

**Report 13-18  
December 2013**

# **Petroleum Inspection Fee Revenue Obligations Program**

STATE OF WISCONSIN



Legislative Audit Bureau ■



# **Petroleum Inspection Fee Revenue Obligations Program**

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Legislative Audit Bureau

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Joe Chrisman  
State Auditor

December 12, 2013

Senator Robert Cowles and  
Representative Samantha Kerkman, Co-chairpersons  
Joint Legislative Audit Committee  
State Capitol  
Madison, Wisconsin 53702

Dear Senator Cowles and Representative Kerkman:

At the request of the Department of Safety and Professional Services and the Department of Administration, and in accordance with s. 13.94(1s), Wis. Stats., we have completed a financial audit of the State of Wisconsin Petroleum Inspection Fee Revenue Obligations Program for the fiscal years ended June 30, 2013, and June 30, 2012. We have provided an unmodified audit opinion on the Statement of Changes in Program Assets, which is presented on a cash basis.

Under the program, the State was authorized to issue \$386.9 million in revenue obligations to provide financing for payment of claims under the Petroleum Environmental Cleanup Fund Award (PECFA) program. These revenue obligations are not general obligation debt of the State. Instead, they are to be repaid primarily from the \$0.02 per gallon fee charged to suppliers of petroleum products sold in Wisconsin. These fees are collected by the Department of Revenue.

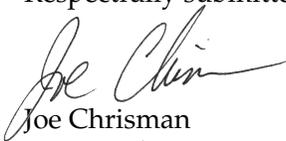
The State previously issued the revenue obligations in the form of revenue bonds and extendible commercial paper. In 2009, the State refinanced the revenue bonds, and no principal was repaid during our audit period. As of June 30, 2013, a total of \$188.7 million in revenue obligations remained outstanding, including \$117.5 million in revenue bonds and \$71.2 million in commercial paper.

The State collected \$71.9 million in petroleum inspection fees in fiscal year (FY) 2012-13. Of this amount, \$30.0 million was retained by the program, mainly for the bond principal payment that was due on July 1, 2013. The remaining \$41.9 million of inspection fees was deposited to the Petroleum Inspection Fund, of which \$4.1 million was used to pay PECFA claims, \$25.8 million was transferred to the Transportation Fund, and \$12.0 million was used for other purposes.

2013 Wisconsin Act 20, the 2013-15 Biennial Budget Act, requires transfers totaling \$22.3 million from the Petroleum Inspection Fund to the Transportation Fund in both FY 2013-14 and FY 2014-15. Act 20 also transferred the Department of Safety and Professional Services' responsibilities for the Petroleum Inspection Fee Revenue Obligations Program and the PECFA program to the Department of Natural Resources effective July 1, 2013.

We appreciate the courtesy and cooperation extended to us during our audit by staff of the departments of Safety and Professional Services, Administration, and Revenue.

Respectfully submitted,

  
Joe Chrisman  
State Auditor

JC/BN/ss



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## **Audit Opinion ■**

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Joe Chrisman  
State Auditor

## **Independent Auditor's Report on the Financial Statement and Other Reporting Required by *Government Auditing Standards***

Senator Robert Cowles and  
Representative Samantha Kerkman, Co-chairpersons  
Joint Legislative Audit Committee

Mr. Dave Ross, Secretary  
Department of Safety and Professional Services

Mr. Michael Huebsch, Secretary  
Department of Administration

### **Report on the Financial Statement**

We have audited the accompanying cash basis Statement of Changes in Program Assets and the related notes of the State of Wisconsin Petroleum Inspection Fee Revenue Obligations Program as of and for the years ended June 30, 2013, and June 30, 2012.

#### **Management's Responsibility for the Financial Statement**

Management of the program is responsible for the preparation and fair presentation of the Statement of Changes in Program Assets in accordance with the cash basis of accounting described in Note 2 to the financial statement. This includes determining that the cash basis of accounting is an acceptable basis for the preparation of the financial statement. Management is also responsible for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of the financial statement that is free from material misstatement, whether due to fraud or error.

#### **Auditor's Responsibility**

Our responsibility is to express an opinion on the Statement of Changes in Program Assets based on our audits. We conducted our audits in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, which is issued by the Comptroller General of the United States. Those standards require that we plan and perform the audits to obtain reasonable assurance about whether the financial statement is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statement. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial

statement, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the preparation and fair presentation of the program's financial statement 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 entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of the accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statement.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion on the Statement of Changes in Program Assets.

### **Opinion**

In our opinion, the Statement of Changes in Program Assets presents fairly, in all material respects, the Petroleum Inspection Fee Revenue Obligations Program's assets as of June 30, 2013, and June 30, 2012, and the program's receipts and disbursements for the years then ended, in accordance with the cash basis of accounting described in Note 2 to the financial statement.

### **Emphases of Matter**

As discussed in Note 1 to the Statement of Changes in Program Assets, the financial statement presents only the Petroleum Inspection Fee Revenue Obligations Program and does not purport to, and does not, present fairly the financial position of the State of Wisconsin as of June 30, 2013, and June 30, 2012, the changes in its financial position, or where applicable, its cash flows for the years then ended.

As described in Note 2 to the Statement of Changes in Program Assets, and in order to provide a meaningful presentation to bondholders and noteholders regarding resources available to pay debt service, the program's policy is to prepare its financial statement on the cash basis of accounting, which is a basis of accounting other than accounting principles generally accepted in the United States of America.

