

Discussion Slides: Alaska Senate Resources Committee

February 16-17, 2012

Tony Reinsch
Senior Director, Upstream & Gas
PFC Energy

Janak Mayer
Manager, Upstream & Gas
PFC Energy

The Art of Taxation

“The art of taxation consists in so plucking the goose as to get the most feathers with the least hissing.”

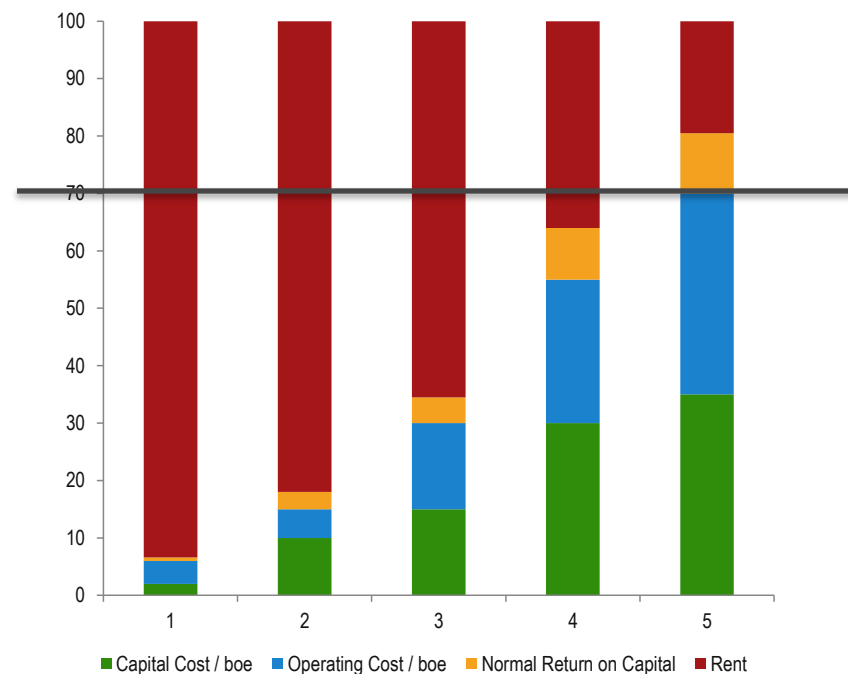
Jean Baptiste Colbert - Economist and Minister of Finance under King Louis XIV of France, 1619

...or, in more contemporary terms

- The art of taxation consists in maximizing revenues, subject to two important constraints
 - **Efficiency:** Not distorting investment choices, or preventing marginal investments that would otherwise have been made from occurring
 - **Competitiveness:** Ensuring that in the real world, which is characterized by limited capital with competing uses

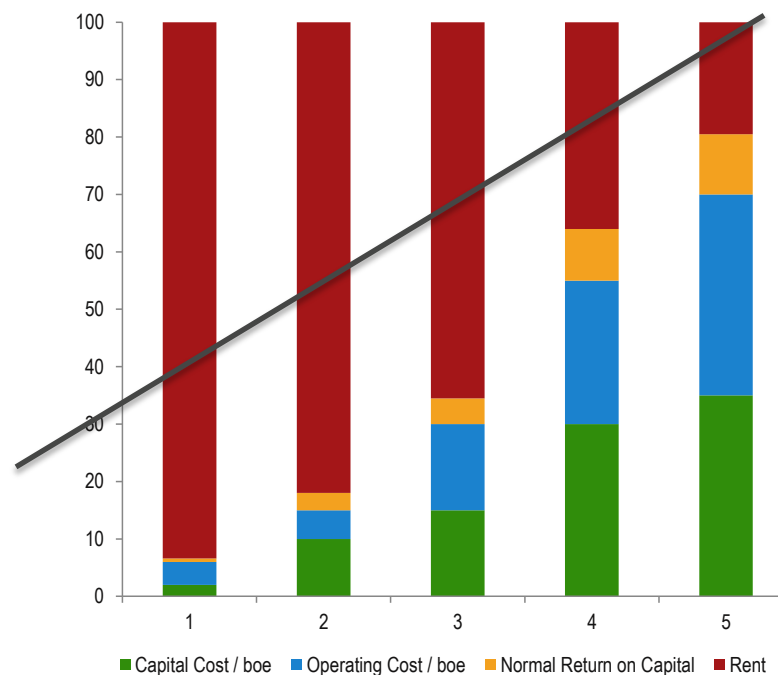
Efficiency: Conclusions on a Fixed Percentage Royalty

- The fixed royalty is **inefficient** because it distorts investment, making previously marginal projects uneconomic at a given price
- It is highly **regressive** with regard to both price and cost, because Relative Government Take falls as prices rise, and as costs fall
- This also increases **sovereign risk** – since when prices rise, governments will be tempted to set a new rate, even though investments have been made on the basis of the current one
- It has only one major strength – it is very **simple to administer**, requiring knowledge of only 2 variables - production and price



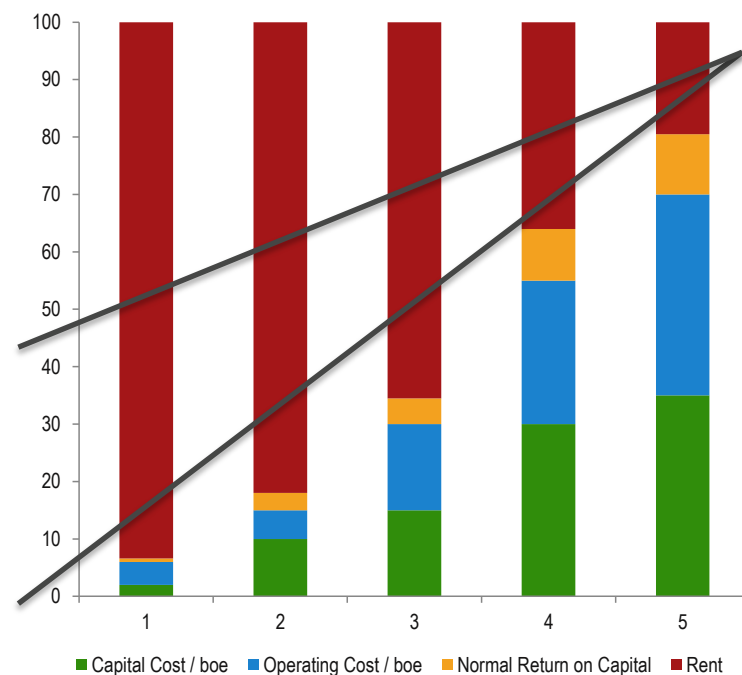
Efficiency: Targeting Economic Rent

- What we would like to do instead is to tax the red bars – the Economic Rent – directly
- That way, we could *pluck more feathers*, with less *hissing*
- What are the different ways, over time, that governments have attempted to do this?



Progressivity

- Progressivity may be used for a range of different purposes in a fiscal regime
 - In some cases, used to counterbalance the inherent regressivity of other elements of the regime
 - In other cases, a deliberate policy to gain not only a steady share of the rents, but to capture ever more as economics improve
- Implemented properly (ie taxing only economic rents), both of these approaches can be efficient – ie non-distorting of relative investment opportunities at the margin
- Regimes that use both high levels of relative government take, in addition to high progressivity to capture most or all of the upside of high price environments will not necessarily be competitive



Different Implementations of Progressivity: Production Levels

- One of the earliest and still commonest metrics used to progressively increase rates of government take for projects that produce more economic rent has been the use of sliding scales for the split of profit oil or the setting of a royalty, based on levels of production, as is the case in Vietnam's PSC fiscal system
- Brazil similarly applies a production-level-based windfall profits tax in its tax-royalty system
- Such systems are almost always bracketed, so the higher rate applies only to production above a given threshold
- Production-based progressivity uses production levels as a proxy for profitability – and it is an imperfect proxy at best
 - The Vietnam example here attempts to improve here by setting different tiers, based on project cost
 - British Columbia, Canada uses a combination of Price and Production Quantity in its progressive Royalty rate

Vietnam Fiscal Terms		Pre-2010	Post-2010 with Incentives	Post-2010 without Incentives	Deepwater/ Frontier
Oil Royalty	mb/d				
	<= 20.00	8%	7%	10%	6%
	>20 <= 50.00	10%	9%	12%	8%
	>50 <= 75.00	10%	11%	14%	8%
	>75 <= 100.00	15%	13%	19%	10%
	>100 <= 150.00	20%	18%	24%	15%
Gas Royalty	mmcf/d				
	<= 176.55	0%	1%	2%	0%
	>176.55 <= 350.00	5%	3%	5%	3%
	>350	25%	6%	10%	6%
Cost Oil Limit		35%	35%	35%	50%
Cost Gas Limit		60%	60%	60%	70%
Profit Oil Split to Gov.					
	mb/d				
	<= 75.00	50%	50%	50%	50%
	>75 <= 100.00	55%	55%	55%	55%
	>100 <= 150.00	60%	60%	60%	60%
	>150	70%	70%	70%	70%
Profit Gas Split		50%	50%	50%	50%
Corporate Tax Rate		32%			

Different Implementations of Progressivity: Price

- A number of regimes are progressive explicitly on price
- This approach is particularly common in setting “windfall profits” taxes
- China and Venezuela both use a price-progressive windfall profits tax to capture progressive shares of economic rent in high price environments
- Such systems are almost always bracketed, taxing only profits resulting from the higher price bracket at the higher rate
- Alaska’s ACES system is an exception to this rule

Thresholds for Venezuela’s Windfall Profits Tax

Oil Price	Rate
< \$40	0%
\$ 40 - \$70	20%
\$ 70 - \$90	80%
\$ 90 - \$100	90%
> \$100	95%

Different Implementations of Progressivity: Cost Recovery

- A more sophisticated approach to targeting economic rent more directly is for a regime to be progressive using the extent to which a project has recovered its costs as a metric by which to set the tax or profit sharing rate
- Malaysia's current PSC model, introduced in 1997, uses "R-Factor", the ratio of cumulative revenues to cumulative costs, to set its profit split and its cost limit
- Once a project has recovered its costs, profit share to the IOC is progressively reduced

Malaysia Fiscal Terms						
Oil Royalty	10%					
	R Factor					
1997 PSC Parameters	R<=1.0	R<=1.4	R<=2.0	R<=2.5	R<=3.0	R>3
Cost Oil/Gas Limit	70%	60%	50%	30%	30%	30%
Unutilized Cost Oil/Gas Split (below THV)	0%	80%	70%	60%	50%	40%
Unutilized Cost Oil/Gas Split (above THV)	0%	40%	40%	40%	40%	20%
Profit Oil/Gas Split (below THV)	80%	70%	60%	50%	40%	30%
Profit Oil/Gas Split (above THV)	40%	30%	30%	30%	30%	10%
Threshold Value (THV) - Oil	30	mmbbls				
Threshold Value (THV) - Gas	0.75	tcf				

