

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF FATBEAM’S 2021) CASE NO. FZ4-T-22-01
APPLICATION FOR AN INVESTMENT TAX)
CREDIT FOR INSTALLING QUALIFYING) ORDER NO. 35535
BROADBAND EQUIPMENT)
)
)

On May 25, 2022, Fatbeam, LLC, (“Company”) applied to the Idaho Public Utilities Commission (“Commission”) 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 August 24, 2022, the Company submitted an amended application (“Application”) to comply with the new requirements of Commission 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 Application, the Company says it installed network equipment in Ada, Benewah, Bonner, Boundary, Canyon, Cassia, Clearwater, Elmore, Gem, Gooding, Jerome, Kootenai, Owyhee, Shoshone, and Twin Falls Counties that constitutes “qualified broadband equipment” with transmission rates that exceed the minimum statutory speed requirements under *Idaho Code* § 63-3029I. Application at 1. The Company indicated that its broadband network serves 253 non-residential Idaho customers and 2,000 residential Idaho customers. *Id.* at 3-4.

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 Case No. GNR-T-21-10, Order No. 35297, the Commission modified the informational requirements set forth by Order No. 28784. When the taxpayer applies, 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 taxpayer’s Application, then the Commission forwards it and the order to the Idaho State Tax Commission.

STAFF REVIEW

Staff reviewed the Company’s 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 Application and order to the Idaho State Tax Commission.

COMMISSION FINDINGS

Having reviewed the Company’s Application and Staff’s recommendations, we find that the Company’s equipment identified in Case No. FZ4-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

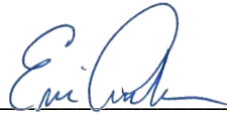
IT IS HEREBY ORDERED that the Company’s Application for an order, confirming that equipment it installed in 2021 is “qualified broadband equipment,” is granted.

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

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).

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 26th day of September 2022.



ERIC ANDERSON, PRESIDENT



JOHN CHATBURN, COMMISSIONER



JOHN R. HAMMOND, JR., COMMISSIONER

ATTEST:


Jan Noriyuki
Commission Secretary

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