



Biennial Progress Report for Texas Economic Development Act

Economic Development and Analysis
Form 50-773-A

INTRODUCTION

- You have been assigned an application number. Please verify this number on the website prior to completing the form. This form will indicate the sections you need to complete based on application number.
- This form must be filled out by each applicant that is party to a limitation agreement.
- If the original application was made by a group of two or more companies, each company must complete this form.
- If the original applicant split into two or more applicants after the original agreement, all current agreement holders must complete this form.
- Applicants should only complete the information for their years as an agreement holder, noting what year they were formed after the original agreement was approved.
- Each agreement holder should respond as a current agreement holder in Section 2.
- Applicants should report their proportionate share of required employment and investment information.
- In addition to the Biennial Progress Report required from each applicant that is a party to an agreement, a separate Biennial Progress Report summarizing the combined applicants' data for the entire agreement must be completed.
- If one of the applicants cannot provide this information, a summarization report must be completed by the school district.
- Projects spanning more than one school district must complete forms for each school district.
- Please return signed hard copy forms and electronic spreadsheets to the school district before May 15 of each even-numbered year.

Note:

- The school district that is a party to the Chapter 313 agreement is collecting the data required by Chapter 313.008 on this form for the Comptroller of Public Accounts (CPA).
- The CPA requests companies complete the electronic spreadsheet version of the form. Please submit both an *electronic version* and a *signed hard copy version* of the spreadsheet (with any attachments) to the district. Please contact CPA if you have questions about the form. The spreadsheet version of this form can be downloaded at: www.texasahead.org/tax_programs/chapter313/forms.php.
- After ensuring that all forms are complete, the school district will forward that data to the CPA for inclusion in a statutorily required report to the Texas Legislature.

SECTION 1: Applicant Information

1. Application number 78 ✓
2. Name of school district FORSAN ✓
3. Name of central appraisal district (CAD) appraising the qualified property in this school district HOWARD COUNTY CAD ✓
4. Name of project on original application (or short description of facility) ELBOW CREEK WIND PROJECT LLC
5. Name of applicant on original application ELBOW CREEK WIND PROJECT LLC
6. Name of company entering into original agreement with district ELBOW CREEK WIND PROJECT LLC
7. 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) ELBOW CREEK WIND PROJECT LLC
2. Complete mailing address of current agreement holder TAX DEPARTMENT / 211 CARNEGIE CENTER / PRINCETON NJ 08540
3. Company contact person for agreement holder:
- | | |
|---------------------|-----------------------------------|
| <u>DAN KEANE</u> | <u>VP - TAX</u> |
| Name | Title |
| <u>609.524.4500</u> | <u>DANIEL.KEANE@NRGENERGY.COM</u> |
| Phone | Email |
4. Texas franchise tax ID number of current agreement holder: 32025177489 ✓
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. NAICS Code of current agreement holder (6 Digit): 221119 ✓

7. If the authorized company representative is different from the contact person listed above:

<u>STEPHEN CINOSKI</u>	<u>SENIOR TAX MANAGER</u>
Name	Title
<u>TAX DEPARTMENT / 211 CARNEGIE CENTER / PRINCETON NJ 08540</u>	
Complete Mailing Address	
<u>609.524.4699</u>	<u>STEPHEN.CINOSKI@NRGENERGY.COM</u>
Phone	Email

8. 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: Project Timeline

- | | |
|---|---------------------|
| 1 Date original limitation agreement approved by school district | <u>12/17/2007</u> ✓ |
| 2 First (complete) year of qualifying time period – after the date the application is approved. See Tax Code §313.021[4]. . . | <u>2008</u> ✓ |
| 3 First year of property value limitation | <u>2010</u> ✓ |

SECTION 4: Value Limitation Details

- 1 Original limitation amount (*for entire agreement*): 10,000,000.00 ✓
- 2 Amount of qualified investment during the qualifying time period the recipient committed to spend or allocate for this project on application (*not total investment*): 10,000,000.00 ✓
- 3 Total qualified investment made from the beginning of the qualifying time period through the end of the qualifying time period or the last complete tax year, if still in the qualifying time period. 270,763,907.00 ✓
- 4 Has the description of the qualified property changed from that in the application? Yes No
 - 4a. If yes, please describe on an attachment how the actual qualified property — for which you are providing actual and estimated market values on subsequent pages — differs from that property described in the agreement. Include only property located in this school district.
- 5 What was the number of permanent existing jobs at this facility prior to application? 0
(See guidelines for definition of existing job.)