Different Implementations of Progressivity: Rates of Return

- Similarly, some regimes seek to target “super-profits” more directly by linking progressivity to the Internal Rate of Return (IRR) that a project has accomplished by any point in time
 - Angola’s PSC regime uses IRR to set the profit oil split
 - Onshore and Shallow Water

IRR	Contractor's Share
< 20%	60%
20 – 25%	50%
25 – 30%	40%
> 30%	30%

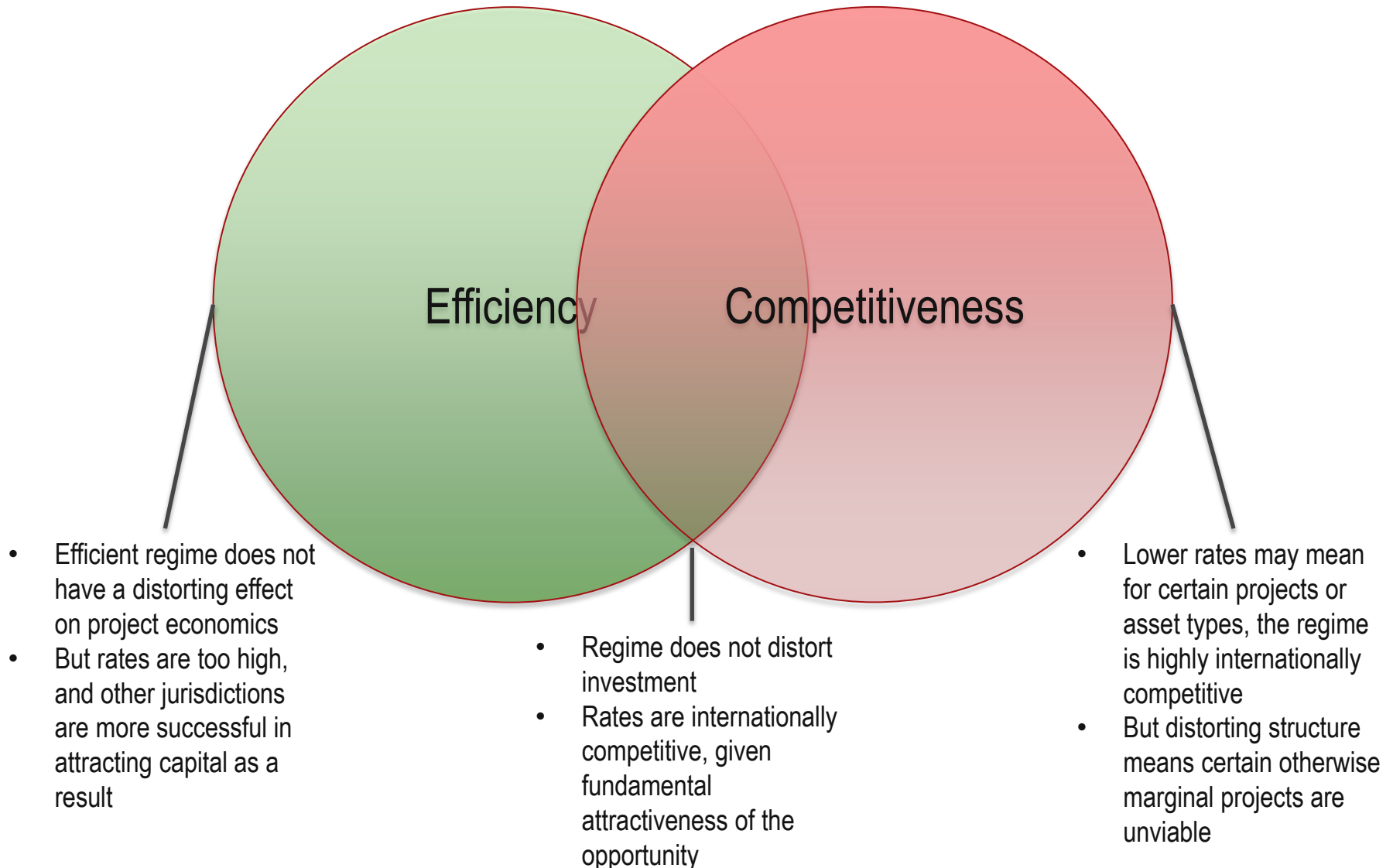
- Deepwater

IRR	Contractor's Share
< 15%	80%
15 – 25%	60%
25 – 30%	40%
> 30%	20%

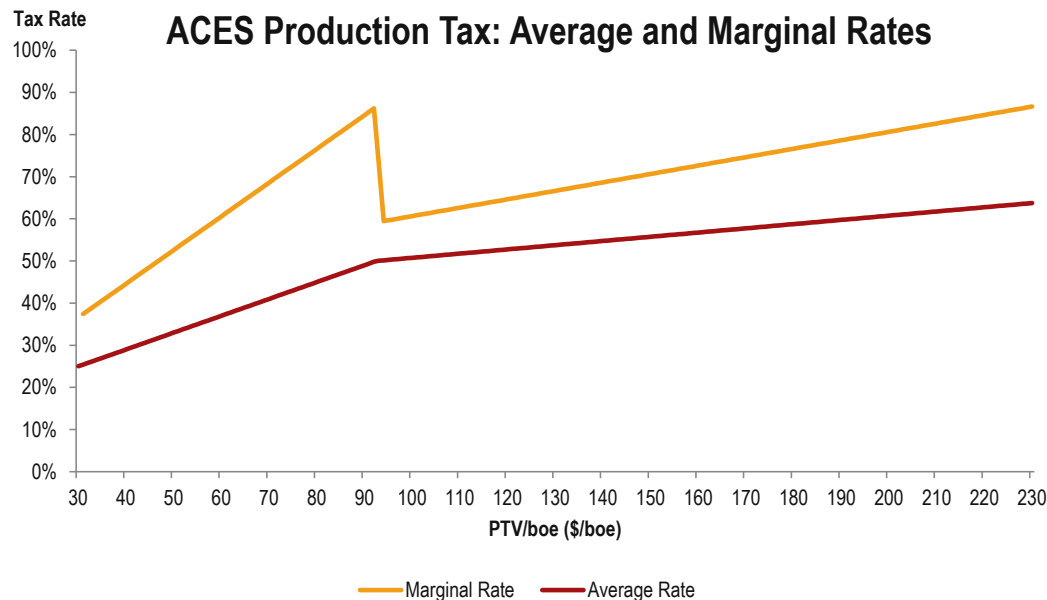
Different Implementations of Progressivity: Taxing Rent Directly

- Many of these regimes are highly complex, and use highly imperfect proxies for targeting economic rent
- Australia's Petroleum Resource Rent Tax, by contrast, is unusual in being both very simple in design, and in seeking to tax economic rent directly
- The tax seeks to replicate the economics of a 40% direct participation by the state, by taxing net cashflow at a rate of 40%
- All losses, however, are carried forward indefinitely, and maintain present value since they are inflated each year by a rate similar to the corporate cost of capital
- The ultimate economics are as if government is paying a 40% share of the cost of development, and taking a 40% share of the resulting cashflow
- With no royalty, and no other taxes in the system other than Corporate Income Tax, this is one of the simplest fiscal designs anywhere, but also one of the most efficient – because it taxes rent directly

Finding the Intersection



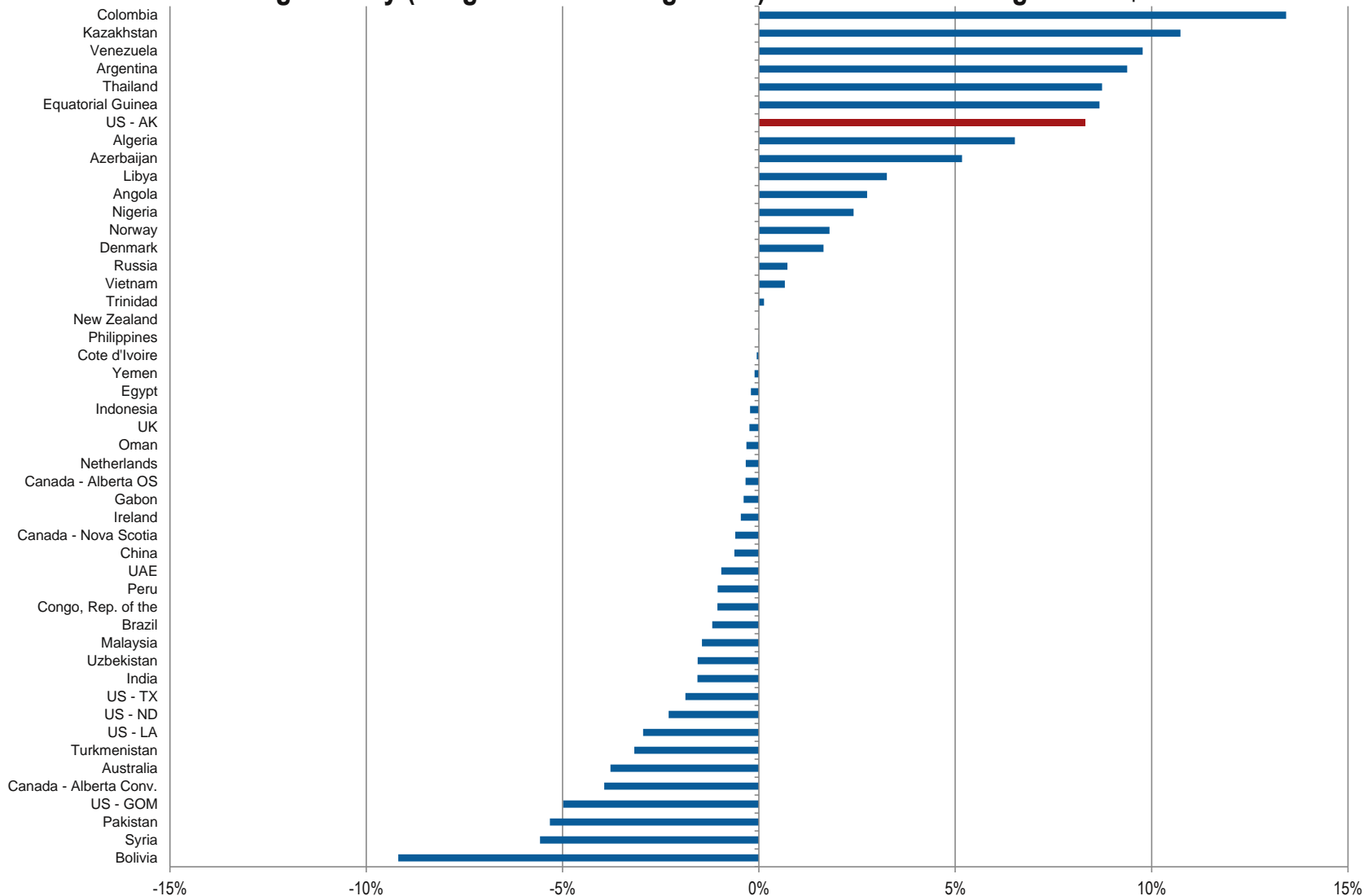
Average vs Marginal Rates



- It is average or effective rates, not marginal rates that drive project economics at a given price level
- Marginal rates remain, however, a useful metric for understanding key aspects of a regime
- The **difference between marginal and average** rates enable us to understand **how progressive a regime** is on a comparative basis
- Marginal rates represent the combination of high average rates with high progressivity
- In a profit-based system, high marginal rates may create perverse incentives with regard to cost control, encouraging “gold-plating”

