

# Ministry of Energy and Resources

## Saskatchewan Oil and Gas Orphan Fund Annual Report for 2019-20

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# Letters of Transmittal



The Honourable Bronwyn Eyre  
Minister of Energy and  
Resources

Office of the Lieutenant Governor of Saskatchewan

I respectfully submit the Annual Report for the Saskatchewan Oil and Gas Orphan Fund for the fiscal year ending March 31, 2020.

A handwritten signature in black ink, appearing to be 'B Eyre', written in a cursive style.

The Honourable Bronwyn Eyre  
Minister of Energy and Resources



Doug MacKnight  
A/Deputy Minister  
of Energy and Resources

The Honourable Bronwyn Eyre  
Minister of Energy and Resources

Dear Madam:

I have the honour of submitting the Annual Report of the Saskatchewan Oil and Gas Orphan Fund for the fiscal year ending March 31, 2020.

A handwritten signature in black ink, appearing to be 'D MacKnight', written in a cursive style.

Doug MacKnight  
A/Deputy Minister of Energy and Resources

# Manager's Responsibility for Financial Statements

The accompanying financial statements included in the annual report of the Oil and Gas Orphan Fund for the year ended March 31, 2020, are the responsibility of the management of the Ministry of Energy and Resources. Management has prepared the financial statements in accordance with Canadian public sector accounting standards. The financial information presented elsewhere in the annual report is consistent with that in the financial statements.

To ensure the integrity and objectivity of the financial data, management maintains a comprehensive system of internal controls including written policies and procedures, and an organizational structure that segregates duties. These measures provide reasonable assurance that transactions are recorded and executed in compliance with legislation and required authority, that assets are properly safeguarded, and that reliable financial records are maintained.

The financial statements have been audited by the Office of the Provincial Auditor. Its report to the Members of the Legislative Assembly stating the scope of its examination and opinion on the financial statements appears on page 8.



Doug MacKnight

A/Deputy Minister of Energy and Resources

# Introduction

The Saskatchewan Oil and Gas Orphan Fund was established in legislation in June 2007, following extensive consultation with oil and gas industry associations and other stakeholders. The consultative process led to the development of a comprehensive and robust set of regulations and a program that is fully funded and supported by the oil and gas industry.

The Oil and Gas Orphan Fund provides funding to address the costs of abandoning and decommissioning orphan wells and facilities and reclaiming the sites, as well as the costs of containing environmental emergencies arising from oil and gas operations. The fund receives revenue primarily through an annual levy that is paid by the oil and gas industry, thereby protecting taxpayers from exposure to these industry liabilities.

The legislative authority and specific provisions of the fund are found in *The Oil and Gas Conservation Act* and the regulations thereunder.

The fund is administered by the Saskatchewan Ministry of Energy and Resources.

## Program Purpose

An orphan oil well is one where the licensee or owner of the well has ceased to exist due to insolvency or bankruptcy. The Saskatchewan Oil and Gas Orphan Fund was established as a means to pay for the costs associated with the abandonment and reclamation of orphan wells and facilities. The fund is capitalized through an annual levy paid by oil and gas companies. The program ensures that costs of abandoning and reclaiming orphan sites is not passed on to Saskatchewan taxpayers.

## Program Activities for 2019-20

During the 2019-20 fiscal year, the ministry invoiced the oil and gas industry \$6 million in its annual orphan fund levy. The ministry also carried out approximately \$10.65 million in abandonment and reclamation work tied to orphan sites. This included:

- abandonment of 106 wells and 70 flowlines;
- 137 environmental site assessments;
- 107 reclamation projects; and,
- 45 applications for Acknowledgement of Reclamation (AOR) as part of final site closure.

For the 2020-21 fiscal year, the ministry is forecasting to complete approximately 101 orphan well abandonments and approximately 440 various site assessment and reclamation projects.

## Risk Analysis

In order to reduce the risk and potential cost to the orphan fund, the ministry administers the Licensee Liability Rating (LLR) program in parallel with the orphan program. The purpose of the LLR program is to backstop the orphan fund through the collection of security deposits from companies that may pose a higher risk to the fund in the event of insolvency. The security deposits are used to offset the cost to the fund of abandoning and reclaiming well and facility sites should the owner become insolvent.

