

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE PUBLIC) **CASE NO. GNR-T-21-10**
UTILITY COMMISSION’S INQUIRY INTO)
THE REVIEW OF APPLICATIONS TO) **NOTICE OF APPLICATION**
DETERMINE WHETHER BROADBAND) **NOTICE OF INTERVENTION**
EQUIPMENT MEETS THE ELIGIBILITY) **DEADLINE**
REQUIREMENTS FOR INVESTMENT TAX)
CREDITS) **NOTICE OF**
) **MODIFIED PROCEDURE**
)
) **ORDER NO. 35243**

On November 19, 2021, Commission Staff (“Staff”) of the Idaho Public Utilities Commission (“Commission”) by and through its legal counsel applied to the Commission requesting that the Commission initiate a case to inquire into the process for obtaining a broadband tax credit (“Memo”). *See* Procedural Order No. 28784. Staff recommended the Commission establish an intervention period followed by a public comment and reply period. Memo at 2.

The Commission now issues this notice of Application for case initiation for Commission inquiry, Notice of Intervention Deadline, and Notice of Modified Procedure.

NOTICE OF APPLICATION

YOU ARE HEREBY NOTIFIED that, beginning in 2001, a telecommunications carrier could obtain a tax credit for installing “qualified” broadband equipment. *Idaho Code* § 63-3029I.

YOU ARE FURTHER NOTIFIED that *Idaho Code* § 63-3029I(4) specifically provides that the Commission “may issue procedural orders necessary to implement” *Idaho Code* § 63-3029I. In 2001, the Commission issued Procedural Order No. 28784 (“Order No. 28784”). Order No. 28784 clarified what information an applicant must include in an application to the Commission for an order that its installed equipment meets the statutory definition of “qualified broadband equipment” and is, therefore, eligible for the broadband tax credit under *Idaho Code* § 63-3029. Order No. 28784 at 2-3.

YOU ARE FURTHER NOTIFIED that Staff believes it necessary to evaluate whether the criteria set forth in Order No. 28784 describing what information an applicant must provide to

NOTICE OF APPLICATION
NOTICE OF INTERVENTION DEADLINE
NOTICE OF MODIFIED PROCEDURE
ORDER NO. 35243

obtain an order that its installed equipment is “qualified broadband equipment” are still necessary and relevant.

YOU ARE FURTHER NOTIFIED that all proceedings in this case will be held pursuant to the Commission’s jurisdiction under Titles 61 and 63 of the Idaho Code.

YOU ARE FURTHER NOTIFIED that all proceedings in this case will be conducted pursuant to the Commission’s Rules of Procedure, IDAPA 31.01.01.000 *et seq.*

NOTICE OF INTERVENTION DEADLINE

YOU ARE FURTHER NOTIFIED that anyone who wishes to intervene in this matter to obtain the rights of party (e.g., to file formal discovery, or present evidence, or cross-examine witnesses at a hearing) must file a Petition to Intervene with the Commission under the Commission’s Rules of Procedure 72 and 73, IDAPA 31.01.01.072 and .073. **Anyone who wishes to intervene as a party must file a Petition to Intervene within 14-days from the service date of this Order.** Those seeking to intervene shall also provide the Commission Secretary with their email address to facilitate further communications. After the intervention deadline runs, the Commission Secretary shall issue a Notice of Parties that identifies the parties and assigns exhibit numbers to each party.

YOU ARE FURTHER NOTIFIED that those who would like to present their views without parties’ rights of participation and cross-examination do not have to intervene but may present their views by submitting written comments to the Commission.

YOU ARE FURTHER NOTIFIED that the following person is designated as Staff’s representative in this matter:

Riley Newton
Deputy Attorney General
Idaho Public Utilities Commission
P.O. Box 83720
Boise, ID 83720-0074
riley.newton@puc.idaho.gov

Street Address for Express Mail:
11331 W. Chinden Blvd.
Building 8, Suite 201-A
Boise, ID 83702-0074

NOTICE OF MODIFIED PROCEDURE

YOU ARE FURTHER NOTIFIED that the Commission has determined that the public interest may not require a formal hearing in this matter and will proceed under Modified Procedure pursuant to Rules 201 through 204 of the Commission’s Rules of Procedure, IDAPA 31.01.01.201 through .204. The Commission notes that Modified Procedure and written comments have proven to be an effective means for obtaining public input and participation.

YOU ARE FURTHER NOTIFIED that those desiring to state a position in this case may file written comments once the intervention deadline has expired. Those who would like a hearing must specifically request a hearing in their written comments. **Those interested in filing written comments must do so by January 4, 2022.** Comments must be filed through the Commission’s website or by e-mail unless computer access is unavailable. To comment electronically, please access the Commission’s home page at www.puc.idaho.gov. Click the “Case Comment Form” tab and complete the form using the case number as it appears on the front of this document. Comments filed by email must also be emailed to the Commission at the email address listed below. If computer access is unavailable, then comments may be mailed to the Commission at the address below:

**For the Idaho Public Utilities
Commission:**

Commission Secretary
Idaho Public Utilities Commission
P.O. Box 83720
Boise, ID 83720-0074
secretary@puc.idaho.gov

Street Address for Express Mail:

11331 W. Chinden Blvd.
Building 8, Suite 201-A
Boise, ID 83714

YOU ARE FURTHER NOTIFIED that **any reply comments must be filed by January 11, 2022.**

YOU ARE FURTHER NOTIFIED that if no written comments or protests are received

within the time limit set, the Commission will consider this matter on its merits and enter its Order without a formal hearing. If written comments are received within the time limit set, the Commission will consider them and, in its discretion, may set the same for formal hearing.

ORDER

IT IS HEREBY ORDERED that those desiring to intervene in this case for the purpose of obtaining parties' rights of participation must file a Petition to Intervene with the Commission, pursuant to Rules 72 and 73, IDAPA 31.01.01.72-73, no later than fourteen (14) days after the service date of this Order.

IT IS FURTHER ORDERED that this case be processed under Modified Procedure, Rules 201-204, IDAPA 31.01.01.201-.204. Those interested in filing written comments must do so by January 4, 2022. Any reply comments must be filed by January 11, 2022.

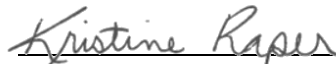
IT IS FURTHER ORDERED that parties should continue to comply with Order No. 35058, issued June 3, 2021. All pleadings should be filed with the Commission electronically and shall be deemed timely filed when received by the Commission Secretary. *See* Rule 14.02. Service between parties should also be accomplished electronically. Voluminous discovery-related documents may be filed and served on CD-ROM or a USB flash drive.

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DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 30th day of November 2021.



PAUL KJELLANDER, PRESIDENT

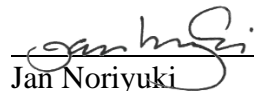


KRISTINE RAPER, COMMISSIONER



ERIC ANDERSON, COMMISSIONER

ATTEST:



Jan Noriyuki
Commission Secretary

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