

## BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

<b>IN THE MATTER OF BLACKFOOT</b>	)	<b>CASE NO. FRC-T-22-01</b>
<b>COMMUNICATIONS, INC. d/b/a FREMONT</b>	)	
<b>COMMUNICATION'S APPLICATION FOR</b>	)	
<b>A 2021 INVESTMENT TAX CREDIT FOR</b>	)	<b>ORDER NO. 35564</b>
<b>INSTALLING QUALIFYING BROADBAND</b>	)	
<b>EQUIPMENT</b>	)	

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On August 29, 2022, Blackfoot Communications, Inc. d/b/a Fremont Communications (“Company”) applied for an order confirming that equipment it installed in 2021 is “qualified broadband equipment” under *Idaho Code* § 63-3029I (Income tax credit for investment in broadband equipment). On September 19, 2022, the Company filed an amended application (“Amended Application”). The Amended Application adjusted the amount of broadband investment it made in 2021 and the percentage rate of Idaho subscribers who had access to the broadband network. With this Order, we confirm that the installed equipment is “qualified broadband equipment” under *Idaho Code* § 63-3029I.

### THE APPLICATION

The Company asserted it made certain investments that constituted “qualified broadband equipment.” Amended Application at 1; *see also Idaho Code* § 63-3029I(3)(b). Specifically, the Company stated that its net investment in qualifying broadband equipment in 2021 was \$266,972.55. *See Id.* The Company indicated that transmission rates from 768,000 bits per second (“bps”) to 1 Gbps to a subscriber and 256,000 bps to 1 Gbps from a subscriber which meet the statutory requirement of 200,000 bps. *See Idaho Code* § 63-3029I(3)(b). The Company further indicated that 75% of its Idaho subscribers have access to the broadband network. *Id.* at 2. Finally, the Company certified that the equipment it lists in its Amended Application “qualifies for the tax credit under Idaho Code 63-9329I.” *Id.*

### 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 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: (1) qualifies for the *Idaho*

*Code* § 63-3029B capital investment credit and “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). 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.<sup>1</sup> That Order specifies the information the taxpayer must include in the broadband tax credit application. In 2021, in Case No. GNR-T-21-10, the Commission modified the informational requirements set forth by Order No. 28784. *See* Order No. 35297.

When the taxpayer applies, 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 its 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 believed 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 recommendations, we find that the Company’s equipment identified in Case No. FRC-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.

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

**ORDER**

IT IS HEREBY ORDERED that the Company's Amended Application for an order confirming that equipment it installed in 2021 is "qualified broadband equipment" is granted.

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 regarding any matter decided therein. 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 17<sup>th</sup> day of October 2022.



ERIC ANDERSON, PRESIDENT

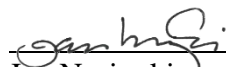


JOHN CHATBURN, COMMISSIONER



JOHN R. HAMMOND JR., COMMISSIONER

ATTEST:



Jan Noriyuki  
Commission Secretary

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