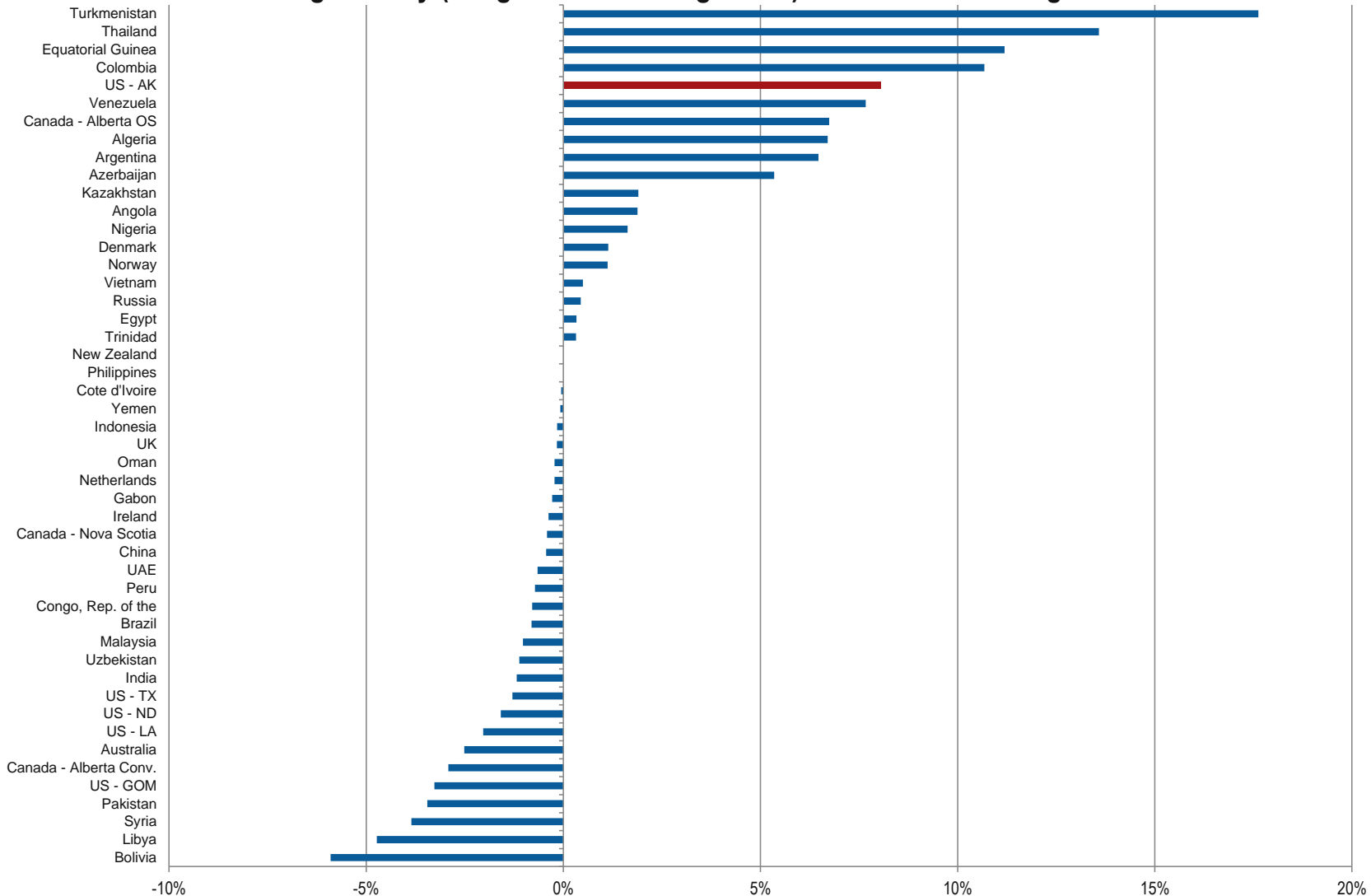
Benchmarking Progressivity for a Range of Global Regimes

Progressivity (Marginal less Average Take) of Global Fiscal Regimes at \$100/bbl



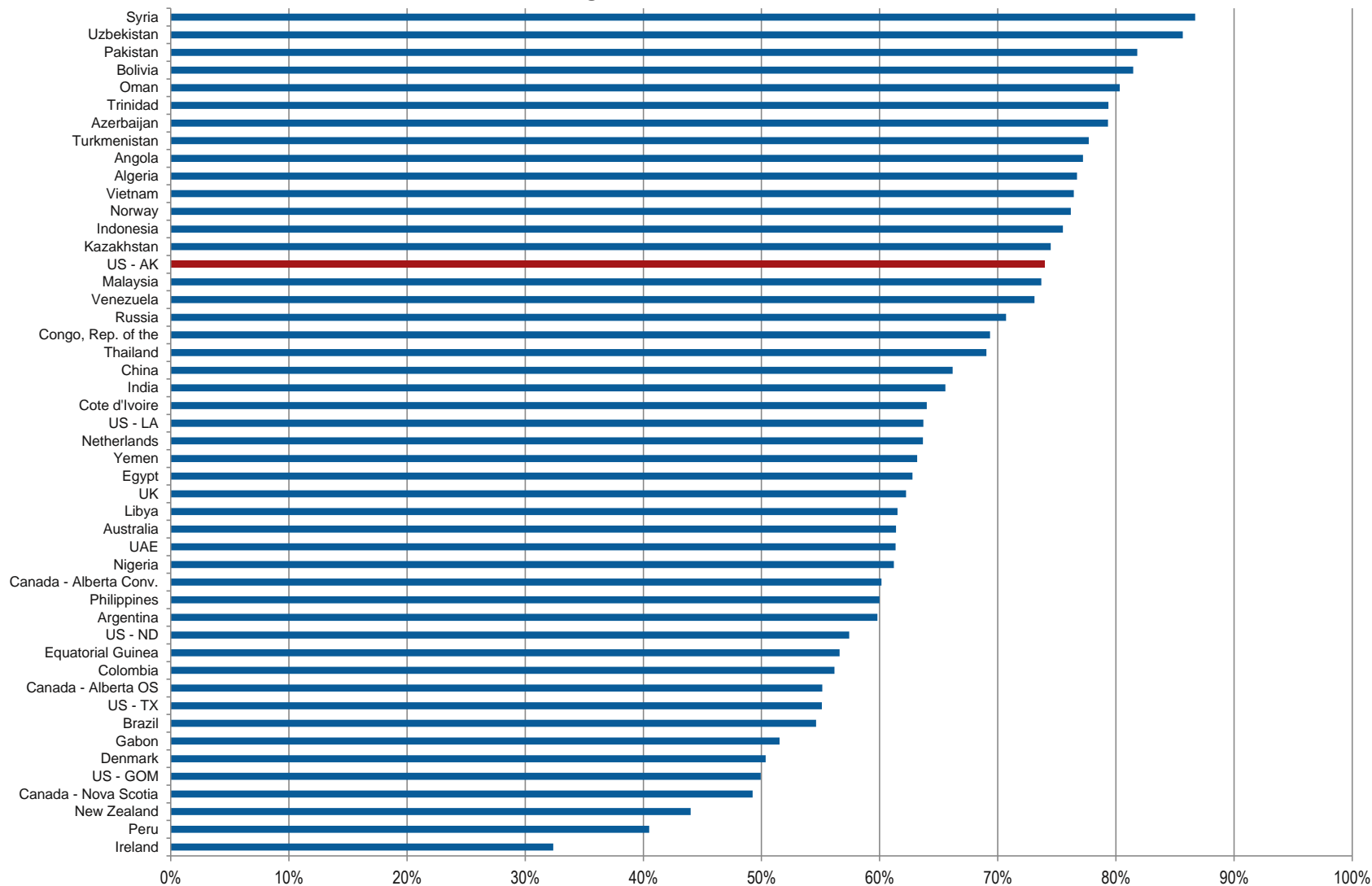
Benchmarking Progressivity for a Range of Global Regimes

