

April 29, 2014

Phil Cotham, Superintendent
Lockney Independent School District
416 W. Willow Street
Lockney, Texas 79241

VIA EMAIL AND CERTIFIED MAIL DELIVERY

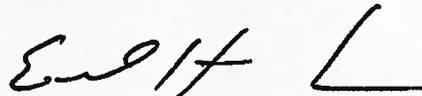
**Re: Longhorn Wind Project
Limitation of Appraised Value Agreement Annual Reports**

Enclosed are Longhorn Wind Project, LLC's 2013 Form 50-772-A, Chapter 313 Annual Eligibility Report, and Form 50-773-A, Biennial Progress Report for Texas Economic Development Act, for Lockney Independent School District's review and filing with the Texas Comptroller of Public Accounts Office. The Comptroller's Office requests that the above referenced reports be e-mailed to the Comptroller's Office at the following e-mail address.

chapter313@cpa.state.tx.us.

If you have any questions, please contact me at 858.521.3399.

Sincerely,



Ted Gergurich - Tax Director
EDF Renewable Energy, Inc.
15445 Innovation Drive
San Diego, CA 92128

cc: John Shultzabarger, EDF Renewable Energy, Inc.
Will Presson, Merit Advisors, L.P.
C.J. Evans, Jr., Merit Advisors, L.P.



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: **295**

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: **Lockney ISD**

4 Name of project on original application (or short description of facility): **Longhorn Wind Project**

5 Name of applicant on original application: **Longhorn Wind Project, LLC**

6 Name the company entering into original agreement with district: **Longhorn Wind Project, LLC**

7 Amount of limitation at time of application approval: **\$10 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) **Longhorn Wind Project, LLC**

2 Complete mailing address of current agreement holder **15445 Innovation Drive, San Diego, CA 92128**

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

Ted Gergurich

Name

(858) 521-3399

Phone

Tax Director

Title

Ted.Gergurich@edf-re.com

Email

4 Texas franchise tax ID number of current agreement holder: **32049474474**

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.)



Chapter 313 Annual Eligibility Report Form

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**

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? **2**
- 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? \$ **38,000.00**
- 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? **10**
 - 7b. If yes, what annual wage did the approved applicant commit to pay in the year covered by the report? \$ **38,000.00**
 - 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

For more information, visit our website: www.TexasAhead.org/tax_programs/chapter313/

Chapter 313 Annual Eligibility Report Form



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



Chapter 313 Annual Eligibility Report Form

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.

[Empty box for providing details on interest in the agreement and identifying documents]

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 ▶ Ted Gergurich
Print Name (Authorized Company Representative)

Tax Director
Title

sign here ▶ 
Signature (Authorized Company Representative)

Date 4/30/2014

print here ▶ C.J. Evans, Jr.
Print Name of Preparer (Person Who Completed the Form)



Franchise Tax Account Status

As of: 04/23/2014 09:38:19 PM

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

LONGHORN WIND PROJECT, LLC

Texas Taxpayer Number 32050906182
Mailing Address 211 E 7TH ST STE 620
AUSTIN, TX 78701-3218
Right to Transact Business ACTIVE
in Texas
State of Formation DE
Effective SOS Registration 05/06/2013
Date
Texas SOS File Number 0801779500
Registered Agent Name CORPORATION SERVICE COMPANY D/B/A CSC-LAWYERS
INCO
Registered Office Street 211 E. 7TH STREET SUITE 620
Address AUSTIN, TX 78701

Longhorn Wind Project, LLC

Chapter 313 Application to Floydada ISD

Cummings Westlake, LLC

ATTACHMENT 14

Calculation of three possible wage requirements with TWC documentation

- **Floyd County average weekly wage for all jobs (all industries)**
- **Floyd County average weekly wage for all jobs (manufacturing)**
- **See attached Council of Governments Regional Wage Calculation and Documentation**

***ATTACHMENT TO APPLICATION FOR APPRAISED VALUE LIMITATION
ON QUALIFIED PROPERTY BY LONGHORN WIND PROJECT, LLC TO FLOYDADA ISD***

