Chapter 313 Annual Eligibility Report Form

Form 50-772
(May 2010)

2011
Tax Year covered in this report

Rotan ISD
School district name

1.17 ,047 M/.
I&S Tax Rate

.047 1.17 M/.
M&O Tax Rate

BayWa r.e Mozart, LLC
Project Name

BayWa r.e Mozart, LLC
Company Name

4365 Executive Drive, Suite 1470, San Diego, CA 92121
Company Address

Florian Zerhusen
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.

32039364255
Texas Taxpayer ID of Applicant

Texas Taxpayer ID Reporting Entity (if appropriate)

August 28, 2011
Date of Agreement Approved

WKN Mozart, LLC
Original Applicant Name

2012
First complete tax year of the qualifying time period

2013
Last tax year of the qualifying time period

2014
First tax year of the limitation

10 Million
Amount of the limitation at the time of application approved

QUALIFIED PROPERTY INFORMATION

zero	zero	zero
Market Value	I&S Taxable Value	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/coasinir.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 generators		
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.)	June 2, 2011	
How many new jobs were based on the qualified property in the year covered by this report? (See note on page 3.)	zero	
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?	3	
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	

Form 50-772 Chapter 313 Annual Eligibility Report Form

What is the minimum required annual wage for each qualifying job in the year covered by the report? N/A*

*39,513.76 once operational

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(3)(E)(ii)

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? zero

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

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

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? zero

At what annual wage? zero

How many qualifying jobs were created at the specified wage? zero

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? $0

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

Florian Zerhusen
Printed name of authorized company representative

Managing Director
Title

5/10/12
Date

CONTACT INFORMATION FOR AUTHORIZED REPRESENTATIVE

4365 Executive Drive, Suite 1470, San Diego, CA 92121
Address

858.450.6800
Phone

zerhusen@wknusa.com
E-mail

Rotan Independent School District Application for Appraised Value Limitation on Qualified Property

WKN Mozart, LLC Wind Project

Attachment 1d (in response to "Wage and Employment Information," page 4

Methodology

110% of Stonewall County Average Weekly Wage for All Jobs

2009 4Q $636

2010 1Q $606

2010 2Q $530

2010 3Q $602

Total: $2,214.00/4 = $553.00 average weekly wage

X 1.1

$608.30

110% of Kent County Average Weekly Wage for all Jobs

2009 4Q $947

2010 1Q $639

2010 2Q $651

2010 3Q $667

Total: $2,904.00/4 = $726.00 average weekly wage

X 1.1

$798.60

2009 Manufacturing Wages by Council of Government Region
Wages for All Occupations

COG	Wages Hourly	Wages Annual
Texas	$21.43	$44,583
1. Panhandle Regional Planning Commission	$18.38	$38,227
2. South Plains Association of Governments	$15.67	$32,596
3. NORTEX Regional Planning Commission	$19.60	$40,768
4. North Central Texas Council of Governments	$23.44	$48,754
5. Ark-Tex Council of Governments	$15.16	$31,489
6. East Texas Council of Governments	$16.87	$35,091
7. West Central Texas Council of Governments	$17.27	$35,916
8. Rio Grande Council of Governments	$15.26	$31,732
9. Permian Basin Regional Planning Commission	$19.11	$39,757
10. Concho Valley Council of Governments	$14.80	$30,784
11. Heart of Texas Council of Governments	$17.41	$36,206
12. Capital Area Council of Governments	$25.60	$53,244
13. Brazos Valley Council of Governments	$15.33	$31,893
14. Deep East Texas Council of Governments	$15.46	$32,151
15. South East Texas Regional Planning Commission	$25.53	$53,095
16. Houston-Galveston Area Council	$22.90	$47,629
17. Golden Crescent Regional Planning Commission	$19.84	$41,271
18. Alamo Area Council of Governments	$16.82	$34,984
19. South Texas Development Council	$13.68	$28,465
20. Coastal Bend Council of Governments	$22.10	$45,967
21. Lower Rio Grande Valley Development Council	$13.52	$28,114
22. Texoma Council of Governments	$18.42	$38,305
23. Central Texas Council of Governments	$16.58	$34,484
24. Middle Rio Grande Development Council	$13.66	$28,416

Source: Texas Occupational Employment and Wages
Data published: July 2010
Data published annually, next update will be June 2011.

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.

Attachment 14 continued (responsive to Wage and Employment Information, cont. page 10)

110% Combined County Average Weekly Wage for all Jobs

Stonewall County $608.30

Kent County $799.60

$1,400.90/2 = $709.45 average combined weekly wage

110% Stonewall County Average Weekly Wage for Manufacturing Jobs in County

N/A – information is not provided for manufacturing jobs in Stonewall County.

110% Kent County Average Weekly Wage for Manufacturing Jobs in County

N/A – information is not provided for manufacturing jobs in Kent County.

110% of County Average Wage for Manufacturing Jobs in Region (West-Central Texas Council of Governments)

$17.27 per hour

X 40 hours per week:

$690.80

X 1.10 (110%):

$759.88

X 52 Weeks:

$39,513.76

Quarterly Employment and Wages (QCEW)

Print

Page 1 of 1 (10 records/page)

Year	Quarter	Area	Ownership	Division	Level	Sort Code	Industry	Avg Weekly Wages
2009	1st Qtr	Knox County	Private	10	0	10	Total, All Industries	$431
2009	1st Qtr	Stonewall County	Private	00	0	10	Total, All Industries	$410
2009	2nd Qtr	Knox County	Private	10	0	10	Total, All Industries	$533
2009	2nd Qtr	Stonewall County	Private	00	0	10	Total, All Industries	$528
2009	3rd Qtr	Knox County	Private	10	0	10	Total, All Industries	$557
2009	3rd Qtr	Stonewall County	Private	00	0	10	Total, All Industries	$574
2009	4th Qtr	Knox County	Private	10	0	10	Total, All Industries	$597
2009	4th Qtr	Stonewall County	Private	00	0	10	Total, All Industries	$556
2010	1st Qtr	Knox County	Private	10	0	10	Total, All Industries	$579
2010	1st Qtr	Stonewall County	Private	00	0	10	Total, All Industries	$440
2010	2nd Qtr	Knox County	Private	10	0	10	Total, All Industries	$1,01
2010	2nd Qtr	Stonewall County	Private	00	0	10	Total, All Industries	$520
2010	3rd Qtr	Knox County	Private	10	0	10	Total, All Industries	$597
2010	3rd Qtr	Stonewall County	Private	00	0	10	Total, All Industries	$512

TEXAS COMPTROLLER OF PUBLIC ACCOUNTS

SUSAN COMBS • COMPTROLLER • AUSTIN, TEXAS 78774

June 11, 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

BAYWA R.E MOZART, 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, 2013.

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 11th day of
June 2012 A.D.

Susan Combs
Texas Comptroller

Taxpayer number: 32039364255
File number: 0801113383

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