DECISION MEMORANDUM

TO: **COMMISSIONER KJELLANDER**
COMMISSIONER REDFORD
COMMISSIONER SMITH
COMMISSION SECRETARY
LEGAL
WORKING FILE

FROM: **GRACE SEAMAN**

DATE: **AUGUST 30, 2012**

RE: **CUSTER TELEPHONE BROADBAND SERVICES LLC'S 2011 BROADBAND EQUIPMENT TAX CREDIT APPLICATION; CASE NO. CTB-T-12-01.**

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 14, 2012, the Commission received an Application from Custer Telephone Broadband Services LLC ("CTBS" or "Company") seeking approval of equipment for the

broadband tax credit for calendar year 2011. In the Application, CTBS states that it installed equipment associated with Cable Modem HSI and Fixed Wireless HSI[1] services with transmission rates of 256 Kbps to 1 Mbps from a subscriber and 256 Kbps to 6 Mbps to a subscriber. The Company lists broadband equipment that was installed in the Salmon exchange. CTBS asserts that approximately 40% of its customers in the exchange can be served by the broadband network. During calendar year 2011, the Company invested approximately $483,000 in qualifying broadband equipment.

STAFF REVIEW AND RECOMMENDATION

Staff has reviewed the list of proposed broadband equipment submitted by CTBS and believes the identified equipment 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. CTB-T-12-01 is qualified broadband equipment as defined in Idaho Code § 63-3029I(3)(b), and forward it to the Idaho Tax Commission?

Grace Seaman

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[1] HSI—High Speed Internet.