>	<input type="text" value="Private"/>	<input type="text" value="31"/>	<input type="text" value="2"/>	<input type="text" value="31-33"/>	<input type="text" value="Manufacturing"/>	<input type="text" value="\$519"/>
Year	Period	Area	Ownership	Division	Level	Ind Code	Industry	Avg Weekly Wages
2015	1st Qtr	Concho County	Private	31	2	31-33	Manufacturing	\$519
2015	2nd Qtr	Concho County	Private	31	2	31-33	Manufacturing	\$455
2015	3rd Qtr	Concho County	Private	31	2	31-33	Manufacturing	\$470
2015	4th Qtr	Concho County	Private	31	2	31-33	Manufacturing	\$495