

Data Center Investment Program 2023 Annual Report

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1. Introduction

The Data Center Investment Program (the "Program") is one of the newer business incentives offered by the Illinois Department of Commerce and Economic Opportunity (the "Department"). Established by Public Act 101-31, as amended by Public Acts 01-604 and 102-427, the Program is designed to attract large-scale data centers through a variety of sales and use tax exemptions and provides for tax credits related to the construction of projects located in underserved areas. The following report details the guidelines and performance of the Program since inception in mid-2019 through December 31, 2023. This is the fourth annual report for the Program, submitted pursuant to 20 ILCS 605/605-1025.

2. Eligibility Requirements

The Program is intended to help Illinois compete with other states in the attraction of large-scale data centers. Data center owners or operators interested in the Program must submit an application to the Department for review. Upon approval of the application by the Department's Business Development Committee and Director, the Department enters into a memorandum of understanding ("MOU") with the qualified data center. The MOU sets forth the terms and conditions under which the data center may receive sales and use tax exemptions, and in some cases tax credits, for up to 20 years.

In order to be designated as a qualifying data center, the applicant must satisfy the following statutory requirements:

- 1. The project must be located in Illinois;
- 2. Make at least a \$250 million capital investment collectively between the data center owner/operator and any tenants;
 - For existing data centers, the capital investment must have been made within the 60month period preceding January 1, 2020, or a 60-month period beginning before January 1, 2020; or
 - 2. For new data centers, the capital investment must be made within a 60-month period to be agreed to between the Department and the data center owner/operator;
- 3. The project must result in at least 20 new full-time or full-time equivalent jobs associated with the operation or maintenance of the data center;
 - 1. The jobs must have total compensation equal to or exceeding 120% of the average wage paid to full-time employees in the county where the data center is located;
- 4. Within two years of the project being placed in service, demonstrate that the data center is carbon neutral or attained one of the following green building standards:
 - 1. BREEAM for New Construction or BREEAM for In-Use,
 - 2. ENERGY STAR,
 - 3. Envision,
 - 4. ISO 50001 energy management,
 - 5. LEED for Building Design and Construction or LEED for Operations and Maintenance,
 - 6. Green Globes for New Construction or Green Globes for Existing Buildings,
 - 7. UL 3223, or
 - 8. an equivalent program approved by the Department;

- 5. The data center owner or operator must require all contractors and subcontractors comply with Section 30-22 of the Illinois Procurement Code as they apply to responsible bidders and present evidence to the Department of such compliance; and
- 6. The data center owner or operator must require its contractor to enter into a project labor agreement approved by the Department.

Qualifying data centers are entitled to an exemption from the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, all locally-imposed retailers' occupation taxes administered and collected by the Department of Revenue, and the Chicago non-titled Use Tax. In the event the project is in an underserved area, the data center owner or operator may also receive a credit equal to 20% of the wages paid to construction workers on the project.

In order to attain the certificate of exemption and tax credit certificates, the data center owner or operator must enter into an MOU with the Department that contains the following:

- 1. Details for determining the amount of the capital investment to be made;
- 2. The number of new jobs to be created;
- 3. The timeline for achieving the capital investment and job creation targets;
- 4. The repayment obligations should these targets not be achieved and any conditions under which repayment by the data center or tenant claiming the exemption or credit will be required;
- 5. The duration of the agreement; and
- 6. Any other provisions the Department deems necessary.

The Department issues tax exemption certificates to qualifying data center owners and operators upon execution of the governing MOU. While the qualifying data center owners and operators may receive exemptions for up to 20 years, tax exemptions certificates are issued in five year increments and subject to renewal. This five-year renewal process follows the practice employed by the Department for issuance of exemption certificates under the Enterprise Zone and High Impact Business programs. Qualifying data centers located in underserved areas may also receive a tax credit certificate for 20% of construction wages paid following execution of the MOU and upon proof of payment.

