Biennial Progress Report for Texas Economic Development Act

Form 50-773 (May 2010)

Instructions: • This form must be filled out by each applicant that is party to a limitation agreement. • If the original application was made by a group of two or more companies, each company must complete this form. • If the original applicant split into two or more applicants after the original agreement, all current agreement holders must complete this form. • Applicants should only complete the information for their years as an agreement holder, noting what year they were formed after the original agreement was approved. • Each agreement holder should respond as a current applicant on Line 9 below. • Applicants should report their proportionate share of required employment and investment information. • If the original applicant is still the only agreement holder, please do not complete Lines 31 and 32 below. *In addition to the Biennial Progress Report required from each applicant that is a party to an agreement, a separate Biennial Progress Report summarizing the combined applicant's data for the entire agreement must be completed.* • If one of the applicants cannot provide this information, a summarization report must be completed by the school district.	• Projects spanning more than one school district must complete forms for each school district. • Please return signed hard copy forms and electronic spreadsheets to the school district before May 15 of each even-numbered year. Note: • The school district that is a party to the Chapter 313 agreement is collecting the data required by Chapter 313.008 on this form for the Comptroller of Public Accounts (CPA). • The CPA requests companies complete the electronic spreadsheet version of the form. Please submit both an *unsigned electronic version* **and** a *signed hard copy version* of the spreadsheet (with any attachments) to the district. Please contact CPA if you have questions about the form. The spreadsheet version of this form can be downloaded at: www.window.state.tx.us/taxinfo/proptax/hb1200/index.html. • After ensuring that all forms are complete, the school district will forward that data to the CPA for inclusion in a statutorily required report to the Texas Legislature.

1	Name of school district	Cushing ISD
2	Name of CAD appraising the qualified property in this school district	Nacogdoches Appraisal District
3	Name of project on original application (or short description of facility)	Biomass Fuel Steam Power Plant
4	Name of applicant on original application	Nacogdoches Power LLC
5	Date original application filed with school district	2/13/2009
6	Name of company entering into original agreement with district	Nacogdoches Power LLC
7	Date original limitation agreement approved by school district	6/1/2009
8	Date of final signing of agreement (if different from board approval date)	6/1/2009
9	Name of current agreement holder(s)	Nacogdoches Power LLC
10	Complete mailing address of current agreement holder	30 Ivan Allen Jr. Blvd, Bin SC 1105, Atlanta, GA 30308
11	Name of company contact person for agreement holder	Tim Coile
12	Title of company contact person	Accounting Manager
13	Phone number of company contact person	404-506-5235
14	E-mail address of company contact person	Ticoile@southernco.com
15	Texas franchise tax ID number of current agreement holder:	32018754666
16	If the current agreement holder does not report under the franchise tax law, please include name and tax ID of reporting entity.	n/a
17	NAICS Code of current agreement holder (6 Digit):	221119
18	Name of authorized company representative (if different from above):	same
19	Title of authorized company representative (if different from above):	same
20	Phone of authorized company representative (if different from above):	same
21	E-mail of authorized company representative (if different from above):	same
22	Complete mailing address of authorized company representative (if different from above):	same
23	First (complete) year of Qualifying Time Period -- after the date the application is approved. See Tax Code §313.021[4]:	2010
24	First year of property value limitation (generally the third complete year of the agreement):	2012
25	Original Limitation Amount (for entire agreement):	40,000,000
26	Amount of qualified investment during the qualifying time period the recipient committed to spend or allocate for this project on application (Not Total Investment):	360,000,000
27	Date of construction commencement (estimate if in the future):	3/31/2010
28	Date construction completed (actual or estimate if in the future):	6/24/2012
29	Has the description of the qualified property changed from that in the application? If so, please describe on an attachment how the actual qualified property - for which you are providing actual and estimated market values on subsequent pages - differs from that property described in the agreement. Include only property located in this school district.	no
30	What was the number of permanent existing jobs at this facility prior to application?	0
31	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.)	n/a
32	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.)	
33	If the agreement includes a definition of "new job" other than TAC §9.1051(14)(C), please provide the definition of "new job" as used in the agreement. (Use attachments if needed.)	n/a

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District Name Cushing ISD
Company Name Nacogdoches Power LLC

