



# Chapter 313 Annual Eligibility Report Form

**Form 50-772**

(May 2010)

**2011**

Tax Year covered in this report

**O'Donnell ISD**

School district name

**0**

I&S Tax Rate

**\$1.17**

M&O Tax Rate

**Wind Tex Energy-Stephens, LLC**

Company Name

Project Name

**10000 North Central Expressway, Suite 900, Dallas, Texas 75231**

Company Address

**Steven DeWolf**

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.

**32034592389**

Texas Taxpayer ID of Applicant

**November 14, 2011**

Date of Agreement Approval

**2012**

First complete tax year of the qualifying time period

**2014**

First tax year of the limitation

Texas Taxpayer ID Reporting Entity (if appropriate)

**Wind Tex Energy-Stephens, LLC**

Original Applicant Name

**2013**

Last tax year of the qualifying time period

**\$10 Million**

Amount of the limitation at the time of application approval

## QUALIFIED PROPERTY INFORMATION

**0**

Market Value

**0**

I&S Taxable Value

**0**

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: **Renewable Energy Electric Generation**

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.)

**9/21/11**

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?

**10**

If the applicant requested a waiver of minimum jobs requirement, how many new jobs must the approved applicant create under the waiver?

**0**

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? ..... 0  
 \*37,089 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). ..... 313.051(b)  
 see attached

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

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? ..... 0

Of the qualifying job-holders last year, how many were employees of an entity contracting with the approved applicant? ..... 0

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? ..... 0

At what annual wage? ..... 0

How many qualifying jobs were created at the specified wage? ..... 0

## 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 an 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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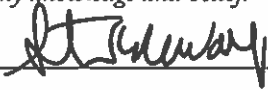
NOTE: For job definitions see TAC §9.1051(14) and Tax Code, §313.021(3). If the agreement includes a definition of "new job" other than TAC §9.1051(14)(C), then please provide the definition "new job" as used in the agreement.

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



Steven DeWolf

Printed name of authorized company representative

Manager

Title

5-14-2012

Date

**CONTACT INFORMATION FOR AUTHORIZED REPRESENTATIVE**

10000 North Central Expressway, Suite 900, Dallas, Texas 75231

Address

214.615.4207

Phone

sdewolf@bd-law.com

E-mail

**WIND TEX ENERGY - STEPHENS, LLC**  
**ATTACHMENT TO CHAPTER 313 APPLICATION - O'DONNELL ISD**

**CHAPTER 313 WAGE CALCULATION - ALL JOBS - ALL INDUSTRIES**

QUARTER	YEAR	AVG WEEKLY WAGES*	ANNUALIZED
FIRST	2011	\$ 604	\$ 31,408
FOURTH	2010	\$ 611	\$ 31,772
THIRD	2010	\$ 565	\$ 29,380
SECOND	2010	\$ 546	\$ 28,392
AVERAGE		\$ 582	\$ 30,238
X		110%	110%
		\$ 640	\$ 33,262

**CHAPTER 313 WAGE CALCULATION - MANUFACTURING JOBS**

QUARTER	YEAR	AVG WEEKLY WAGES*	ANNUALIZED
FIRST	2011	\$ 508	\$ 26,416
FOURTH	2010	\$ 544	\$ 28,288
THIRD	2010	\$ 562	\$ 29,224
SECOND	2010	\$ 584	\$ 30,368
AVERAGE		\$ 550	\$ 28,574
X		110%	110%
		\$ 604	\$ 31,431

**CHAPTER 313 WAGE CALCULATION - REGIONAL WAGE RATE**

QUARTER	YEAR	AVG WEEKLY WAGES*	ANNUALIZED
	2010	\$ 648	\$ 33,717
X		110%	110%
		\$ 713	\$ 37,089

\* SEE ATTACHED TWC DOCUMENTATION

## Quarterly Employment and Wages (QCEW)

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Year	Period	Area	Ownership	Division	Level	Ind Code	Industry	Avg Weekly Wages
2010	2nd Qtr	Lynn County	Total All	00	0	10	Total, All Industries	\$546
2010	3rd Qtr	Lynn County	Total All	00	0	10	Total, All Industries	\$565
2010	4th Qtr	Lynn County	Total All	00	0	10	Total, All Industries	\$611
2011	1st Qtr	Lynn County	Total All	00	0	10	Total, All Industries	\$604
2011	1st Qtr	Lynn County	Total All	31	2	31-33	Manufacturing	\$508
2010	4th Qtr	Lynn County	Total All	31	2	31-33	Manufacturing	\$544
2010	3rd Qtr	Lynn County	Total All	31	2	31-33	Manufacturing	\$562
2010	2nd Qtr	Lynn County	Total All	31	2	31-33	Manufacturing	\$584

**2010 Manufacturing Wages by Council of Government Region**  
**Wages for All Occupations**

COG	Wages	
	Hourly	Annual
<b>Texas</b>		
<u>1. Panhandle Regional Planning Commission</u>	\$18.60	\$38,683
<u>2. South Plains Association of Governments</u>	\$16.21	\$33,717
<u>3. NORTEX Regional Planning Commission</u>	\$18.34	\$38,153
<u>4. North Central Texas Council of Governments</u>	\$23.45	\$48,777
<u>5. Ark-Tex Council of Governments</u>	\$15.49	\$32,224
<u>6. East Texas Council of Governments</u>	\$17.63	\$36,672
<u>7. West Central Texas Council of Governments</u>	\$17.48	\$36,352
<u>8. Rio Grande Council of Governments</u>	\$15.71	\$32,683
<u>9. Permian Basin Regional Planning Commission</u>	\$19.90	\$41,398
<u>10. Concho Valley Council of Governments</u>	\$15.33	\$31,891
<u>11. Heart of Texas Council of Governments</u>	\$17.91	\$37,257
<u>12. Capital Area Council of Governments</u>	\$25.37	\$52,778
<u>13. Brazos Valley Council of Governments</u>	\$15.24	\$31,705
<u>14. Deep East Texas Council of Governments</u>	\$15.71	\$32,682
<u>15. South East Texas Regional Planning Commission</u>	\$27.56	\$57,333
<u>16. Houston-Galveston Area Council</u>	\$24.52	\$51,002
<u>17. Golden Crescent Regional Planning Commission</u>	\$20.07	\$41,738
<u>18. Alamo Area Council of Governments</u>	\$17.28	\$35,952
<u>19. South Texas Development Council</u>	\$13.27	\$27,601
<u>20. Coastal Bend Council of Governments</u>	\$21.55	\$44,822
<u>21. Lower Rio Grande Valley Development Council</u>	\$14.35	\$29,846
<u>22. Texoma Council of Governments</u>	\$18.10	\$37,651
<u>23. Central Texas Council of Governments</u>	\$17.21	\$35,788
<u>24. Middle Rio Grande Development Council</u>	\$13.21	\$27,471

← Lynn County &  
O'Donnell ISD

Source: Texas Occupational Employment and Wages

Data published: June 2011

Data published annually, next update will be June 2012.

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

June 12, 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

### **WIND TEX ENERGY-STEPHENS, 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 12th day of  
June 2012 A.D.

Susan Combs  
Texas Comptroller

Taxpayer number: 32034592389  
File number: 0800930602

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