

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF CENTURYTEL OF)
IDAHO, INC. DBA CENTURLINK’S 2020) CASE NO. CEN-T-22-01
APPLICATION FOR AN INVESTMENT TAX)
CREDIT FOR INSTALLING QUALIFYING)
BROADBAND EQUIPMENT) ORDER NO. 35484
)**

On January 24, 2022, CenturyTel of Idaho d/b/a/ CenturyLink (“Company”) applied to the Idaho Public Utilities Commission (“Commission”) for an order confirming that equipment it installed in 2020 is “qualified broadband equipment” under *Idaho Code* § 63-3029I (Income tax credit for investment in broadband equipment). On June 21, 2022, the Company filed an amended application (“Amended Application”) to include the new requirements of Order No. 35297. With this Order, we confirm that the installed equipment is “qualified broadband equipment” under *Idaho Code* § 63-3029I.

THE APPLICATION

In its Amended Application, the Company says it invested \$342,460 in qualifying broadband equipment in 2020. Amended Application at 1. The Company says it installed “[v]arious forms of DSL-based equipment” with transmission rates of 500,000 bits per second (“bps”) from a subscriber and 250,000 bps to a subscriber. *Id.* at 1-2. The Company indicated it installed the broadband equipment in central office buildings, remote buildings, and in cabinets on concrete pads each serving a neighborhood, and that the broadband network can serve 5,576 of its Idaho customers. *Id.* at Exhibit 3.

THE BROADBAND EQUIPMENT TAX CREDIT

Idaho Code § 63-3029I allows a taxpayer to receive an income tax credit for having installed qualified broadband equipment during a calendar year. Before the taxpayer is eligible for the tax credit, the taxpayer must first apply to the Commission for an order confirming that the installed equipment is “qualified broadband equipment” as defined in the statute. *Idaho Code* § 63-3029I(4). The statute defines “qualified broadband equipment” as equipment that qualifies for the *Idaho Code* § 63-3029B capital investment credit that “is capable of transmitting signals at a rate of at least [200,000 bps] to a subscriber and at least [125,000 bps] from a subscriber.” *Idaho Code* § 63-3029I(3)(b)); and (2) is primarily used to provide services in Idaho to public subscribers.

See *Idaho Code* § 63-3029I(3)(b)(vii). Further, in “the case of a telecommunications carrier, such qualifying equipment shall be necessary to the provision of broadband service and an integral part of a broadband network.” *Idaho Code* § 63-3029I(3)(b)(i).

In furtherance of its statutory responsibility, the Commission issued Order No. 28784.¹ That Order specified the information the taxpayer must include in the broadband tax credit application. In 2022, in Case No. GNR-T-21-10, Order No. 35297, the Commission modified the informational requirements set forth by Order No. 28784. When the taxpayer files the Application, the Commission Staff (“Staff”) reviews it to determine whether the listed equipment meets the statutory definition of “qualified broadband equipment.” Staff then submits a recommendation to the Commission. If the Commission ultimately approves the Application, then the Commission forwards it and the order to the Idaho State Tax Commission.

STAFF REVIEW

Staff reviewed the Company’s Amended Application under *Idaho Code* § 63-3029I. Based on its review, Staff believes that the Company is a telecommunications carrier and that the listed equipment meets the statutory criteria and is “qualified broadband equipment” that is eligible for the tax credit. Staff thus recommended the Commission: (1) issue an order confirming that the Company’s equipment is “qualified broadband equipment,” and (2) forward copies of the Amended Application and order to the Idaho State Tax Commission.

COMMISSION FINDINGS

Having reviewed the Company’s Amended Application and Staff’s recommendation, we find that the Company’s equipment identified in Case No. CGS-T-22-01 is “qualified broadband equipment” eligible for the tax credit under *Idaho Code* § 63-3029I. Accordingly, it is appropriate for the Commission to issue an order confirming that the Company’s equipment is “qualified broadband equipment.” The Commission makes no findings regarding the costs of the installed broadband equipment or other expenses.

ORDER

IT IS HEREBY ORDERED that the Company’s Amended Application for an order, confirming that equipment it installed in 2020 is “qualified broadband equipment,” is granted.

¹ The Commission issued Order No. 28784 pursuant to *Idaho Code* § 63-3029I(4), which empowers the Commission to “issue procedural orders necessary to implement” *Idaho Code* § 63-3029(4).

IT IS FURTHER ORDERED that a copy of this Order and a copy of the Amended Application be served on 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. See *Idaho Code* §§ 61-626 and 62-619.

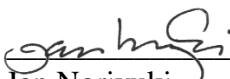
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 3rd day of August 2022.


ERIC ANDERSON, PRESIDENT


JOHN CHATBURN, COMMISSIONER


JOHN R. HAMMOND, JR., COMMISSIONER

ATTEST:


Jan Noriyuki
Commission Secretary

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