Chapter 313 Annual Eligibility Report Form

Economic Development and Analysis

Form 50-772-A

SECTION 1: Applicant and District Information

1. Tax year covered by this report: 2013

   NOTE: This report must be completed and submitted to the school district by May 15 of every year using information from the previous tax (calendar) year.

2. Application number: 303

   NOTE: You can find your application number and all agreement documents and reports on the website www.texasahead.org/tax_programs/chapter313/applicants

3. Name of school district: Glasscock County Independent School District

4. Name of project on original application *(or short description of facility)*: CPV Rattlesnake Den Wind Project

5. Name of applicant on original application: CPV Rattlesnake Den Renewable Energy Company, LLC

6. Name the company entering into original agreement with district: CPV Rattlesnake Den Renewable Energy Company, LLC

7. Amount of limitation at time of application approval: $30 million

8. 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.)*

SECTION 2: Current Agreement Information

1. Name of current agreement holder(s) CPV Rattlesnake Den Renewable Energy Company, LLC

2. Complete mailing address of current agreement holder 50 Braintree Hill Office Park, Suite 300, Braintree, MA 02184

3. Company contact person for agreement holder *(same as signatory for this form)*:

   Robert Mastria — Name
   Director — Title
   781-952-1147 — Phone
   rmastria@cpv.com — Email

4. Texas franchise tax ID number of current agreement holder: 32034811342

5. If the current agreement holder does not report under the franchise tax law, please include name and tax ID of reporting entity:

   Name
   Tax ID

6. If the authorized company representative is different from the contact person listed above, complete the following:

   Name
   Title
   Complete Mailing Address
   Phone
   Email

7. 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.)*

SECTION 3: Applicant Eligibility Information

1. Does the business entity have the right to transact business with respect to Tax Code, Chapter 171? *(Attach printout from Comptroller Web site: http://www.window.state.tx.us/taxinfo/coasintr.html)* ☑ Yes ☐ No
2. Is the business entity current on all taxes due to the State of Texas? ☑ Yes ☐ No
3. Is the business activity of the project an eligible business activity under Section 313.024(b)? ☑ Yes ☐ No

   3a. Please identify business activity: (5) renewable energy electric generation

SECTION 4: Qualified Property Information

1. Market value from previous tax year: $ 0.00
2. I&S taxable value from previous tax year: $ 0.00
3. M&O taxable value from previous tax year: $ 0.00

SECTION 5A: Wage and Employment Information for Applications Prior to Jan. 1, 2014 (#1 Through 999)

ONLY COMPLETE THE WAGE SECTION (5A or 5B) THAT APPLIES TO YOUR APPLICATION. You can find your application number on the website at www.texasahead.org/tax_programs/chapter313/applicants.

NOTE: All statutory references in Section 5A are for statute as it existed prior to Jan. 1, 2014. 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.

1. How many new jobs were based on the qualified property in the year covered by this report? *(See note above)* 0
2. 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
3. Did the applicant request that the governing body waive the minimum job requirement, as provided under Tax Code §313.025(f-1)? ☐ Yes ☑ No

   3a. If yes, how many new jobs must the approved applicant create under the waiver?
4. Calculate 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
5. What is the minimum required annual wage for each qualifying job in the year covered by the report? $ 50,186.40
6. Identify which of the four Tax Code sections is used to determine the wage standard required by the agreement:
   ☐ §313.021(5)(A) or ☐ §313.021(5)(B) or ☐ §313.021(3)(E)(ii) or ☑ §313.051(b)

   6a. Attach calculations and cite exact Texas Workforce Commission data source as defined in TAC §9.1051.
7. Does the agreement require the applicant to provide a specified number of jobs at a specified wage? ☑ Yes ☐ No

   7a. If yes, how many qualifying jobs did the approved applicant commit to create in the year covered by the report? 0

   7b. If yes, what annual wage did the approved applicant commit to pay in the year covered by the report? $ 50,186.40

   7c. If yes, how many qualifying jobs were created at the specified wage in the year covered by the report? 0
8. 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

   8a. Of the qualifying job-holders last year, how many were employees of the approved applicant? 0

   8b. Of the qualifying job-holders last year, how many were employees of an entity contracting with the approved applicant? 0

   8c. 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? ☐ Yes ☐ No ☑ N/A

SECTION 5B: Wage and Employment Information for Applications After Jan. 1, 2014 (#1000 and Above)

ONLY COMPLETE THE WAGE SECTION (5A or 5B) THAT APPLIES TO YOUR APPLICATION. You can find your application number on the website at www.texasahead.org/tax_programs/chapter313/applicants.

NOTE: For job definitions see TAC §9.1051(14) and Tax Code, §313.021(3).