Under the LLR program, each oil and gas company operating in Saskatchewan is rated numerically using the LLR system. Companies whose rating is greater than 1.0 are considered to have assets greater than its liabilities and therefore pose a lower risk to the fund in the event of an insolvency. In contrast, those with a rating of less than 1.0 have assets less than its liabilities and are considered a higher risk to the fund in the event of an insolvency. Under the LLR program, these operators are required to submit a security deposit to offset the risk it poses to the fund.

As noted, the security deposits collected under the LLR program are intended to mitigate the potential risks to the fund posed by companies with an LLR less than 1.0. Figure 1 shows that over the last number of years, the number of companies in this category has been relatively stable but in the last two years, has dropped to the current 137. The number of companies in this category collectively represent about 5 per cent of total provincial oil and gas liabilities and about 0.7 per cent of total provincial production value.

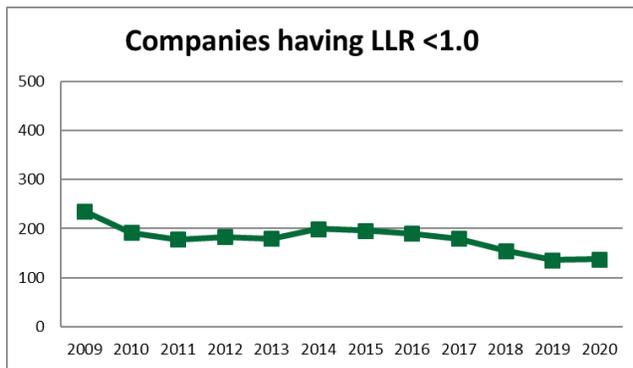


Figure 1

The number of companies having an LLR greater than or equal to 1.0 has steadily declined over the same period, from 293 to 126. The decline is a combination of smaller companies forming into larger ones and companies whose LLR fell below 1.0 when they were previously above 1.0. The companies having an LLR greater than or equal to 1.0 represent approximately 95 per cent of total provincial oil and gas liabilities and about 99.3 per cent of total provincial production value.

Figure 2 shows that the average provincial LLR has steadily declined since the inception of the program. This indicates that total industry liability is increasing more rapidly than total industry asset value. Overtime, this could mean a trend toward higher security deposit payments owing to the decline in the ratio of assets to liabilities. Orphan levies may also increase over time where the security deposit payments, together with the residual asset value, are insufficient to cover the abandonment and reclamation costs for orphaned wells and facilities.

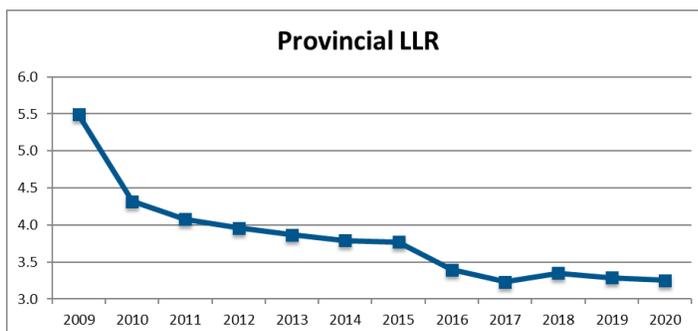


Figure 2

As of March 2020, the ministry was holding \$105 million in security under the LLR program. The total liability associated with licensees having an LLR less than 1.0 was \$102 million. On balance, the security deposits held by the ministry, together with the assets of these companies, should be sufficient at the aggregate level to address risks to the fund stemming from future insolvencies. However, there remains a risk that, for any particular insolvency, these amounts will not be enough to cover the actual cost of abandoning and reclaiming orphan sites. Any shortfall related to these costs is offset by the orphan fund capitalized through the annual orphan levy.

In addition to the LLR program, the ministry has taken several other actions to mitigate the risk to the orphan fund from the growth in industry liabilities. These include:

- Introduction of the Proportional Risk Transfer (PRT) model in order to ensure that liabilities associated with inactive wells and facilities are properly assessed and securitized if necessary during licence transfers where the transfer increases the potential risk to the orphan fund. This has resulted in the collection of higher security deposits for transfers that the ministry determines pose a higher risk to the fund.
- Approval of *Directive PNG015: Well Abandonment*. This work streamlined and modernized abandonment requirements and helped contribute to a record number of well abandonments in 2019-20 by the oil and gas industry. Accelerating the rate of inactive well abandonment will reduce the risk to the fund over time through more timely liability retirement.