90 days after the earlier of the placed in service date or the end of the 60-month period specified in the MOU, the data center must provide an agreed upon procedures (AUP) report from an independent accountant demonstrating the requisite investment has been made and the minimum number of new employees have been hired. Within two years after the earlier of the placed in service date or the end of the 60-month period specified in the MOU, the data center must provide proof the project is carbon neutral or attained an approved green building standard and continues to hold such designation. Qualifying data centers must also annually report the number of new full-time and full-time equivalent jobs created, the amount of investment made, the value of the tax benefits or exemptions received by the data center in the prior calendar year, and, for projects located in underserved areas, the estimated value of tax credits earned by the data center in the prior calendar year. The results of this annual reporting are found in Section 5 of this report.

3. Competitor State Tax Incentive Programs

State tax incentives for data centers are everchanging as state legislative initiatives aim to become more competitive in the data center industry. Most states provide exemptions but include sunset provisions. It is important for the Department to track legislative modifications from competing states as it relates to the growing list of industry available incentives and exemptions. The table below shows provisions and limitations of state data center exemptions to help with the decision making:

State	Incentives	Duration	Requirements
IL	Offers exemptions on various	20 years, with	Requires approval from the
	taxes including use tax, service	renewable	Department of Revenue and an
	use tax, service occupation tax,	exemption	MOU.
	and state and local retailer's	certificates issued	
	occupation tax.	every 5 years.	Imposes a high minimum
			investment requirement of at
	Exempts tangible personal		least \$250 million.
	property, including electrical,		
	climate control, and monitoring		Requires creating 20 jobs with
	systems, equipment,		wages at least 120% of the
	telecommunications		median county wage.
	infrastructure, and building		
	materials.		Allows collocation and issuance of
			certificates until July 1, 2029.
AL	Offers sales and use tax	Incentives can last for	Requires a minimum investment
	incentives, as well as property	10 to 30 years,	ranging from \$200 million to over
	tax incentives.	depending on the	\$400 million for different
		investment amount.	abatement periods.
	Sales and use tax exemptions		
	cover materials, equipment,		Creating at least 20 new jobs with
	and other capitalized costs.		a minimum wage of \$40,000.
	Property tax incentives are		
	available for real and personal		
	property incorporated into the		
	project.		
	Allows collocation and extends		
	incentives to co-located users.		

AZ	Provides transaction privilege tax and use tax incentives. Certifies data centers through the Arizona Commerce Authority. Exempts equipment, including water conservation systems, software, and tangible personal property.	Offers a 10-year exemption period, extendable to 20 years for sustainable redevelopment projects.	Requires a minimum investment of \$25 million in counties with populations under 800,000, or \$50 million in counties with populations over 800,000.
AR	Offers sales and use tax incentives. Exempts data center equipment, eligible data center costs, services purchased for data center development, and electricity.	No duration limits noted.	Requires at least \$500 million investment within five years of occupancy certificate issuance. Mandates an aggregate annualized compensation of at least \$1 million to in-state employees over two calendar years following operations commencement.
GA	Offers sales and use tax exemptions for computer equipment, data center equipment, and related items. Allows collocation but prohibits claiming jobs credit for qualifying data centers. Has separate sunset provisions for equipment and data center exemptions: December 31, 2028, for equipment and December 31, 2031, for data centers.	10 years.	Prequalification is required for data centers, but high-tech equipment exemption may be claimed through pre-application or a refund. An equipment exemption of at least \$15 million per calendar year and a data center investment of \$100 million to \$250 million based on county population. At least 20 quality jobs for data center exemption.
ID	No prequalification required, but the entity must certify it will meet the criteria. Automatically operates with stringent criteria for IT	No duration limits noted.	Requires a substantial investment of at least \$250 million. Mandates creating 30 new jobs.