Progressivity (Marginal less Average Take) of Global Fiscal Regimes at \$140/bbl

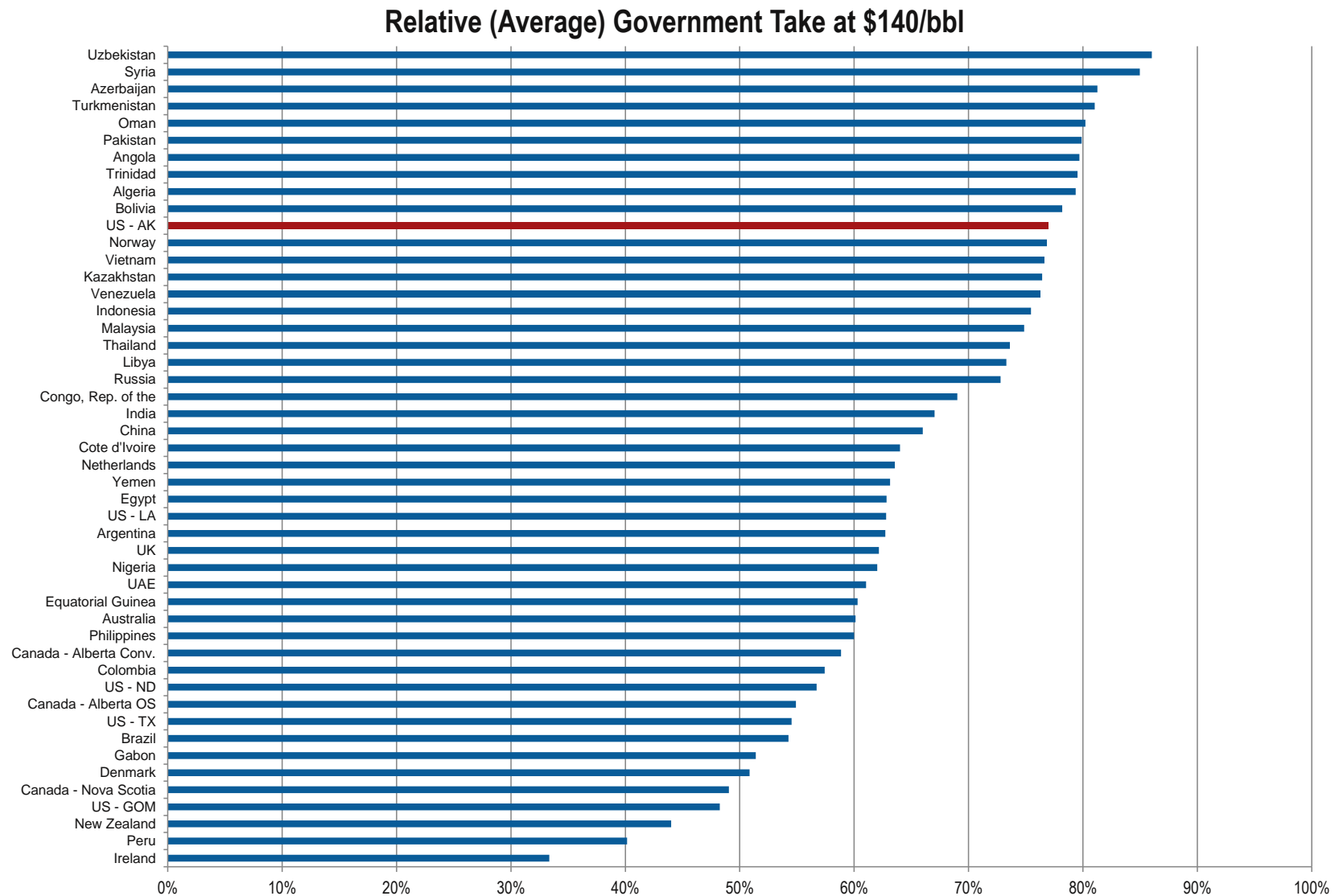


Regime Competitiveness: Relative Government Take

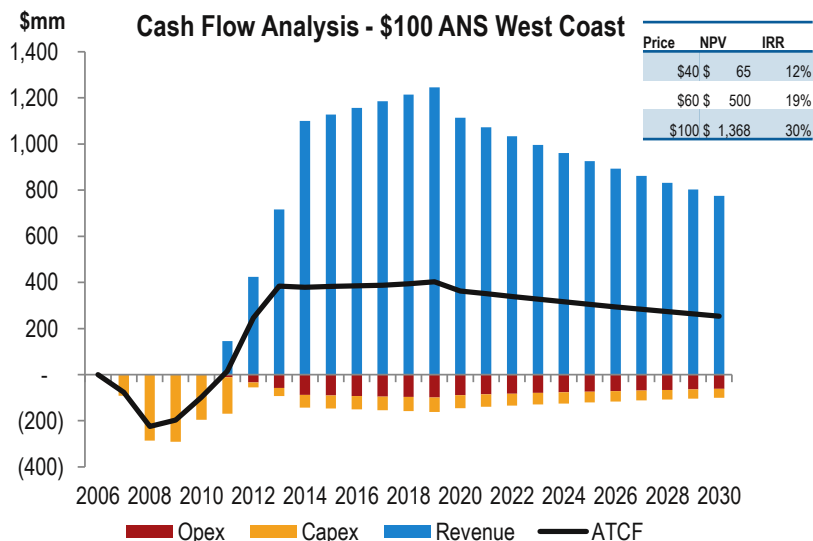
Relative (Average) Government Take at \$100/bbl



Regime Competitiveness: Relative Government Take

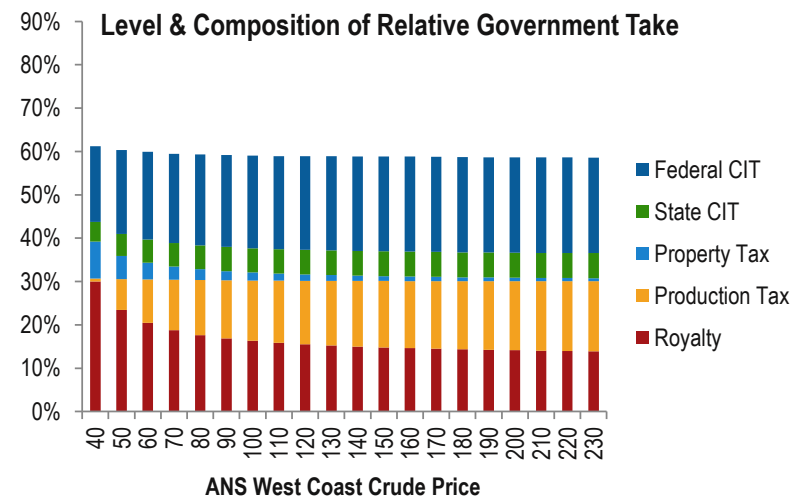
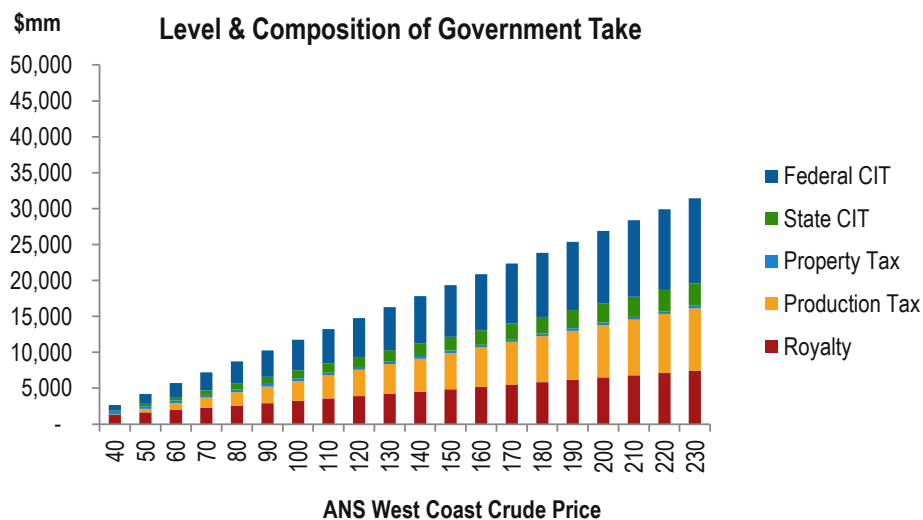


PPT As Originally Proposed

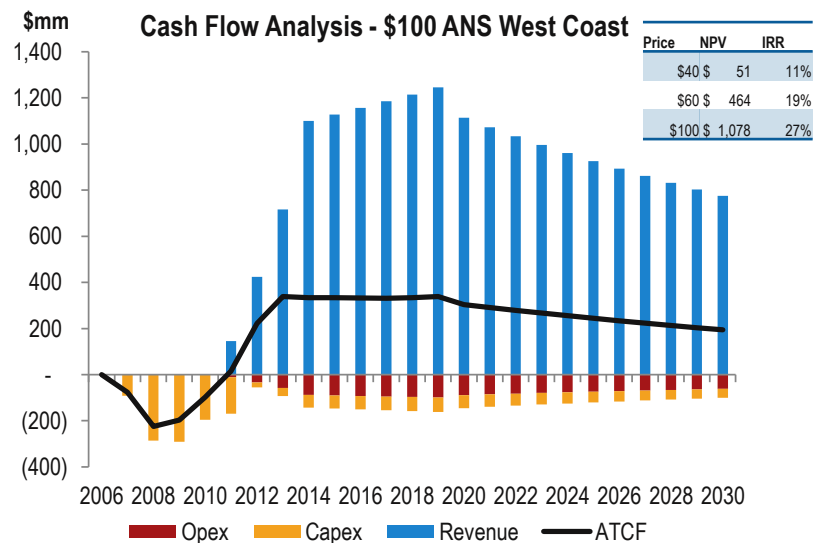


Price	Royalty	Production Tax	Property Tax	State CIT	Total State Take	Federal CIT	Total GT
40	30%	1%	9%	5%	44%	17%	61%
50	23%	7%	5%	5%	41%	19%	60%
60	20%	10%	4%	5%	40%	20%	60%
70	19%	12%	3%	5%	39%	21%	59%
80	18%	13%	3%	5%	38%	21%	59%
90	17%	13%	2%	6%	38%	21%	59%
100	16%	14%	2%	6%	38%	21%	59%
110	16%	14%	2%	6%	37%	21%	59%
120	16%	15%	1%	6%	37%	22%	59%
130	15%	15%	1%	6%	37%	22%	59%
140	15%	15%	1%	6%	37%	22%	59%
150	15%	15%	1%	6%	37%	22%	59%
160	15%	15%	1%	6%	37%	22%	59%
170	14%	16%	1%	6%	37%	22%	59%
180	14%	16%	1%	6%	37%	22%	59%
190	14%	16%	1%	6%	37%	22%	59%
200	14%	16%	1%	6%	37%	22%	59%
210	14%	16%	1%	6%	37%	22%	59%
220	14%	16%	1%	6%	37%	22%	59%
230	14%	16%	1%	6%	37%	22%	59%

* Percentage figures are percentages of divisible income, summing to Total Government Take

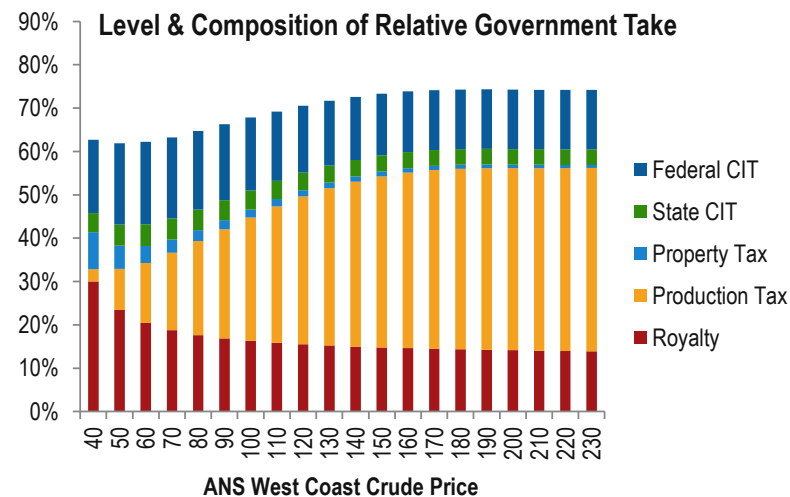
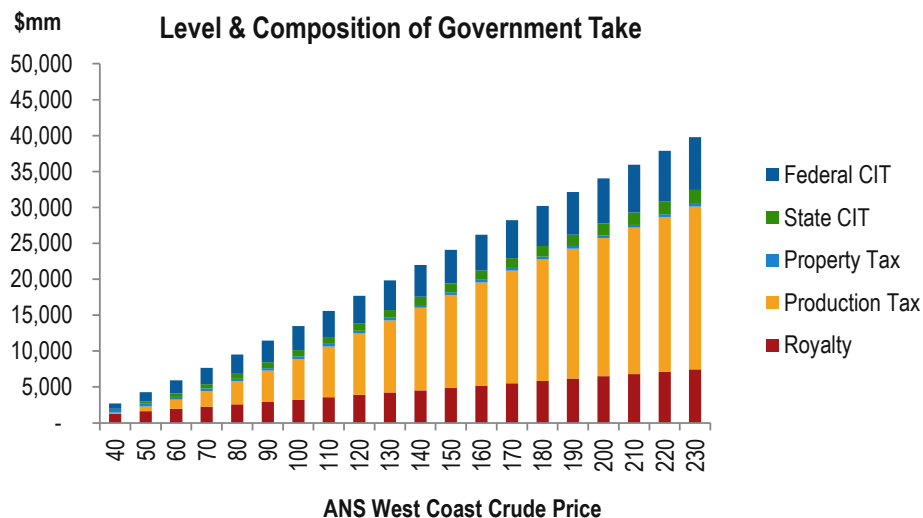