The ministry's work in managing risks to the orphan fund has also been supported by the January 2019 decision of the Supreme Court of Canada decision in *Redwater*. This decision affirmed that industry liabilities are given priority in the sale of any assets stemming from receiverships and bankruptcies.

**OIL AND GAS ORPHAN FUND**

**FINANCIAL STATEMENTS**

**For The Year Ended March 31, 2020**

## INDEPENDENT AUDITOR'S REPORT

To: The Members of the Legislative Assembly of Saskatchewan

### Opinion

We have audited the financial statements of the Oil and Gas Orphan Fund, which comprise the statement of financial position as at March 31, 2020, and the statement of operations and accumulated surplus, and statement of cash flows for the year then ended, and notes to the financial statements, including a summary of significant accounting policies.

In our opinion, the accompanying financial statements present fairly, in all material respects, the financial position of the Oil and Gas Orphan Fund as at March 31, 2020, and the results of its operations, and its cash flows for the year then ended in accordance with Canadian public sector accounting standards.

### Basis for Opinion

We conducted our audit in accordance with Canadian generally accepted auditing standards. Our responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Statements* section of our report. We are independent of Oil and Gas Orphan Fund in accordance with the ethical requirements that are relevant to our audit of the financial statements in Canada, and we have fulfilled our other ethical responsibilities in accordance with these requirements. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

### Responsibilities of Management and Those Charged with Governance for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with Canadian public sector accounting standards for Treasury Board's approval, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is responsible for assessing the Oil and Gas Orphan Fund's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless management either intends to liquidate the Oil and Gas Orphan Fund or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the Oil and Gas Orphan Fund's financial reporting process.

### Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Canadian generally accepted auditing standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

As part of an audit in accordance with Canadian generally accepted auditing standards, we exercise professional judgment and maintain professional skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Oil and Gas Orphan Fund's internal control.



- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Conclude on the appropriateness of management's use of the going concern basis of accounting and based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Oil and Gas Orphan Fund's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the Oil and Gas Orphan Fund to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

We communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control identified during the audit.

Regina, Saskatchewan  
July 28, 2020

Judy Ferguson, FCPA, FCA  
Provincial Auditor  
Office of the Provincial Auditor

**OIL AND GAS ORPHAN FUND  
STATEMENT OF FINANCIAL POSITION  
As at March 31**

	<u>2020</u>	<u>2019</u>
<b>FINANCIAL ASSETS</b>		
Due from General Revenue Fund (Note 5)	\$8,206,506	\$ 11,560,487
Accounts Receivable	201,330	140,232
Interest Receivable	<u>122,802</u>	<u>128,252</u>
<b>Total Financial Assets</b>	<u>8,530,638</u>	<u>11,828,971</u>
<b>LIABILITIES</b>		
Accounts Payable	<u>123,189</u>	<u>102,102</u>
<b>NET FINANCIAL ASSETS AND ACCUMULATED SURPLUS</b> (Statement 2) (Note 3)	<u>\$ 8,407,449</u>	<u>\$ 11,726,869</u>

(See accompanying notes to the financial statements)

