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 119
2. Name of school district PALACIOS
3. Name of central appraisal district (CAD) appraising the qualified property in this school district MATAGORDA COUNTY CAD
4. Name of project on original application *(or short description of facility)* NRG SOUTH TEXAS 4 LLC
5. Name of applicant on original application NRG SOUTH TEXAS 4 LLC
6. Name of company entering into original agreement with district NRG SOUTH TEXAS 4 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) NRG SOUTH TEXAS 4 LLC

2. Complete mailing address of current agreement holder TAX DEPARTMENT / 211 CARNEGIE CENTER / PRINCETON NJ 08540

3. Company contact person for agreement holder:

DAN KEANE	VP - TAX
Name	Title
609.524.4500	DANIEL.KEANE@NRGENERGY.COM
Phone	Email

4. Texas franchise tax ID number of current agreement holder: 32036693904

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):

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

STEPHEN CINOSKI	SENIOR TAX MANAGER
Name	Title
TAX DEPARTMENT / 211 CARNEGIE CENTER / PRINCETON NJ 08540	
Complete Mailing Address	
609.524.4699	STEPHEN.CINOSKI@NRGENERGY.COM
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 6/9/08

2 First (complete) year of qualifying time period – after the date the application is approved. See Tax Code §313.021[4]... 2012

3 First year of property value limitation 2019

SECTION 4: Value Limitation Details

1 Original limitation amount *(for entire agreement)*: 30,000,000.00

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)*: 0

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. 0

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? *(See guidelines for definition of existing job.)* 0

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.)*

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CHART A1: Job Data for Applications 1 through 999

App Number 119 **Project Name** Unit 4 **Form 50-773A**

District Name Palacios **1st Yr. of Qualifying Time Period** 2016 *Revised Jan 2014*

Company Name NRG South Texas 4 LLC

	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)	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
1	Number of qualifying jobs[1] applicant committed to create on application (cumulative)	0	0	0	0	0	0	0	0	0	0	0	0	0
2	Number of qualifying jobs[1] applicant actually created (cumulative)	0	0	0	0	0	0	0	0	0	0	0	0	0
3	Number of new jobs[2] created (cumulative)	0	0	0	0	0	0	0	0	0	0	0	0	0
4	Median annual wage of new jobs applicant created	0	0	0	0	0	0	0	0	0	0	0	0	0
5	Total wages for new jobs applicant created	0	0	0	0	0	0	0	0	0	0	0	0	0

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.
2. 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 NRG SOUTH TEXAS 4 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 /Dan Keane/ Date 6/18/14

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

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.

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CHART A2: Investment and Market Values for Applications 1 through 999

Application Number 119 **Form 50-773A**

Current Agreement Holder Name NRG SOUTH TEXAS 4 LLC *Revised Jan 2014*

ISD Name PALACIOS

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	2012/2013	2012	0	0	0	0
	2	2013/2014	2013	0	0	0	0
	3	2014/2015	2014	0	0	0	0
Value limitation period	4	2015/2016	2015	0	0	0	0
	5	2016/2017	2016	0	0	0	0
	6	2017/2018	2017	0	0	0	0
	7	2018/2018	2018	0	0	0	0
	8	2019/2020	2019	0	0	0	0
	9	2020/2021	2020	0	0	0	0
	10	2020/2022	2021	0	0	0	0
	11	2022/2023	2022	0	0	0	0
Viable presence period	12	2023/2024	2023	0	0	0	0
	13	2024/2025	2024	0	0	0	0
	14	2025/2026	2025	0	0	0	0

Notes:

1. 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.
2. Use appraisal values from CAD as available. For future years, use market value that the entity estimates will approximate the market value for ad volorem tax purposes in that year.
3. 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 NRG SOUTH TEXAS 4 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 √ Dan Keane Date 6/18/14

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

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CHART B1: Job Data for Applications 1000+

App Number: _____ Project Name: _____

District Name: _____ 1st Yr. of Qualifying Time Period: _____

Company Name: _____

CHART B1 – Only complete this for applications 1000+		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	Year 14	Year 15
	Tax year (YYYY)															
1	Number of qualifying jobs[1] applicant committed to create on application (cumulative)															
2	Number of qualifying jobs[1] applicant actually created (cumulative)															
3	Median annual wage of qualifying jobs[1] applicant created															
4	Total wages for qualifying jobs[1] applicant created															
5	Number of non-qualifying jobs[2] applicant created (cumulative)															
6	Average annual wage of non-qualifying jobs[2] applicant created															
7	Total wages for non-qualifying jobs[2] applicant created															

Notes:
1. Jobs meeting all of the requirements of Tax Code §313.021(3).
2. For non-qualifying job definition see TAC §9.1051.

By signing below, I, _____, certify that I am the authorized representative of _____, 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.

print here ▶ _____ _____
Print Name/Title Phone

sign here ▶ _____ _____
Authorized Official Signature Date

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

CHART B2: Investment and Market Values for Applications 1000+

Applicant Number: _____ Current Agreement Holder Name: _____

ISD Name: _____

CHART B2 – Only complete this for applications 1000+	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 or most recent year end	0						
Value limitation period	1						
	2						
	3						
	4						
	5						
	6						
	7						
	8						
	9						
	10						
Viable presence period	11						
	12						
	13						
	14						
	15						

Notes:

1. 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.
2. Use appraisal values from CAD as available. For future years, use market value that the entity estimates will approximate the market value for ad volorem tax purposes in that year.
3. This amount is typically the taxable value for the purpose of I&S fund or debt service reserve fund.

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

print here ➧ _____ _____

Print Name/Title Phone

sign here ➧ _____ _____

Authorized Official Signature Date

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.