PPT As Enacted

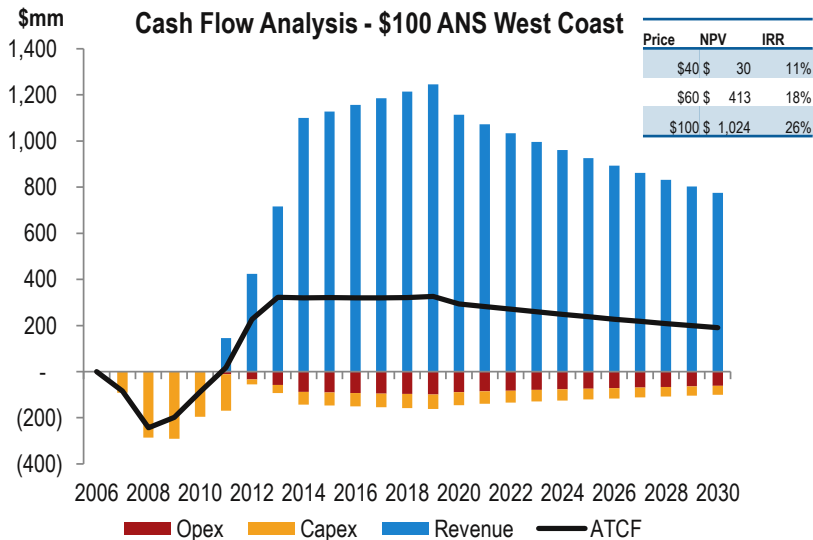


Price	Royalty	Production Tax	Property Tax	State CIT	Total State Take	Federal CIT	Total GT
40	30%	3%	9%	4%	46%	17%	63%
50	23%	9%	5%	5%	43%	19%	62%
60	20%	14%	4%	5%	43%	19%	62%
70	19%	18%	3%	5%	45%	19%	63%
80	18%	22%	3%	5%	47%	18%	65%
90	17%	25%	2%	5%	49%	18%	66%
100	16%	28%	2%	4%	51%	17%	68%
110	16%	32%	2%	4%	53%	16%	69%
120	16%	34%	1%	4%	55%	15%	71%
130	15%	36%	1%	4%	57%	15%	72%
140	15%	38%	1%	4%	58%	15%	73%
150	15%	39%	1%	4%	59%	14%	73%
160	15%	40%	1%	4%	60%	14%	74%
170	14%	41%	1%	4%	60%	14%	74%
180	14%	42%	1%	4%	61%	14%	74%
190	14%	42%	1%	4%	61%	14%	74%
200	14%	42%	1%	4%	61%	14%	74%
210	14%	42%	1%	4%	61%	14%	74%
220	14%	42%	1%	4%	60%	14%	74%
230	14%	42%	1%	4%	60%	14%	74%

* Percentage figures are percentages of divisible income, summing to Total Government Take

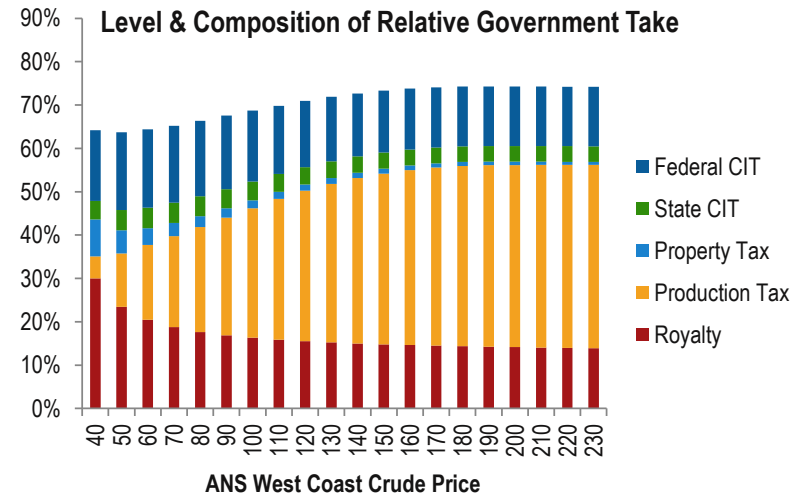
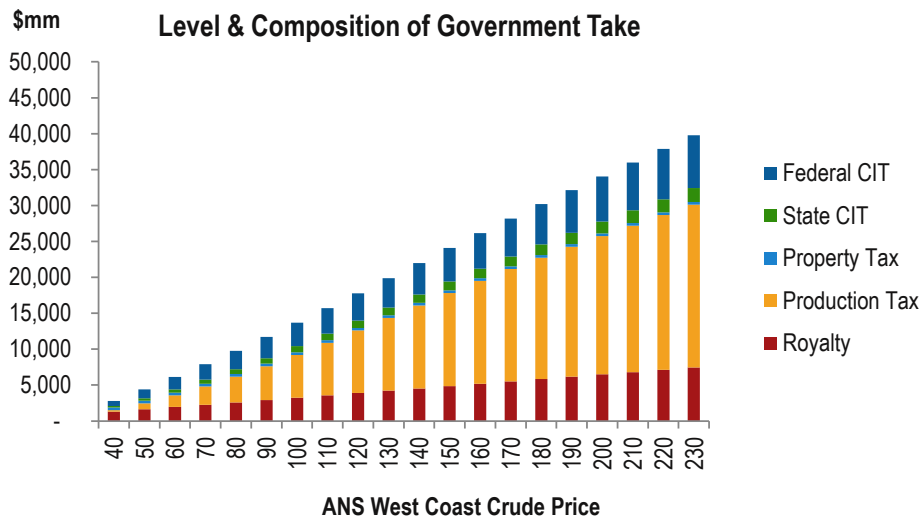


ACES As Proposed

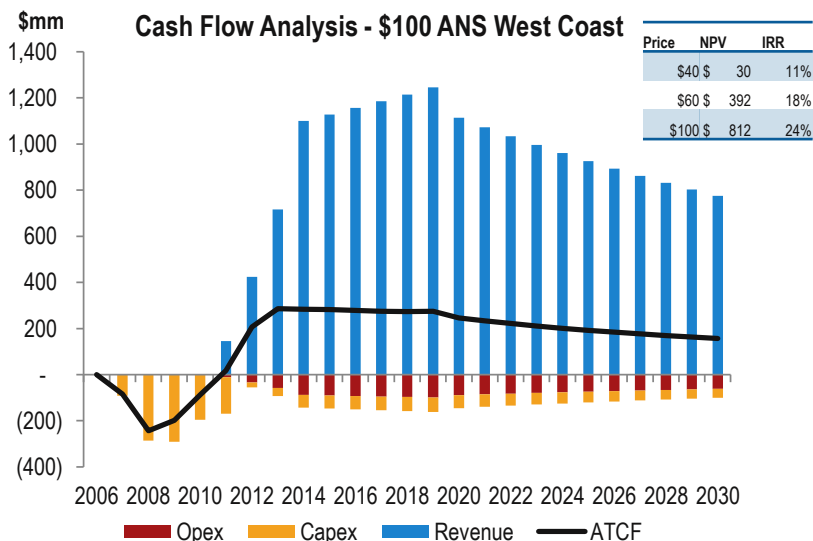


Price	Royalty	Production Tax	Property Tax	State CIT	Total State Take	Federal CIT	Total GT
40	30%	5%	9%	4%	48%	16%	64%
50	23%	12%	5%	5%	46%	18%	64%
60	20%	17%	4%	5%	46%	18%	64%
70	19%	21%	3%	5%	47%	18%	65%
80	18%	24%	3%	5%	49%	17%	66%
90	17%	27%	2%	4%	51%	17%	68%
100	16%	30%	2%	4%	52%	16%	69%
110	16%	32%	2%	4%	54%	16%	70%
120	16%	35%	1%	4%	56%	15%	71%
130	15%	37%	1%	4%	57%	15%	72%
140	15%	38%	1%	4%	58%	15%	73%
150	15%	39%	1%	4%	59%	14%	73%
160	15%	40%	1%	4%	60%	14%	74%
170	14%	41%	1%	4%	60%	14%	74%
180	14%	42%	1%	4%	60%	14%	74%
190	14%	42%	1%	4%	61%	14%	74%
200	14%	42%	1%	4%	61%	14%	74%
210	14%	42%	1%	4%	61%	14%	74%
220	14%	42%	1%	4%	61%	14%	74%
230	14%	42%	1%	4%	60%	14%	74%

* Percentage figures are percentages of divisible income, summing to Total Government Take

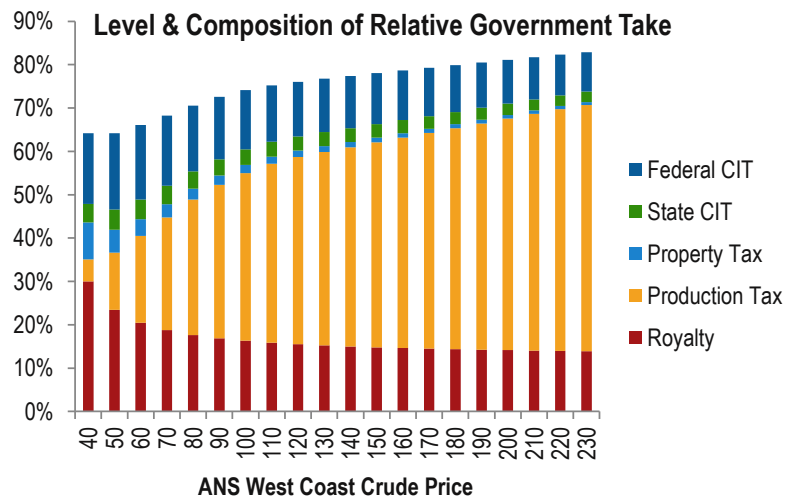
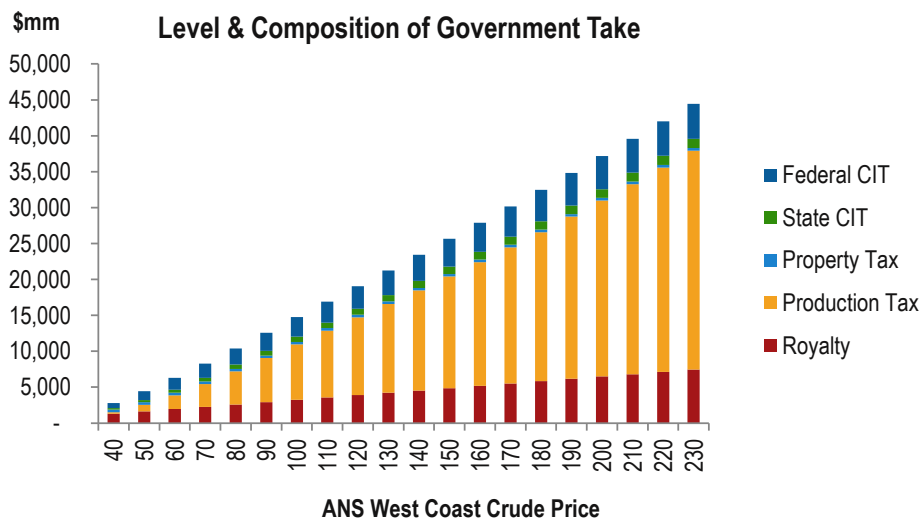