QUALIFYING JOBS

1. What is the number of new qualifying jobs the applicant committed to create in the year covered by this report? ..... _____
2. Did the applicant request that the governing body waive the minimum qualifying job requirement, as provided under Tax Code §313.025(f-1)? ..... ☐ Yes ☐ No
   2a. If yes, how many new qualifying jobs must the approved applicant create under the waiver? ..... _____
3. Which Tax Code section are you using to determine the wage standard required for this project? .... ☐ §313.021(5)(A) or ☐ §313.021(5)(B)
   3a. Attach calculations and cite exact Texas Workforce Commission data sources as defined in TAC §9.1051.
4. What is the minimum required annual wage for each qualifying job in the year covered by this report? ..... $ _____
5. What is the annual wage the applicant committed to pay for each of the qualifying jobs in the year covered by this report? ..... $ _____
6. Do the qualifying jobs meet all minimum requirements set out in Tax Code §313.021(3)? ..... ☐ Yes ☐ No

NON-QUALIFYING JOBS

7. What is the number of non-qualifying jobs the applicant had on Dec. 31 of the year covered by this report? ..... _____
8. What was the average wage you were paying for non-qualifying jobs on Dec. 31 of the year covered by this report? .. $ _____
9. What is the county average weekly wage for non-qualifying jobs, as defined in TAC §9.1051? ..... $ _____

MISCELLANEOUS

10. Did the applicant rely on a determination by the Texas Workforce Commission under the provisions §313.024(3)(F) in meeting the qualifying job requirements? ..... ☐ Yes ☐ No
    10a. If yes, attach supporting documentation to evidence that the requirements of §313.021(3)(F) were met.
11. Are you part of a Single Unified Project (SUP) and relying on the provisions in Tax Code §313.024(d-2) to meet the qualifying job requirements? ..... ☐ Yes ☐ No
    11a. If yes, attach supporting documentation from the Texas Economic Development and Tourism Office including a list of the other school district(s) and the qualifying jobs located in each.

SECTION 6: Qualified Investment During Qualified Time Period

ENTITIES ARE NOT REQUIRED TO COMPLETE THIS SECTION IF THE YEAR COVERED BY THE REPORT IS AFTER THE QUALIFYING TIME PERIOD OF THEIR AGREEMENT.

1. 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? ..... $ 0.00
2. Was any of the land classified as qualified investment? ..... ☐ Yes ☑ No
3. Was any of the qualified Investment leased under a capitalized lease? ..... ☐ Yes ☑ No
4. Was any of the qualified Investment leased under an operating lease? ..... ☐ Yes ☑ No
5. Was any property not owned by the applicant part of the qualified investment? ..... ☐ Yes ☑ No

SECTION 7: Partial Interest

THE FOLLOWING QUESTIONS MUST BE ANSWERED BY ENTITIES HAVING A PARTIAL INTEREST IN AN AGREEMENT. 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.**

1. What was your limitation amount (or portion of original limitation amount) during the year covered by this report? . . . . _____
2. Please describe your interest in the agreement and identify all the documents creating that interest.

SECTION 8: 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."

print here Robert Mastria
Print Name *(Authorized Company Representative)*

Director
Title

sign here
Signature *(Authorized Company Representative)*

5/9/14
Date

print here Robert Mastria
Print Name of Preparer *(Person Who Completed the Form)*

Franchise Tax Account Status

As of: 04/28/2014 07:56:17 AM

This Page is Not Sufficient for Filings with the Secretary of State

CPV RATTLESNAKE DEN RENEWABLE ENERGY COMPANY, LLC	
Texas Taxpayer Number	32034811342
Mailing Address	8403 COLESVILLE RD SILVER SPRING, MD 20910-6331
Right to Transact Business in Texas	FRANCHISE TAX ENDED
State of Formation	DE
Effective SOS Registration Date	02/27/2008
Texas SOS File Number	0800944056
Registered Agent Name	CORPORATION SERVICE COMPANY DBA CSC - LAWYERS INCO
Registered Office Street Address	211 E. 7TH STREET SUITE 620 AUSTIN, TX 78701

Mali Hanley

From: Morris Meltzer <mmeltzer@cpv.com>
Sent: Thursday, April 24, 2014 3:58 PM
To: Robert Mastria
Cc: Laurie Cohen
Subject: RE: Comptroller Franchise Tax Department
Attachments: 2013 CPV Rattlesnake Den_TX No Nexus+Franchise.pdf

Rob,

Please see the recent notices we have received from Texas. Even though we file annually with the state, because we indicate that the company has no nexus in Texas, i.e., no physical activity, no employees, no office, etc., the account is automatically designated as "Franchise Tax Ended". I called today and spoke with the Comptroller's office and this is how they designate accounts such as ours. It's not a bad thing and it doesn't mean that we've done anything wrong, it's just from a tax perspective we haven't done anything yet.

