

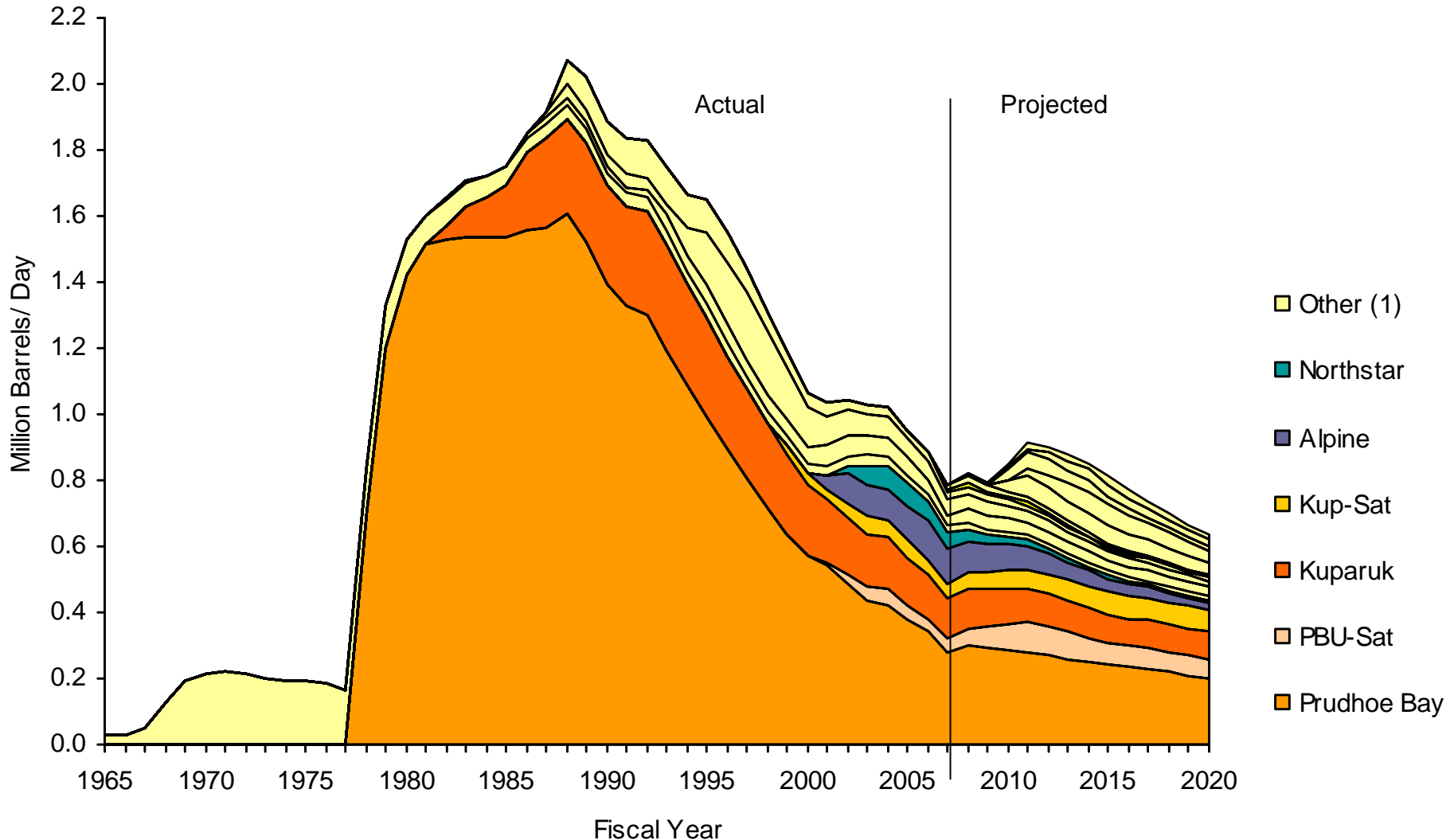
# House Oil & Gas Committee

## HB 2001 Details

Presentation by Dan E. Dickinson, CPA  
For Legislative Budget & Audit Committee  
October 23, 2007

- Part I – the view from 30,000 feet
- Part two, on the runway –
  - 14 issues in ‘detail’ and ‘summary’ comparisons