ACES As Enacted

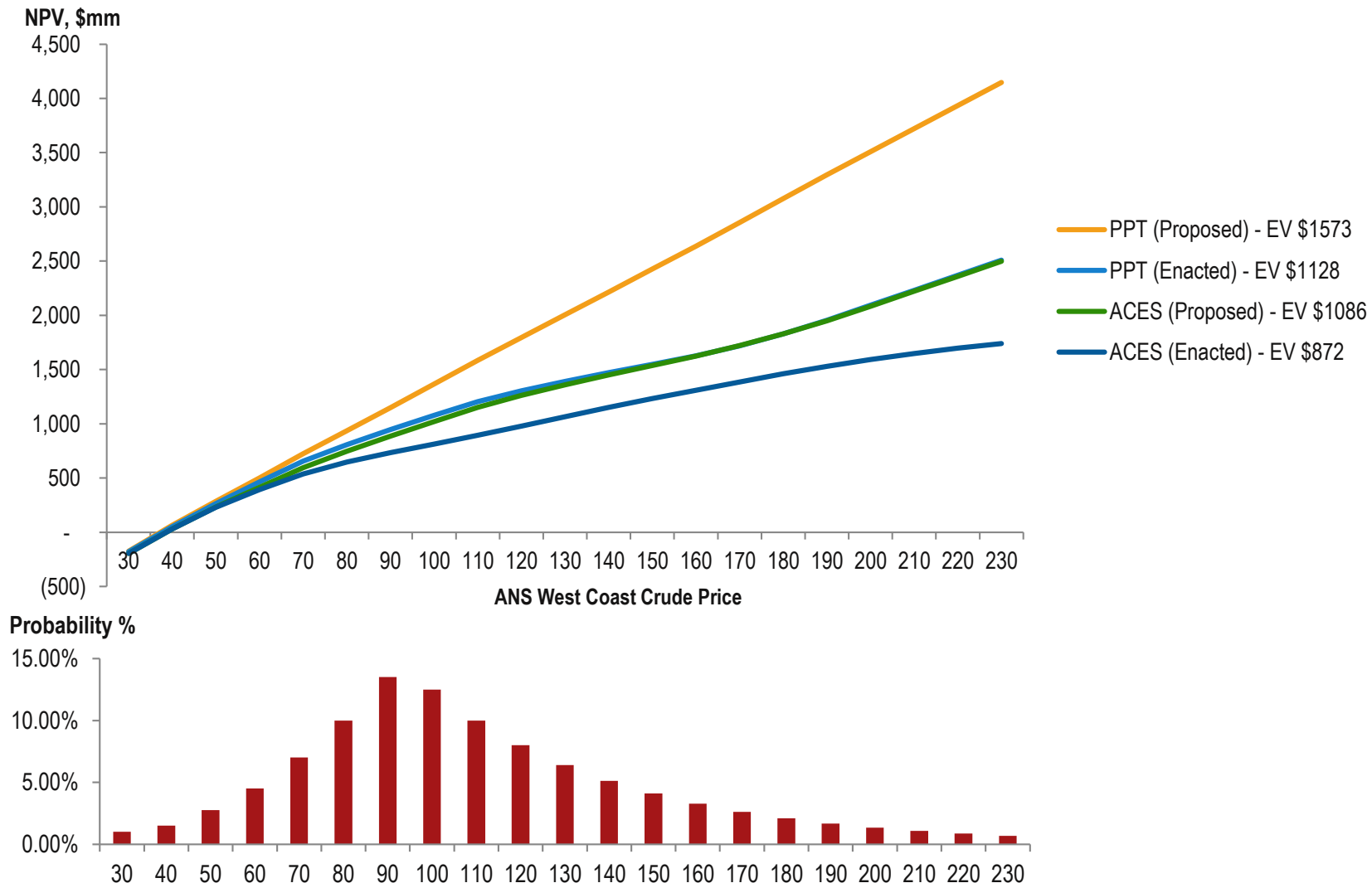


Price	Royalty	Production Tax	Property Tax	State CIT	Total State Take	Federal CIT	Total GT
40	30%	5%	9%	4%	48%	16%	64%
50	23%	13%	5%	5%	47%	18%	64%
60	20%	20%	4%	5%	49%	17%	66%
70	19%	26%	3%	4%	52%	16%	68%
80	18%	31%	3%	4%	55%	15%	71%
90	17%	35%	2%	4%	58%	14%	73%
100	16%	39%	2%	4%	60%	14%	74%
110	16%	41%	2%	3%	62%	13%	75%
120	16%	43%	1%	3%	63%	13%	76%
130	15%	45%	1%	3%	64%	12%	77%
140	15%	46%	1%	3%	65%	12%	77%
150	15%	47%	1%	3%	66%	12%	78%
160	15%	49%	1%	3%	67%	11%	79%
170	14%	50%	1%	3%	68%	11%	79%
180	14%	51%	1%	3%	69%	11%	80%
190	14%	52%	1%	3%	70%	10%	80%
200	14%	53%	1%	3%	71%	10%	81%
210	14%	55%	1%	3%	72%	10%	82%
220	14%	56%	1%	2%	73%	9%	82%
230	14%	57%	1%	2%	74%	9%	83%

* Percentage figures are percentages of divisible income, summing to Total Government Take

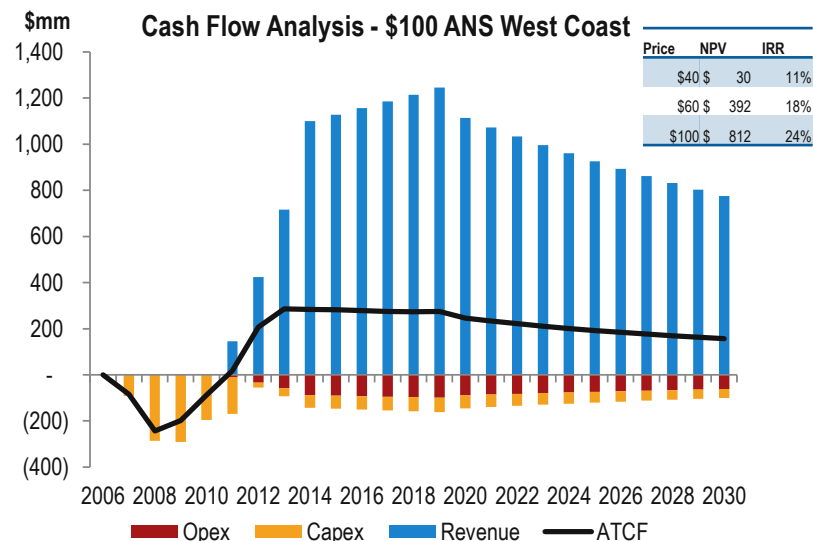


Limitations on Price Upside: A Probabilistic Approach



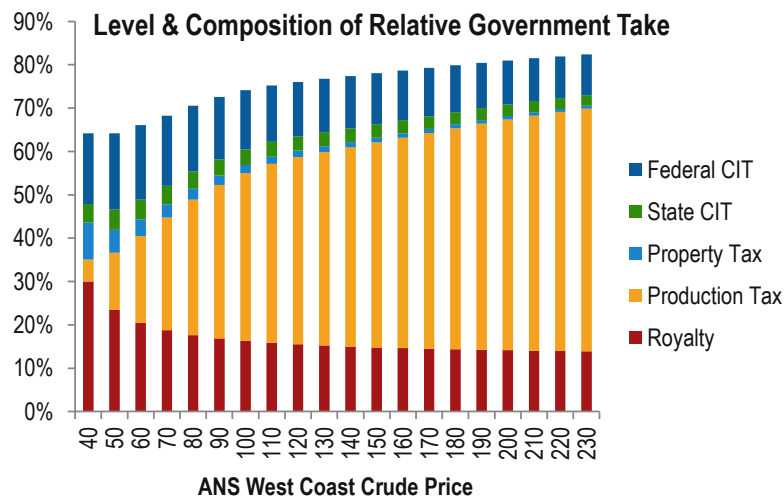
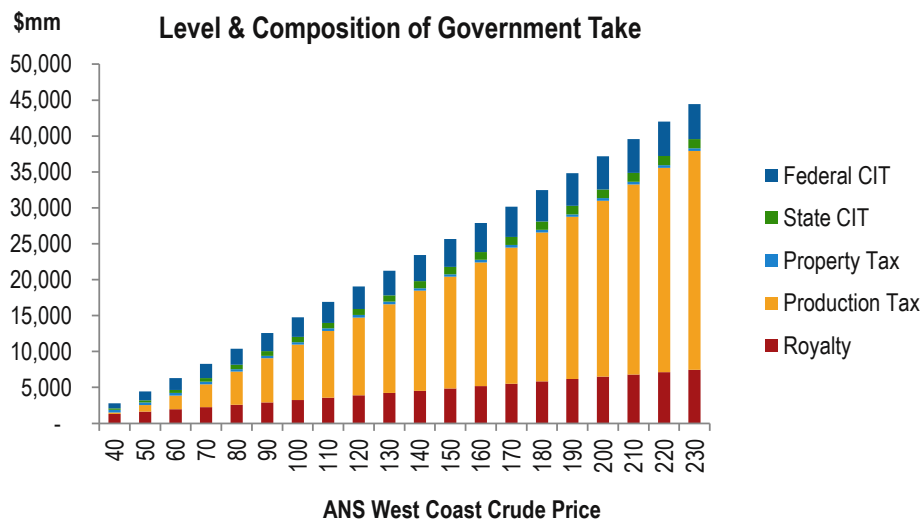
* Probability distribution is for illustrative purposes only

