

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE APPLICATION)
OF CUSTER TELEPHONE COOPERATIVE,) CASE NO. CUS-T-07-03
INC. FOR AN INVESTMENT TAX CREDIT)
FOR 2006 FOR INSTALLING QUALIFIED) ORDER NO. 30337
BROADBAND EQUIPMENT)**

On May 4, 2007, Custer Telephone Cooperative, Inc. (Custer Telephone) filed an Application requesting that the Commission find the Company eligible to receive an Idaho Investment Tax Credit. Pursuant to *Idaho Code* § 63-3029I, an Idaho taxpayer may receive a tax credit for installing “qualified broadband equipment” in Idaho. To be eligible for the tax credit, the taxpayer must obtain from the Commission an Order confirming that the installed equipment meets the definition of qualified broadband equipment set out at *Idaho Code* § 63-3029I(3)(b). Briefly, qualified broadband equipment must be 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. In the case of a telecommunications carrier, the qualified broadband equipment must also “be necessary to the provision of broadband service and an integral part of a broadband network.” *Idaho Code* § 63-3029I(3)(b)(i). In this Order, we find that Custer Telephone has installed qualified broadband equipment as more fully set forth below.

THE APPLICATION

Custer’s Application indicates that it has installed central office equipment and fiber and copper cables to provide Digital Subscriber Line (DSL) services to Idaho customers. The Company asserts that its service provides speeds of between 128 kilobits per second (kbps) to 512 kbps for uploads from customers, and 512 kbps to 8 megabits per second (Mbps) for downloads to customers. The Company states that the equipment is necessary and integral to its broadband network and that 100% of the investment will be used to provide service to Idaho customers. The Application identifies nearly \$2.5 million of investment in 2006.

STAFF REVIEW

To implement its responsibilities under *Idaho Code* § 63-3029I, the Commission issued Procedural Order No. 28784 in July 2001. This Order identifies information that must be included in an Application for a broadband tax credit. Once the information has been filed, then the Commission Staff reviews the Application and submits a recommendation to the

Commission. Staff reviewed the list of broadband equipment submitted by Custer Telephone. Staff believes that the equipment is “necessary for the provision of broadband services and an integral part of a broadband network.” *Idaho Code* § 63-3029I(3)(b)(i). Consequently, Staff recommended that the Commission issue an Order approving Custer Telephone’s Application. Staff further recommended that the Commission forward the approving Order, along with a copy of the original Application, to the Idaho Tax Commission.

FINDINGS

Having reviewed Custer Telephone’s Application and Staff’s recommendation, we find that the Application for a qualifying broadband equipment Order should be granted. The Company has demonstrated that the installed broadband equipment identified in its Application conforms to the qualifying requirements of *Idaho Code* § 63-3029I(b). We further find that, as configured, the installed equipment is an integral part of a broadband network necessary to deliver broadband services to Idaho customers. *Idaho Code* § 63-3029I(3)(b)(i). It is therefore appropriate for the Commission to issue this Order confirming that Custer Telephone has installed qualified broadband equipment as a pre-condition to seeking an Idaho broadband tax credit for 2006. The Commission makes no findings regarding the costs of the installed broadband equipment.


ORDER

IT IS HEREBY ORDERED that Custer Telephone Cooperative, Inc.’s Application for an Order certifying that it has installed qualifying broadband equipment is approved.

IT IS FURTHER ORDERED that a copy of this Order and a copy of the 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. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. See *Idaho Code* § 61-626.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 4th
day of June 2007.



PAUL KJELLANDER, PRESIDENT

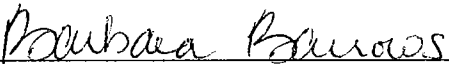


MARSHA H. SMITH, COMMISSIONER



MACK A. REDFORD, COMMISSIONER

ATTEST:



Barbara Barrows
Assistant Commission Secretary

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