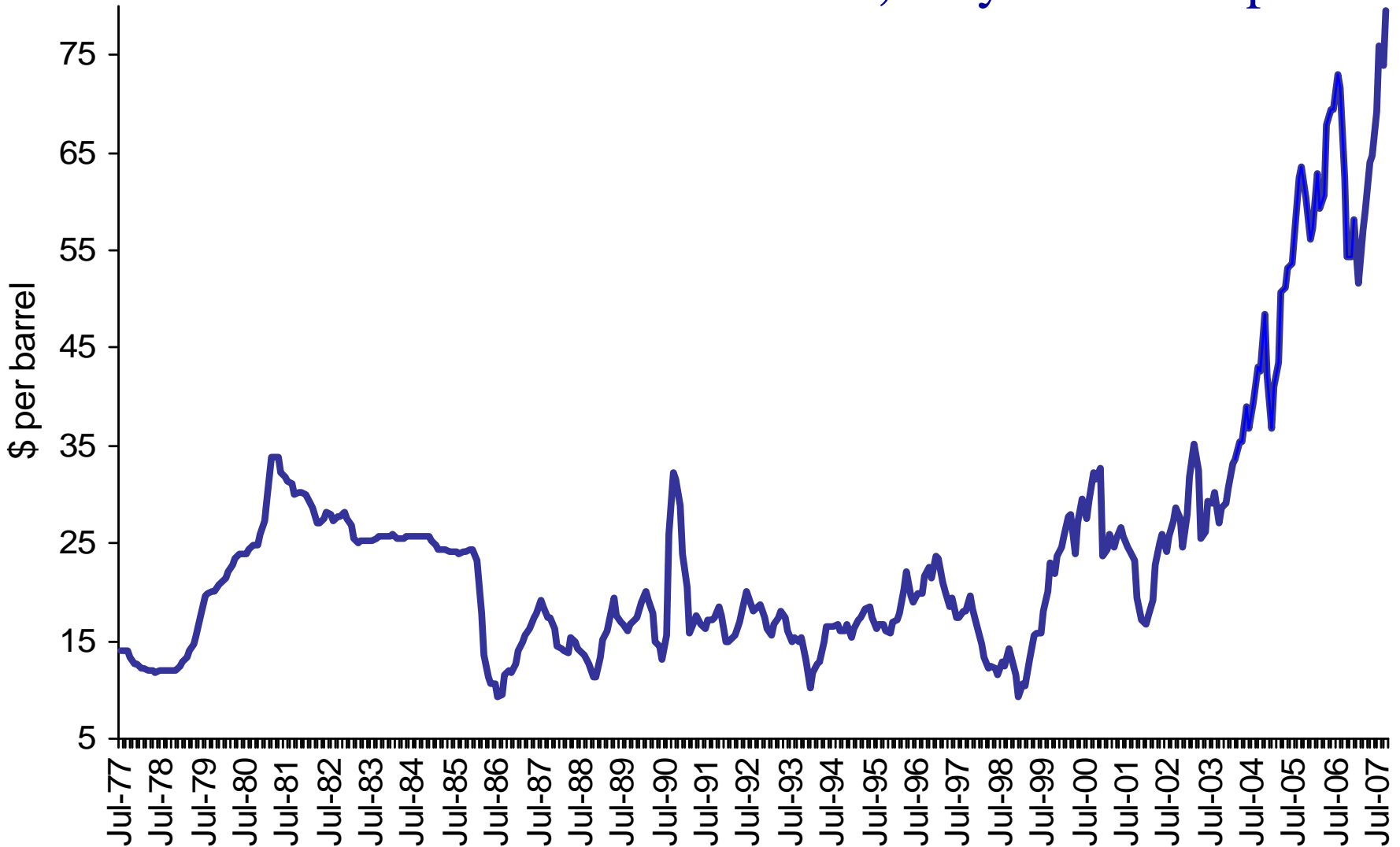
# Alaska Oil Production, 1965 - 2020



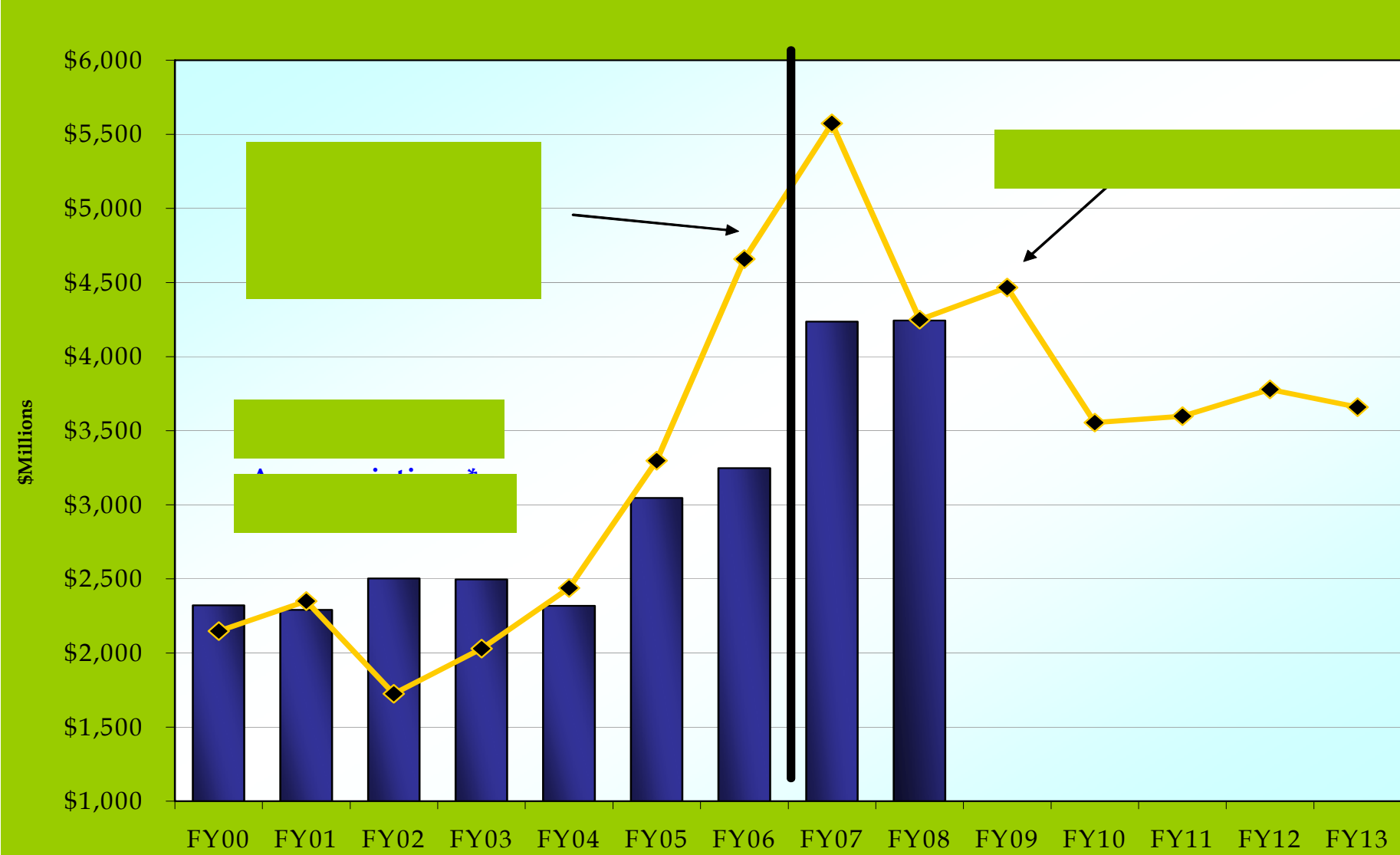
Source: Alaska Department of Revenue, Fall 2006 Revenue Sources Book. extrapolated

(1) Cook Inlet, Duck Island, Milne Point, Greater Point McIntyre, Liberty, Known On & Offshore, Fiord and NPRA.

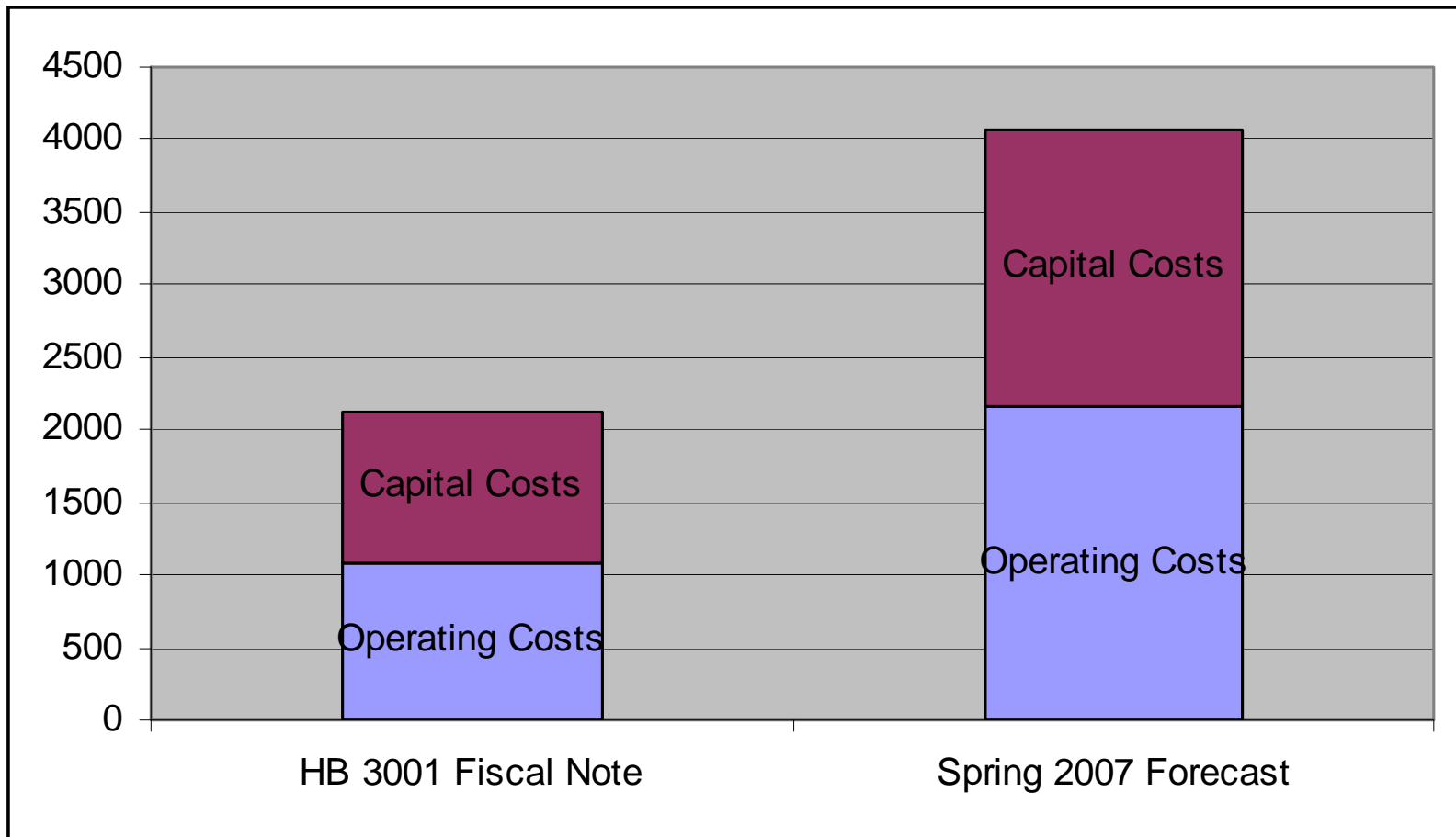
# ANS West Coast Price, July 1977 – Sept 2007



