

ALABAMA TAX TRIBUNAL

PFIZER, INC,	§	
Taxpayer,	§	DOCKET NO. BIT. 18-236-JP
v.	§	
STATE OF ALABAMA	§	
DEPARTMENT OF REVENUE.		

FINAL ORDER

This appeal involves adjustments to the Taxpayer’s net operating losses concerning business income tax for years 2007 through 2012.

On July 28, 2022, the Tax Tribunal entered an Opinion and Preliminary Order Regarding Application of Alabama’s Add-Back Statute. That Order reversed the Revenue Department’s action of adding certain interest payments back to the Taxpayer’s taxable income. The Tax Tribunal directed the Revenue Department to recalculate the Taxpayer’s net operating losses and carryforward amounts in accordance with the Opinion and Preliminary Order. The Revenue Department thereafter submitted its recalculation, and the Tax Tribunal directed the Taxpayer to notify the Tax Tribunal if it agreed with that recalculation.

On October 25, 2022, the parties submitted a “Joint Response to Ninth Preliminary Order Regarding Net Operating Loss Recalculation.” The parties stated the following:

The parties have agreed that the 2012 NOL Alabama apportioned carryforwards as determined by the Department for tax years 2001 through 2009 are unchanged by the Preliminary Order and due to be affirmed. Those amounts are as follows:

<u>Year</u>	<u>NOL as agreed</u>
2001	\$5,754,574
2002	\$6,279,548
2004	\$4,641
2006	\$ 571,374
2008	\$6,761,128
11/27/2009	\$25,874,412
12/31/2009	\$10,313,438

The 2012 NOL Alabama apportioned carryforwards for tax years 2011 and 2012 are increased by the Preliminary Order from the Department's audited figures as follows:

<u>Year</u>	<u>NOL as audited</u>	<u>NOL per Preliminary Order</u>
2011	\$5,476,689	\$6,363,941
2012	\$2,365,970	\$6,846,544

Based on the analysis set forth in the Tax Tribunal's Opinion and Preliminary Order dated July 28, 2022, as well as the information provided in the parties' Joint Response, the Tax Tribunal rules that the correct amounts of the Taxpayer's net operating losses at issue are those amounts provided by the parties in their Joint Response to Ninth Preliminary Order Regarding Net Operating Loss Recalculation. Judgment is entered accordingly.

This Final Order may be appealed to circuit court within 30 days, pursuant to Ala. Code § 40-2B-2(m).

Entered October 31, 2022.

/s/ Jeff Patterson

JEFF PATTERSON

Chief Judge

Alabama Tax Tribunal

jp:ac

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