Our opinion is not modified with respect to either of these matters.

### **Other Matter**

Our audits were conducted for the purpose of forming an opinion on the program's Statement of Changes in Program Assets. The supplementary information included as Management's Discussion and Analysis on pages 9 through 13 is presented for purposes of additional analysis and is not a required part of the financial statement. We have applied certain limited procedures to the information that included inquiries of management about the methods of preparing the information. We further compared the information for consistency with management's responses to our inquiries, the financial statement, and other knowledge we obtained during our audits of the financial statement. However, we do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to do so.

### Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued a report dated December 4, 2013, on our consideration of the program's internal control over financial reporting; our tests of its compliance with certain provisions of laws, regulations, and contracts; and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the program's internal control over financial reporting and compliance.

LEGISLATIVE AUDIT BUREAU

A handwritten signature in black ink, appearing to read "Joe Chrisman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Joe Chrisman  
State Auditor

December 4, 2013



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# Management's Discussion and Analysis ■

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## *Prepared by Management of the Petroleum Inspection Fee Revenue Obligations Program*

Management's Discussion and Analysis (MD&A) is intended to provide users of the State of Wisconsin Petroleum Inspection Fee Revenue Obligations Program's Statement of Changes in Program Assets with a narrative overview of the statement, as well as an analysis of some key data presented in the statement. The MD&A should be read in conjunction with the accompanying financial statement and notes. The financial statement, notes, and this discussion are the responsibility of the program's management.

### **Overview of the Statement of Changes in Program Assets**

The Statement of Changes in Program Assets of the State of Wisconsin Petroleum Inspection Fee Revenue Obligations Program is intended to show the changes in the program's assets for FY 2012-13 and FY 2011-12. Accounting for the program is done outside the State of Wisconsin's central accounting system.

The Statement of Changes in Program Assets presents the program's receipts and disbursements on the cash basis of accounting, which is a basis of accounting other than accounting principles generally accepted in the United States. Under the cash basis of accounting, receipts are reported when received and disbursements are reported when paid. The program's assets and activities are presented on the cash basis of accounting to provide a meaningful presentation to bondholders and extendible municipal commercial paper noteholders regarding resources available

to pay debt service. The notes to the financial statement provide additional information that is essential for a full understanding of the data provided in the financial statement.

### **Noteworthy Financial Activity**

The program originated in January 2000 pursuant to a State of Wisconsin Building Commission program resolution adopted on January 19, 2000, amended and restated on May 2, 2000, and further amended on July 30, 2003. The purpose of the program is to provide financing for the payment of claims under the State of Wisconsin Petroleum Environmental Cleanup Fund Award (PECFA) program, which is accounted for in the Petroleum Inspection Fund. The Building Commission may, from time to time, adopt supplemental resolutions authorizing the issuance of revenue refunding obligations and, subject to legislative authorization, additional revenue obligations for the purpose for which the program was created.

The Wisconsin Department of Safety and Professional Services was created as part of the 2011-13 Biennial Budget Act (2011 Wisconsin Act 32) and administered the PECFA program effective July 1, 2011. In addition, effective July 1, 2011, the Department of Safety and Professional Services and the Department of Administration jointly administered the Petroleum Inspection Fee Revenue Obligations Program. The Wisconsin Department of Commerce, which was abolished as part of the 2011-13 Biennial Budget Act, was involved in the administration of the Petroleum Inspection Fee Revenue Obligations Program and PECFA program prior to FY 2011-12. The 2013-15 Biennial Budget Act (2013 Wisconsin Act 20) transferred the Department of Safety and Professional Services' responsibilities for the Petroleum Inspection Fee Revenue Obligations Program and the PECFA program to the Department of Natural Resources effective July 1, 2013.

The program resolution establishes special trust funds and accounts and fiduciary responsibilities that are to be undertaken by a trustee for the benefit of the bondholders, extendible municipal commercial paper noteholders, and holders of any other obligations that may be issued. The Bank of New York Mellon Trust Company N.A. has been appointed as the trustee for the revenue obligations. The trustee is responsible for maintaining the trust funds in accordance with the program resolution.

As shown in Table A, the program's assets were \$29.5 million as of June 30, 2013, \$5.4 million as of June 30, 2012, and \$3.3 million as of June 30, 2011.

Table A

**Program Assets**

	June 30, 2013	June 30, 2012	Percentage Change 2012 to 2013	June 30, 2011	Percentage Change 2011 to 2012
Restricted for Debt Service	\$29,522,960	\$5,352,543	451.6%	\$3,346,690	59.9%
Restricted for Other Purposes	3,000	4,794	(37.4)	3,007	59.4
<b>Total Program Assets</b>	<b>\$29,525,960</b>	<b>\$5,357,337</b>	<b>451.1</b>	<b>\$3,349,697</b>	<b>59.9</b>

Program assets restricted for debt service are available for the payment of principal and interest on revenue obligations and may be invested in direct obligations of the United States or held in demand deposit accounts. As of June 30, 2013, June 30, 2012, and June 30, 2011, all program assets, including those restricted for debt service and for other purposes, were held in demand deposit accounts. From June 30, 2012, to June 30, 2013, program assets restricted for debt service showed a net increase of 451.6 percent. The majority of the balance shown as of June 30, 2012, was used to pay the debt service payments scheduled for July 1, 2012. The balance shown as of June 30, 2013, was used, in part, to pay debt service payments scheduled for July 1, 2013, including the principal payment due on the 2009 Series 1 Petroleum Inspection Fee Revenue Refunding Bonds. The majority of the remaining balance, together with other amounts that will be accumulated during FY 2013-14, will be used to make the principal payment due July 1, 2014.