# Increasing Costs



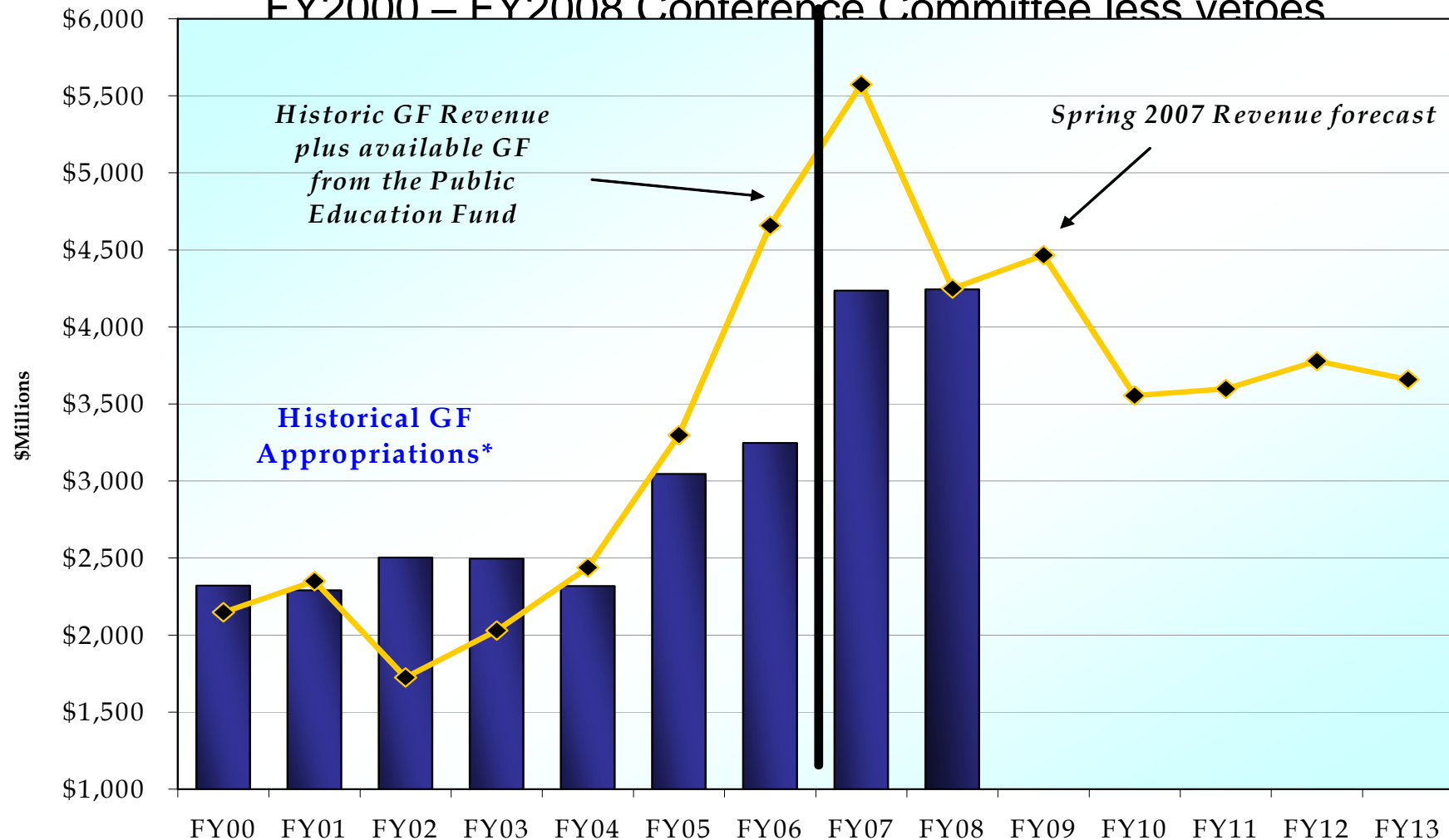
# FY 2007 Operating Cost Assumption (\$millions)



Source: DOR August 3, 2007 report

# General Fund Revenue including Public Education Fund versus Appropriations\*

FY2000 – FY2008 Conference Committee less vetoes



\*Excludes appropriations to Public education Fund and some other savings accounts. For example, FY07 excludes \$1.000 appropriation to Public Education Fund, \$182.7 million appropriation to Power Cost Equalization Endowment, \$50.0 million to CBB and estimated \$104.7 appropriation to the Alaska Capital Income Fund.

10/23/2007

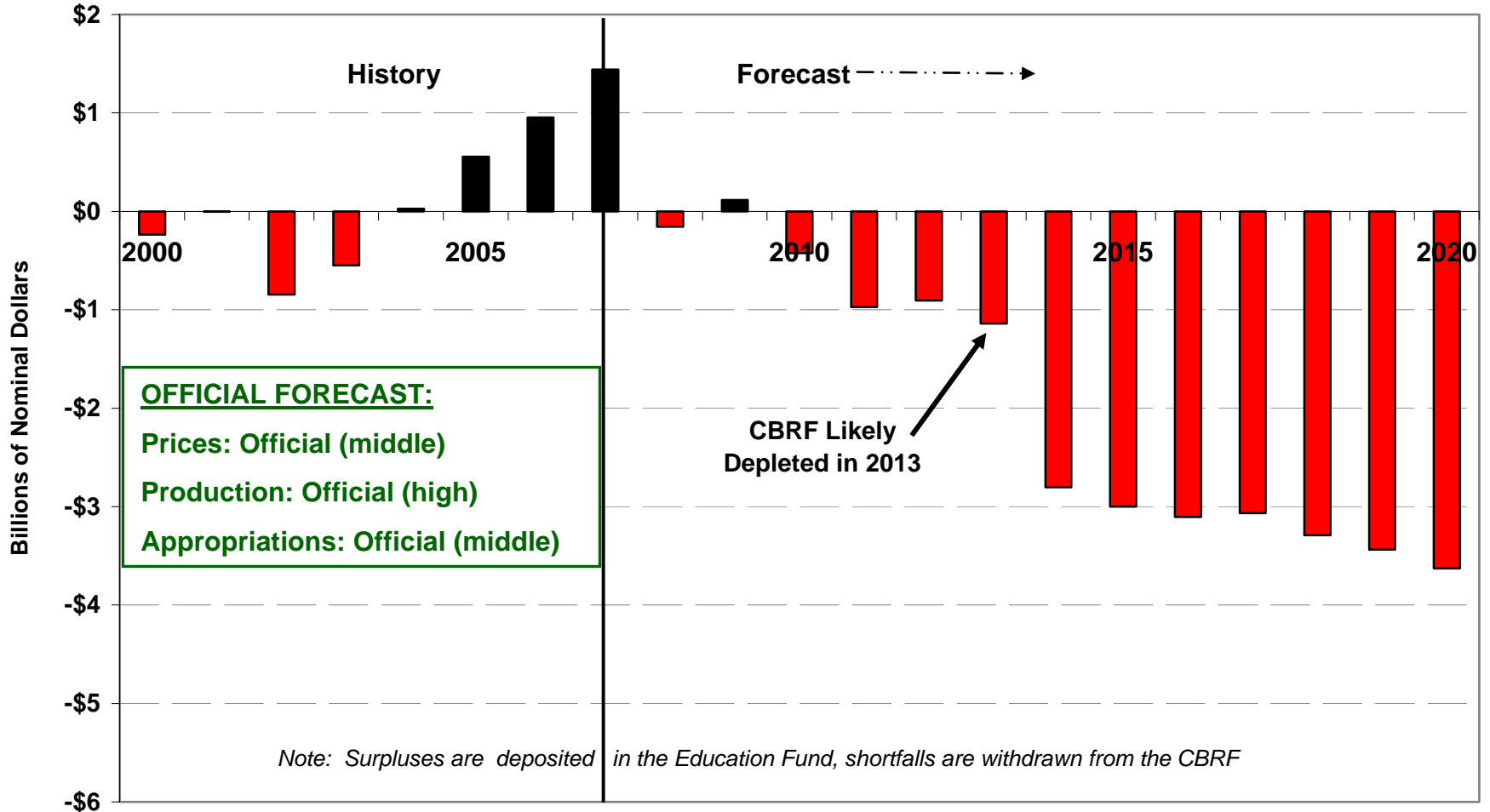
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Source: Office of Management and Enterprise Budget and Alaska Department of Revenue Spring 2007 Revenue Sources Book.

