



Chapter 313 Annual Eligibility Report Form

Form 50-772
(May 2010)

Tax Year covered in this report _____

School district name _____

I&S Tax Rate _____

M&O Tax Rate _____

Project Name _____

Company Name _____

Company Address _____

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.

Texas Taxpayer ID of Applicant _____

Texas Taxpayer ID Reporting Entity (if appropriate) _____

Date of Agreement Approval _____

Original Applicant Name _____

First complete tax year of the qualifying time period _____

Last tax year of the qualifying time period _____

First tax year of the limitation _____

Amount of the limitation at the time of application approval _____

QUALIFIED PROPERTY INFORMATION

Market Value _____

I&S Taxable Value _____

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: _____

What was the application review start date for your application (the date your application was determined to be complete)? _____
(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.) _____

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? _____

If the applicant requested a waiver of minimum jobs requirement, how many new jobs must the approved applicant create under the 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.) _____



What is the minimum required annual wage for each qualifying job in the year covered by the report? 30,400

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.

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

Of the qualifying job-holders last year, how many were employees of the approved applicant? 0

Of the qualifying 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? 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? 0

At what annual wage? 0

How many qualifying jobs were created at the specified wage? 0

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? n/a

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? 0.00%

Please describe your interest in the agreement and identify all the documents creating that interest.

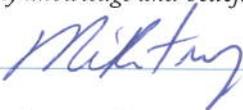
NOTE: For job definitions see TAC §9.1051(14) and Tax Code, §313.021(3). If the agreement includes a definition of "new job" other than TAC §9.1051(14)(C), then please provide the definition "new job" as used in the agreement.

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



Mike Fry

Printed name of authorized company representative

Consultant- Renewable Energy Services

7/14/2010

Title

Date

CONTACT INFORMATION FOR AUTHORIZED REPRESENTATIVE

K E Andrews ;1900 Dalrock Rd. Rowlett, Texas 75088

Address

469-298-1594

Phone

mfry@keatax.com

E-mail

Biennial Progress Report for Texas Economic Development Act

Form 50-773 (May 2010)

<p>Instructions:</p> <ul style="list-style-type: none"> • 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 applicant on Line 9 below. • Applicants should report their proportionate share of required employment and investment information. • If the original applicant is still the only agreement holder, please do not complete Lines 31 and 32 below. <p><i>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 applicant's data for the entire agreement must be completed.</i></p> <ul style="list-style-type: none"> • If one of the applicants cannot provide this information, a summarization report must be completed by the school district. 	<ul style="list-style-type: none"> • 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. <p>Note:</p> <ul style="list-style-type: none"> • 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 <i>unsigned electronic version</i> and a <i>signed hard copy version</i> 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.window.state.tx.us/taxinfo/proptax/hb1200/index.html. • 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.
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1	Name of school district	Blackwell
2	Name of CAD appraising the qualified property in this school district	Taylor and Nolan Counties
3	Name of project on original application (or short description of facility)	Buffalo Gap Wind Farm 5, LLC
4	Name of applicant on original application	Buffalo Gap Wind Farm 5, LLC
5	Date original application filed with school district	24-Jul-07
6	Name of company entering into original agreement with district	Buffalo Gap Wind Farm 5, LLC
7	Date original limitation agreement approved by school district	10-Sep-07
8	Date of final signing of agreement (if different from board approval date)	
9	Name of current agreement holder(s)	Buffalo Gap Wind Farm 3, LLC; Buffalo Gap Wind Farm 4, LLC; Buffalo Gap Wind Farm 5, LLC; Buffalo Gap Wind Farm 6, LLC
10	Complete mailing address of current agreement holder	10718 FM 89 - Merkel, TX 79536
11	Name of company contact person for agreement holder	Mr. Qing Fang
12	Title of company contact person	President
13	Phone number of company contact person	325-408-2888
14	E-mail address of company contact person	qing.fang@aes.com
15	Texas franchise tax ID number of current agreement holder:	32033175343
16	If the current agreement holder does not report under the franchise tax law, please include name and tax ID of reporting entity.	n/a
17	NAICS Code of current agreement holder (6 Digit):	221119
18	Name of authorized company representative (if different from above):	Mike Fry
19	Title of authorized company representative (if different from above):	Agent
20	Phone of authorized company representative (if different from above):	469-298-1594
21	E-mail of authorized company representative (if different from above):	mfry@keatax.com
22	Complete mailing address of authorized company representative (if different from above):	1900 Dalrock Rd - Rowlett, TX 75088
23	First (complete) year of Qualifying Time Period – after the date the application is approved. See Tax Code §313.021[4]:	2008
24	First year of property value limitation (generally the third complete year of the agreement):	2010
25	Original Limitation Amount (for entire agreement):	10,000,000
26	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
27	Date of construction commencement (estimate if in the future):	2008
28	Date construction completed (actual or estimate if in the future):	2008
29	Has the description of the qualified property changed from that in the application? If so, 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.	No
30	What was the number of permanent existing jobs at this facility prior to application?	Buffalo Gap Wind Farm 3, LLC; Buffalo Gap Wind Farm 4, LLC; Buffalo Gap Wind Farm 5, LLC; Buffalo Gap Wind Farm 6, LLC
31	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.)	n/a
32	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.)	n/a
33	If the agreement includes a definition of "new job" other than TAC §9.1051(14)(C), please provide the definition of "new job" as used in the agreement. (Use attachments if needed.)	