Hope this helps,

Morris Meltzer
Competitive Power Ventures, Inc.
8403 Colesville Road
Suite 915
Silver Spring, MD 20910
Office: (301) 628-4206
Cell: (301) 908-3394
Fax: (240) 723-2339

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From: Robert Mastria
Sent: Wednesday, April 16, 2014 1:09 PM
To: Morris Meltzer
Cc: Laurie Cohen
Subject: Fwd: Comptroller Franchise Tax Department

Hi Morris

Mali Hanley works for the law firm that reviews the reports for the school district before sending to the comptrollers office. She said the franchise tax ended designation will be a problem. She suggests 1. Making sure out filing didn't check off the box that said we were not doing further business in Texas and 2. Calling the number below to ask why our status is not active. It should be active even though we have no money due. Can you call the comptroller to get this figured out? I'd appreciate your help. The reports are due may 15 but I'd like to submit them by may 1.

Rob

Sent from my iPhone

Begin forwarded message:

> **From:** Mali Hanley <mhanley@808west.com>
> **Date:** April 16, 2014 at 11:59:41 AM CDT

To: Robert Mastria <rmastria@cpv.com>
Subject: Comptroller Franchise Tax Department

The best time to call the department is around 7:30 Central time. The phone number is 800-252-1381. Let me know if you need anything else.

Thank you,

Amalia Hanley
for Kevin O'Hanlon
O'HANLON, McCOLLOM & DEMERATH
Attorneys-at-law
808 West Ave.
Austin, Texas 78701

512.494.9949
FAX: 512.494.9919

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Checklist Item 14

County and Regional Wage Calculations

	Hourly	Weekly	Annual
Glasscock County Average Wage	$ 15.67	$ 626.75	$ 32,591.00
110% of Glasscock County Average Wage	$ 17.24	$ 689.43	$ 35,850.10
Glasscock County Avg. Mfg. Wage	No data available		
110% of Glasscock County Avg. Mfg. Wage	No data available		
Permian Basin RPC Avg. Mfg. Wage	$ 21.93	$ 877.38	$ 45,624.00
110% of Permian Basin RPC Avg. Mfg. Wage	$ 24.12	$ 965.12	$ 50,186.40

Glasscock County Average Weekly Wage Calc.	
2012 - 2nd Quarter	$ 605.00
2012 - 3rd Quarter	$ 607.00
2012 - 4th Quarter	$ 740.00
2013 - 1st Quarter	$ 555.00
Average	$ 626.75

Checklist Item 14

Quarterly Employment and Wages (QCEW)

Back

Page 1 of 1 (40 results/page)

Year	Period	Area	Ownership	Division	Level	Ind Code	Industry	Avg Weekly Wages
2012	1st Qtr	Glasscock County	Total All	00	0	10	Total, All Industries	$607
2012	2nd Qtr	Glasscock County	Total All	00	0	10	Total, All Industries	$605
2012	3rd Qtr	Glasscock County	Total All	00	0	10	Total, All Industries	$607
2012	4th Qtr	Glasscock County	Total All	00	0	10	Total, All Industries	$740
2013	1st Qtr	Glasscock County	Total All	00	0	10	Total, All Industries	$555

2012 Manufacturing Wages by Council of Government Region
Wages for All Occupations

COG	Wages Hourly	Wages Annual
Texas	**$23.56**	**$48,996**
1. Panhandle Regional Planning Commission	$20.12	$41,850
2. South Plains Association of Governments	$16.18	$33,662
3. NORTEX Regional Planning Commission	$17.83	$37,076
4. North Central Texas Council of Governments	$24.68	$51,333
5. Ark-Tex Council of Governments	$16.84	$35,032
6. East Texas Council of Governments	$19.61	$40,797
7. West Central Texas Council of Governments	$18.24	$37,941
8. Rio Grande Council of Governments	$16.17	$33,631
9. Permian Basin Regional Planning Commission	$21.93	$45,624
10. Concho Valley Council of Governments	$16.33	$33,956
11. Heart of Texas Council of Governments	$19.07	$39,670
12. Capital Area Council of Governments	$26.03	$54,146
13. Brazos Valley Council of Governments	$16.55	$34,424
14. Deep East Texas Council of Governments	$16.20	$33,698
15. South East Texas Regional Planning Commission	$29.38	$61,118
16. Houston-Galveston Area Council	$26.59	$55,317
17. Golden Crescent Regional Planning Commission	$21.03	$43,742
18. Alamo Area Council of Governments	$18.40	$38,280
19. South Texas Development Council	$13.54	$28,170
20. Coastal Bend Council of Governments	$22.97	$47,786
21. Lower Rio Grande Valley Development Council	$16.33	$33,961
22. Texoma Council of Governments	$22.57	$46,949
23. Central Texas Council of Governments	$17.16	$35,689
24. Middle Rio Grande Development Council	$18.93	$39,380

Source: Texas Occupational Employment and Wages
Data published: July 2013
Data published annually, next update will be July 31, 2014

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.