# Historical and Forecasted Budget Surpluses and Deficits FY 2000 to FY 2020

*assumes official revenue forecast (official prices, official production)  
and budget appropriations growth of 2.5%*





# Information

- Information informs and helps with judgments - But it doesn't usually "speak for itself":
- What would have happened differently in FY 2007 with better information?

# FY 2007 first snapshot

	Regular Session - May 2006
<b>FY 2007</b> - All figures in millions of dollars	
TOTAL GF REVENUE:	
Oil and Gas Property Tax	36.7
Oil and Gas Income Tax	479.2
Oil and Gas Production Tax	959.8
Oil and Gas Hazadous Release	7.8
Oil and Gas Royalties	1,524.9
Total Oil & Gas	<u>3,008.4</u>
Non oil and gas: All other Taxes, Charges, fines & Forfeitures, Rents, non oil and gas Royalties, Investment Revenues	<u>428.3</u>
Total GF Revenue	<u>3,436.7</u>
Forward funding of Education used in current year:	
TOTAL GF Appropriations/Authorizations:	3,209.1
SURPLUS	227.6

Source: Leg Finance and DOR Spring 2006 RSB; average forecast price\$53.60

# FY 2007 second snapshot

	Regular Session - May 2006	PPT	Special Session Aug 2006
<b>FY 2007</b> - All figures in millions of dollars			
TOTAL GF REVENUE:			
Oil and Gas Property Tax	36.7		36.7
Oil and Gas Income Tax	479.2		479.2
Oil and Gas Production Tax	959.8	1,343.0	2,302.8
Oil and Gas Hazadous Release	7.8		7.8
Oil and Gas Royalties	<u>1,524.9</u>		<u>1,524.9</u>
Total Oil & Gas	3,008.4		4,351.4
Non oil and gas: All other Taxes, Charges, fines & Forfeitures, Rents, non oil and gas Royalties, Investment Revenues	<u>428.3</u>		<u>428.3</u>
Total GF Revenue	3,436.7	1,343.0	4,779.7
Forward funding of Education used in current year:			
TOTAL GF Appropriations/Authorizations:	3,209.1		3,493.6
SURPLUS	227.6		1,286.1
Note: FY 2006 PPT payment in 2007		420.0	
FY 2007 payments in 2006:		<u>923.0</u>	
		1,343.0	

# FY 2007 third snapshot

	Regular Session - May 2006	Special Session Aug 2006	Spring Forecast 2007	Rec to Leg Fin 2007
<b>FY 2007</b> - All figures in millions of dollars				
<b>TOTAL GF REVENUE:</b>				
Oil and Gas Property Tax	36.7	36.7	52.0	
Oil and Gas Income Tax	479.2	479.2	565.1	
Oil and Gas Production Tax	959.8	2,302.8	2,114.2	
Oil and Gas Hazadous Release	7.8	7.8	10.4	
Oil and Gas Royalties	1,524.9	1,524.9	1,583.0	
Total Oil & Gas	3,008.4	4,351.4	4,324.7	
Non oil and gas: All other Taxes, Charges, fines & Forfeitures, Rents, non oil and gas Royalties, Investment Revenues	428.3	428.3	655.5	
Total GF Revenue	3,436.7	4,779.7	4,980.2	
Forward funding to Public Education Fund used in current year:				572.9
Total:				5,553.1
<b>TOTAL GF Appropriations/Authorizations:</b>	3,209.1	3,493.6	4,980.2	
Forward funding to Public Education Fund used in current year:				572.9
Total:				5,553.10
<b>SURPLUS</b>	227.6	1,286.1	-	
 NB: CBRF:	20.0		70.0	

# FY 2007 comparisons

	Special Session Aug 2006	Spring Forecast 2007	difference	%
<b>FY 2007</b> - All figures in millions of dollars				
TOTAL GF REVENUE:				
Oil and Gas Property Tax	36.7	52.0	15.30	42%
Oil and Gas Income Tax	479.2	565.1	85.90	18%
Oil and Gas Production Tax	2,302.8	2,114.2	(188.60)	-8%
Oil and Gas Hazardous Release	7.8	10.4	2.60	33%
Oil and Gas Royalties	1,524.9	1,583.0	58.10	4%
Total Oil & Gas	4,351.4	4,324.7	(26.70)	-1%
Non oil and gas: All other Taxes, Charges, fines & Forfeitures, Rents, non oil and gas Royalties, Investment Revenues	428.3	655.5	227.20	53%
Total GF Revenue	4,779.7	4,980.2	200.50	4%

# Information

- When and how would a ‘better’ forecast have made a difference?
- When and how would closer monitoring have made a difference?
- Separate debate about regulatory control issues – but that is different from the fiscal debate.
- Separate issue about long term policy

# One way to use the information:

Simple Model of FY 2008 Production Tax Revenue to match Administrations Sept 4th Handouts:

		Base Tax				Progressivity							Credits							
Price Scenarios on Sept 4 Handout	Annual Volumes (w/o royalty)	Total Destination Royalty Barrels	Less Downstream Value of non RSB	Less Upstream costs (capex and opex) from RSB	Resulting Production Tax Value	Tax Rate	Base Tax Calculation at 22.5% and 25% and difference	Per Barrel Production Tax Value	Adjustment for Price Index Calculation	Price Index	Progressivity Rate per Price Index Dollar	Resulting progressivity rate	Progressivity Tax = Rate times value	Total Tax before credits	T/E Credits (Transitional Investment Expenditures)	Capital Costs * 20% or .10%	Tax net of credits	Tax per Price Scenarios on Sept 4 Handout	Unaccounted for in this simple model	Unaccounted for in this simple model
\$/bbl	MM bbls	MM \$	MM \$	MM \$	MM \$	%	MM \$	\$/bbl	\$/bbl	\$/bbl	%	%	MM \$	MM \$	MM \$	MM \$	MM \$	MM \$	MM \$	%
A	B	C=	D	E	F=	G	H=	I=	J	K=	L	M=	N=	O=	P=	Q=	R=	S	T	U=
		(A * B)			(C+D+E)		(F*G)	(F/B)		(I-J)		(K*L)	(M*F)	(H+N)	(Q/2)		(O+P+Q)		(S-R)	(T/S)

## Under Current Law

		Total Cost:																		
		1,900.0																		
		Per bbl: (7.22)																		
30	244	7,320	(1,762)	(4,058)	1,500	22.5%	337.6	6.15	40.00					337.6	(190.0)	(380.0)	-	-		
40	244	9,760	(1,762)	(4,058)	3,940	22.5%	886.6	16.15	40.00					886.6	(190.0)	(380.0)	316.6	200	(116.6)	-58%
50	244	12,200	(1,762)	(4,058)	6,380	22.5%	1,435.6	26.15	40.00					1,435.6	(190.0)	(380.0)	865.6	700	(165.6)	-24%
60	244	14,640	(1,762)	(4,058)	8,820	22.5%	1,984.6	36.15	40.00					1,984.6	(190.0)	(380.0)	1,414.6	1,300	(114.6)	-9%
70	244	17,080	(1,762)	(4,058)	11,260	22.5%	2,533.6	46.15	40.00	6.15	0.25%	1.54%	173.1	2,706.7	(190.0)	(380.0)	2,136.7	2,000	(136.7)	-7%
80	244	19,520	(1,762)	(4,058)	13,701	22.5%	3,082.6	56.15	40.00	16.15	0.25%	4.04%	553.1	3,635.7	(190.0)	(380.0)	3,065.7			

