



Chapter 313 Annual Eligibility Report Form

Economic Development
and Analysis
Form 50-772-A

SECTION 1: Applicant and District Information

- 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.
- Application number: 75 ✓
NOTE: You can find your application number and all agreement documents and reports on the website www.texasahead.org/tax_programs/chapter313/applicants
- Name of school district: Bryson Independent School District ✓
- Name of project on original application (or short description of facility): Barton Chapel Wind Farm ✓
- Name of applicant on original application: Barton Chapel Wind, LLC
- Name the company entering into original agreement with district: Barton Chapel Wind, LLC
- Amount of limitation at time of application approval: 10,000,000 ✓
- 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

SECTION 2: Current Agreement Information

- Name of current agreement holder(s) Barton Chapel Wind, LLC
- Complete mailing address of current agreement holder 1125 NW Couch Street, Suite 700 Portland, OR 97209
- Company contact person for agreement holder (same as signatory for this form):

<u>Stephen Shaw</u>	<u>Consultant, Tax-Ld/Sr</u>
Name	Title
<u>(281) 379-7454</u>	<u>stephen.shaw@iberdrolaren.com</u>
Phone	Email
- Texas franchise tax ID number of current agreement holder: 12046717505 ✓
- 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

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

N/A

Name

Title

Complete Mailing Address

Phone

Email

- 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.)

N/A

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: Renewable Energy Electric Generation - Wind

SECTION 4: Qualified Property Information

1. Market value from previous tax year: \$ 78,220,000.00
2. I&S taxable value from previous tax year: \$ 78,220,000.00
3. M&O taxable value from previous tax year: \$ 10,000,000.00

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)* 9
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
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.) 7
5. What is the minimum required annual wage for each qualifying job in the year covered by the report? \$ 38,827.00
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?
 - 7b. If yes, what annual wage did the approved applicant commit to pay in the year covered by the report? \$
 - 7c. If yes, how many qualifying jobs were created at the specified wage in the year covered by the report?
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? 9 ✓
 - 8a. Of the qualifying job-holders last year, how many were employees of the approved applicant? 9 ✓
 - 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? \$ _____
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.

NA

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 ▶ David M. DeGabriele VP, Tax & Finance
Print Name (Authorized Company Representative) Title

sign here ▶  6/11/2014
Signature (Authorized Company Representative) Date

print here ▶ Stephen Shaw (281) 379-7454
Print Name of Preparer (Person Who Completed the Form)



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BARTON CHAPEL WIND, LLC	
Texas Taxpayer Number	12046717505
Mailing Address	1125 NW COUCH ST STE 700 PORTLAND, OR 97209-4129
Right to Transact Business in Texas	ACTIVE
State of Formation	DE
Effective SOS Registration Date	04/11/2006
Texas SOS File Number	0800639807
Registered Agent Name	CORPORATION SERVICE COMPANY D/B/A CSC-LAWYERS INCO
Registered Office Street Address	211 E. 7TH STREET SUITE 620 AUSTIN, TX 78701

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Attachment to form 50-772 for covered year 2013

Barton Chapel Wind (Tax ID 12046717505)

- ❖ For Form 50-772 we have indicated (See Attached) on some of the questions that relate to new/qualified jobs. Please note the answers to those questions are listed below.
 - 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?
 - 9
 - Of the qualified job-holders last year, how many were employees of the approved applicant?
 - 9
 - Of the qualified 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?
 - n/a

- ❖ Regarding the minimum required annual wage calculation please see the attachment titled "2007 Manufacturing Wages by Council of Government Region" and also note that Section 313.051(b) requires that "each qualifying job created in a rural school district pay at least 110 percent of the average weekly wage for manufacturing jobs in the region designated for the ... council of governments ... in which the district is located." For 2007, the year preceding the qualifying time period and the year in which the application was submitted, the calculation that is indicated on the above mentioned attachment (which were published on the TWC website) show that this required wage number was \$38,827.

Cert. # 7011 3500 0002 2106 3564

**2007 Manufacturing Wages by Council of Government Region
Wages for All Occupations**

<u>COG</u>	<u>Hourly</u>	<u>Annual</u>
Texas	\$19.80	\$41,184
1. Pindindle Regional Planning Commission	\$17.49	\$36,379
2. South Plains Association of Governments	\$14.48	\$30,118
3. North East Regional Planning Commission	\$16.97	\$35,298 * 110%=38,827
4. North Central Texas Council of Governments	\$21.72	\$45,178
5. Ark-Tex Council of Governments	\$15.05	\$31,304
6. East Texas Council of Governments	\$15.40	\$32,032
7. West Central Texas Council of Governments	\$15.35	\$31,928
8. Rio Grande Council of Governments	\$14.41	\$29,973
9. Permian Basin Regional Planning Commission	\$16.36	\$34,029
10. Concho Valley Council of Governments	\$13.49	\$28,059
11. Heart of Texas Council of Governments	\$15.65	\$32,552
12. Capital Area Council of Governments	\$23.66	\$49,213
13. Brazos Valley Council of Governments	\$14.86	\$30,909
14. Deep East Texas Council of Governments	\$14.86	\$30,909
15. South East Texas Regional Planning Commission	\$22.73	\$47,278
16. Houston-Galveston Area Council	\$21.06	\$43,805
17. Golden Crescent Regional Planning Commission	\$17.91	\$37,253
18. Alamo Area Council of Governments	\$16.09	\$33,467
19. South Texas Development Council	\$12.37	\$25,730
20. Coastal Bend Council of Governments	\$21.78	\$45,302
21. Lower Rio Grande Valley Development Council	\$12.66	\$26,333
22. Texoma Council of Governments	\$18.23	\$37,918
23. Central Texas Council of Governments	\$15.94	\$33,155
24. Middle Rio Grande Development Council	\$12.91	\$26,853