**LONGHORN WIND PROJECT, LLC
ATTACHMENT 14**

FLOYDADA ISD - FLOYD COUNTY
CHAPTER 313 WAGE CALCULATION - ALL JOBS - ALL INDUSTRIES

QUARTER	YEAR	AVG WEEKLY WAGES*	ANNUALIZED
FIRST	2012	\$ 591	\$ 30,732
SECOND	2012	\$ 605	\$ 31,460
THIRD	2012	\$ 617	\$ 32,084
FOURTH	2012	\$ 733	\$ 38,116
AVERAGE		\$ 637	\$ 33,098
		X 110%	110%
		\$ 700	\$ 36,408

FLOYDADA ISD - FLOYD COUNTY
CHAPTER 313 WAGE CALCULATION - MANUFACTURING JOBS

QUARTER	YEAR	AVG WEEKLY WAGES*	ANNUALIZED
FIRST	2012	\$ 830	\$ 43,160
SECOND	2012	\$ 801	\$ 41,652
THIRD	2012	\$ 706	\$ 36,712
FOURTH	2012	\$ 900	\$ 46,800
AVERAGE		\$ 809	\$ 42,081
		X 110%	110%
		\$ 890	\$ 46,289

CHAPTER 313 WAGE CALCULATION - REGIONAL WAGE RATE

REGION	YEAR	AVG WEEKLY WAGES*	ANNUALIZED
South Plains	2011	\$ 657.88	\$ 34,210
		X 110%	110%
		\$ 723.67	\$ 37,631

* SEE ATTACHED TWC DOCUMENTATION

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	Floyd County	Private	00	0	10	Total, All Industries	\$591
2012	2nd Qtr	Floyd County	Private	00	0	10	Total, All Industries	\$605
2012	3rd Qtr	Floyd County	Private	00	0	10	Total, All Industries	\$617
2012	4th Qtr	Floyd County	Private	00	0	10	Total, All Industries	\$733

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	Floyd County	Private	31	2	31-33	Manufacturing	\$830
2012	2nd Qtr	Floyd County	Private	31	2	31-33	Manufacturing	\$801
2012	3rd Qtr	Floyd County	Private	31	2	31-33	Manufacturing	\$706
2012	4th Qtr	Floyd County	Private	31	2	31-33	Manufacturing	\$900

**2011 Manufacturing Wages by Council of Government Region
Wages for All Occupations**

COG	Wages	
	Hourly	Annual
Texas	\$22.89	\$47,610
<u>1. Panhandle Regional Planning Commission</u>	\$19.32	\$40,196
<u>2. South Plains Association of Governments</u>	\$16.45	\$34,210
<u>3. NORTEX Regional Planning Commission</u>	\$18.14	\$37,733
<u>4. North Central Texas Council of Governments</u>	\$24.03	\$49,986
<u>5. Ark-Tex Council of Governments</u>	\$16.52	\$34,366
<u>6. East Texas Council of Governments</u>	\$18.27	\$37,995
<u>7. West Central Texas Council of Governments</u>	\$17.76	\$36,949
<u>8. Rio Grande Council of Governments</u>	\$15.69	\$32,635
<u>9. Permian Basin Regional Planning Commission</u>	\$21.32	\$44,349
<u>10. Concho Valley Council of Governments</u>	\$15.92	\$33,123
<u>11. Heart of Texas Council of Governments</u>	\$18.82	\$39,150
<u>12. Capital Area Council of Governments</u>	\$26.46	\$55,047
<u>13. Brazos Valley Council of Governments</u>	\$15.71	\$33,718
<u>14. Deep East Texas Council of Governments</u>	\$15.48	\$32,207
<u>15. South East Texas Regional Planning Commission</u>	\$28.23	\$58,724
<u>16. Houston-Galveston Area Council</u>	\$25.82	\$53,711
<u>17. Golden Crescent Regional Planning Commission</u>	\$20.38	\$42,391
<u>18. Alamo Area Council of Governments</u>	\$18.00	\$37,439
<u>19. South Texas Development Council</u>	\$13.85	\$28,806
<u>20. Coastal Bend Council of Governments</u>	\$22.35	\$46,489
<u>21. Lower Rio Grande Valley Development Council</u>	\$15.08	\$31,365
<u>22. Texoma Council of Governments</u>	\$20.76	\$43,190
<u>23. Central Texas Council of Governments</u>	\$16.17	\$33,642
<u>24. Middle Rio Grande Development Council</u>	\$13.65	\$28,382

$$110\% \times \$34,210 = \$37,631$$

Source: Texas Occupational Employment and Wages
 Data published: July 2012
 Data published annually, next update will be summer 2013

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.