p A e: b N	equipment and associated burchases. Allows collocation but limits the exemption to the qualifying business entity. Not available to taxpayers receiving incentives under the		
	daho Reimbursement Incentive Act.		
re p Ex in sy	Offers exemptions on gross retail and use tax, and local property tax. Exempts various equipment, including water conservation systems, monitoring systems, coftware, other tangible	Provides a qualifying period of 25 years, or 50 years if the investment is at least \$750 million.	Requires specific transaction award certificates from the Indiana Economic Development Corp. Imposes varying investment requirements based on county population, ranging from \$25
el u:	personal property, and all electricity electricity (excluding electricity used in administration of the facility).		million to \$150 million. No specific job requirements mentioned. Collocation is permitted, and the incentives are not available to taxpayers receiving incentives under the Idaho Reimbursement Incentive Act.
in ta E: e: a: n: N re Ic	Offers sales and use tax ncentives, as well as property ax benefits. Exempts eligible server equipment and purchases associated with constructing new data center facilities. Not available to taxpayers receiving incentives under the daho Reimbursement Incentive Act.	No duration limits noted.	Requires a minimum investment of at least \$200 million. Sets a requirement of creating 30 new jobs. Collocation is not permitted, and only the qualifying business entity may take the exemption.
	Offers incentives in the form of cales and use tax exemptions.	No duration limits noted.	Requires approval for a refund, with no interest allowed.

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	Exempts computer systems, including personal computers, laptops, computer software, computer servers, processors, co-processors, memory devices, storage devices, input and output devices, and other similar devices deployed as part of the system configuration. Does not allow the use of the jobs tax credit for qualifying data centers.		Requires a minimum investment of at least \$100 million. Does not require collocation.
FL	Offers sales and use tax exemptions on various items, including construction material, machinery, equipment, tangible personal property, and electricity.	No duration limits noted.	Requires application to the Department of Revenue for a tax exemption certificate. Requires a minimum investment of at least \$150 million.
	Allows collocation and extends benefits to qualifying tenants.		
MI	Offers incentives in the form of sales and use tax exemptions and property tax exemptions.	No duration limits noted.	Requires filing of Form 5726 reporting exempt equipment from 2020 onwards.
	Exempts equipment, including computers, servers, routers, switches, backup generators, environmental control		Does not specify a minimum investment requirement. Does not require job creation.
	equipment, etc.		Allows collocation with included
	Property tax exemption applies only to data centers in "renaissance zones" approved in 2016.		businesses.

MD	Offers sales and use tax incentives and property tax incentives. Exempts various equipment and materials including computer equipment, software, energy generation equipment, heating or cooling systems, etc. Property tax exemptions apply based on the area of investment.	Offers renewable incentives up to 10 years, extendable to 20 years for larger investments.	Requires certification from the Comptroller and renewal annually. Requires a minimum investment of at least \$2 million in tier 1 areas and at least \$5 million for businesses in other areas. Requires at least five qualified positions. Allows collocation but does not specify further details.
MN	Provides sales and use tax incentives. Certification by the Department of Employment and Economic Development is necessary. Allows sales tax exemption for electricity used in operating or maintaining a qualified data center, enterprise information technology equipment, and software.	Offers incentives for up to 20 years or until June 30, 2042, whichever is earlier.	Requires a minimum investment of at least \$30 million for new data centers and at least \$50 million for refurbished data centers. No specified job requirement mentioned. Allows collocation and tenants to file for refunds using sales tax refund forms.
MS	Offers sales and use tax, income tax, and franchise tax incentives. Exempts component materials, machinery, equipment, software, and electricity from sales and use tax. Provides exemption for income earned by the certified business enterprise and franchise taxes imposed on the value of capital used.	No duration limits noted.	Requires a minimum investment of at least \$20 million. Mandates the creation of 20 new full-time jobs with a minimum average salary of not less than 125% of the average state wage. Does not specify whether collocation is permitted. Certification from the state Development Authority is necessary.

МО	Offers sales and use tax incentives. Exempts utilities (including energy, gas, and water), machinery, equipment, computers, and construction materials from sales and use tax.	Provides a 15-year exemption for new facilities and a 10-year exemption for existing facilities.	Requires submission of a notice of intent and project plan to the Department of Economic. Specifies an investment requirement of at least \$25 million for new facilities and at least \$5 million for existing facilities. Requires the creation of 10 jobs for new facilities and 5 new jobs for existing facilities. Permits collocation. Not eligible for the business recruitment tax credit.
NE	N/A	No duration limits noted.	No new applications after Dec. 31, 2020, but qualified businesses continue to claim benefits.
NV	Provides sales and use tax incentives as well as property tax incentives. Exempts various items including equipment, software, and electricity from sales and use tax.	10 or 20 years.	Requires the Department of Revenue (DOR) to issue an exemption certificate if the Office of Economic Development approves the application for an abatement. Specifies investment requirements of at least \$25 million for a 10-year abatement or at least \$100 million for a 10- to 20-year abatement. Requires the creation of at least 10 jobs for a 10-year abatement or at least 50 jobs for a 10- to 20-year abatement. Allows collocation.

