



Chapter 313 Annual Eligibility Report Form

Form 50-772
(May 2010)

2011

Tax Year covered in this report

1.06

M&O Tax Rate

Kenedy County-Wide Common School District

School district name

Penascal II Wind Project

Project Name

1125 NW Couch St., Suite 700, Portland, OR 97209

Company Address

.03

I&S Tax Rate

Penascal II Wind Project, LLC

Company Name

Stephen Shaw - (281) 379-7454

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.

12635537871

Texas Taxpayer ID of Applicant

12/17/2008

Date of Agreement Approval

2009

First complete tax year of the qualifying time period

2011

First tax year of the limitation

Texas Taxpayer ID Reporting Entity (if appropriate)

Heartland Wind, LLC (Penascal Wind Power, LLC)

Original Applicant Name

2010

Last tax year of the qualifying time period

\$10,000,000

Amount of the limitation at the time of application approval

QUALIFIED PROPERTY INFORMATION

\$171,471,400

Market Value

\$171,471,400

I&S Taxable Value

\$10,000,000

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: **Renewable Energy Electric Generation - Wind**

What was the application review start date for your application (the date your application was determined to be complete)?

(This question must only be answered for projects with applications approved after June 1, 2010.)

N/A

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

(See Attached)

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?

10

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

N/A

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

N/A



What is the minimum required annual wage for each qualifying job in the year covered by the report? \$51,741

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? (See Attached)

Of the qualifying job-holders last year, how many were employees of the approved applicant? (See Attached)

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

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? N/A

At what annual wage?..... _____

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

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? 370,305,139

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? N/A

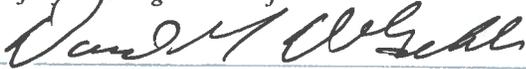
Please describe your interest in the agreement and identify all the documents creating that interest.

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

David M. DeGabriele

Printed name of authorized company representative

VP, Tax & Finance

Title

Date

5/11/12

CONTACT INFORMATION FOR AUTHORIZED REPRESENTATIVE

Address

Phone

E-mail

Attachment to form 50-772 for covered year 2011

Penascal II

- ❖ For Form 50-772 we have indicated (See Attached) on some of the questions that relate to new/qualified jobs and annual wage amounts. Please note the answer to those questions listed below.
 - 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?
 - 12
 - Of the qualified job-holders last year, how many were employees of the approved applicant?
 - 12
 - Of the qualified job-holders last year, how many were employees of an entity contracting with the approved applicant?
 - 0
 - 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?
 - N/A

- ❖ Regarding the minimum required annual wage calculation please see the attachment titled 2008 Manufacturing Wages by Council of Government Region and also note that Section 313.051(b) requires that “each qualifying job created in a rural school district pay at least 110 percent of the average weekly wage for manufacturing jobs in the region designated for the ... council of governments ... in which the district is located.” For 2008, the year preceding the qualifying time period and the year in which the application was submitted, the calculation that is indicated on the above mentioned attachment (which were published on the TWC website) show that this required wage number was \$51,741.

**2008 Manufacturing Wages by Council of Government Region
Wages for All Occupations**

COG	Wages	
	Hourly	Annual
Texas	\$20.61	\$42,872
<u>1. Panhandle Regional Planning Commission</u>	\$18.23	\$37,916
<u>2. South Plains Association of Governments</u>	\$14.81	\$30,799
<u>3. NORTEX Regional Planning Commission</u>	\$17.78	\$36,982
<u>4. North Central Texas Council of Governments</u>	\$22.60	\$47,011
<u>5. Ark-Tex Council of Governments</u>	\$15.50	\$32,239
<u>6. East Texas Council of Governments</u>	\$16.07	\$33,431
<u>7. West Central Texas Council of Governments</u>	\$16.30	\$33,904
<u>8. Rio Grande Council of Governments</u>	\$14.93	\$31,048
<u>9. Permian Basin Regional Planning Commission</u>	\$17.51	\$36,422
<u>10. Concho Valley Council of Governments</u>	\$14.07	\$29,274
<u>11. Heart of Texas Council of Governments</u>	\$17.19	\$35,749
<u>12. Capital Area Council of Governments</u>	\$24.50	\$50,969
<u>13. Brazos Valley Council of Governments</u>	\$14.93	\$31,052
<u>14. Deep East Texas Council of Governments</u>	\$15.42	\$32,066
<u>15. South East Texas Regional Planning Commission</u>	\$24.60	\$51,161
<u>16. Houston-Galveston Area Council</u>	\$21.80	\$45,353
<u>17. Golden Crescent Regional Planning Commission</u>	\$18.72	\$38,932
<u>18. Alamo Area Council of Governments</u>	\$16.50	\$34,330
<u>19. South Texas Development Council</u>	\$13.76	\$28,631
<u>20. Coastal Bend Council of Governments</u>	\$22.61	\$47,037*1.10=\$51,741
<u>21. Lower Rio Grande Valley Development Council</u>	\$13.05	\$27,145
<u>22. Texoma Council of Governments</u>	\$17.99	\$37,415
<u>23. Central Texas Council of Governments</u>	\$16.47	\$34,255
<u>24. Middle Rio Grande Development Council</u>	\$13.85	\$28,810

Source: Texas Occupational Employment and Wages

Data published: 9 June 2009

Data published annually, next update will be June 2010.

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.