The balance of program assets restricted for debt service as of June 30, 2012, was higher than the balance as of June 30, 2011, due to more funds withheld for future debt service payments.

During the audit period, the program's revenue obligations were issued pursuant to subchapter II of ch. 18, Wis. Stats.; s. 101.143(9m), Wis. Stats.; and the program resolution and supplemental resolutions adopted by the State of Wisconsin Building Commission. As of July 1, 2013, the program's revenue obligations are issued pursuant to subchapter II of ch. 18, Wis. Stats.; s. 292.63(9m), Wis. Stats.; and the program resolution and supplemental resolutions adopted by the State of Wisconsin Building Commission. The revenue obligations are not general obligations of the State of Wisconsin. They are payable from, and primarily secured by, petroleum inspection fees charged to suppliers of petroleum products received for sale in Wisconsin and subsequently transferred to and received by the trustee. The fee amount imposed under s. 168.12(1), Wis. Stats., has been \$0.02 per gallon since April 2006.

Wisconsin Statutes authorize the program to issue revenue obligations not to exceed \$386,924,000 in principal amount, excluding any obligations that have been defeased under a cash optimization program administered by the Building Commission. At this time, all statutorily authorized revenue obligations have been issued in the form of revenue bonds and extendible municipal commercial paper. In addition to this limit on principal amount, the Building Commission may issue an unlimited amount of additional revenue obligations to fund or refund outstanding revenue obligations, pay issuance and administrative costs, make any necessary deposits to reserve funds, or pay accrued or capitalized interest.

On October 20, 2009, the State issued 2009 Series 1 Petroleum Inspection Fee Revenue Refunding Bonds in the amount of \$117.5 million. The FY 2012-13 and FY 2011-12 debt service payments for the 2009 Series 1 Petroleum Inspection Fee Revenue Refunding Bonds consisted only of interest. The first principal payment on this issue comes due on July 1, 2013, which is in FY 2013-14. In addition, only interest has been paid on the extendible municipal commercial paper since December 11, 2009. As of June 30, 2013, and June 30, 2012, revenue obligations outstanding totaled \$188.7 million and consisted of \$117.5 million in revenue bonds and \$71.2 million in extendible municipal commercial paper.

The debt service coverage ratio, calculated as the ratio of petroleum inspection fees remitted by the State to the trustee divided by the senior debt service payments made during each fiscal year, excluding amounts related to bond refundings, was 12.51 in FY 2012-13 and 12.88 in FY 2011-12. The FY 2012-13 debt service coverage ratio was calculated based on \$71,899,817 in petroleum inspection fees remitted by the State to the trustee, and senior debt service payments of \$5,748,972. In FY 2011-12, the calculated ratio was based on \$74,328,226 in petroleum inspection fees remitted by the State to the trustee, and senior debt service payments of \$5,769,535.

Petroleum inspection fees not retained by the trustee for debt service are transferred from the trustee to the State. Petroleum inspection fee revenue, up to the amount authorized by statute, is used to pay PECFA claims, PECFA administrative costs, and other costs and transfers, including optional transfers to the trustee for early redemption of revenue obligations. Petroleum inspection fees transferred to the State were \$41.9 million in FY 2012-13, \$66.5 million in FY 2011-12, and \$67.9 million in FY 2010-11, as shown in Table B. As discussed previously, in October 2009 the State issued revenue refunding bonds for early redemption of the program's other outstanding bond issues. The scheduled debt service payments on the October 2009 issue were for interest only until FY 2013-14, when the scheduled debt service payments began to include both principal and interest. Because funds are accumulated in advance to make debt service payments, more petroleum inspection fees were retained by the trustee for debt service in FY 2012-13 compared to FY 2011-12 and FY 2010-11. Therefore, fewer funds were available for transfer to the State.

Table B

**Petroleum Inspection Fees**

	FY 2012-13	FY 2011-12	Percentage Change FY 2011-12 to FY 2012-13	FY 2010-11	Percentage Change FY 2010-11 to FY 2011-12
Petroleum Inspection Fees Remitted by the State to the Trustee	\$71,899,817	\$74,328,226	(3.3)%	\$73,808,676	0.7%
Petroleum Inspection Fees Retained by the Trustee	29,977,521	7,833,531	282.7	5,868,194	33.5
<b>Petroleum Inspection Fees Transferred from the Trustee to the State</b>	<b>\$41,922,296</b>	<b>\$66,494,695</b>	<b>(37.0)</b>	<b>\$67,940,482</b>	<b>(2.1)</b>

During FY 2012-13, claims paid from petroleum inspection fees transferred to the State totaled \$4.1 million, which represents a decrease of 40.6 percent from the \$6.9 million in claims paid from fees in FY 2011-12. The \$6.9 million in claims paid during FY 2011-12 represents a decrease of 21.6 percent from the \$8.8 million in claims paid from fees in FY 2010-11. Both decreases resulted from the identification of fewer new sites needing cleanup and from decreases in the average dollar value of claims. In addition, there were several months during FY 2012-13 when the program was awaiting approval of additional funding from the Joint Committee on Finance and, as a result, the number of claims processed and paid during this time was lower. No claims were paid from the proceeds of revenue obligations and any related interest and investment income during FY 2012-13, FY 2011-12, or FY 2010-11.