## Under Changes indicated in Sept 4th Handouts

30						25.0%	375.1	6.15	30.00					375.1	(190.0)	185.1	200	14.9	7%
40						25.0%	985.1	16.15	30.00					985.1	(190.0)	795.1	800	4.9	1%
50						25.0%	1,595.1	26.15	30.00					1,595.1	(190.0)	1,405.1	1,300	(105.1)	-8%
60						25.0%	2,205.1	36.15	30.00	6.15	0.20%	1.23%	108.5	2,313.6	(190.0)	2,123.6	2,000	(123.6)	-6%
70						25.0%	2,815.1	46.15	30.00	16.15	0.20%	3.23%	363.7	3,178.8	(190.0)	2,988.8	2,900	(88.8)	-3%
80						25.0%	3,425.1	56.15	30.00	26.15	0.20%	5.23%	716.5	4,141.6	(190.0)	3,951.6			

## Incremental Change: Proposal less Current Law

30							37.5							37.5	190.0	190.0	185.1	200	14.9	7%
40							98.5							98.5	190.0	190.0	478.5	600	121.5	20%
50							159.5							159.5	190.0	190.0	539.5	600	60.5	10%
60							220.5	(10.00)	6.15			1.23%	108.5	329.0	190.0	190.0	709.0	700	(9.0)	-1%
70							281.5	(10.00)	10.00			1.69%	190.6	472.1	190.0	190.0	852.1	900	47.9	5%
80							342.5	(10.00)	10.00			1.19%	63	505.9	190.0	190.0	885.9			

10/23/2007

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# Work To Date

- **Summary** Comparison between Governor's October 1, 2007 Production Tax Proposal and Current Law (2 pages dated 10/8/07)
- **Detail** Comparison between Governor's October 1, 2007 Production Tax Proposal and Current Law (6 pages dated 10/8/07)
- **Preliminary estimate of the FY 2008 revenue effects of four changes proposed by Governor Sarah Palin to the oil and gas production tax as 43.55 ON Sept 4, 2007 and October 1, 2007 (October 3, 2007)**
- Sectional Analysis (with Steve Porter) On October 1 work draft, and supplemental analysis on SB/HB 2001



# Part II -detail

Looking for places where

- tax rules are replaced by the discretion of an agency (or vice versa)
- Broad and robust rules are replaced with narrow specific approaches.
- might make production tax, or features of it look more or less like a windfall profits tax
- Data might not yield hoped for information

# 1. Rate etc.

- Caveats on government take statistics
  - Apples to apples comparisons very useful – but be very wary about plucking numbers from different studies
  - Need to look at rest of the fiscal system. For example, some governments encourage developing high paying jobs (low industry taxes), and pick it up in personal income and consumption taxes.

## 2. Progressivity

- Switch in factors
- Switch from monthly to annual typically means lower dollars
  - Spikes don't average out
  - Higher base – but won't capture as much upside
    - Less progressive
- Modeling Issue – requirements

