# DECISION MEMORANDUM

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

**FROM:** **WAYNE HART**

**DATE:** **MAY 5, 2005**

**RE:** **DIRECT COMMUNICATIONS BROADBAND TAX CREDIT APPLICATION; CASE NO. DCM-T-05-1.**

## BACKGROUND

On April 11, 2005, the Commission received an Application from Direct Communications, Rockland Inc. (Direct) asking for approval of equipment for the broadband tax credit pursuant to Order No. 28784 and *Idaho Code* § 63-3029I(4). To be eligible for the tax credit, the taxpayer must obtain from the Commission an Order confirming that installed equipment qualifies for the tax credit.

## STAFF ANALYSIS

Direct's Application indicated it had installed (1) central office equipment and (2) fiber and copper cables to provide Asynchronous Digital Subscriber Line (ADSL) services to Idaho customers. Direct's application indicated its service provides speeds of 512,000 bits per second for uploads from customers, and 8,000,000 bits per second for downloads to customers. The Company indicated the equipment is necessary and integral to its broadband network. The Company claims that 100% of the investment will be used to provide service to Idaho customers. The Application identified over five hundred thousand dollars of investment in 2004.

## STAFF REVIEW

In order to qualify for the credit, the broadband equipment must be capable of transmitting signals at a rate of at least two hundred thousand (200,000) bits per second to a subscriber and at least one hundred twenty-five thousand (125,000) bits per second from a subscriber. *Idaho Code* § 63-3029I(3)(b). In addition, for a telecommunications carrier, such equipment must "be necessary to the provision of broadband service and an integral part of a broadband network". *Idaho Code* § 63-3029I(3)(b)(i).

## STAFF RECOMMENDATION

Staff has reviewed the list of proposed broadband equipment submitted by Direct and believes that the equipment identified meets this statutory criterion. Therefore, Staff recommends approval of the Application and further recommends that the Commission forward the approving Order along with a copy of the original Application to the Idaho Tax Commission.

## COMMISSION DECISION

Should the Commission approve Direct's Application for the broadband investment tax credit?

Wayne Hart

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