As of June 30, 2013, approved but unpaid claims totaled \$0.2 million, which is the same amount of approved but unpaid claims as of June 30, 2012. In addition, as of June 30, 2013, approximately \$0.9 million in claims submitted had yet to be both reviewed and approved. The Department of Safety and Professional Services estimates that approximately \$1.1 million in additional claims had not been submitted as of June 30, 2013, for costs that landowners had already incurred as of that date. In addition, the Department of Safety and Professional Services reports that, as of June 30, 2013, there were no claimants appealing determinations on previously finalized claims.





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## **Financial Statement ■**

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## Statement of Changes in Program Assets for the Fiscal Years Ended June 30, 2013, and June 30, 2012

	Fiscal Year 2012-13	Fiscal Year 2011-12
Program Assets, July 1	\$ 5,357,337	\$ 3,349,697
<b>RECEIPTS</b>		
Net Proceeds from Sale of Revenue Refunding Obligations	0	0
Petroleum Inspection Fees Remitted by the State of Wisconsin to the Trustee	\$ 71,899,817	\$ 74,328,226
Less: Petroleum Inspection Fees Transferred from the Trustee to the State of Wisconsin Petroleum Inspection Fund (see Note 7)	<u>(41,922,296)</u>	<u>(66,494,695)</u>
Petroleum Inspection Fees Retained by the Trustee	29,977,521	7,833,531
Interest and Investment Income	<u>1,389</u>	<u>221</u>
<b>Total Receipts</b>	<b><u>29,978,910</u></b>	<b><u>7,833,752</u></b>
<b>TOTAL PROGRAM ASSETS AVAILABLE</b>	<b><u>35,336,247</u></b>	<b><u>11,183,449</u></b>
<b>DISBURSEMENTS</b>		
Transfers of Proceeds from Sale of Revenue Obligations and Interest and Investment Income to the State of Wisconsin Petroleum Inspection Fund	0	0
Debt Service (see Notes 5 and 8):		
Senior Debt Service—Bond Principal	0	0
Senior Debt Service—Bond Interest	5,596,600	5,596,600
Senior Debt Service—Commercial Paper Interest	152,372	172,935
Junior Subordinate Debt Service—Commercial Paper Principal	<u>0</u>	<u>0</u>
Total Debt Service	5,748,972	5,769,535
Debt Issuance Costs	0	0
Other Costs	<u>61,315</u>	<u>56,577</u>
<b>Total Disbursements</b>	<b><u>5,810,287</u></b>	<b><u>5,826,112</u></b>
Program Assets Restricted for:		
Debt Service (see Note 4)	29,522,960	5,352,543
Other Purposes (see Note 4)	<u>3,000</u>	<u>4,794</u>
<b>PROGRAM ASSETS, JUNE 30</b>	<b><u>\$ 29,525,960</u></b>	<b><u>\$ 5,357,337</u></b>

The accompanying notes are an integral part of this statement.



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# Notes to the Statement of Changes in Program Assets ■

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## 1. DESCRIPTION OF THE PROGRAM

Effective July 1, 2011, the State of Wisconsin Petroleum Inspection Fee Revenue Obligations Program is administered jointly by the Wisconsin Department of Safety and Professional Services and the Wisconsin Department of Administration. The program originated in January 2000, pursuant to the State of Wisconsin Building Commission Program Resolution for State of Wisconsin Petroleum Inspection Fee Revenue Obligations adopted on January 19, 2000, amended and restated on May 2, 2000, and further amended on July 30, 2003. The purpose of the program is to provide financing for the payment of claims under the State of Wisconsin Petroleum Environmental Cleanup Fund Award (PECFA) program.

The 2011-13 Biennial Budget Act (2011 Wisconsin Act 32) resulted in the creation of the Wisconsin Department of Safety and Professional Services, which administered the PECFA program as of July 1, 2011. The Wisconsin Department of Commerce, which was abolished as part of the 2011-13 Biennial Budget Act, was involved in the administration of the Petroleum Inspection Fee Revenue Obligations Program and the PECFA program prior to FY 2011-12.

Pursuant to the program resolution, the Building Commission may occasionally adopt supplemental resolutions authorizing the issuance of revenue obligations up to the aggregate amount authorized by Wisconsin Statutes. As of June 30, 2013, all statutorily authorized revenue obligations have been issued. In addition, the Building Commission may occasionally adopt supplemental resolutions authorizing the issuance of an unlimited amount of revenue refunding obligations.

The program resolution establishes special trust funds and accounts, and fiduciary responsibilities that are to be undertaken by a trustee for the benefit of the bondholders, extendible municipal commercial paper noteholders, and holders of any other obligations that may be issued. The Bank of New York Mellon Trust Company N.A. has been appointed as the trustee for the revenue obligations. The trustee is responsible for maintaining the trust funds in accordance with the program resolution, which requires investments of trust fund balances to be in accordance with directives established by the program resolution. The Bank of New York Mellon Trust Company N.A. is also the registrar for the revenue obligations.

