

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

<b>IN THE MATTER OF ALBION TELEPHONE</b>	)	
<b>COMPANY DBA ATC COMMUNICATION'S</b>	)	<b>CASE NO. ALB-T-15-01</b>
<b>2014 BROADBAND EQUIPMENT TAX CREDIT</b>	)	
<b>APPLICATION.</b>	)	<b>ORDER NO. 33276</b>

On February 11, 2015, Albion Telephone Company dba ATC Communications (the “Company”) applied to the Idaho Public Utilities Commission (“Commission”) for an Order confirming that equipment it installed in 2014 is “qualified broadband equipment” under *Idaho Code* § 63-3029I (Income tax credit for investment in broadband equipment).

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 states that in 2014, it installed \$3,454,484.42 of broadband equipment in Butte, Cassia, Custer, and Oneida counties. The Company maintains its broadband network can serve 99% of the Company’s Idaho customers. The Company says it offers its customers ADSL, IDSL, HDSL, and SDSL broadband services and that its network can transmit signals at rates of 1.5 megabits per second (1,500,000 bits per second (“bps”)) to 50 megabits per second (50,000,000 bps). The Company asserts it continues to “deploy fiber in the loop, install Digital Loop Carrier systems with 12,000-foot loops and develop a fiber backbone that will have the ability to handle huge amounts of data.” The Company notes that in 2014, “added ten miles of copper and duct and 149 miles of fiber cable and duct.” *See* Application.

**THE BROADBAND EQUIPMENT TAX CREDIT**

*Idaho Code* § 60-3029I 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). In addition, to be “qualified broadband equipment”

the equipment must be “primarily used to provide services in Idaho to Idaho 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 has issued Order No. 28784. That Order specifies the information the taxpayer must include in the broadband tax credit application. When the taxpayer files the application, the Commission 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 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 recommendation, we find that the Company’s equipment is “qualified broadband equipment” eligible for the tax credit under *Idaho Code* § 63-3029I. The Company is a telecommunications carrier. Further, the listed equipment (as presently configured) is an integral part of the Company’s broadband network and is necessary to the provision of broadband service to Idaho customers. 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 is granted. The Commission confirms that the equipment the Company installed in 2014 is “qualified broadband equipment” under *Idaho Code* § 63-3029I.

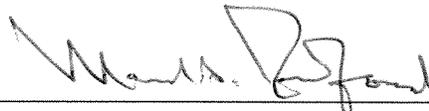
IT IS FURTHER ORDERED that a copy of this Order and a copy of the Application be served on the Idaho State Tax Commission.

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.*

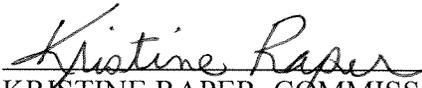
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 14<sup>th</sup> day of April 2015.



PAUL KJELLANDER, PRESIDENT

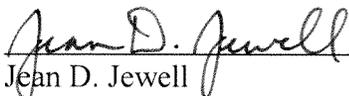


MACK A. REDFORD, COMMISSIONER



KRISTINE RAPER, COMMISSIONER

ATTEST:



Jean D. Jewell  
Commission Secretary

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