

## Chapter 313 Annual Eligibility Report Form

## SECTION 1: Applicant and District Information

1. Tax year covered by this report: 2017  
**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: #150  
**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](http://comptroller.texas.gov/economy/local/ch313/agreement-docs.php)
3. Name of school district: Sterling City ISD
4. Name of project on original application (or short description of facility): EC&R Panther Creek Wind Farm III, LLC
5. Name of applicant on original application: EC&R Panther Creek Wind Farm III, LLC
6. Name the company entering into original agreement with district: EC&R Panther Creek Wind Farm III, LLC
7. Amount of limitation at time of application approval: 20 Million
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) EC&R Panther Creek Wind Farm III, LLC
2. Complete mailing address of current agreement holder 701 Brazos Street Suite 1400 Austin, Texas 78701
3. Company contact person for agreement holder:
- |                     |                             |
|---------------------|-----------------------------|
| <u>Mark Brusius</u> | <u>Tax Manager</u>          |
| Name                | Title                       |
| <u>312-245-5931</u> | <u>mark.brusius@eon.com</u> |
| Phone               | Email                       |
4. Texas franchise tax ID number of current agreement holder: 32037431668
5. If the current agreement holder does not report under the franchise tax law, please include name and tax ID of reporting entity:
- |  |                    |
|--|--------------------|
| <u>EC&amp;R Panther Creek Wind Farm III, LLC</u> | <u>32037431668</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>same as above</u>     | <u>same as above</u> |
| Name                     | Title                |
| <u>same as above</u>     |                      |
| Complete Mailing Address |                      |
| <u>same as above</u>     | <u>same as above</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.)



- 7c. If yes, how many qualifying jobs were created at the specified wage in the year covered by the report? ..... 0
- 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? ..... 3
- 8a. Of the qualifying job-holders last year, how many were employees of the approved applicant? ..... 1
- 8b. Of the qualifying job-holders last year, how many were employees of an entity contracting with the approved applicant? ..... 2
- 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](http://comptroller.texas.gov/economy/local/ch313/agreement-docs.php).**

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

Section 5B: Does not apply

**QUALIFYING JOBS**

- 1. What is the number of new qualifying jobs the applicant committed to create in the year covered by this report? ..... \_\_\_\_\_
- 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? ..... \_\_\_\_\_
- 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? ..... \$ \_\_\_\_\_
- 5. What is the annual wage the applicant committed to pay for each of the qualifying jobs in the year covered by this report? ..... \$ \_\_\_\_\_
- 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? ..... \_\_\_\_\_
  - 6a. Of the qualifying job-holders last year, how many were employees of the approved applicant? ..... \_\_\_\_\_
  - 6b. Of the qualifying job-holders last year, how many were employees of an entity contracting with the approved applicant? ..... \_\_\_\_\_
  - 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? ..... \_\_\_\_\_
- 9. What was the average wage you were paying for non-qualifying jobs on Dec. 31 of the year covered by this report? .. \$ \_\_\_\_\_
- 10. What is the county average weekly wage for non-qualifying jobs, as defined in TAC §9.1051? ..... \$ \_\_\_\_\_

**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? . . . . 20,000,000.00
2. Please describe your interest in the agreement and identify all the documents creating that interest.

N/A

**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** ▶ Mike Fry  
Print Name (Authorized Company Representative)

Director Energy Services  
Title

**sign here** ▶ *Mike Fry*  
Signature (Authorized Company Representative)

6/1/2018  
Date

**print here** ▶ Mike Fry  
Print Name of Preparer (Person Who Completed the Form)

469-298-1618  
Phone



## Franchise Tax Account Status

As of : 03/06/2018 16:45:16

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

<b>EC&amp;R PANTHER CREEK WIND FARM III, LLC</b>	
<b>Texas Taxpayer Number</b>	32037431668
<b>Mailing Address</b>	401 N MICHIGAN AVE STE 1720 CHICAGO, IL 60611-4742
<b>Right to Transact Business in Texas</b>	ACTIVE
<b>State of Formation</b>	DE
<b>Effective SOS Registration Date</b>	07/02/2008
<b>Texas SOS File Number</b>	0800999514
<b>Registered Agent Name</b>	C T CORPORATION SYSTEM
<b>Registered Office Street Address</b>	1999 BRYAN ST., STE. 900 DALLAS, TX 75201

## Exhibit D-1 (Page 1 of 2) Average Weekly Wage Data

Based on an average 40-hour work week and an average hourly rate of \$13.49, EON estimates the Sterling County average weekly wage for manufacturing jobs to be \$539.60. This figure is calculated using information published by the agencies listed below.

The Texas Data Center and Office of the State Demographer has provided the following county cross-reference information:

- Sterling County is associated with the "Concho Valley Council of Government"
- Council of Government Code: 10
- Economic Region Code: 09
- Economic Region: West Texas
- This regional data is available at: [http://txsdc.utsa.edu/reference/georef/county\\_master.php](http://txsdc.utsa.edu/reference/georef/county_master.php)

The 2007 regional wage information for the Coastal Bend Council of Government is shown on the following list, available at <http://www.tracer2.com/admin/uploadedPublications/COGWages.pdf>

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

<u>COG</u>	<u>Hourly</u>	<u>Annual</u>	
<u>Texas</u>	\$19.80	\$41,184	
<u>1. Panhandle Regional Planning Commission</u>	\$17.49	\$36,379	
<u>2. South Plains Association of Governments</u>	\$14.48	\$30,118	
<u>3. NORTEX Regional Planning Commission</u>	\$16.97	\$35,298	
<u>4. North Central Texas Council of Governments</u>	\$21.72	\$45,178	
<u>5. Ark-Tex Council of Governments</u>	\$15.05	\$31,304	
<u>6. East Texas Council of Governments</u>	\$15.40	\$32,032	
<u>7. West Central Texas Council of Governments</u>	\$15.35	\$31,928	
<u>8. Rio Grande Council of Governments</u>	\$14.41	\$29,973	
<u>9. Permian Basin Regional Planning Commission</u>	\$16.36	\$34,029	110% x 34029 = 37431.90
<u>10. Concho Valley Council of Governments</u>	\$13.49	\$28,059	
<u>11. Heart of Texas Council of Governments</u>	\$15.65	\$32,552	
<u>12. Capital Area Council of Governments</u>	\$23.66	\$49,213	
<u>13. Brazos Valley Council of Governments</u>	\$14.86	\$30,909	
<u>14. Deep East Texas Council of Governments</u>	\$14.86	\$30,909	
<u>15. South East Texas Regional Planning Commission</u>	\$22.73	\$47,278	
<u>16. Houston-Galveston Area Council</u>	\$21.06	\$43,805	
<u>17. Golden Crescent Regional Planning Commission</u>	\$17.91	\$37,253	
<u>18. Alamo Area Council of Governments</u>	\$16.09	\$33,467	
<u>19. South Texas Development Council</u>	\$12.37	\$25,730	
<u>20. Coastal Bend Council of Governments</u>	\$21.78	\$45,302	
<u>21. Lower Rio Grande Valley Development Council</u>	\$12.66	\$26,333	
<u>22. Texoma Council of Governments</u>	\$18.23	\$37,918	
<u>23. Central Texas Council of Governments</u>	\$15.94	\$33,155	
<u>24. Middle Rio Grande Development Council</u>	\$12.91	\$26,853	

Source: Texas Occupational Employment and Wages  
Data published: 9 June 2008  
Data published annually, next update will be June 2009.

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.