



Chapter 313 Annual Eligibility Report Form

Form 50-772
(May 2010)

2012

Tax Year covered in this report

Rotan ISD

School district name

.047

I&S Tax Rate

1.17

M&O Tax Rate

BayWa r.e Mozart, LLC

Project Name

BayWa r.e Mozart, LLC

Company Name

4365 Executive Drive, Suite 1470, San Diego, CA 92121

Company Address

Florian Zerhusen

Company Contact Information

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.

32039364255

Texas Taxpayer ID of Applicant

August 28, 2011

Date of Agreement Approval

2012

First complete tax year of the qualifying time period

2014

First tax year of the limitation

Texas Taxpayer ID Reporting Entity (if appropriate)

WKN Mozart, LLC

Original Applicant Name

2013

Last tax year of the qualifying time period

10 Million

Amount of the limitation at the time of application approval

QUALIFIED PROPERTY INFORMATION

35,000,000

Market Value

35,000,000

I&S Taxable Value

35,000,000

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

What was the application review start date for your application (the date your application was determined to be complete)? June 2, 2011
(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.) 3

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? 3

80 percent of New Jobs (0.80 x number of new jobs based on the qualified property in the year covered by this report.) 2.4



What is the minimum required annual wage for each qualifying job in the year covered by the report? \$39,513.76

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? 3

Of the qualifying job-holders last year, how many were employees of the approved applicant? 1

Of the qualifying job-holders last year, how many were employees of an entity contracting with the approved applicant? 2

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? 3

At what annual wage? 39,513.76+

How many qualifying jobs were created at the specified wage? 3

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?

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

Printed name of authorized company representative

Managing Director

Date

Florian Zerhusen

6 / 14 / 2013

CONTACT INFORMATION FOR AUTHORIZED REPRESENTATIVE

4365 Executive Drive, Suite 1470, San Diego, CA 92121

Address

858.450.6800

zerhusen@baywa-re.us

Phone

E-mail

Rotan Independent School District Application for Appraised Value Limitation on Qualified Property

WKN Mozart, LLC Wind Project

Attachment 1d (in response to "Wage and Employment Information," page 9)

Methodology

110% of Stonewall County Average Weekly Wage for All Jobs

2009 4Q \$636

2010 1Q \$446

2010 2Q \$530

2010 3Q \$602

Total: $\$2,214.00/4 = \553.00 average weekly wage

X 1.1

\$608.30

110% of Kent County Average Weekly Wage for all Jobs

2009 4Q \$947

2010 1Q \$639

2010 2Q \$651

2010 3Q \$667

Total: $\$2,904.00/4 = \726.00 average weekly wage

X 1.1

\$798.60

Attachment 14 continued (responsive to Wage and Employment Information, cont. page 10)

110% Combined County Average Weekly Wage for all Jobs

Stonewall County \$608.30

Kent County \$798.60

$\$1,406.90/2 = \underline{\$703.45 \text{ average combined weekly wage}}$

110% Stonewall County Average Weekly Wage for Manufacturing Jobs in County

N/A – Information is not provided for manufacturing jobs in Stonewall County.

110% Kent County Average Weekly Wage for Manufacturing Jobs in County

N/A – Information is not provided for manufacturing jobs in Kent County.

110% of County Average Wage for Manufacturing Jobs in Region (West-Central Texas Council of Governments)

\$17.27 per hour

X 40 hours per week:

\$690.80

X 1.10 (110%):

\$759.88

X 52 Weeks:

\$39,513.76

**2009 Manufacturing Wages by Council of Government Region
Wages for All Occupations**

COG	Wages	
	Hourly	Annual
Texas	\$21.43	\$44,583
<u>1. Panhandle Regional Planning Commission</u>	\$18.38	\$38,227
<u>2. South Plains Association of Governments</u>	\$15.67	\$32,596
<u>3. NORTEX Regional Planning Commission</u>	\$19.60	\$40,768
<u>4. North Central Texas Council of Governments</u>	\$23.44	\$48,754
<u>5. Ark-Tex Council of Governments</u>	\$15.14	\$31,489
<u>6. East Texas Council of Governments</u>	\$16.87	\$35,091
<u>7. West Central Texas Council of Governments</u>	\$17.27	\$35,916
<u>8. Rio Grande Council of Governments</u>	\$15.26	\$31,732
<u>9. Permian Basin Regional Planning Commission</u>	\$19.11	\$39,757
<u>10. Concho Valley Council of Governments</u>	\$14.80	\$30,784
<u>11. Heart of Texas Council of Governments</u>	\$17.41	\$36,206
<u>12. Capital Area Council of Governments</u>	\$25.60	\$53,244
<u>13. Brazos Valley Council of Governments</u>	\$15.33	\$31,893
<u>14. Deep East Texas Council of Governments</u>	\$15.46	\$32,151
<u>15. South East Texas Regional Planning Commission</u>	\$25.53	\$53,095
<u>16. Houston-Galveston Area Council</u>	\$22.90	\$47,629
<u>17. Golden Crescent Regional Planning Commission</u>	\$19.84	\$41,273
<u>18. Alamo Area Council of Governments</u>	\$16.82	\$34,984
<u>19. South Texas Development Council</u>	\$13.68	\$28,445
<u>20. Coastal Bend Council of Governments</u>	\$22.10	\$45,967
<u>21. Lower Rio Grande Valley Development Council</u>	\$13.52	\$28,114
<u>22. Texoma Council of Governments</u>	\$18.42	\$38,305
<u>23. Central Texas Council of Governments</u>	\$16.58	\$34,484
<u>24. Middle Rio Grande Development Council</u>	\$13.66	\$28,416

Source: Texas Occupational Employment and Wages

Data published: July 2010

Data published annually, next update will be June 2011.

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.

Quarterly Employment and Wages (QEI:W)

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Year	Period	Area	Ownership	Division	Level	Ind Code	Industry	Avg Weekly Wages
2009	1st Qtr	Kent County	Private	00	0	10	Total, All Industries	\$431
2009	1st Qtr	Stonewall County	Private	00	0	10	Total, All Industries	\$460
2009	2nd Qtr	Kent County	Private	00	0	10	Total, All Industries	\$533
2009	2nd Qtr	Stonewall County	Private	00	0	10	Total, All Industries	\$520
2009	3rd Qtr	Kent County	Private	00	0	10	Total, All Industries	\$557
2009	3rd Qtr	Stonewall County	Private	00	0	10	Total, All Industries	\$574
2009	4th Qtr	Kent County	Private	00	0	10	Total, All Industries	\$547
2009	4th Qtr	Stonewall County	Private	00	0	10	Total, All Industries	\$536
2010	1st Qtr	Kent County	Private	00	0	10	Total, All Industries	\$509
2010	1st Qtr	Stonewall County	Private	00	0	10	Total, All Industries	\$446
2010	2nd Qtr	Kent County	Private	00	0	10	Total, All Industries	\$551
2010	2nd Qtr	Stonewall County	Private	00	0	10	Total, All Industries	\$520
2010	3rd Qtr	Kent County	Private	00	0	10	Total, All Industries	\$557
2010	3rd Qtr	Stonewall County	Private	00	0	10	Total, All Industries	\$602



Franchise Tax Account Status

As of: 06/15/2013 09:48:38 AM

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

BAYWA R.E MOZART, LLC	
Texas Taxpayer Number	32039364255
Mailing Address	4365 EXECUTIVE DR STE 1470 SAN DIEGO, CA 92121-2131
Right to Transact Business in Texas	ACTIVE
State of Formation	DE
Effective SOS Registration Date	04/20/2009
Texas SOS File Number	0801113383
Registered Agent Name	C T CORPORATION SYSTEM
Registered Office Street Address	350 N. ST. PAUL ST. STE. 2900 DALLAS, TX 75201