			Not eligible for certain other incentives such as the business recruitment tax credit. Sunset date: January 1, 2056.
NY	Offers sales and use tax exemptions. Exempts machinery, equipment, other tangible personal property, and services related to data centers from sales and use tax.	No duration limits noted.	Does not specify investment or job requirements. No limitations on collocation. Does not require prequalification but may use ST-121.5 form when making purchases.
NC	Provides sales and use tax incentives. Exempts computer software for data centers, electricity, and support equipment for qualifying data centers from sales and use tax.	No duration limits noted.	Generally, does not require prequalification but purchases of electricity may require application to the Secretary of Commerce. Investment requirement: For qualifying data centers, at least \$75 million. Job requirement: Not specified. Allows collocation.
ОН	Offers sales and use tax incentives. Tax credit authority may completely or partially exempt taxes. Exempts computer data center equipment used or to be used at an eligible data center from sales and use tax.	No duration limits noted.	Investment requirement: Capital investment of \$100 million during at least 3 consecutive calendar years. Job requirement: Annual payroll of at least \$1.5 million or more. Allows collocation.

ND	Provides sales and use tax	Offers an indefinite	No specific investment
IND	incentives.		•
	incentives.	qualifying period.	requirement mentioned.
	Exempts IT equipment and computer software from sales and use tax.		No specific job requirement mentioned.
	and use tax.		Allows collocation.
ОК	Offers sales and use tax	No duration limits	No specific investment
OK	incentives.	noted.	requirement mentioned.
	Exempts machinery and equipment purchased and used by establishments primarily		No specific job requirement mentioned.
	engaged in computer services and data processing from sales and use tax.		Collocation is permitted.
	Establishments receiving incentives under the Oklahoma Quality Jobs Program Act are not eligible.		
OR	Oregon offers sales and use tax exemptions as incentives for data centers.	The duration of the exemption is indefinite.	To benefit from the exemption, data centers must annually file an affidavit with the tax commission, affirming that the facility qualifies.
	The exemption applies to machinery and equipment purchased and used by establishments primarily engaged in computer services and data processing.		There are no specific investment or job requirements mentioned in the provided text for Oregon's data center incentives.
PA	Pennsylvania provides a state sales and use tax exemption as an incentive for data centers.	The duration of the exemption lasts until the 25th full calendar year after the	To qualify for the exemption, data center operators must meet specific investment and job creation thresholds.
	The exemption applies to computer data center equipment purchases.	calendar year in which the application for qualification is filed.	For counties with a population of 250,000 or less, data centers must invest at least \$75 million and create 25 new jobs.
			For counties with a population of more than 250,000, data centers

			must invest at least \$100 million
			and create 45 new jobs.
SC	South Carolina offers sales and use tax incentives for qualifying data centers. Eligible purchases include	No duration limits noted.	To qualify, data center operators must make significant investments. For example, one taxpayer must
	computers, equipment, hardware and software, and electricity.		invest at least \$50 million, or one or more taxpayers must invest at least \$75 million.
			Additionally, data centers must create 25 jobs with an average compensation level of 150% of the per capita income of the state or county.
TN	Tennessee offers sales and use tax exemptions for qualified data centers.	No duration limits noted.	Data center operators must make a significant investment of at least \$100 million during the investment period.
	Eligible purchases include computers, computer networks, software, peripheral devices, and repair and installation services used in the operation of a qualified data center. Additionally, there is a reduced (1.5%) rate on electricity.		They must also create at least 15 jobs paying at least 150% of the state's average wage.
TX	Texas offers sales and use tax exemptions for qualified large data centers. Qualified purchases include equipment, software, and electricity used in the operation of the data center.	The duration of the incentives depends on the investment amount: If the investment is under \$250 million, the incentives last for 10 years.	Data center operators must make a significant investment of at least \$200 million. They must also create at least 20 jobs paying at or above 120% of the average wage.
		If the investment is \$250 million or more, the incentives last for 15 years.	