The Bank of New York Mellon Trust Company N.A. is the issuing and paying agent for the revenue bonds. U.S. Bank National Association is the issuing and paying agent for the extendible municipal commercial paper.

When issued, proceeds from revenue bonds and extendible municipal commercial paper proceeds are held by the trustee until the Department of Safety and Professional Services and the Department of Administration request the specific amounts be remitted to the State to pay PECFA claims. Petroleum inspection fee revenue obligations are payable from, and primarily secured by, petroleum inspection fees that result from a \$0.02 per gallon fee authorized in s. 168.12(1), Wis. Stats., and imposed on suppliers of petroleum products received for sale in Wisconsin. Petroleum inspection fees are paid monthly by suppliers to the Wisconsin Department of Revenue, which subsequently forwards them to the program's trustee.

All revenues and assets of the Petroleum Inspection Fee Revenue Obligations Program are initially restricted for the purposes provided by the program resolution under which the revenue obligations are issued. The fees in excess of the amounts needed to meet debt service requirements and pay program administrative costs are transferred from the trustee to the State of Wisconsin Petroleum Inspection Fund. Subject to appropriation, the State uses the transferred fees to pay PECFA claims, PECFA program administrative costs, and other costs and transfers. In addition, an appropriation exists for the optional transfer of excess petroleum inspection fees to the trustee for early redemption of revenue obligations.

The Statement of Changes in Program Assets presents only the Petroleum Inspection Fee Revenue Obligations Program and is not intended to present fairly the financial activity of the State of Wisconsin.

## 2. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The Statement of Changes in Program Assets presents the Petroleum Inspection Fee Revenue Obligations Program's receipts and disbursements on the cash basis of accounting, which is a basis of accounting other than accounting principles generally accepted in the United States. Under the cash basis of accounting, receipts are reported when received and disbursements are reported when paid. The program's assets may include cash, consisting of

demand deposits held by the Bank of New York Mellon Trust Company N.A. and U.S. Bank National Association, and investments valued at historical cost. The program's assets and activities are presented on the cash basis of accounting to provide a meaningful presentation to bondholders and extendible municipal commercial paper noteholders regarding resources available to pay debt service.

### 3. DEPOSITS AND INVESTMENTS

The program is authorized by Wisconsin Statutes and the program resolution to deposit funds with the trustee and the extendible municipal commercial paper issuing and paying agent. The program is also authorized by Wisconsin Statutes and the program resolution to invest funds restricted for debt service in direct obligations of the United States. Under s. 25.17(3)(b), Wis. Stats., and as permitted by the program resolution, the program is authorized to invest funds not restricted for debt service in direct obligations of the United States, high-quality corporate commercial paper, certificates of deposit, and other investments.

Custodial credit risk for deposits is the risk that in the event of the failure of a financial institution, the deposits may not be returned. As of June 30, 2013, the demand deposit accounts with the trustee and the extendible municipal commercial paper issuing and paying agent totaled \$29,525,960. As of June 30, 2012, the demand deposit accounts with the trustee and the extendible municipal commercial paper issuing and paying agent totaled \$5,357,337. As of June 30, 2013, \$328,670 was insured against loss by the Federal Deposit Insurance Corporation (FDIC). The remaining balance of \$29,197,290 as of June 30, 2013, was not insured or collateralized. As of June 30, 2012, \$324,018 was insured against loss by the FDIC. The remaining balance of \$5,033,319 as of June 30, 2012, was not insured or collateralized.

Custodial credit risk for investments is the risk that in the event of failure of a counterparty to a transaction, the program will not be able to recover the value of the investments that are in the possession of another party. As of June 30, 2013, and June 30, 2012, the program did not hold any investments and, therefore, was not exposed to custodial credit risk for investments at the end of either fiscal year.

Interest rate risk is the risk that changes in market interest rates will adversely affect the fair value of an investment. Under the program resolution, the program is generally permitted to make investments with maturities of one year or less. As of June 30, 2013, and June 30, 2012, the program did not hold any investments and, therefore, was not subject to interest rate risk at the end of either fiscal year.

The program does not have a specific policy related to custodial credit risk or interest rate risk.

#### 4. PROGRAM ASSETS

Program assets required to be held in the various interest and principal redemption accounts at the trustee and the issuing and paying agent are reported as program assets restricted for debt service. Program assets in excess of those restricted for debt service are available for other uses as outlined in the program resolution.

As of June 30, 2013, the program's assets totaled \$29,525,960. Of this amount, \$29,522,960, consisting of demand deposits, was restricted for debt service. The remaining \$3,000, consisting of demand deposits, was restricted for transfer to the State of Wisconsin Petroleum Inspection Fund or to pay debt issuance costs or administrative costs of the program.

As of June 30, 2012, the program's assets totaled \$5,357,337. Of this amount, \$5,352,543, consisting of demand deposits, was restricted for debt service. The remaining \$4,794, consisting of demand deposits, was restricted for transfer to the State of Wisconsin Petroleum Inspection Fund or to pay debt issuance costs or administrative costs of the program.