**OIL AND GAS ORPHAN FUND**  
**STATEMENT OF OPERATIONS AND ACCUMULATED SURPLUS**  
**Year Ended March 31**

	<u>Budget</u>	<u>Actual</u>	
	<u>2020</u> (Note 7)	<u>2020</u>	<u>2019</u>
<b>REVENUES:</b>			
Levies (Note 6)	\$7,000,000	\$ 6,000,000	\$ 4,000,000
License Application Fees (Note 6)	200,000	120,000	110,000
Forfeited Security Deposits (Note 6)	---	568,150	309,733
Abandonment and Reclamation proceeds	---	105,444	67,661
Interest (Note 5 & 6)	<u>500,000</u>	<u>570,828</u>	<u>506,345</u>
<b>Total Revenues</b>	<u>7,700,000</u>	<u>7,364,422</u>	<u>4,993,739</u>
<b>EXPENSES:</b>			
Abandonment and Reclamation	7,645,000	10,658,477	4,214,994
Administration Costs	<u>55,000</u>	<u>25,365</u>	<u>4,230</u>
Total Expenses	<u>7,700,000</u>	<u>10,683,842</u>	<u>4,219,224</u>
<b>ANNUAL (DEFICIT) SURPLUS</b>	<u>\$</u> ---	(3,319,420)	774,515
<b>ACCUMULATED SURPLUS, BEGINNING OF YEAR</b>		<u>11,726,869</u>	<u>10,952,354</u>
<b>ACCUMULATED SURPLUS, END OF YEAR</b>		<u>\$ 8,407,449</u>	<u>\$11,726,869</u>
<b>- to Statement 1</b>			

(See accompanying notes to the financial statements)

**OIL AND GAS ORPHAN FUND  
STATEMENT OF CASH FLOWS  
Year Ended March 31**

	<u>2020</u>	<u>2019</u>
<b>OPERATING TRANSACTIONS</b>		
<b>Cash Received From:</b>		
Levies	\$ 5,848,010	\$ 3,993,104
License Application Fees	120,000	110,000
Forfeited Security Deposits	634,750	243,133
Abandonment and Reclamation proceeds	105,168	67,661
Interest	<u>576,279</u>	<u>481,073</u>
<b>Total Cash Received</b>	<u>7,284,207</u>	<u>4,894,971</u>
<b>Cash Paid For:</b>		
Abandonment and Reclamation	10,637,653	4,258,522
Refunds	<u>535</u>	<u>---</u>
<b>Total Cash Paid</b>	<u>10,638,188</u>	<u>4,258,522</u>
<b>(DECREASE) INCREASE IN CASH</b>	(3,353,981)	636,449
<b>CASH, BEGINNING OF YEAR</b>	<u>11,560,487</u>	<u>10,924,038</u>
<b>CASH, END OF YEAR</b>	<u>\$ 8,206,506</u>	<u>\$ 11,560,487</u>

**OIL AND GAS ORPHAN FUND**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**March 31, 2020**

**1. Authority**

The Oil and Gas Environmental Fund was established on May 17, 1989, pursuant to Section 18.2 of The Oil and Gas Conservation Regulations, 1985 (Regulations). The Oil and Gas Environmental Fund originated through a one-time assessment of \$100 per well to a maximum of \$20,000 per operator.

In June 2007, an amendment was made to the Oil and Gas Conservation Act (Act) that provided for the continuance of the existing Oil and Gas Environmental Fund as the Oil and Gas Orphan Fund (fund) (Order in Council #442/2007). The purpose of the fund is to address the issue of abandonment of wells, decommissioning of facilities, and clean-up of those wells and facilities where the obligations of the person responsible for carrying out those activities are not being met.

**2. Significant Accounting Policies**

Pursuant to Canadian Public Sector Accounting Standards, the fund is classified as a government component. These financial statements are prepared in accordance with public sector accounting standards. For the year ending March 31, 2020 a cash flow statement has been included. These financial statements do not present a statement of changes in net financial assets as the fund does not hold any non-financial assets. The fund did not have any re-measurement gains and losses, therefore a statement of re-measurement gains and losses has not been provided.

- The fund recognizes orphan fund license application fees as revenue when received with the accompanying first-time license application.
- The fund recognizes orphan fund levies as revenue when the levies are assessed.
- The fund recognizes forfeited security deposits as revenue when the Minister declares them forfeited to the Crown in the right of Saskatchewan (see Note 6).
- Interest is earned monthly and received quarterly.

These standards require management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenue and expenses during the period. Actual results could differ from those estimates. Differences are reflected in current operations when identified.

### **3. Net Financial Assets**

Under section 118 of the Regulations the net financial assets, together with any future recoveries of well site restoration costs, are available to provide for expenditures for the purposes of:

- abandonment of wells, flowlines and facilities and restoration of those sites, as a result of disappearance or insolvency of the well owner or operator.
- containment or clean-up of major environmental problems arising from oil and gas exploration, development, production or transportation operations.
- to pay for technical, administrative, legal or other costs incurred in pursuing reimbursement for the costs mentioned in a) and b) from the person responsible for paying them.
- to pay for a defunct working interest participant's share of abandonment and reclamations costs if those costs were incurred by a working interest participant of the defunct party.