VA	Virginia offers sales and use tax exemptions for qualifying data centers. The exemptions apply to computer equipment and enabling software used in data center operations.	No duration limits noted.	To qualify for the incentives, data center operators must make a substantial investment of at least \$150 million. For distressed localities, the investment requirement is reduced to \$70 million. They must also create at least 50 new jobs. For distressed localities, the jobs requirement is reduced to 10 jobs.
UT	Utah offers sales and use tax exemptions for data center equipment. The exemptions are available through standard exemption certificates (TC-721).	No duration limits noted.	There are no specific investment or job creation requirements mentioned in the provided information.
WA	Washington provides sales and use tax exemptions for eligible server equipment and infrastructure in both rural and urban data centers. Exemptions are available through an application process to the Department of Revenue (DOR) for an exemption certificate.	The incentives have specific sunset dates depending on the type of data center: Rural data centers: Sunset on July 1, 2048. Urban data centers: Sunset on July 1, 2038.	The data center must meet certain criteria related to job creation and net employment increase. The investment and job creation requirements vary depending on whether it's a rural or urban data center. The Department of Revenue (DOR) issues only six certificates for each type of data center (rural and urban) on a time-filed basis.
WV	West Virginia offers sales and use tax exemptions for personal property tax. The application and certification process are required from the tax commissioner.	No duration limits noted.	Specific personal property and purchase requirements. The incentives are available for prewritten computer software, computers, computer hardware, servers, building materials, and tangible personal property directly used in a qualified high-technology business or internet advertising business.

			Salvage value of servers directly used in a high-technology business or internet advertising business is exempt from property tax.
WY	Wyoming offers sales and use	No duration limits	The incentives cover prewritten
	tax exemptions for certain	noted.	software, computer equipment,
	equipment and supplies used in data centers.		uninterruptible power supplies,
	data centers.		and cooling equipment.
	Certification from the state		There are specified investment
	business council, indicating the		thresholds for initial capital
	creation of a specific number of		investment and additional
	jobs, is required to qualify for		investments in computer
	incentives.		equipment and power supplies.

4. Data Center Program Summary

The Department received 24 applications for the Data Center Program from June 28, 2019, through December 31, 2023. Below is an overview of those 24 applications:

Program Metric Category	As of 12/31/2023
Applications Received	24
Applications Approved	23
Applications Withdrawn/Denied	1
Applications Pending	2
Signed MOUs in 2023	23*
Number of Operator Sales & Use Tax Exemption	21
Certificates Issued	
Number of Tenant Sales & Use Tax Exemption	56
Certificates Issued	
Number of Construction Tax Credit Certificates Issued	0

^{*}Two applications approved in 2023 had MOUs fully executed by the department in 2024 and therefore they are not included in the list below.

The Department entered into MOUs and issued tax exemption certificates with the following 21 data center owners or operators as of December 31, 2023.

