

Chapter 313 Annual Eligibility Report Form



Form 50-772
(May 2010)

2011

Tax Year covered in this report

Bryson Independent School District

School district name

Barton Chapel Wind

Project Name

1125 NW Couch St., Suite 700, Portland, OR 97209

Company Address

.35

I&S Tax Rate

Barton Chapel Wind, LLC

Company Name

Stephen Shaw - (281) 379-7454

Company Contact Information

1.04

M&O Tax Rate

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.

12046717505

Texas Taxpayer ID of Applicant

12/10/2007

Date of Agreement Approval

2008

First complete tax year of the qualifying time period

2010

First tax year of the limitation

Texas Taxpayer ID Reporting Entity (if appropriate)

Barton Chapel Wind, LLC

Original Applicant Name

2009

Last tax year of the qualifying time period

\$10,000,000

Amount of the limitation at the time of application approval

QUALIFIED PROPERTY INFORMATION

\$104,336,000

Market Value

\$104,336,000

I&S Taxable Value

\$10,000,000

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 - Wind**
- What was the application review start date for your application (the date your application was determined to be complete)? **N/A**
(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.) **(See Attached)**
- 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? **4(See Attached 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.) **7**



What is the minimum required annual wage for each qualifying job in the year covered by the report? \$38,827

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..... (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? (See Attached)

Of the qualifying job-holders last year, how many were employees of the approved applicant? (See Attached)

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

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?..... _____

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

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? 243,766,767

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

David M. DeGabriele

Printed name of authorized company representative

VP, Tax & Finance

Title

Date

5/11/12

CONTACT INFORMATION FOR AUTHORIZED REPRESENTATIVE

Address

Phone

E-mail

Attachment to form 50-772 for covered year 2011

Barton Chapel

- ❖ For Form 50-772 we have indicated (See Attached) on some of the questions that relate to new/qualified jobs and annual wage amounts. Please note the answer to those questions 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.

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

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

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. Dale Cummings



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



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 Hockenyos, Texas Perspectives, Inc.



TEXAS COMPTROLLER OF PUBLIC ACCOUNTS

SUSAN COMBS • COMPTROLLER • AUSTIN, TEXAS 78774

June 6, 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

BARTON CHAPEL WIND, 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, 2012.

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 6th day of
June 2012 A.D.

A handwritten signature in black ink that reads "Susan Combs".

Susan Combs
Texas Comptroller

Taxpayer number: 12046717505
File number: 0800639807

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