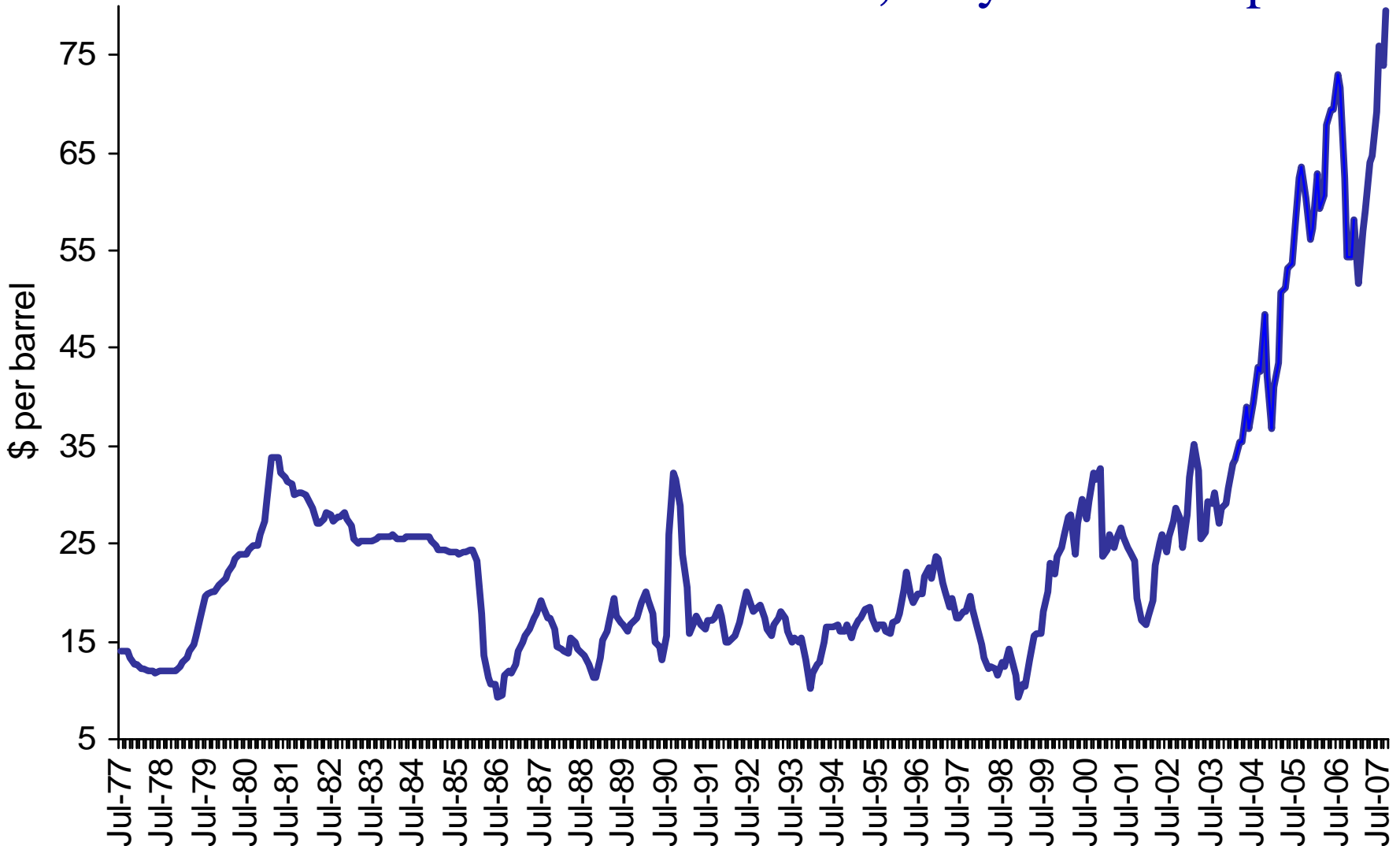
# 2. Progressivity

## Comparing Annual and Monthly analysis of FY 2008 with hypothetical spike

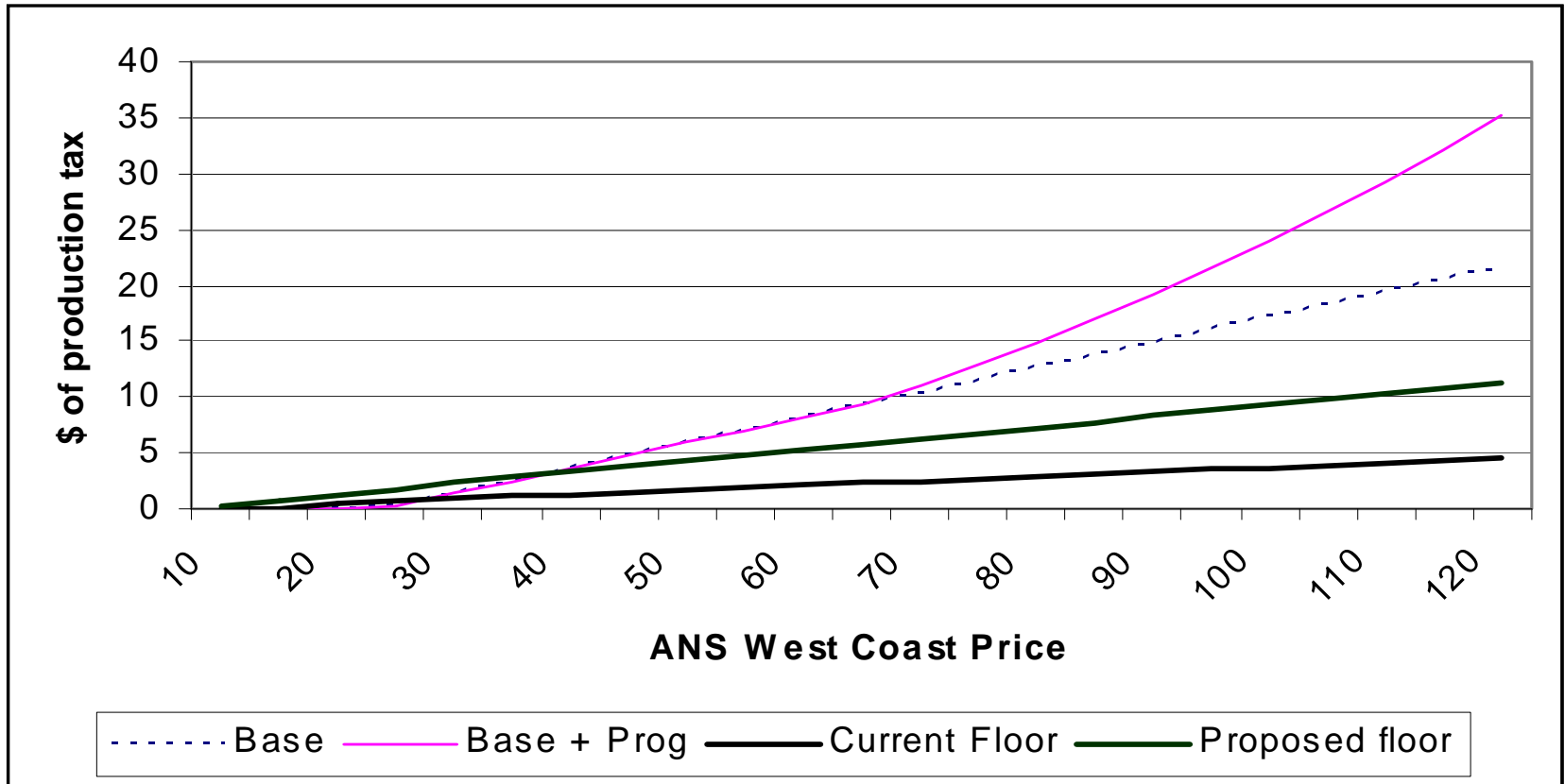
	US West Coast Price/ bbl	Per Barrel Total Costs	Per Barrel Production Tax Value	Adjustment Converting Production Tax Value to Price Index	Price Index	Rate per Dollar of Price Factor	Incremental Progressivity %	Volumes (millions of bbls)	Progressivity Tax (millions of dollars)
A	B	C	D= (B+C)	E	F= (D+E)	G	H= (F*G)	I	J= (D*H*I)
	\$/bbl	\$/bbl	\$/bbl	\$/bbl	\$/bbl	%	%	MM bbls	MM \$
<b>Monthly Analysis, \$40 Adjustment and .0025% Parameter under Current Law</b>									
Jul	51.43	(23.85)	27.58	(40.00)	-	0.25%	0.00%	20.7	-
Aug	51.43	(23.85)	27.58	(40.00)	-	0.25%	0.00%	20.7	-
Sep	51.43	(23.85)	27.58	(40.00)	-	0.25%	0.00%	20.1	-
Oct	51.43	(23.85)	27.58	(40.00)	-	0.25%	0.00%	20.7	-
Nov	51.43	(23.85)	27.58	(40.00)	-	0.25%	0.00%	20.1	-
Dec	51.43	(23.85)	27.58	(40.00)	-	0.25%	0.00%	20.7	-
Jan	77.15	(23.85)	53.29	(40.00)	13.29	0.25%	3.32%	20.7	36.7
Feb	102.86	(23.85)	79.01	(40.00)	39.01	0.25%	9.75%	18.7	144.2
Mar	77.15	(23.85)	53.29	(40.00)	13.29	0.25%	3.32%	20.7	36.7
Apr	51.43	(23.85)	27.58	(40.00)	-	0.25%	0.00%	20.1	-
May	51.43	(23.85)	27.58	(40.00)	-	0.25%	0.00%	20.7	-
Jun	51.43	(23.85)	27.58	(40.00)	-	0.25%	0.00%	20.1	-
								244.0	217.6
<b>Yearly Analysis, \$30 Adjustment and .002% Parameter, as Proposed</b>									
Yr	60.00	(23.85)	36.15	(30.00)	6.15	0.20%	1.23%	244.0	108.5

Source: Dickinson October 3 2007 report: NOT A PREDICTION  
 10/23/2007 Dan E. Dickinson CPA, House Oil & Gas on HB 2001

