

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF THE APPLICATION )**  
**OF FILER MUTUAL TELEPHONE ) CASE NO. FIL-T-12-01**  
**COMPANY FOR AN INVESTMENT TAX )**  
**CREDIT FOR INSTALLING QUALIFYING ) ORDER NO. 32510**  
**BROADBAND EQUIPMENT )**

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On February 29, 2012, the Commission received an Application from Filer Mutual Telephone Company (“Filer” or “Company”) asking for approval of a broadband tax credit pursuant to Commission Order No. 28784 and *Idaho Code* § 63-3029I(4) for the 2011 calendar year.

**THE APPLICATION**

Filer states that it offers Asymmetric Digital Subscriber Line (ADSL), High-bit-rate Digital Subscriber Line (HDSL), Wireless Broadband (WBB) and fiber optic (FTTX) services at transmission rates of 512 Kbps to 1 Gbps. During the 2011 calendar year, Filer’s Application reports that the Company added 178 new customers for a total of 2,284 and an investment of approximately \$1.4 million. Filer states that 99% of its customers have access to broadband services.

**STAFF REVIEW**

Staff reviewed the list of proposed broadband equipment submitted by Filer and found that the equipment identified meets the statutory criteria outlined in *Idaho Code* § 63-3029I(3)(b). Staff determined that Filer’s broadband equipment is capable of transmitting signals at a rate of at least 200,000 bits per second (bps) to a subscriber and at least 125,000 bps from a subscriber. *Idaho Code* § 63-3029I(3)(b). Staff also determined that Filer is a telecommunications carrier and its equipment is “necessary to the provision of broadband service and an integral part of a broadband network.” *Idaho Code* § 63-3029I(3)(b)(i). Therefore, Staff recommended the Commission issue an Order approving the Application and the approving Order, along with a copy of Filer’s Application, be forwarded to the Idaho State Tax Commission.

## COMMISSION FINDINGS

In order to be eligible to obtain the tax credit, the taxpayer must first obtain an Order from the Commission “confirming that the installed equipment is qualified broadband equipment.” *Idaho Code* § 63-3029I(4). “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).

Based upon our review of the Application and the recommendations of Commission Staff, we find that Filer’s Application requesting a qualified broadband equipment Order should be granted. Filer has adequately demonstrated that the equipment identified in its Application qualifies as broadband equipment subject to the tax credit. We also find that Filer is a telecommunications carrier and, as presently configured, the installed equipment is an integral part of the Company’s broadband network and that it is necessary to facilitate the delivery of broadband internet service to Idaho customers. It is therefore appropriate for the Commission to issue this Order confirming that the equipment identified in Filer’s Application is qualified broadband equipment.

## ORDER

IT IS HEREBY ORDERED that Filer Mutual Telephone Company’s Application seeking an Order certifying that it has installed qualifying broadband equipment in Idaho during the 2011 calendar year is granted.

IT IS FURTHER ORDERED that a copy of this Order and a copy of Filer’s Application be served upon 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. *Idaho Code* §§ 61-626, 63-3029I(4).

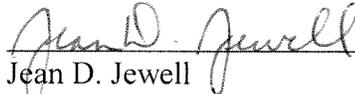
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 5<sup>th</sup>  
day of April 2012.

  
PAUL KJELLANDER, PRESIDENT

  
MACK A. REDFORD, COMMISSIONER

  
MARSHA H. SMITH, COMMISSIONER

ATTEST:

  
Jean D. Jewell  
Commission Secretary

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