#### 5. REVENUE BONDS AND EXTENDIBLE MUNICIPAL COMMERCIAL PAPER

The program's revenue obligations are issued pursuant to subchapter II of ch. 18, Wis. Stats.; s. 101.143(9m), Wis. Stats.; and the program resolution and supplemental resolutions adopted by the State of Wisconsin Building Commission. As of July 1, 2013, the program's revenue obligations are issued pursuant to subchapter II of ch. 18, Wis. Stats.; s. 292.63(9m), Wis. Stats.; and the program resolution and supplemental resolutions adopted by the State of Wisconsin Building Commission. The revenue obligations are payable from, and primarily secured by, petroleum inspection fees that suppliers are charged on petroleum products received for sale in Wisconsin (see also Note 7). The revenue obligations are not general obligations of the State.

The program's revenue obligations may include extendible municipal commercial paper, which may have original maturities from 1 to 180 days, is not callable prior to the original maturity date, and bears interest from the date of issuance at the rate determined on the date of issuance. The State expects to pay the principal of the extendible municipal commercial paper on the original maturity date with the proceeds from issuance of additional extendible municipal commercial paper or other means. If the principal of the extendible municipal commercial paper is not paid off on the original maturity date, the State, under certain circumstances, may exercise the option to extend the maturity date. In such an event, the maturity date is extended to a date that is 270 days after the original issue date. Interest is then due on the first business day of either the first or second month after the original maturity date and then on a monthly basis and on any redemption date or the extended maturity date. In addition, principal and interest on the extendible municipal commercial paper may be payable from issuance of additional revenue obligations in the form of bonds that have been authorized to refund the commercial paper or any other funds made available by the State for this purpose.

Interest payments on extendible municipal commercial paper are on parity with the payments on the senior bonds. Principal on extendible municipal commercial paper has a junior subordinate pledge and is payable from proceeds of rollover notes, issuance of refunding senior bonds, certain moneys held by the trustee, or other funds made available by the State for this purpose.

During the fiscal years ended June 30, 2013, and June 30, 2012, no changes occurred in revenue bonds outstanding:

**Change in Revenue Bonds Outstanding**

<u>Fiscal Year</u>	<u>Balance July 1</u>	<u>Bonds Issued</u>	<u>Principal Redeemed</u>	<u>Balance June 30</u>
2011-12	\$117,460,000	\$0	\$0	\$117,460,000
2012-13	117,460,000	0	0	117,460,000

The senior revenue bonds issued by the program and outstanding as of June 30, 2013, were as follows:

**Senior Revenue Bonds**

<u>Date Issued</u>	<u>Series</u>	<u>Interest Rates</u>	<u>Maturity Through</u>	<u>First Optional Redemption Date</u>	<u>Amount Issued</u>	<u>June 30, 2013 Amount Outstanding</u>
10/20/2009	2009 Series 1	2.5 to 5.0%	7/1/2017	Not Callable	<u>\$117,460,000</u>	<u>\$117,460,000</u>
Total Senior Revenue Bonds					\$117,460,000	\$117,460,000

The 2009 Series 1 Petroleum Inspection Fee Revenue Refunding Bonds are not subject to redemption prior to maturity.

The program's future debt service requirements as of June 30, 2013, for principal and interest for the 2009 Series 1 Petroleum Inspection Fee Revenue Refunding Bonds are as shown in the following table.

**Future Debt Service on Revenue Bonds**

<u>Fiscal Year Ending June 30</u>	<u>Principal Amount</u>	<u>Interest Amount</u>	<u>Total Debt Service on Bonds</u>
2014	\$ 24,165,000	\$ 5,006,663	\$ 29,171,663
2015	25,345,000	3,817,200	29,162,200
2016	26,540,000	2,588,488	29,128,488
2017	27,800,000	1,269,700	29,069,700
2018	<u>13,610,000</u>	<u>290,050</u>	<u>13,900,050</u>
	\$117,460,000	\$12,972,101	\$130,432,101

The following table presents the extendible municipal commercial paper activity for FY 2011-12 and FY 2012-13.

**Change in Extendible Municipal Commercial Paper Outstanding**

<u>Fiscal Year</u>	<u>Balance July 1</u>	<u>Commercial Paper Issued</u>	<u>Principal Repaid</u>	<u>Balance June 30</u>
2011-12	\$71,150,000	\$0	\$0	\$71,150,000
2012-13	71,150,000	0	0	71,150,000

As of June 30, 2013, the \$71,150,000 in outstanding extendible municipal commercial paper had interest rates ranging from 0.19 percent to 0.21 percent, and maturities ranging from July 3, 2013, to August 1, 2013. As of June 30, 2012, the \$71,150,000 in outstanding extendible municipal commercial paper had interest rates ranging from 0.25 percent to 0.29 percent, and maturities ranging from July 9, 2012, to December 4, 2012.

Additional series of senior bonds may be issued on parity with the current bond series outstanding and collateralized by an equal lien on the petroleum inspection fees. However, no additional series, other than refunding bonds and bonds issued to fund outstanding extendible municipal commercial paper, may be issued unless, among other things, additional legislative authorization is provided and the debt service coverage ratio, as defined in the program resolution, is at least 2.0.