SECTION 5: Job Details

- 1 For agreements before Jan. 1, 2014, does the agreement includes a definition of "new job" other than TAC §9.1051(14)(C), as the rule existed at the time of application? Yes No
 - 1a. If yes, please provide the definition of "new job" as used in the agreement. (*Use attachments if needed.*)

Biennial Progress Report for Texas Economic Development Act
CHART A1: Job Data for Applications 1 through 999

Form 50-773A
 Revised Jan 2014

Project Name **ELBOW CREEK WIND**

1st Yr. of Qualifying Time Period **2008**

App Number **78**

District Name **FORSAN**

Company Name **ELBOW CREEK WIND LLC**

2008

	Qualifying Time Period			Limitation Period							Viable Presence Period			
	Year 1 (First Complete Tax Year)	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11	Year 12	Year 13	
CHART A1 - Only complete this for applications 1 through 999.	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	
1	0	8	8	8	8	8	8	8	8	8	8	8	8	
2	0	14	14	9	8	8	8	8	8	8	8	8	8	
3	0	14	14	9	8	8	8	8	8	8	8	8	8	
4	0	\$76,273	\$78,975	\$50,000		\$52,077	\$52,077	\$52,077	\$52,077	\$52,077	\$52,077	\$52,077	\$52,077	
5	0					\$560,899	\$560,899	\$560,899	\$560,899	\$560,899	\$560,899	\$560,899	\$560,899	

Actual and projected data. Use actual data for prior years. Estimates are required for current and future years.

Notes:

- Jobs meeting all of the requirements of Tax Code §313.021(3) as the statute existed before Jan. 1, 2014. Do not include construction jobs in counts of qualifying jobs.
- For new job definition see TAC §9.1051(14) as rules existed before Jan. 1, 2014.

By signing below, I, DAN KEANE, certify that I am the authorized representative of ELBOW CREEK WIND PROJECT LLC, a current agreement holder of a limitation on appraised value, and the contents of this form and the attached documentation are true and correct to the best of my knowledge and belief.

Authorized Official Signature  Date 6/18/14

Print Name/Title DAN KEANE Phone 609-524-4500

**Biennial Progress Report for Texas Economic Development Act
CHART A2: Investment and Market Values for Applications 1 through 999**

Form 50-773A
Revised Jan 2014

Application Number
Current Agreement Holder Name
ISD Name

78
ELBOW CREEK WIND PROJECT LLC
FORSSAN

Year	School Year (YYYY-YYYY)	Tax Year (actual tax year) YYYY	Total Investment ¹ (cumulative)	Market value of qualified property on Jan. 1 BEFORE any exemptions ²	Market value less any exemptions (such as pollution control) and before limitation ³	Taxable value of qualified property for purposes of M&O
Prior to start of value limitation period	1	2008/2009	270,763,907	-	-	-
	2	2009/2010	270,763,907	161,220,420	161,220,420	161,220,420
	3	2010/2011	270,763,907	137,028,340	137,028,340	10,000,000
Value limitation period	4	2011/2012	270,763,907	127,004,852	127,004,852	10,000,000
	5	2012/2013	270,763,907	117,073,750	117,073,750	10,000,000
	6	2013/2014	270,763,907	105,744,366	105,744,366	10,000,000
	7	2014/2015	270,763,907	95,169,929	95,169,929	10,000,000
	8	2015/2016	270,763,907	85,652,936	85,652,936	10,000,000
	9	2016/2017	270,763,907	77,087,643	77,087,643	10,000,000
Viable presence period	10	2017/2018	270,763,907	69,378,879	69,378,879	10,000,000
	11	2018/2018	270,763,907	62,440,991	62,440,991	62,440,991
	12	2019/2020	270,763,907	56,196,892	56,196,892	56,196,892
	13	2020/2021	270,763,907	50,577,202	50,577,202	50,577,202

Notes:

- Total investment is all investment at original cost, including land acquired after filing of application. Investments made in a year should be reflected in the subsequent year's market value.
- Use appraisal values from CAD as available. For future years, use market value that the entity estimates will approximate the market value for ad valorem tax purposes in that year.
- This amount is typically the taxable value for the purpose of I&S fund or debt service reserve fund.

