



# Chapter 313 Annual Eligibility Report Form

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

**2009**

Tax Year covered in this report

**Sterling City ISD**

School district name

**N/A**

Project Name

**812 San Antonio St., Suite 201, Austin, TX 78701**

Company Address

**.1998**

I&S Tax Rate

**EC&R Panther Creek Wind Farm III, LLC**

Company Name

**Tami Walker, tami.walker@eon.com**

Company Contact Information

**1.04**

M&O Tax Rate

**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.

**32037431668**

Texas Taxpayer ID of Applicant

**Dec. 17, 2008**

Date of Agreement Approval

**2009**

First complete tax year of the qualifying time period

**2011**

First tax year of the limitation

**N/A**

Texas Taxpayer ID Reporting Entity (if appropriate)

**EC&R Panther Creek Wind Farm, LLC**

Original Applicant Name

**2010**

Last tax year of the qualifying time period

**\$20 million**

Amount of the limitation at the time of application approval

## QUALIFIED PROPERTY INFORMATION

**\$308,130.00**

Market Value

**\$308,130.00**

I&S Taxable Value

**\$308,130.00**

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: \_\_\_\_\_

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.)

**3**

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?

**10**

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

**2.4**



What is the minimum required annual wage for each qualifying job in the year covered by the report? ..... \$37,431.90

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. .... \$34,029 x 110%

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

Of the qualifying job-holders last year, how many were employees of the approved applicant? ..... 1

Of the qualifying job-holders last year, how many were employees of an entity contracting with the approved applicant? ..... 2

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? ..... N/A

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

**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? ..... \$286,704,250

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.

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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

Sr. Vice President

Title

Patrick Woodson, patrick.woodson@eon.com

Printed name of authorized company representative

Date

8-16-10

**CONTACT INFORMATION FOR AUTHORIZED REPRESENTATIVE**

812 San Antonio St., Suite 201, Austin, TX 78701

Address

512-477-7024

Phone

patrick.woodson@eon.com

E-mail

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

$$110\% \times 34029 = 37431.90$$

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.



## TEXAS COMPTROLLER OF PUBLIC ACCOUNTS

SUSAN COMBS • COMPTROLLER • AUSTIN, TEXAS 78774

August 18, 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

**EC&R PANTHER CREEK WIND FARM III, LLC**

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 November 15, 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 18th day of  
August 2010 A.D.

Susan Combs  
Texas Comptroller

Taxpayer number: 32037431668  
File number: 0800999514

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