Chapter 313 Annual Eligibility Report Form

Form 50-772
(May 2010)

2011
Tax Year covered in this report

Cushing ISD
School district name

.26
I&S Tax Rate

1.04
M&O Tax Rate

Nacogdoches Power Project
Project Name

Nacogdoches Power LLC
Company Name

30 Ivan Allen Jr. Blvd., Bln SC 1105 Atlanta, GA 30308
Company Address

Tim Coile
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.

32018754666
Texas Taxpayer ID of Applicant

Texas Taxpayer ID Reporting Entity (If appropriate)

June 1, 2009
Date of Agreement Approval

Nacogdoches Power LLC
Original Applicant Name

2010
First complete tax year of the qualifying time period

2011
Last tax year of the qualifying time period

2012
First tax year of the limitation

40,000,000
Amount of the limitation at the time of application approval

QUALIFIED PROPERTY INFORMATION

Market Value	I&S Taxable Value	M&O Taxable Value
16,070,890	15,748,560	15,748,560

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 Generation

What was the application review start date for your application (the date your application was determined to be complete)? n/a
(This question must only be answered for projects with applications approved after June 1, 2010.)

How many new jobs were based on the qualified property in the year covered by this report? (See note on page 3.) 0

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? 25

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.) 0

What is the minimum required annual wage for each qualifying job in the year covered by the report? $36,112.44

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). ..... 313.021(5)(A)

Attach calculations and cite (or attach) `exact Texas Workforce Commission data sources. ..... 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? 0

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

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

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? .....

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

Tim Coile

Printed name of authorized company representative

Accounting Manager

Title

5-14-2012

Date

CONTACT INFORMATION FOR AUTHORIZED REPRESENTATIVE

30 Ivan Allen Jr. Blvd, Bin SC 1105, Atlanta, GA 30308

Address

(404) 506-5235

Phone

tJcoile@southernco.com

E-mail

TEXAS COMPTROLLER OF PUBLIC ACCOUNTS

SUSAN COMBS • COMPTROLLER • AUSTIN, TEXAS 78774

March 14, 2012

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

NACOGDOCHES POWER, 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 May 15, 2012.

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 14th day of
March 2012 A.D.

Susan Combs

Susan Combs
Texas Comptroller

Taxpayer number: 32018754666
File number: 0800586784

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

Nacogdoches Power

	# of Jobs	Payroll
Total Annual Payroll	41	2,491,245.00
Average Annual Salary		60,762.07
Average Weekly Salary		1,168.50

Avg Weekly Mfg Wage - Nacogdoches County

Q1 - 2008	647.00	
Q2 - 2008	623.00	
Q3 - 2008	624.00	
Average	631.33	
110% of Average	694.47	* 52 weeks = 36,112.44

Quarterly Employment and Wages (QCEW)

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Year	Period	Area	Ownership	Division	Level	Ind Code	Industry	Avg Weekly Wages
2008	1st Qtr	Nacogdoches County	Total All	31	2	31-33	Manufacturing	$647
2008	2nd Qtr	Nacogdoches County	Total All	31	2	31-33	Manufacturing	$623
2008	3rd Qtr	Nacogdoches County	Total All	31	2	31-33	Manufacturing	$624