



# Chapter 313 Annual Eligibility Report Form

**Form 50-772**  
(May 2010)

Tax Year covered in this report \_\_\_\_\_

School district name \_\_\_\_\_

I&S Tax Rate \_\_\_\_\_

M&O Tax Rate \_\_\_\_\_

Project Name \_\_\_\_\_

Company Name \_\_\_\_\_

Company Address \_\_\_\_\_

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.

Texas Taxpayer ID of Applicant \_\_\_\_\_

Texas Taxpayer ID Reporting Entity (if appropriate) \_\_\_\_\_

Date of Agreement Approval \_\_\_\_\_

Original Applicant Name \_\_\_\_\_

First complete tax year of the qualifying time period \_\_\_\_\_

Last tax year of the qualifying time period \_\_\_\_\_

First tax year of the limitation \_\_\_\_\_

Amount of the limitation at the time of application approval \_\_\_\_\_

## QUALIFIED PROPERTY INFORMATION

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/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: \_\_\_\_\_

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.)

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

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? \_\_\_\_\_

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

80 percent of New Jobs (0.80 x number of new jobs based on the qualified property in the year covered by this report.) . . . . . \_\_\_\_\_



What is the minimum required annual wage for each qualifying job in the year covered by the report? ..... \$29,929.90

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)

Attach calculations and cite (or attach) exact Texas Workforce Commission data sources. .... \$27,709 x 110%

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? ..... 10

Of the qualifying job-holders last year, how many were employees of the approved applicant? ..... 2

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

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? ..... N/A

How many qualifying jobs were created at the specified wage? ..... N/A

**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? ..... N/A

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? ..... \$7.686 million

Please describe your interest in the agreement and identify all the documents creating that interest.

	Original agreement between Forest Creek Wind Farm and Sterling City ISD was partially assigned to Sand Bluff Wind Farm, with the following breakdown: Forest Creek--76.86% and Sand Bluff--23.14%	

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

Sr. Vice President

Title

Patrick Woodson

Printed name of authorized company representative

Date

8-16-10

**CONTACT INFORMATION FOR AUTHORIZED REPRESENTATIVE**

812 San Antonio St., Suite 201, Austin, TX 78701

Address

512-477-7024

Phone

patrick.woodson@eon.com

E-mail

## Quarterly Employment and Wages (QCEW)

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Year	Period	Area	Ownership	Division	Level	Ind Code	Industry	Avg Weekly Wages
2005	1st Qtr	Sterling County	Private	00	0	10	Total, All Industries	\$489
2005	2nd Qtr	Sterling County	Private	00	0	10	Total, All Industries	\$470
2005	3rd Qtr	Sterling County	Private	00	0	10	Total, All Industries	\$565
2005	4th Qtr	Sterling County	Private	00	0	10	Total, All Industries	\$569

In 2006, Applicant would be required to create 10 jobs, 80% of which required to be qualifying jobs. The 2006 version of Chapter 313 required the wages to be based on 110% of the county average manufacturing wage. Because Sterling County had no manufacturing wage, Applicant has provided the wages for all jobs in Sterling County.

Average weekly wage 523.25 x 52 weeks = average annual salary 27,209

110% of 27,209 = 29929.90 required annual wage for qualifying job



## TEXAS COMPTROLLER OF PUBLIC ACCOUNTS

SUSAN COMBS • COMPTROLLER • AUSTIN, TEXAS 78774

August 4, 2010

### 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

**FOREST CREEK WIND FARM, 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 November 15, 2010.

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 4th day of  
August 2010 A.D.

Susan Combs  
Texas Comptroller

Taxpayer number: 32018668700  
File number: 0800578551

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