ACES – Capped at Maximum of 70%

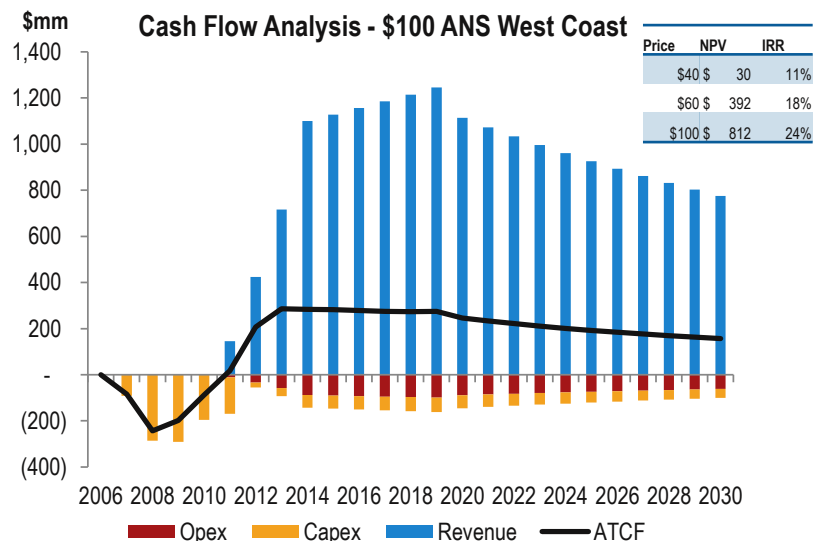


Price	Royalty	Production Tax	Property Tax	State CIT	Total State Take	Federal CIT	Total GT
40	30%	5%	9%	4%	48%	16%	64%
50	23%	13%	5%	5%	47%	18%	64%
60	20%	20%	4%	5%	49%	17%	66%
70	19%	26%	3%	4%	52%	16%	68%
80	18%	31%	3%	4%	55%	15%	71%
90	17%	35%	2%	4%	58%	14%	73%
100	16%	39%	2%	4%	60%	14%	74%
110	16%	41%	2%	3%	62%	13%	75%
120	16%	43%	1%	3%	63%	13%	76%
130	15%	45%	1%	3%	64%	12%	77%
140	15%	46%	1%	3%	65%	12%	77%
150	15%	47%	1%	3%	66%	12%	78%
160	15%	49%	1%	3%	67%	11%	79%
170	14%	50%	1%	3%	68%	11%	79%
180	14%	51%	1%	3%	69%	11%	80%
190	14%	52%	1%	3%	70%	10%	80%
200	14%	53%	1%	3%	71%	10%	81%
210	14%	54%	1%	3%	72%	10%	81%
220	14%	55%	1%	3%	72%	10%	82%
230	14%	56%	1%	2%	73%	9%	82%

* Percentage figures are percentages of divisible income, summing to Total Government Take

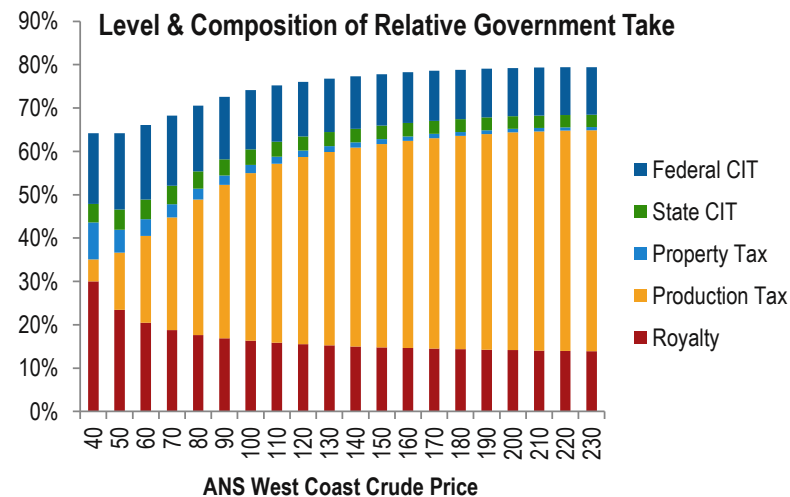
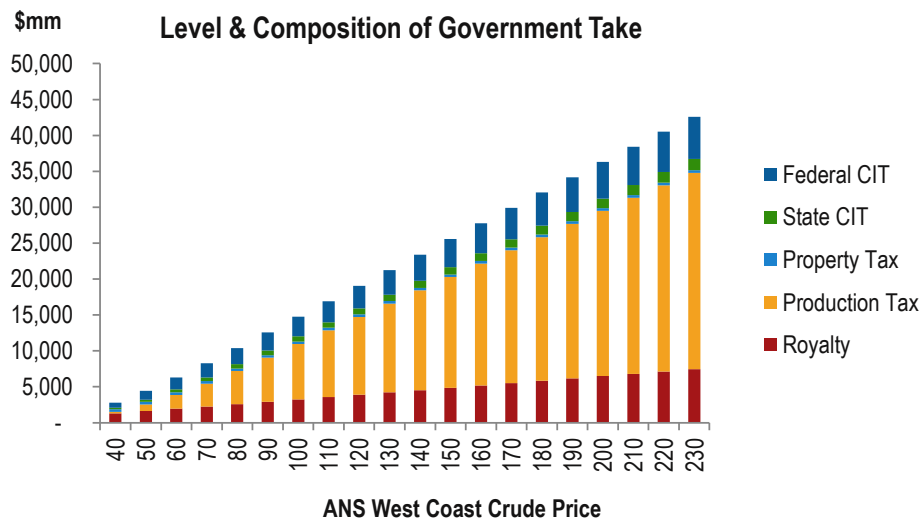


ACES – Capped at Maximum of 60%

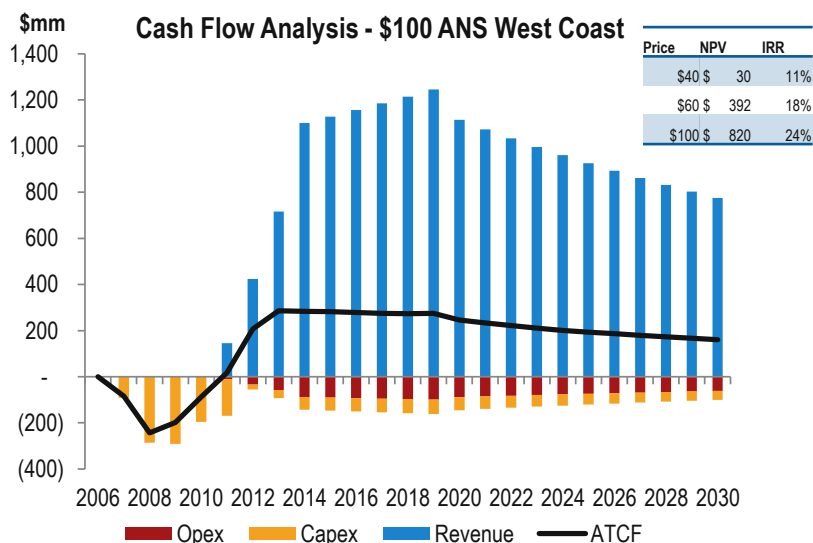


Price	Royalty	Production Tax	Property Tax	State CIT	Total State Take	Federal CIT	Total CIT
40	30%	5%	9%	4%	48%	16%	64%
50	23%	13%	5%	5%	47%	18%	64%
60	20%	20%	4%	5%	49%	17%	66%
70	19%	26%	3%	4%	52%	16%	68%
80	18%	31%	3%	4%	55%	15%	71%
90	17%	35%	2%	4%	58%	14%	73%
100	16%	39%	2%	4%	60%	14%	74%
110	16%	41%	2%	3%	62%	13%	75%
120	16%	43%	1%	3%	63%	13%	76%
130	15%	45%	1%	3%	64%	12%	77%
140	15%	46%	1%	3%	65%	12%	77%
150	15%	47%	1%	3%	66%	12%	78%
160	15%	48%	1%	3%	67%	12%	78%
170	14%	49%	1%	3%	67%	12%	79%
180	14%	49%	1%	3%	67%	11%	79%
190	14%	50%	1%	3%	68%	11%	79%
200	14%	50%	1%	3%	68%	11%	79%
210	14%	51%	1%	3%	68%	11%	79%
220	14%	51%	1%	3%	68%	11%	79%
230	14%	51%	1%	3%	68%	11%	79%

* Percentage figures are percentages of divisible income, summing to Total Government Take

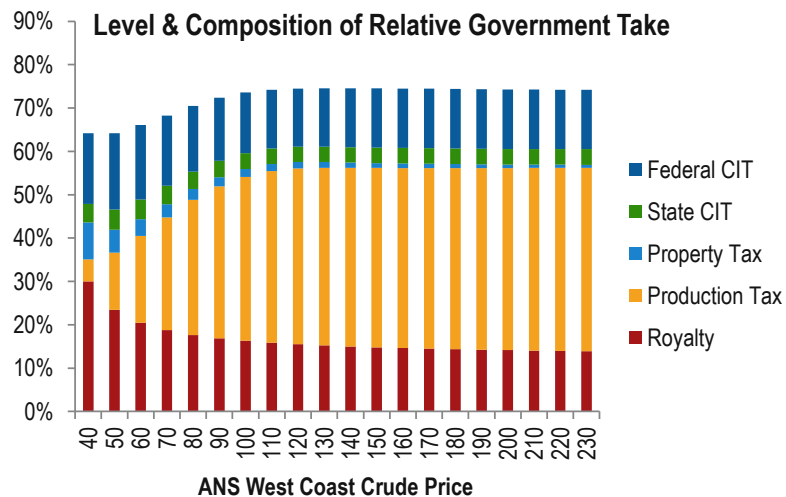
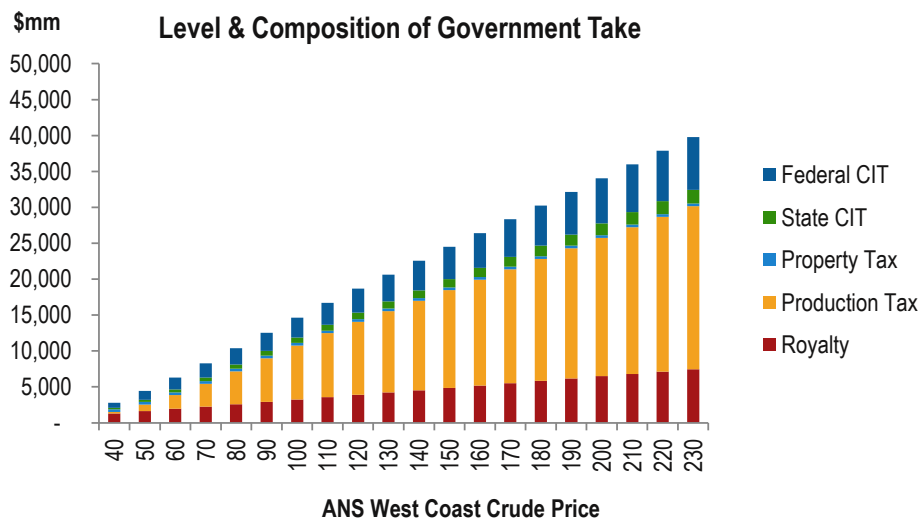


