

DECISION MEMORANDUM

TO: COMMISSIONER KJELLANDER
COMMISSIONER REDFORD
COMMISSIONER SMITH
COMMISSION SECRETARY
LEGAL
WORKING FILE

FROM: GRACE SEAMAN

DATE: AUGUST 5, 2011

RE: ALBION TELEPHONE COMPANY'S 2010 BROADBAND EQUIPMENT
TAX CREDIT APPLICATION; CASE NO. ALB-T-11-01.

BACKGROUND

In 2001, House Bill 377 was enacted authorizing income tax credit for the installation of qualifying broadband infrastructure in Idaho. *Idaho Code* § 63-3029B(3)(a)(ii). In particular, Section 63-3029I allows a taxpayer to receive an investment tax credit for eligible broadband equipment installed during a calendar year.

“Qualified broadband equipment” is defined as those network facilities capable of transmitting signals at a rate of at least 200,000 bits per seconds (bps) to a subscriber and at least 125,000 bps from a subscriber. *Idaho Code* § 63-3029I(3)(b). If the equipment is installed by a telecommunications carrier, it must also be “necessary to the provision of broadband services and an integral part of a broadband network.” *Idaho Code* § 63-3029I(3)(b)(i). To be eligible for the tax credit, the taxpayer must obtain from the Commission an Order confirming that the installed equipment meets the statutory definition of qualified broadband equipment. Procedural Order No. 28784 and *Idaho Code* § 63-3029I(4). Once the Commission has determined the installed equipment is eligible for the broadband equipment tax credit, an Order along with the original Application is forwarded to the Idaho State Tax Commission.

THE APPLICATION

On July 19, 2011, the Commission received an Application from Albion Telephone Company dba ATC Communications (“ATC” or “Company”) seeking approval of equipment for the broadband tax credit. In the Application, ATC lists the broadband investments made during


calendar year 2011 in the Idaho counties of Butte, Cassia, Custer, and Oneida. ATC states that it “continued to deploy fiber in the loop, install Digital Loop Carrier systems with 12,000-foot loops and [is] developing a fiber backbone that will have the ability to handle huge amounts of data.” In 2010, the Company added nine miles of copper and 73 miles of fiber cable. ATC states it provides various subscriber line services (ADSL, IDSL, HDSL, and SDSL) to its customers at network transmission rates of 256 Kbps to 6 Mbps and the service is available to 99% of its customers. The ATC 2010 broadband investment is approximately \$2 million.

STAFF REVIEW AND RECOMMENDATION

Staff has reviewed the list of proposed broadband equipment submitted by ATC and believes the identified equipment qualifies for the investment tax credit pursuant to Procedural Order No. 28784 and *Idaho Code* § 63-3029I(3)(b). Staff also believes that the expenditures identified by ATC, a telecommunications provider, were for equipment that is “necessary for the provision of broadband services and an integral part of a broadband network.” Staff, therefore, recommends that the Commission issue an Order confirming the equipment is qualified broadband equipment and forward the approving Order along with the a copy of the original Application to the Idaho State Tax Commission.

COMMISSION DECISION

Does the Commission wish to issue an Order confirming the equipment identified in Case No. ALB-T-11-01 is qualified broadband equipment as defined in *Idaho Code* § 63-3029I(3)(b)(i), and forward it to the Idaho State Tax Commission?


Grace Seaman

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