By signing below, I, DAN KEANE, certify that I am the authorized representative of ELBOW CREEK WIND PROJECT LLC, a current agreement holder of a limitation on appraised value, and the contents of this form and the attached documentation are true and correct to the best of my knowledge and belief.

Authorized Official
Signature 

Date 6/18/14

Print Name/Title DAN KEANE

Phone Number 609-524-4500

**Biennial Progress Report for Texas Economic Development Act
CHART A1: Job Data for Applications 1 through 999**

App Number **78**
 District Name FORSAN
 Company Name ELBOW CREEK WIND PROJECT LLC

Project Name **ELBOW CREEK WIND PROJECT LLC**
 1st Yr. of Qualifying Time Period 2008

Form 50-773A
 Revised Jan 2014

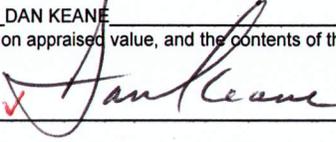
CHART A1 - Only complete this for applications 1 through 999.

	Qualifying Time Period		Limitation Period								Viable Presence Period		
	Year 1 (First Complete Tax Year)	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11	Year 12	Year 13
Tax year (YYYY)	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
1 Number of qualifying jobs ¹ applicant committed to create on application (cumulative)		8	8	8	8	8	8	8	8	8	8	8	8
2 Number of qualifying jobs ¹ applicant actually created (cumulative)		14	14	9	8	8							
3 Number of new jobs ² created (cumulative)		14	14	9	8	8							
4 Median annual wage of new jobs applicant created		\$76,273	\$78,975	\$50,000		\$52,077							
5 Total wages for new jobs applicant created						\$560,899							

Actual and projected data. Use actual data for prior years. Estimates are required for current and future years.

- Notes:**
 1. Jobs meeting all of the requirements of Tax Code §313.021(3) as the statute existed before Jan. 1, 2014. Do not include construction jobs in counts of qualifying jobs.
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Authorized Official Signature 

Date 05/14/2014

Print Name/Title DAN KEANE

Phone 609.524.4500

Biennial Progress Report for Texas Economic Development Act

CHART A1: Job Data for Applications 1 through 999

Application Number
Current Agreement Holder Name
ISD Name

78 ✓
ELBOW CREEK WIND PROJECT LLC ✓
FORSAN ✓

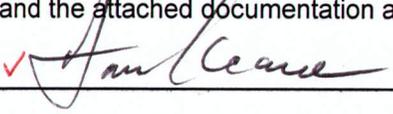
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CHART A2 - Only complete this for applications 1 through 999.	Year	School Year (YYYY-YYYY)	Tax Year (actual tax year) YYYY	Total Investment ¹ (cumulative)	Market value of qualified property on Jan. 1 BEFORE any exemptions ²	Market value less any exemptions (such as pollution control) and before limitation ³	Taxable value of qualified property for purposes of M&O
Prior to start of value limitation period	1-2	2008/2009 and 2009/2010	2008 ✓ and 2009 ✓	\$ 270,763,907	\$ 161,220,420	\$ 161,220,420	\$ 161,220,420
Value limitation period	3	2010/2011	2010 ✓		\$ 137,028,340	\$ 137,028,340	\$ 10,000,000
	4	2011/2012	2011		\$ 127,004,852	\$ 127,004,852	\$ 10,000,000
	5	2012/2013	2012		\$ 117,073,750	\$ 117,073,750	\$ 10,000,000
	6	2013/2014	2013		\$ 105,744,366	\$ 105,744,366	\$ 10,000,000
	7	2014/2015	2014				
	8	2015/2016	2015				
	9	2016/2017	2016				
	10	2017/2018	2017				
Viable presence period	11	2018/2019	2018				
	12	2019/2020	2019				
	13	2020/2021	2020				

Notes:

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Print Name/Title DAN KEANE Phone 609.524.4500

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