# ANS West Coast Price, July 1977 – Sept 2007

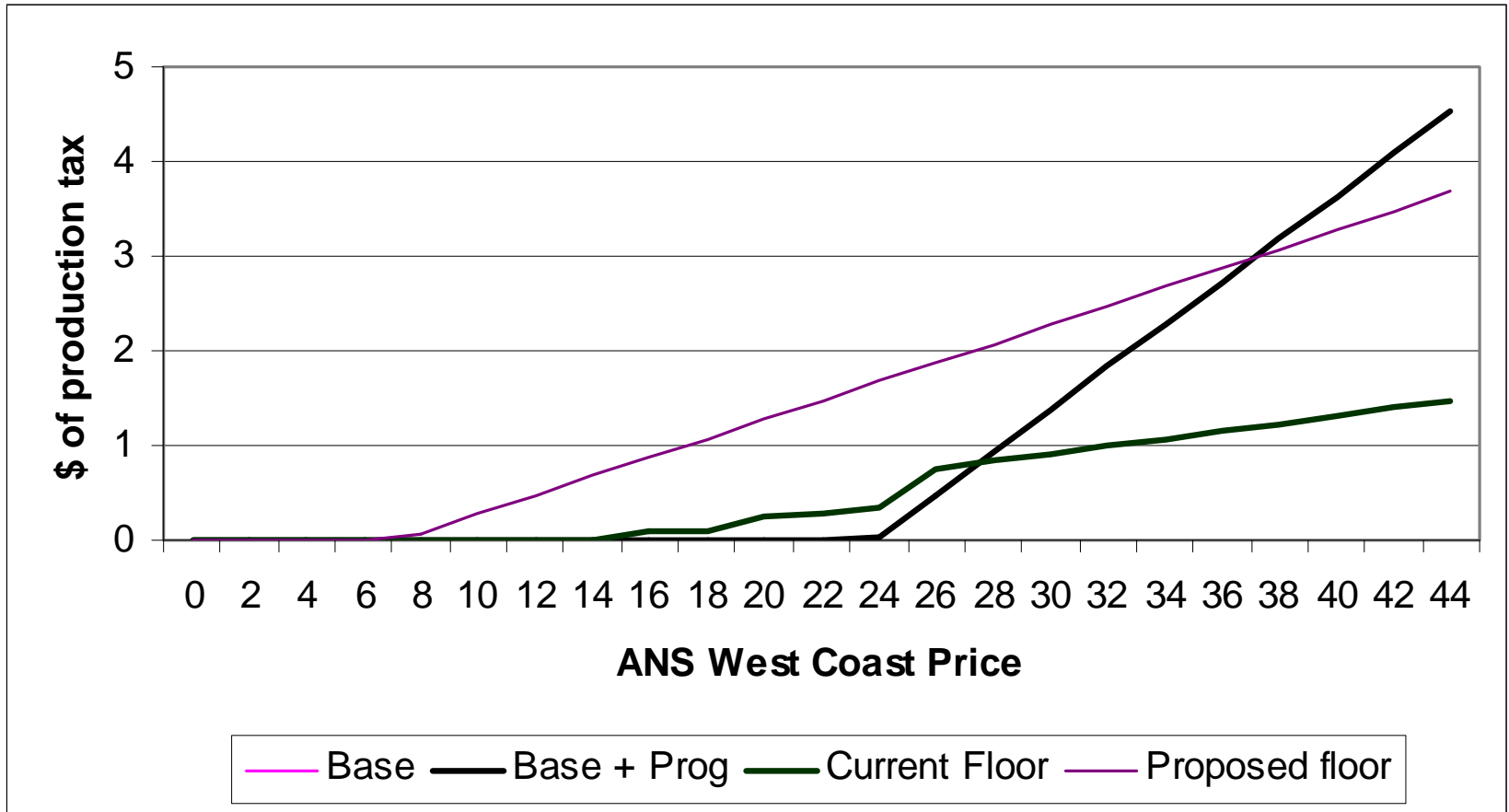


# 3. Effect of Gross Floors – Low End



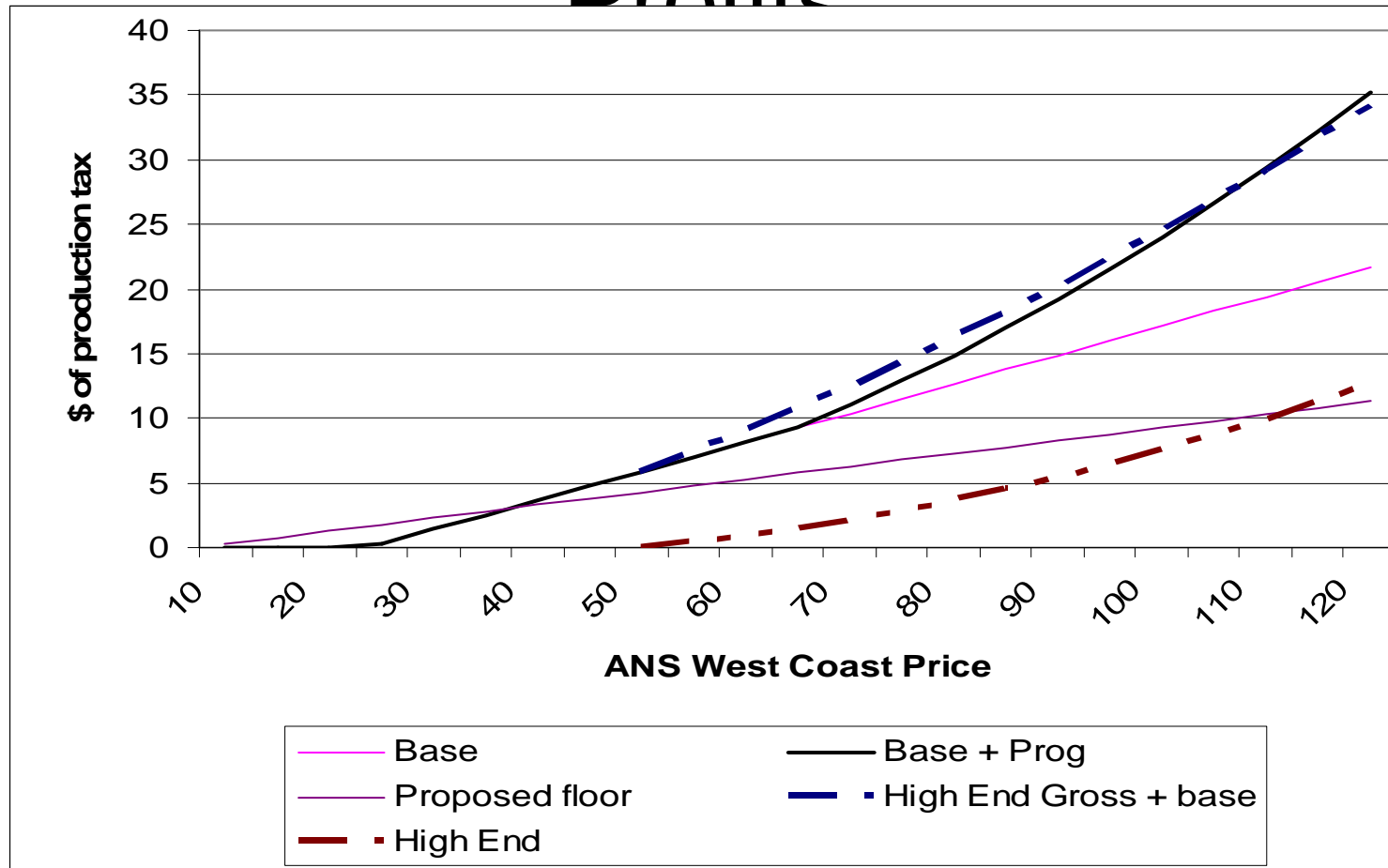
Cost assumption = \$7.22 downstream cost, 16.63 upstream cost,  
barrels assumed to be legacy production

# 3. Effect of Gross Floors – Low End



Cost assumption = \$7.22 downstream cost, 16.63 upstream cost,  
barrels assumed to be legacy production

# 3. Effect of Gross Floor- Windfall Profits



Cost assumption = \$7.22 downstream cost, 16.63 upstream cost, barrels assumed to be legacy production



### 3. Legacy Ring Fencing – One Way

- Proposal is to ring fence Prudhoe Bay and Kuparuk into a “legacy field”
- Profits generated in Legacy Fields could be offset by investment credits and losses elsewhere (except when floor in place)
- Investment credits and losses generated in Legacy Fields could be offset by profits generated elsewhere

# .023 Investment Credits

- .023 (b) Proposes to have loss carry forward credits calculated at the tax rate instead of 20%
  - makes sense to treat explorers and producers same
- .023 (d) proposal spreads credits out over two years-
  - because of difference between fiscal year and calendar year may not improve predictability that much
  - little actual fiscal effect after first year
- .023 (i) Proposed elimination of TIE credits
  - Compare rules to DNR Commissioner's proposed ability to grant credits for pre 2003 work in .025 (i)

# .024 Non Transferable Credits

- Only proposed change would not allow these to be applied against the floor.

# .025 Exploration Credits

- Proposal adds specific disallowances in .025(b) (3) for “costs arising from gross negligence or violations of health safety, or environmental statutes or regulations”
- Compare to lease expenditure disallowance in .165 (e) (6) for “costs arising from fraud, willful misconduct, gross negligence, violation of law, or failure to comply with an obligation under a lease, permit or license issued by the state or federal government”

# .025 Exploration Credits

- Current AS 43.55.025 (c) says bottom hole must be three mile from previously drilled bottom hole, except in CI, if DNR determines “distinct exploration target”
- Proposal has three requirements – DNR approval before hand, must meet 3 mile requirement if not in CI, DNR approval afterwards.
- Change from rules to seeking agency approval.

# .025 Exploration Credits

- Proposal would make data on non state lands more available to DNR and public as condition of credit.
- Using tax code for other (worthwhile) goals

# .025 Exploration Credits

- Under current law, only additional wells spudded in a drilling season (150 days) can qualify for exploration credits
- Under proposal that figure is expanded to two drilling seasons (540 days)
- Shifting credits to explorers

# .025 Exploration Credits

- Proposal will create mini-TIE allowing DNR to authorize tax credits for pre 2003 seismic work.
- Shift from rules to agency approval.