Company Name	Year	Site Location	Investment Commitment	Reported Investment as of 5/31/2023	Est. Value of Tax Benefits	No. of New Jobs	Under served
Digital Realty		Franklin	\$	\$	\$		
Trust, LP	2020	Park	404,482,346	404,482,346	40,448,235	20	Υ
STACK		Elk Grove	\$	\$	\$		
Infrastructure	2020	Village	250,000,000	557,328,313	25,000,000	20	N
NTT Global Data			\$	\$	\$		
Centers	2020	Itasca	276,000,000	1,222,982,420	27,600,000	20	N
T5@Chicago II,		Elk Grove	\$	\$	\$		
LLC	2020	Village	250,000,000	262,000,000	25,000,000	20	N
Coresite, L.P.	2020	Chicago	\$ 250,000,000	\$ 153,015,116	\$ 25,000,000	20	N
Microsoft		Elk Grove	\$	\$	\$		
Corporation	2020	Village	252,000,000	419,177,300	25,200,000	20	N
Microsoft			\$	\$	\$		
Corporation	2021	Northlake	388,134,927	388,134,927	38,813,493	20	N
Microsoft		Hoffman	\$	\$	\$		
Corporation	2021	Estates	275,000,000	248,786,804	27,500,000	20	N
Quality							
Technology			\$	\$	\$		
Service (QTS)	2021	Chicago	250,000,000	542,693,301	25,000,000	20	N
			\$	\$	\$		
Goldframe LLC	2021	DeKalb	800,000,000	3,549,853,762	80,000,000	50	Υ
		Elk Grove	\$	\$	\$		
SDC CHI I, LLC	2021	Village	250,000,000	464,448,345	25,000,000	20	Υ
Aligned Data			\$	\$	\$		
Centers	2021	Northlake	252,500,000	602,965,709	25,250,000	20	N
Digital Realty		Elk Grove	\$	\$	\$		
Trust, LP	2021	Village	280,608,349	280,680,349	28,060,835	29	Υ
CyrusOne (C1			\$	\$	\$		
Chicago)	2022	Aurora	250,000,000	1,231,325,143	25,000,000	20	N
SDC CHI II Busse,		Elk Grove	\$	\$	\$		
LLC	2022	Village	250,000,000	400,854,860	25,000,000	20	Υ
Metro Edge	2023	Chicago	\$ 257,123,954	\$ -	\$ 25,712,395	20	Υ
Elk Grove Village		Elk Grove	\$	\$	\$		
Property LLC	2023		517,200,000	94,329,071	51,720,000	20	N
			\$	\$	\$		
Serverfarm LLC	2023	Chicago	285,000,000	68,085,870	28,500,000	29	Υ

		Elk Grove	\$	\$	\$		
EdgeConneX	2023	Village	250,000,000	83,073,015	25,000,000	20	Υ
Aligned Data		Elk Grove	\$	\$	\$		
Centers	2023	Village	285,000,000	55,206,883	28,500,000	21	N
			\$	\$	\$		
Chirisa Volo LLC	2023	Volo	262,000,000	-	26,200,000	20	N
			\$	\$	\$		
Totals		21	6,535,049,576	11,029,423,534	653,504,958	469	

¹The Capital Investment must be made within a 60-month period to be agreed to between the Department and the data center owner/operator.

The primary benefit available to qualifying data centers is the exemption from state and local sales and use taxes; however, Section (e)(3) of the Data Center Program enabling statute directs the Department to annually report on "the estimated value of the credits." As tax credits are only available to projects located in underserved areas and section (h) refers to "tax benefits," the Department has reported the estimated value of the "tax benefits." In other words, the Department considers the estimated value reporting requirement to include both tax credits and exemptions. No claims for tax credits were made as of December 31, 2023. The above estimated values are based on the total value of the investment commitments made by the qualifying data centers. The Department estimates that the tax benefit value at 10% of the total investment. The 21 data centers that executed MOUs between June 28, 2019, and December 31, 2023, and received exemption certificates, reported 429 new jobs, 419 of which are associated with the operations and maintenance of those data centers. The data centers reported \$11,029,423,534 in capital investments and \$465,332,331 in reported exemption value, or 4% of the total investment.

The Department approved the following five amendments to existing Data Center MOUs in 2023.

- 1. <u>Microsoft Corporation (Elk Grove Village):</u> The MOU was amended to add the additional addresses of its planned campus expansion at its data center located in Elk Grove Village.
- 2. <u>Microsoft Corporation (Hoffman Estates):</u> The MOU was amended to add the additional addresses of its planned campus expansion at its data center located in Hoffman Estates.
- 3. <u>NTT Global Data Centers:</u> The MOU was amended to add the additional address of its planned second phase at its data center located in Itasca.
- 4. <u>NTT Global Data Centers:</u> The MOU was amended to add the additional address and an agreement holder to accommodate its planned third phase at its data center located in Itasca.
- SDC CHI I, LLC: The MOU was amended to add the additional address and update the company's
 investment commitment to accommodate its second phase at its data center located in Elk Grove
 Village.

The Department, through its collaboration with local partners and shareholders, continues to see tremendous growth in the industry, much in part to the success of the Data Center Investment Program. DCEO aims to maintain Illinois' place as a top ranked Global Data Center market and the Midwest Data Center Capital of North America.