Each month that variable-rate debt, such as the extendible municipal commercial paper, is outstanding, the State is required by the program resolution to provide to the trustee a certificate setting forth the program’s “variable-rate take-out capacity” and “variable-rate debt exposure.” Variable-rate take-out capacity measures the State’s ability, given certain conservative interest rate assumptions, to convert variable-rate debt to fixed-rate debt. Variable-rate debt exposure measures the program’s outstanding variable-rate debt. This certification was required and performed each month during FY 2012-13 and FY 2011-12. Because the program’s ability to convert variable-rate debt to fixed-rate debt was higher than the amount of variable-rate debt outstanding each month, as evidenced by the program’s variable-rate take-out capacity, the State needed to take no further action. For June 2013, the program’s variable-rate take-out capacity was calculated to be \$261,559,818, which was \$190,409,818 higher than the variable-rate debt exposure of \$71,150,000. For June 2012, the program’s variable-rate take-out capacity was calculated to be \$271,276,957, which was \$200,126,957 higher than the variable-rate debt exposure of \$71,150,000.

On November 23, 2010, Moody’s Investors Service affirmed its rating on the State’s petroleum inspection fee revenue bonds at “Aa2.” On May 21, 2013, Fitch Ratings affirmed its rating on the State’s petroleum inspection fee revenue bonds at “AA.” One of the rationales cited by Fitch Ratings for the affirmation of its rating was that inspection fees have consistently provided satisfactory coverage of debt service.

## 6. DEBT AUTHORITY FOR THE PROGRAM

Wisconsin Statutes authorize the program to issue revenue obligations not to exceed \$386,924,000 in principal amount, excluding any obligations that have been defeased under a cash optimization program administered by the Building Commission. To date, the balance of statutorily authorized revenue obligations has been issued. In addition to this limit on principal amount, the Building Commission may issue an unlimited amount of additional revenue obligations to fund or refund outstanding revenue obligations, to pay issuance and administrative costs, to make any necessary deposits to reserve funds, or to pay accrued or capitalized interest.

## 7. PETROLEUM INSPECTION FEES

Petroleum inspection fees result from the fees imposed under s. 168.12(1), Wis. Stats., and payments that were received under ss. 101.143(4)(h)1m, 101.143(5)(a), and 101.143(5)(c), Wis. Stats. As of July 1, 2013, these payments are received under ss. 292.63(4)(h)1m, 292.63(5)(a), and 292.63(5)(c), Wis. Stats. Under s. 168.12(1), Wis. Stats., a \$0.02 per gallon fee is imposed by the State on suppliers of petroleum products received for sale in Wisconsin. The per gallon fees are paid to the State of Wisconsin Department of Revenue by suppliers, along with motor fuel taxes, and are initially deposited into the Transportation Fund. The Department of Revenue determines the amount collected for the per gallon fees and remits it to the program's trustee on a monthly basis. The trustee transfers petroleum inspection fees in excess of the amount needed to meet debt service requirements and to pay administrative costs of the Petroleum Inspection Fee Revenue Obligations Program to the State of Wisconsin Petroleum Inspection Fund, free of the first lien pledge of the program resolution. The State uses the fees transferred to the State of Wisconsin Petroleum Inspection Fund to pay PECFA claims, PECFA program administrative costs, and other costs and transfers, including optional transfers to the trustee to redeem revenue bonds.

The other petroleum inspection fees consist of penalty payments made under s. 101.143(4)(h)1m, Wis. Stats., by consultants for submitting claims for ineligible costs; proceeds under s. 101.143(5)(a), Wis. Stats., from the sale of remedial equipment and supplies that had originally been paid for by PECFA awards; and net recoveries under s. 101.143(5)(c), Wis. Stats., related to the Wisconsin Attorney General's actions against fraudulent claims. In FY 2012-13, these other petroleum inspection fees totaled \$65,526 and were made available to the trustee. In FY 2011-12, the other petroleum inspection fees totaled \$54,856 and were made available to the trustee. These fees were not transferred to the trustee in either fiscal year because the trustee indicated that no deficiencies that would require the transfer of the fees existed in any of the program's accounts held by the trustee as of June 30, 2013, or June 30, 2012.

During FY 2012-13 and FY 2011-12, the following amounts of petroleum inspection fees were remitted by the Wisconsin Department of Revenue to the trustee, retained by the trustee to meet debt service requirements and pay Petroleum Inspection Fee Revenue Obligations Program administrative costs, and transferred from the trustee to the State of Wisconsin Petroleum Inspection Fund:

Month	Petroleum Inspection Fees Remitted by the State to the Trustee	Petroleum Inspection Fees Retained by the Trustee	Petroleum Inspection Fees Transferred from the Trustee to the State
July 2012	\$ 5,674,840	\$ 2,514,541	\$ 3,160,299
August	7,821,796	2,492,233	5,329,563
September	6,219,162	2,491,383	3,727,779
October	6,547,959	2,505,355	4,042,604
November	6,409,081	2,497,133	3,911,948
December	6,204,386	2,497,133	3,707,253
January 2013	5,700,253	2,510,133	3,190,120
February	5,172,302	2,485,617	2,686,685
March	5,585,387	2,486,134	3,099,253
April	5,379,964	2,498,582	2,881,382
May	6,625,903	2,499,133	4,126,770
June	<u>4,558,784</u>	<u>2,500,144</u>	<u>2,058,640</u>
Total FY 2012-13	<u>\$71,899,817</u>	<u>\$29,977,521</u>	<u>\$41,922,296</u>