ACES – Capped at Maximum of 50%

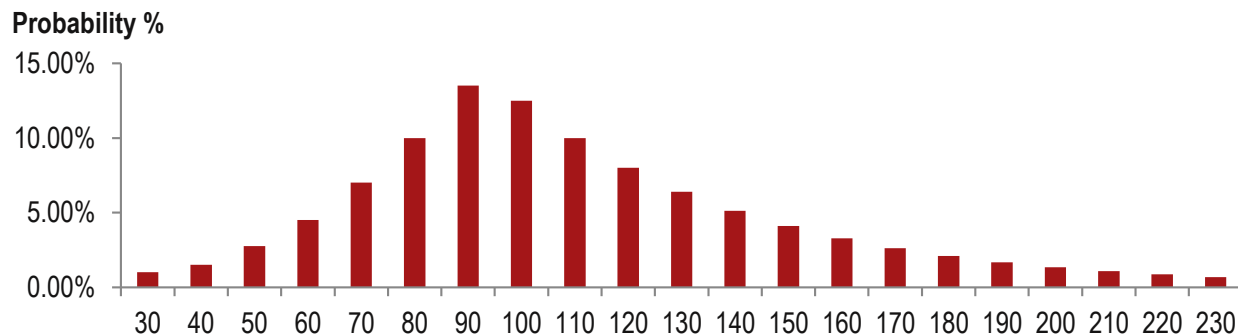
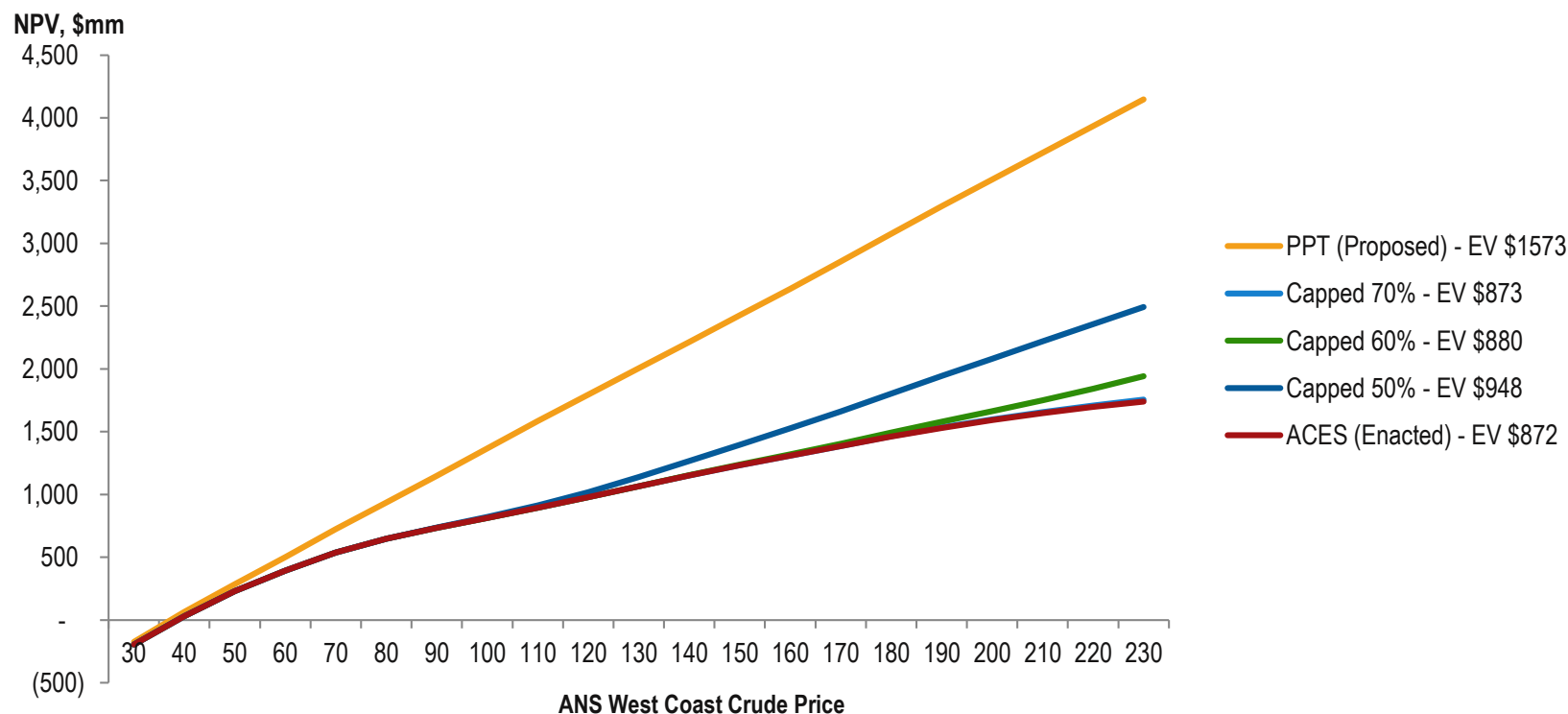


Price	Royalty	Production Tax	Property Tax	State CIT	Total State Take	Federal CIT	Total GT
40	30%	5%	9%	4%	48%	16%	64%
50	23%	13%	5%	5%	47%	18%	64%
60	20%	20%	4%	5%	49%	17%	66%
70	19%	26%	3%	4%	52%	16%	68%
80	18%	31%	3%	4%	55%	15%	71%
90	17%	35%	2%	4%	58%	15%	72%
100	16%	38%	2%	4%	60%	14%	74%
110	16%	40%	2%	4%	61%	14%	74%
120	16%	41%	1%	4%	61%	13%	74%
130	15%	41%	1%	4%	61%	13%	75%
140	15%	41%	1%	4%	61%	14%	75%
150	15%	41%	1%	4%	61%	14%	75%
160	15%	42%	1%	4%	61%	14%	75%
170	14%	42%	1%	4%	61%	14%	74%
180	14%	42%	1%	4%	61%	14%	74%
190	14%	42%	1%	4%	61%	14%	74%
200	14%	42%	1%	4%	61%	14%	74%
210	14%	42%	1%	4%	61%	14%	74%
220	14%	42%	1%	4%	61%	14%	74%
230	14%	42%	1%	4%	61%	14%	74%

* Percentage figures are percentages of divisible income, summing to Total Government Take



Limitations on Price Upside: A Probabilistic Approach



* Probability distribution is for illustrative purposes only

Conclusions

- There are a wide range of forms of progressivity, and metrics on which it may be based
- Sometimes progressivity may be used to counterbalance regressive elements of a regime, and at other times, it may simply be about taking as large a share of the economic rent as possible
- A well-designed highly progressive regime may be efficient, but it will not necessarily be competitive
- Alaska is one of the more progressive regimes in the world, and has a relatively high level of Government Take (GT)
 - In the OECD, only Norway has a higher level of GT, and Alaska GT is equal to Norway's at \$140 oil
 - Higher GT regimes tend to be PSC regimes in some of the highest take regimes in the world
- PPT as it was proposed was a progressive component that counterbalanced other regressive elements, to create a fairly neutral regime
- PPT as enacted was highly progressive, and ACES is even more so.

Main Regional Offices

Asia

PFC Energy, Kuala Lumpur
Level 27, UBN Tower #21
10 Jalan P. Ramlee
50250 Kuala Lumpur, Malaysia
Tel (60 3) 2172-3400
Fax (60 3) 2072-3599

PFC Energy, Singapore
9 Temasek Boulevard
#09-01 Suntec Tower Two
Singapore 038989
Tel (65) 6407 1440
Fax (65) 6407 1501

PFC Energy, China

79 Jianguo Road
China Central Place Tower II, 9/F, Suite J
Chaoyang District
Beijing 100025, China
Tel (86 10) 5920-4448
Fax (86 10) 6530-5093

Europe

PFC Energy, France
19 rue du Général Foy
75008 Paris, France
Tel (33 1) 4770-2900
Fax (33 1) 4770-5905

PFC Energy International, Lausanne

1-3, rue Marterey
1003 Lausanne, Switzerland
Tel (41 21) 721-1440
Fax: (41 21) 721-1444

North America

PFC Energy, Washington D.C.
1300 Connecticut Avenue, N.W.
Suite 800
Washington, DC 20036, USA
Tel (1 202) 872-1199
Fax (1 202) 872-1219

PFC Energy, Houston

2727 Allen Parkway, Suite 1300
Houston, Texas 77019, USA
Tel (1 713) 622-4447
Fax (1 713) 622-4448

www.pfcenergy.com | info@pfcenergy.com

Notice

This material is protected by United States copyright law and applicable international treaties including, but not limited to, the Berne Convention and the Universal Copyright Convention. Except as indicated, the entire content of this publication, including images, text, data, and look and feel attributes, is copyrighted by PFC Energy. PFC Energy strictly prohibits the copying, display, publication, distribution, or modification of any PFC Energy materials without the prior written consent of PFC Energy.

These materials are provided for the exclusive use of PFC Energy clients (and/or registered users), and may not under any circumstances be transmitted to third parties without PFC Energy approval.

PFC Energy has prepared the materials utilizing reasonable care and skill in applying methods of analysis consistent with normal industry practice, based on information available at the time such materials were created. To the extent these materials contain forecasts or forward looking statements, such statements are inherently uncertain because of events or combinations of events that cannot reasonably be foreseen, including the actions of governments, individuals, third parties and market competitors. **ACCORDINGLY, THESE MATERIALS AND THE INFORMATION CONTAINED THEREIN ARE PROVIDED “AS IS” WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO THE IMPLIED WARRANTIES OF MERCHANTABILITY, ACCURACY, OR FITNESS FOR A PARTICULAR PURPOSE.** Conclusions presented herein are intended for information purposes only and are not intended to represent recommendations on financial transactions such as the purchase or sale of shares in the companies profiled in this report.

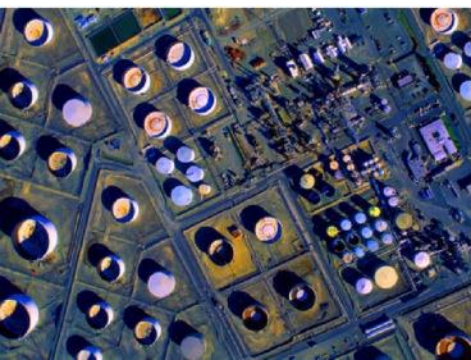
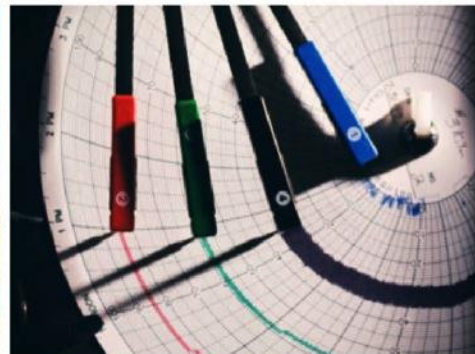
PFC Energy has adjusted data where necessary in order to render it comparable among companies and countries, and used estimates where data may be unavailable and or where company or national source reporting methodology does not fit PFC Energy methodology. This has been done in order to render data comparable across all companies and all countries.

This report reflects information available to PFC Energy as of the date of publication. Clients are invited to check our web site periodically for new updates.

© PFC Energy, Inc. License restrictions apply. Distribution to third parties requires prior written consent from PFC Energy.



A trusted advisor to energy
companies and governments for
over twenty five years



PFC Energy