

## DECISION MEMORANDUM

**TO:** COMMISSIONER KJELLANDER  
COMMISSIONER RAPER  
COMMISSIONER ANDERSON  
COMMISSION SECRETARY  
LEGAL  
WORKING FILE

**FROM:** GRACE SEAMAN

**DATE:** AUGUST 24, 2016

**RE:** CENTURYTEL OF THE GEM STATE, INC. DBA CENTURYLINK'S 2015  
BROADBAND EQUIPMENT TAX CREDIT APPLICATION; CASE NO.  
CGS-T-16-02.

### BACKGROUND

In 2001, House Bill 377 was enacted authorizing income tax credit for the installation of qualifying broadband infrastructure in Idaho. *Idaho Code* § 63-3029B(3)(a)(ii). In particular, Section 63-3029I allows a taxpayer to receive an investment tax credit for eligible broadband equipment installed during a calendar year.

“Qualified broadband equipment” is defined as those network facilities capable of transmitting signals at a rate of at least 200,000 bits per seconds (bps) to a subscriber and at least 125,000 bps from a subscriber. *Idaho Code* § 63-3029I(3)(b). If the equipment is installed by a telecommunications carrier, it must also be “necessary to the provision of broadband services and an integral part of a broadband network.” *Idaho Code* § 63-3029I(3)(b)(i). To be eligible for the tax credit, the taxpayer must obtain from the Commission an Order confirming that the installed equipment meets the statutory definition of qualified broadband equipment. Procedural Order No. 28784 and *Idaho Code* § 63-3029I(4). Once the Commission has determined the installed equipment is eligible for the broadband equipment tax credit, an order along with the original Application is forwarded to the Idaho Tax Commission.

### THE APPLICATION

On August 8, 2016, CenturyTel of the Gem State, Inc. dba CenturyLink (“CenturyLink” or “Company”) filed an Application seeking Commission approval of equipment for the

broadband tax credit for calendar year 2015. CenturyLink states in the Application that it installed equipment associated with various forms of DSL-based broadband services using a mix of fiber and metallic cable transport in the Bruneau, Grandview and Richfield exchanges. The Company provided the following details.

<u>Transmission Rates</u>	<u>%<sup>1</sup></u>	<u>Investment</u>	<u>Retirements</u>	<u>Net Investment<sup>2</sup></u>
256 Kbps—20Mbps	67%	\$51,921	(\$3,503)	\$48,418

#### STAFF REVIEW AND RECOMMENDATION

Staff has reviewed the list of proposed broadband equipment submitted by CenturyLink and believes the itemized expenses qualifies for the investment tax credit pursuant to Procedural Order No. 28784 and *Idaho Code* § 63-3029I(3)(b). Staff also believes that the expenditures identified by the Company, a telecommunications provider, were for equipment that is “necessary for the provision of broadband services and an integral part of a broadband network.” Staff, therefore, recommends that the Commission issue an Order confirming the equipment is qualified broadband equipment and forward the approving Order along with a copy of the original Application to the Idaho Tax Commission.

#### COMMISSION DECISION

Does the Commission wish to issue an Order confirming the equipment identified in Case No. CGS-T-16-02 is qualified broadband equipment as defined in *Idaho Code* § 63-3029I(3)(b) and forward it to the Idaho Tax Commission?

  
Grace Seaman

Udmemos/cgs-t-16-02

<sup>1</sup> The percentage of living units (street addresses) where the Company might send a bill and where wireline plant is nearby. This figure represents the % of working qualified living units where DSL-based service could be provisioned in a short timeframe.

<sup>2</sup> Investment (451,921) minus Idaho Broadband Retirements (\$3,503).