Form continues on second tab

District Name Blackwell CISD
 Company Name Buffalo Gap Wind Farm 5, LLC

Biennial Progress Report for Texas Economic Development Act
 Buffalo Gap Wind Farm 5, LLC
 2008

	Please enter tax years (YYYY) here (starting in "Year 1"). --	Qualifying Time Period					Limitation Period				
		Year 1 (First Complete Tax Year)	Year 2	Year 3	Year 4	Year 5 (First Complete Tax Year)	Year 6	Year 7	Year 8	Year 9	Year 10
34	Number of qualifying jobs ² applicant committed to create on application (cumulative)**	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
35	Number of qualifying jobs ² applicant actually created (cumulative)**	0	4	4	4	4	4	4	4	4	4
36	Number of new jobs ³ created (cumulative)**	0	10	10	10	10	10	10	10	10	10
37	Number of new jobs ³ created that provide health benefits for employees (cumulative)**	0	10	10	10	10	10	10	10	10	10
38	Median annual wage of new jobs each applicant created***	\$0	\$47,667	\$47,667	\$47,667	\$47,667	\$47,667	\$47,667	\$47,667	\$47,667	\$47,667
39	Average annual wage of new jobs each applicant created***	\$0	\$47,667	\$47,667	\$47,667	\$47,667	\$47,667	\$47,667	\$47,667	\$47,667	\$47,667
40	Total investment for this project (per year or time period, not cumulative) ^{4**}	\$0	\$47,667	\$47,667	\$47,667	\$47,667	\$47,667	\$47,667	\$47,667	\$47,667	\$47,667
41	Amount of qualified investment applicant actually spent or allocated for this project ⁵ (per year or time period, not cumulative)** (See also Note #1.)	\$0	\$0	0	0	0	0	0	0	0	0
42	Market value of qualified property on January 1 before any exemptions ^{6**}	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
43	Market value of qualified property (amount shown in #42) less any exemptions, but before the limitation on value authorized by Tax Code Chapter 313**	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
44	Limitation amount in each of years 1-10. ^{7**}	\$10,000,000	\$10,000,000	\$10,000,000	\$10,000,000	\$10,000,000	\$10,000,000	\$10,000,000	\$10,000,000	\$10,000,000	\$10,000,000
45	Taxable value of qualified property certified by the county appraisal district for the purposes of school M&O taxes**	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
46	School District M&O tax rate (per hundred dollars of value)*	1.0400	1.0400	1.0400	1.0400	1.0400	1.0400	1.0400	1.0400	1.0400	1.0400
47	School district I&S tax rate (per hundred dollars of value)*	0.09545	0.09545	0.05964	0.05964	0.05964	0.05964	0.05964	0.05964	0.05964	0.05964
48	Total school district ad valorem tax levy (M&O and I&S) on qualified property*	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

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

Notes:

- Only projects with agreements executed after June 19, 2009 may have any qualified investment between the time of application approval and Jan. 1 of subsequent tax year.
- Jobs meeting all of the requirements of Tax Code §313.021(3). Each qualifying job is a new job that meets the wage standard for that school district, and is covered by a group health benefits plan for which the employer offers to pay at least 80 percent of the employee-only premium. Do not include construction jobs in counts of qualifying jobs.
- For new job definition see TAC §9.1051(14).
- Total investment is all investment at original cost, including land acquired after filing of application. Investments made in one year should be reflected in the subsequent year's market value.
- The investment made during the qualifying time period meeting the requirements of Tax Code §313.021(1). Fill in amounts for the time between the application approval and Jan. 1 of first tax year, Year 1 and Year 2 only. (See also Note #1)
- For all values, use those from CAD as available. For future years, use market value that the entry estimates will approximate the market value for ad valorem tax purposes in that year.
- This amount may vary annually for agreements with multiple agreement-holders. Subentries should enter their share of original limitation amount. Limitation amounts of all subentries should sum to that of the original limitation amount originally approved by the school district.

By signing below, I, Mike Fey, certify that I am the authorized representative of Buffalo Gap Wind Farms, 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.

The CPA requests companies complete the electronic spreadsheet version of the form. Please submit both an *unsigned electronic version* and a *signed hard copy version* of the spreadsheet (with any attachments) to the district.

Authorized Official Sign Mike Fey Date 7/14/2010
 Here Mike Fey Phone (Area Code and Number) 469-298-1594
 Print Name/Title Consultant - Renewable Energy Services
 Buffalo Gap Wind Farms, LLC