### **4. Financial Instruments**

The fund's financial instruments include Due from General Revenue Fund, accounts receivable, interest receivable and accounts payable. These are recorded at fair value. The carrying amount of these financial instruments approximate fair value due to their immediate or short-term maturity. The Fund is exposed to minimal credit risk from the potential non-payment of accounts receivable. These instruments have no interest rate risk, liquidity risk or market risk. The valuation allowance for doubtful accounts at the end of March 31, 2020 was \$47,270 (2019- \$24,638).

### **5. Related Party Transactions**

Included in these financial statements are transactions with ministries and agencies related to the fund by virtue of common control by the Government of Saskatchewan. A related party exists when one party has the ability to exercise control or shared control over the other. Two or more parties are related when they are subject to common control or shared control. Related parties also include key management personnel, their close family members and entities controlled by, or under shared control of, any of these individuals.

The fund's revenue and cash security deposits (Note 6) are deposited to the General Revenue Fund (GRF). These funds are included in the Consolidated Offset Balance Concentration (COBC) account held by the GRF and the fund receives interest quarterly. Participation in the COBC arrangement means that

the interest on the bank account comes from the GRF rather than from a financial institution. The interest is based on the government's 30-day borrowing rate, which is calculated and paid by the Ministry of Finance. The fund received \$570,828 in interest in 2019-20 (2019 - \$506,345). The Government's average 30- day borrowing rate for 2019-20 is 1.72%. (2019 1.54%).

The fund has not been charged with any administrative costs and no provision for such costs is reflected in these statements. These costs are borne by the Ministry of Energy and Resources.

## **6. Fees, Levies and Security Deposits**

Section 16 of the Regulations requires all first-time applicants for a well or upstream facility licensee to pay a one-time fee of \$10,000 which is deposited into the fund.

In order to pay the costs to abandon and reclaim orphaned liabilities, the Saskatchewan Orphan Fund Levy was established. Each licensee in the province is levied, in accordance with the Regulations, on an annual basis to pay a percentage of a budget to carry out an annual orphan abandonment and reclamation program. Section 119 of the Regulations provides the details of how the levy is calculated for each licensee.

In addition, under the Licensee Liability Rating Program, the Minister in accordance with the Act and Regulations may require security deposits from holders of oil and gas licenses for the purpose of ensuring that they can meet their obligations with respect to suspension, abandonment, restoration, remediation, or reclamation of wells and upstream facilities and sites.

The cash security deposits and irrevocable letters of credit are held on behalf of holders of oil and gas licenses and are not included in the financial statements of the fund. At March 31, 2020, the fund held irrevocable letters of credits from the holders of oil and gas licenses consisting of \$85,125,533 (2019 - \$86,564,204) and security deposits held in the Province's GRF of \$20,319,688 (2019 - \$18,599,233). As of March 31, 2020 an additional \$5,097,833 in security deposit amounts are to be provided by companies in either cash or irrevocable letters of credit.

As a licensee's liability rating improves, the cash may be refunded to the licensee. The licensees were notified in writing that interest will not be calculated or paid on security deposits. Effective June, 2019, the calculation of the LLR was updated to change the Present Value Salvage (PVS) factor of all wells and facilities to 1. This will affect the calculation of security deposits going forward and is not expected to have a significant impact on security deposits currently held.

If the criteria of the Acts and Regulations are not met, the security deposits may be forfeited fully, or partially, and deposited into the fund.

## **7. Budget**

The budget for the fund is included with the Ministry of Energy and Resources budget submission to Treasury Board. Treasury Board approves the fund's budget annually.

## **8. COVID-19**

The COVID-19 pandemic is complex and rapidly evolving. It has caused material disruption to businesses and has resulted in an economic slowdown. Energy and Resources continues to assess and monitor the impact of COVID-19 on its financial condition. The magnitude and duration of COVID-19 is uncertain and, accordingly, it is difficult to reliably measure the potential impact on Energy and Resources financial position and operations.