

## DECISION MEMORANDUM

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

**FROM:** GRACE SEAMAN

**DATE:** SEPTEMBER 16, 2011

**RE:** CUSTER TELEPHONE COOPERATIVE, INC.'S 2010 BROADBAND  
EQUIPMENT TAX CREDIT APPLICATION; CASE NO. CUS-T-11-01.

### 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 11, 2011, the Commission received an Application from Custer Telephone Cooperative, Inc. (“Custer,” “Company”) seeking approval of equipment for the broadband tax


credit. In the Application, Custer states that it installed equipment associated with Asymmetric Digital Subscriber Line (ADSL) and Symmetrical Digital Subscriber Line (SDSL) services with transmission rates of 128 Kbps to 5 Mbps upstream and 256 Kbps to 20 Mbps downstream in the Challis, Clayton, Elk Bend and May exchanges. Custer asserts that approximately 70% of its customers have access to the broadband network. During calendar year 2010, the Company invested approximately \$460,000 in qualifying broadband equipment.

#### **STAFF REVIEW AND RECOMMENDATION**

Staff has reviewed the list of proposed broadband equipment submitted by Custer 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 the 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. CUS-T-11-01 is qualified broadband equipment as defined in *Idaho Code* § 63-3029I(3)(b)(i), and forward it to the Idaho Tax Commission?

  
\_\_\_\_\_  
Grace Seaman

Udmemos/cus-t-11-01btc dec memo