

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE APPLICATION)
OF ALBION TELEPHONE COMPANY DBA) CASE NO. ALB-T-13-01
ATC COMMUNICATIONS FOR AN)
INVESTMENT TAX CREDIT FOR)
INSTALLING QUALIFYING BROADBAND) ORDER NO. 32852
EQUIPMENT)**

On May 20, 2013, Albion Telephone Company dba ATC Communications filed an Application requesting approval of equipment it installed as eligible for a broadband tax credit pursuant to Order No. 28784 and *Idaho Code* § 63-3029I(4). To be eligible for the tax credit, the taxpayer must obtain an Order from the Commission confirming that the equipment has been installed and that it meets the definition of qualified broadband equipment set out in *Idaho Code* § 63-3029I(3)(b). Qualified broadband equipment must be capable of transmitting signals at a rate of at least 200,000 bits per second (bps) to a subscriber and at least 125,000 bps from a subscriber. If installed by a telecommunications carrier, the qualified broadband equipment must also “be necessary to the provision of broadband service and an integral part of a broadband network.” *Idaho Code* § 63-3029I(3)(b)(i). In this Order, we find that the Company’s investment meets the applicable standards.

THE APPLICATION

Albion’s Application lists the broadband investments made during calendar year 2012 in the Idaho counties of Butte, Cassia, Custer, and Oneida. The Company 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 2012, the Company added 5 miles of copper and 88 miles of fiber cable and duct. Albion states it provides various subscriber line services (ADSL, IDSL, HDSL, and SDSL) to its customers at network transmission rates of 1.5 Mbps to 20 Mbps and the service is available to 99% of its customers. The Albion 2012 broadband investment is approximately \$1.74 million.

STAFF REVIEW

To implement its responsibilities under *Idaho Code* § 63-3029I, the Commission issued Procedural Order No. 28784 in July 2001. This Order identifies information that must be included in an application for a broadband tax credit. Once the information is filed with the

Commission, Staff reviews the application and submits a recommendation to the Commission. Staff has reviewed the list of proposed broadband equipment submitted by Albion and believes that the equipment identified meets the statutory criteria. Staff therefore recommended approval of the Application and further recommended that the Commission forward an approving Order along with a copy of the original Application to the Idaho State Tax Commission.

COMMISSION FINDINGS

Based upon our review of the Application and the recommendations of the Staff, we find that the Application for a qualifying broadband equipment Order should be granted. Albion has adequately demonstrated that the equipment identified in its Application meets the statutory standards for qualifying broadband equipment subject to the tax credit. We further find that Albion is a telecommunications carrier and, as presently configured, the installed equipment is an integral part of the Company's broadband network and that it is necessary to facilitate the delivery of broadband Internet service to Idaho customers. It is therefore appropriate for the Commission to issue this Order confirming that the equipment identified in Albion's Application is qualified broadband equipment as defined in *Idaho Code* § 63-3029I.

ORDER

IT IS HEREBY ORDERED that Albion Telephone Company dba ATC Communications' Application for an Order certifying that it installed qualifying broadband equipment during 2012 is granted.

IT IS FURTHER ORDERED that a copy of this Order and a copy of Albion's Application be served upon the Idaho State Tax Commission.

THIS IS A FINAL ORDER. Any person interested in this Order (or in issues finally decided by this Order) may petition for reconsideration within twenty-one (21) days of the service date of this Order with regard to any matter decided in this Order. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. *Idaho Code* §§ 61-626, 63-3029I(4).

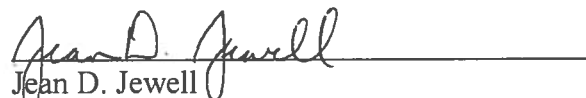
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 12th
day of July 2013.


PAUL KJELLANDER, PRESIDENT


MACK A. REDFORD, COMMISSIONER


MARSHA H. SMITH, COMMISSIONER

ATTEST:


Jean D. Jewell
Commission Secretary

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