Month	Petroleum Inspection Fees Remitted by the State to the Trustee	Petroleum Inspection Fees Retained by the Trustee	Petroleum Inspection Fees Transferred from the Trustee to the State
July 2011	\$ 6,507,060	\$ 501,722	\$ 6,005,338
August	6,147,888	482,266	5,665,622
September	6,931,422	483,936	6,447,486
October	6,937,140	497,383	6,439,757
November	6,993,852	483,383	6,510,469
December	2,994,810	483,383	2,511,427
January 2012	7,691,850	494,859	7,196,991
February	6,389,273	466,317	5,922,956
March	5,684,283	480,383	5,203,900
April	8,371,382	466,383	7,904,999
May	4,351,488	489,383	3,862,105
June	<u>5,327,778</u>	<u>2,504,133</u>	<u>2,823,645</u>
Total FY 2011-12	<u>\$74,328,226</u>	<u>\$7,833,531</u>	<u>\$66,494,695</u>

**8. DEBT SERVICE COVERAGE RATIO FOR SENIOR DEBT**

There are alternative methods to calculate debt service coverage. For purposes of additional analysis, the debt service coverage ratios for senior debt for FY 2012-13 and FY 2011-12 follow. They are calculated as the ratio of petroleum inspection fees remitted to the trustee during the respective fiscal years, divided by the senior debt service payments made during each fiscal year, excluding amounts related to bond refundings.

**Debt Service Coverage Ratio for Senior Debt**

	<u>Fiscal Year 2012-13</u>	<u>Fiscal Year 2011-12</u>
Fees Remitted to the Trustee	\$71,899,817	\$74,328,226
Senior Debt Service:		
Principal—Bonds	\$ 0	\$ 0
Interest—Bonds	5,596,600	5,596,600
Interest—Commercial Paper	<u>152,372</u>	<u>172,935</u>
Total Senior Debt Service	\$5,748,972	\$5,769,535
Debt Service Coverage Ratio for Senior Debt	12.51	12.88

**9. PECFA CLAIMS**

The Petroleum Inspection Fee Revenue Obligations Program was established during FY 1999-2000, and bonds and extendible municipal commercial paper were issued to reduce a backlog that had accumulated because, at that time, approved PECFA claims significantly exceeded the petroleum inspection fee revenues available to pay them. While the original backlog has been eliminated, PECFA claims continue to be submitted to the State. The following table summarizes the activity related to PECFA claims during FY 2012-13 and FY 2011-12.

**Summary of PECFA Claims  
July 1, 2011, through June 30, 2013  
(in millions)**

	<u>FY 2012-13</u>	<u>FY 2011-12</u>
Approved but Unpaid PECFA Claims as of July 1	\$0.2	\$0.2
Claims Approved for Payment During the Fiscal Year	<u>4.1</u>	<u>6.9</u>
Total Approved PECFA Claims	4.3	7.1
Less Claims Paid:		
Paid from proceeds of revenue obligations and interest and investment income	0.0	0.0
Paid from petroleum inspection fees	<u>4.1</u>	<u>6.9</u>
Total Claims Paid During the Fiscal Year	<u>4.1</u>	<u>6.9</u>
Approved but Unpaid PECFA Claims as of June 30	\$0.2	\$0.2

In addition to the \$0.2 million in approved claims awaiting payment as of June 30, 2013, approximately \$0.9 million in claims submitted had yet to be both reviewed and approved. The Department of Safety and Professional Services estimates that additional claims for costs that landowners had incurred but had not submitted as of June 30, 2013, amount to approximately \$1.1 million. It also reports that, as of June 30, 2013, there were no claimants appealing determinations on previously finalized claims.

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## **Auditor's Report ■**

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STATE OF WISCONSIN  
Legislative Audit Bureau

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Joe Chrisman  
State Auditor

## Independent Auditor's Report on Internal Control over Financial Reporting and on Compliance and Other Matters

Senator Robert Cowles and  
Representative Samantha Kerkman, Co-chairpersons  
Joint Legislative Audit Committee

Mr. Dave Ross, Secretary  
Department of Safety and Professional Services

Mr. Michael Huebsch, Secretary  
Department of Administration

We have audited the cash basis Statement of Changes in Program Assets and the related notes of the State of Wisconsin Petroleum Inspection Fee Revenue Obligations Program as of and for the years ended June 30, 2013, and June 30, 2012, and have issued our report thereon dated December 4, 2013. We conducted our audits in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, which is issued by the Comptroller General of the United States.

### Internal Control over Financial Reporting

Management of the program is responsible for establishing and maintaining effective internal control over financial reporting (internal control). In planning and performing our audits of the Statement of Changes in Program Assets, we considered the program's internal control to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statement, but not for the purpose of expressing an opinion on the effectiveness of the program's internal control. Accordingly, we do not express an opinion on the effectiveness of the program's internal control.

*A deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent misstatements, or to detect and correct misstatements on a timely basis. A *material weakness* is a deficiency or a combination of deficiencies in internal control such that there is a reasonable possibility that a material misstatement of the program's financial statement will not be prevented, or that a material misstatement will not be detected and corrected on a timely basis.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses. Given these limitations, we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

### Compliance and Other Matters

As part of obtaining reasonable assurance about whether the program's financial statement is free from material misstatement, we performed tests of compliance with certain provisions of laws, regulations, and contracts, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audits and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

### Purpose of This Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the result of that testing, and not to provide an opinion on the effectiveness of the program's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the program's internal control and compliance. Accordingly, this report is not suitable for any other purpose.

LEGISLATIVE AUDIT BUREAU



Joe Chrisman  
State Auditor

December 4, 2013