

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION) CASE NO. CTB-T-19-01
OF CUSTER TELEPHONE BROADBAND)
SERVICES LLC FOR AN INVESTMENT)
TAX CREDIT FOR QUALIFYING) ORDER NO. 34394
BROADBAND EQUIPMENT)
INSTALLATION)

On May 31, 2019, Custer Telephone Broadband Services LLC (“Custer Broadband” or “Company”) applied to the Idaho Public Utilities Commission (“Commission”) for an order confirming that equipment it installed in 2018 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 stated it invested \$622,556.43 in qualifying broadband equipment in 2018. *See Exhibit A* attached to the Application. Custer Broadband states the foregoing investment allowed it to install broadband equipment associated with Cable Modem High Speed Internet, Fixed Wireless High Speed Internet and Fiber to the Home High Speed Internet Fiber Optic Fed Cable Television System that provides Cable Modem Service. *Id.* The Company also states it installed fiber optic transport electronics, fiber optic backbone and distribution cable and fixed wireless network equipment. *Id.* The Company asserts that its broadband network has data transmission rates of 256,000 to 10,000,000 bits per second from a subscriber and 256,000 to 10,000,000 bits per second to a subscriber. *Id.* The Company also states that 77% of its Idaho subscribers have access to its broadband service (1,530 customers out of 2,000 estimated possible). *Id.* Finally, the Company certifies that the equipment set forth in *Exhibit A* to its Application is necessary for the provision of broadband service and an integral part of its broadband network. *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 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: (1) 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)); (2) 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)); and is “primarily used to provide services in Idaho to public subscribers[.]” *See Idaho Code* § 63-3029I(3)(b)(vii).

In furtherance of its statutory responsibility, the Commission has issued Order No. 28784.¹ 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 Custer Broadband’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 Custer Broadband’s Application and Staff’s recommendation, we find that the Company’s equipment identified in Case No. CTB-T-19-01 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

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* § 63-3029I(4).

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 Custer Telephone Broadband Services LLC's Application for an order confirming that equipment it installed in 2018 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.

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 5th day of August 2019.



PAUL KJELLANDER, PRESIDENT



KRISTINE RAPER, COMMISSIONER



ERIC ANDERSON, COMMISSIONER

ATTEST:



Diane M. Hanian
Commission Secretary
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