Project Name Nacogdoches Power Project
1st Yr. of Qualifying Time Period 2010

Form 50-773

			Qualifying Time Period			Limitation Period							
			From application approval date to Jan. 1 of next tax year[1]	Year 1 (First Complete Tax Year)	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
	Please enter tax years (YYYY) here (starting in "Year 1"). →			2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
34	Number of qualifying jobs [2] applicant committed to create on application (cumulative)**			0	0	41	41	41	41	41	41	41	41
35	Number of qualifying jobs [2] applicant actually created (cumulative)**			0	0	37	37	37	37	37	37	37	37
36	Number of new jobs [3] created (cumulative)**			0	0	37	37	37	37	37	37	37	37
37	Number of new jobs [3] created that provide health benefits for employees (cumulative)**					37	37	37	37	37	37	37	37
38	Median annual wage of new jobs each applicant created**					$60,618	$60,618	$60,618	$60,618	$60,618	$60,618	$60,618	$60,618
39	Average annual wage of new jobs each applicant created**					$63,714	$63,714	$63,714	$63,714	$63,714	$63,714	$63,714	$63,714
40	Total investment for this project (per year or time period, not cumulative) [4]**		$ 86,519,686	$163,317,515	$142,541,052	$45,952,550	$800,000	$800,000	$600,000	$1,500,000	$500,000	$500,000	$500,000
41	Amount of qualified investment applicant actually spent or allocated for this project[5] (per year or time period, not cumulative)** (See also Note #1.)		$ 86,519,686	$163,317,515	$142,541,052								
42	Market value of qualified property on January 1 before any exemptions [6]**		$656,620	$ 581,200	$ 16,070,890	$ 196,770,337	$ 438,330,803	$ 425,980,879	$ 414,001,453	$ 402,181,409	$ 391,615,967	$ 380,367,488	$ 369,456,463
43	Market value of qualified property (amount shown in #42) less any exemptions, but before the limitation on value authorized by Tax Code Chapter 313**		$656,620	$ 581,200	$ 16,070,890	$ 196,770,337	$ 388,330,803	$ 375,980,879	$ 364,001,453	$ 352,181,409	$ 341,615,967	$ 330,367,488	$ 319,456,463
44	Limitation amount in each of years 1-10. [7]**			$0	$0	$40,000,000	$40,000,000	$40,000,000	$40,000,000	$40,000,000	$40,000,000	$40,000,000	$40,000,000
45	Taxable value of qualified property certified by the county appraisal district for the purposes of school M&O taxes**		$656,620	$ 581,200	$ 16,070,890	$40,000,000	$40,000,000	$40,000,000	$40,000,000	$40,000,000	$40,000,000	$40,000,000	$40,000,000
46	School District M&O tax rate (per hundred dollars of value)*		1.0400	1.0400	1.0400								
47	School district I&S tax rate (per hundred dollars of value)*		0.24	0.26	0.26								
48	Total school district ad valorem tax levy (M&O and I&S) on qualified property*		$672.13	$3,365.31	$204,731.28								

* Actual data only. **Actual and projected data. Use actual data for prior years. Estimates are required for current and future years.

Notes:

1. Only projects with agreements executed after June 19, 2009 may have any qualified investment between the time of application approval and Jan. 1 of subsequent tax year.
2. Jobs meeting all of the requirements of Tax Code §313.021(3). Each qualifying job is a new job that meets the wage standard for that school district, and is covered by a group health benefits plan for which the employer offers to pay at least 80 percent of the employee-only premium. Do not include construction jobs in counts of qualifying jobs.
3. For new job definition see TAC §9.1051(14).
4. Total investment is all investment at original cost, including land acquired after filing of application. Investments made in one year should be reflected in the subsequent year's market value.
5. The investment made during the qualifying time period meeting the requirements of Tax Code §313.021(1). Fill in amounts for the time between the application approval and Jan. 1 of first tax year, Year 1 and Year 2 only. (See also Note #1)
6. For all values, use those from CAD as available. For future years, use market value that the entity estimates will approximate the market value for ad volorem tax purposes in that year.
7. This amount may vary annually for agreements with multiple agreement-holders. Subentities should enter their share of original limitation amount. Limitation amounts of all subentities should sum to that of the original limitation amount originally approved by the school district.

By signing below, I, Tim Coile, certify that I am the authorized representative of Nacogdoches Power LLC, a current agreement holder of a limitation on appraised value, and the contents of this form and the attached documentation are true and correct to the best of my knowledge and belief.

The CPA requests companies complete the electronic spreadsheet version of the form. Please submit both an *unsigned electronic version* and a *signed hard copy version* of the spreadsheet (with any attachments) to the district.

Authorized Official Sign Here: [signature]

Print Name/Title: Tim Coile / Accounting Manager

Date: 5-14-12

Phone (Area Code and Number)