# 7. Allowable Lease Expenditures

## AS 43.55.160

- Proposal greatly simplified section because monthly calculations no longer needed for progressivity.
  - However, a monthly gross (destination value) based windfall profits tax would not require division of costs between months.

# 7. Allowable Lease Expenditures

## AS 43.55.165

- Under proposal allowable lease expenditures must be a defined in regulation
  - Switch from what is not forbidden is permitted to what is not permitted is forbidden.
- Can Joint interest billings be used? – although specific language is gone, appears DOR may still go down this road under its regulations

# 7. Allowable Lease Expenditures

## AS 43.55.165 (e) (6)

Current prohibition – “costs arising from

- fraud,
- willful misconduct or
- gross negligence”

Proposal adds

- violation of law; or
- failure to comply with an obligation under a lease, permit, or license issued by the state of federal government.
- Compare to proposed AS 43.55.025(b) (3)

# 7. Allowable Lease Expenditures

## AS 43.55.165 (e) (15)

- Dismantling, Removal and Restoration cash payments (DR&R) upstream
  - does not include common carrier pipelines
  - 'matching' accruals during operations not allowed
- Current law – allowed multiplied by a fraction of production before 2006 over total production
- Proposal totally disallows DR&R
- Even under current law much DR&R likely to never be deducted as no offsetting revenues.

# 7. Allowable Lease Expenditures

## AS 43.55.165 (e) (19)

- Proposal disallows costs arising in response to a problem which required an unscheduled reduction in production or resulted in an release of gas.
  - Regulations will probably define “unscheduled” -24 hour notice? Weekly? Annual? What if reduction amount is different from “scheduled” amount. What if one week of scheduled maintenance takes two weeks?
  - Encouraging capital investments to create Redundancy?
- Still allowed if “acts of God”

# 7. Allowable Lease Expenditures

## AS 43.55.165 (e) (18)

- Current law disallows 30 cents a barrel from what would otherwise be allowable capital costs
- This was described as dealing with the known corrosion issue.

# 7. Allowable Lease Expenditures

## AS 43.55.165 (e) (19)

- Compared with SB 80 approach which was built around the concept of “improper maintenance”
- Under current property tax law (AS 43.56), state actually taxes “replacement cost new less depreciation” or “as-if” North Slope facilities generated by cost studies. Millions of state and company dollars and spent on these models.
- Would probably build AS 43.55 “as-if” “well maintained” facilities

# 7. Allowable Lease Expenditures

## AS 43.55.165 (e) (19)

- Currently topping plants generate diesel on North slope that is used in production, and costs of plant are allowed.
- Under proposal cost of plant not allowed; instead “fair market value” of diesel less prevailing value of crude.
  - Market may not be broad
  - Specific plant under consideration



# 8. State Purchase of Credits (AS 43.55.028)

- Currently allowed if
  - Less than 50,000 bbls a day – i.e. not one of the big 3
  - Reinvest in state (including lease bids)
  - Taxpayer has no other delinquent taxes
  - Limited to \$25 million a year
- Proposal eliminates \$25 million limit
- Proposal establishes fund with percentage of tax revenues
- Removing cap not necessarily tied to separate fund.

# 9. Information AS 43.55.040 (5) & (6)

- Requires taxpayer “to file reports and copies of records that are considered by the department as necessary to forecast state revenues under AS 43.55”; \$1,000 a day penalty
- Regulations will be needed to define
  - “necessary” (as opposed to say useful),
  - how far in advance (one, two, many years?)
  - how often the reports need to be updated (monthly, 1% change, change out three years...?)
  - How far does due diligence have to go? Board of directors discussed 5 year plan?
  - Can State audit for information not provided, and assess 2amonthly 2 million penalty starting 6 years from now?

## 9. Information (general rule AS 43.05.230 – proposed rule AS 43.55.890)

- Currently under AS 43.05.230 (e) DOR can publish statistics with individual data combined so as to “prevent the identification of particular returns or reports”
- Proposal only requires combination of three taxpayers “regardless of whether the information ...prevent[s] the identification of particular returns or reports”

## 9. Information (general rule AS 43.05.230 – proposed rule AS 43.55.890)

- Was described as “same as DOR does for Salmon Pricing Report”
- Alaska Salmon Price Report reporting rules are not removed from general AS 43.05.230 (g) – the general reporting tax confidentiality rules.

# 9. Information

## Alaska Salmon Price Report

- Sec. 43.80.065. Confidentiality of reports. Information in reports submitted under [AS 43.80.050](#) , and price averages calculated by the department from the information in the reports, are public information, except that information that identifies or could be used to identify a particular fish processor is confidential.

# 9. Information

## Alaska Salmon Price Report

- “We use the following guidelines when evaluating confidentiality
  - If there are three or more processors for a given are, the information is reported unless one processor accounts for over 80% of total value, or two processors account for over 95% of total value.
  - If there are only one or two processors for a given are, the information is not reported”
    - From Cover letter - October 15, 2007 Alaska Salmon Price Report

## 9. Information - (AS 43.05.230(h))

- Proposal will require DOR to share information with DNR obtained under AS 43.55 – including forward looking information required by AS 43.55.040 (5).
- This may have competitive implications if DNR returns to markets as seller of royalty in kind (RIK) oil or gas.

## 9. Information – AS 43.55.030 (e) and (f)

- Proposes to set forth in statute the actual data required to be filed by taxpayers. Thorough summary of costs, volumes, sales, monthly estimates etc.



# 10. Statute of Limitations (Old general AS 43.05.260, new AS 43.55.075)

- Proposed extension from 3 years to 6 years
  - Currently frequently extended by mutual agreement of parties
  - Ability to assess \$1,000 a day reporting penalties also extended

# 11. Auditors as Exempt Employees

- Good step to enter a competitive market.
- DOR income auditors also face national corporate income tax staffs. Income tax (both special oil and gas and general) generate over 1/2 billion dollars a year in tax revenues.

# 12. Other Admin – Information Management System

- Electronic Information – including information beyond that required for the payment of the tax such as returns, statements, reports, notifications and applications- “in a form or manner approved or prescribed by the department.”
- May be great – and the kind of thing you would have seen me pushing for when I was Director of Tax, bringing the Division into the 21<sup>st</sup> century

# 12. Other Admin – Information Management System

- It may be information the taxpayer have already – but it may not be in our format. Especially for forward looking information, there may be burden on the taxpayer to restate material
- Do we miss underlying changes because we force financial data into our world view as defined by our forms?

## 12. Other Admin; Interest (AS 43.55.020 (g))

- Note: Concerns about interest in Dr. van Meurs' 10/18/07 presentation unfounded.
- IRS interest rules only apply to estimated payments through march 31 – then switch to higher state rate found in as 43.05.225 (11%)

# 13. Cook Inlet Simplicity

- Suggest Cook Inlet Ceilings could be implemented more simply.  
Current statutory language historical product
  - Currently calculations have to be done individually for each lease or property, (twice if produces gas and oil)
  - Could be done Once for Cook Inlet
  - Regulations imported into Statute

# 13. Cook Inlet Simplicity

- Two rules –
- (1) Ceilings - Cook Inlet oil remain zero and gas taxes preserve 2005-2006 gas prices, tax rates and ELF (volumes are actual) until 2022
- (2) Because Ceilings were meant to benefit consumers, not producers, any pertinent credits and losses that would have been needed to reduce CI taxes to ceilings cannot be applied elsewhere – Taxpayer doesn't get benefits of credits and ceilings.

# 13. Cook Inlet Simplicity

- CI Tax without ceilings or credits: \$10
- Apply “CI Credits” (5)
- Tax after Credits 5
  
- Ceiling \$3
  
- Taxpayer cannot pay \$3 in tax, and then try to sell \$5 credit



# 14. Effective Date

- Generally Effective January 1, 2008
  - Two good tax policies
  - change corresponded to tax year
  - Limited retroactivity
    - Corrosion provisions retroactive.