Source: Texas Occupational Employment and Wages
Data published: 9 June 2008
Data published annually, next update will be June 2009.

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.

Cont. # 7011 3500 0002 2106 3564

Barton Chapel Wind (Tax ID 12046717505)

CUMMINGS WESTLAKE LLC

12837 Louetta Road, Suite 201 Cypress, Texas 77429-5611 713-266-4456 713-266-2333 (Fax)

October 31, 2007

Mr. Travis James
Texas Perspectives
1310 S. 1st Street, Suite 105
Austin, TX 78704

Re: Wind Project Job Creation
Barton Chapel Wind -- Bryson ISD

Dear Mr. James:

Our clients have been asked to provide background information on the creation of full-time jobs by a wind project. Wind projects create a large number of construction jobs but require a small number of highly skilled technicians to operate a wind project once commercial operations start.

The permanent employees of a wind project maintain and service wind turbines, underground electrical connections, substations, and other infrastructure associated with the safe and reliable operation of the project. Based upon a survey of our clients who are experienced developers and operators of large scale wind projects, we find that industry standard for permanent employment is one full-time employee for every fifteen turbines. This number can and does vary depending upon the turbine selected and the support and technical assistance offered by the turbine manufacturer.

In addition to the onsite employees described above, there may be asset managers or technicians who supervise, monitor, and support wind project operations from offsite locations.

If you have questions, would you please contact me at 713-266-4456, extension 1 or by email at dcummings@cwlp.net?

Sincerely,



D. Data Cummings

Carh. # 7011 3500 0002 2106 3564

Barton Chapel Wind (Tax ID 12046717505)



LYNN M. MOAK, PARTNER

DANIEL T. CASEY, PARTNER

December 10, 2007

Mr. Gary Price
Texas Comptroller of Public Accounts
P. O. Box 13528
Austin, Texas 78711

Re: Job Requirement Waiver Standards for Chapter 313 Project

Dear Mr. Price:

As you are aware, school districts have the option of providing a waiver for job requirements if they determine that the proposed job levels meet industry standards. We believe that a 15/1 standard represents an appropriate level for waiver judgment. This standard has been reviewed and agreed to by Texas Perspectives, Inc. and O'Hanlon, McCollom, & Demerath. As a result, we anticipate using this standard in making recommendations for a job requirement waiver in Bryson ISD (Barton Chapel Wind project) at the proper time.

This opinion is based upon the following specific evidence.

1. A letter from FPL Energy (by far the largest wind power provider in the United States) regarding the Coyote Wind and Wolf Ridge Wind projects. This letter states in part that approximately one full-time skilled technician may support approximately 15 turbines.
2. A letter from Duke Energy stating that "Our rule of thumb is that a single technician can support up to 15 wind turbines...."
3. A determination by Texas Perspectives, Inc. that "Based on approved Texas Economic Development Act wind farm applications and industry standards, the typical wind farm employs one person per 15 wind turbines." This determination is provided in economic analysis reports of specific projects beginning with those reports filed after October 19, 2007.
4. An analysis of projects projected to employ more than 10 staff indicates an average of 14.4 turbines per employee. A conservative view of the data would support an efficient standard of 15/1.

Although there is no doubt that staffing levels vary for a variety of conditions, the use of a 15/1 standard would appear to be supported as appropriate based on the continuing trends over time towards increased ratios and larger projects.

www.moakcasey.com

Phone 512-485-7878

400 W. 15th Street*Suite 1410*Austin, TX 78701-1648

Fax 512-485-7888

Cash. # 7011 3500 0002 2106 3564

Barton Chapel Wind (Tax ID 12046717505)



Please do not hesitate to contact us if you have any questions.

Sincerely,

Lynn M. Moak

Daniel T. Casey

cc: Kevin O'Hanlon, O'Hanlon, McCollom & Demerath
Jon Hockenycs, Texas Perspectives, Inc.

www.moakcasey.com

Phone 512-485-7878 400 W. 15th Street • Suite 1410 • Austin, TX 78701-1648 Fax 512-485-7888

Cont. # 7011 3500 0002 2106 3564