

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE 2014 BROADBAND)	
EQUIPMENT TAX CREDIT APPLICATION OF)	CASE NO. NYN-T-15-01
VERIZON COMMUNICATIONS, INC. DBA)	
VERIZON BUSINESS AKA VERIZON)	ORDER NO. 33412
ENTERPRISE SOLUTIONS.)	
_____)	

On September 17, 2015, Verizon Communications, Inc. dba Verizon Business, aka Verizon Enterprise Solutions (“Verizon”), applied to the Idaho Public Utilities Commission (“Commission”) for an Order confirming that certain equipment it installed in 2014 is “qualified broadband equipment” under *Idaho Code* § 63-3029I (Income tax credit for investment in broadband equipment). With this Order, we confirm that the installed equipment is “qualified broadband equipment” under *Idaho Code* § 63-3029I.

THE APPLICATION

Verizon states in the Application that it installed equipment associated with “[Internet Protocol] services and network, as well as managed [Wide Area Network] and [Local Area Network] services, in addition to other networking services.” Verizon affirms that its broadband network has data transmission rates “no lower than 155 Mbps for subscriber downloads and uploads, which exceeds the statutorily required minimum rates of 200,000 bits per second to a subscriber and 125,000 bits per second from a subscriber. Verizon states further that 100% of its Idaho subscribers have access to the broadband network. Verizon claims that it invested \$750,986.94 in qualifying broadband equipment in 2014.

THE BROADBAND EQUIPMENT TAX CREDIT

Idaho Code § 63-3029I allows a taxpayer to receive an income tax credit for having installed qualified broadband equipment during a calendar year. Before the taxpayer is eligible for the tax credit, the taxpayer must first apply to the Commission for an Order confirming that the installed equipment is “qualified broadband equipment” as defined in the statute. *Idaho Code* § 63-3029I(4). That statute defines “qualified broadband equipment” as equipment that qualifies for the *Idaho Code* § 63-3029B capital investment credit that “is capable of transmitting signals at a rate of at least [200,000 bps] to a subscriber and at least [125,000 bps] from a subscriber.” *Idaho Code* § 63-3029I(3)(b). In addition, to be “qualified broadband equipment”

the equipment must be “primarily used to provide services in Idaho to Idaho public subscribers.” *See Idaho Code* § 63-3029I(3)(b)(vii). Further, in “the case of a telecommunications carrier, such qualifying equipment shall be necessary to the provision of broadband service and an integral part of a broadband network.” *Idaho Code* § 63-3029I(3)(b)(i).

In furtherance of its statutory responsibility, the Commission has issued Order No. 28784. That Order specifies the information the taxpayer must include in the broadband tax credit application. When the taxpayer files the application, the Commission Staff reviews it to determine whether the listed equipment meets the statutory definition of “qualified broadband equipment.” Staff then submits a recommendation to the Commission. If the Commission ultimately approves the application, then the Commission forwards it and the Order to the Idaho State Tax Commission.

STAFF REVIEW

Staff reviewed Verizon’s Application under *Idaho Code* § 63-3029I and Commission Order No. 28784. Based on its review, Staff believes that Verizon is a telecommunications carrier and that the listed equipment meets the statutory criteria and is “qualified broadband equipment” that is eligible for the tax credit. Staff thus recommended the Commission: (1) issue an Order confirming that Verizon’s equipment is “qualified broadband equipment,” and (2) forward copies of the Application and Order to the Idaho State Tax Commission.

COMMISSION FINDINGS

Having reviewed Verizon’s Application and Staff’s recommendation, we find that its equipment is “qualified broadband equipment” eligible for the tax credit under *Idaho Code* § 63-3029I. Verizon is a telecommunications carrier and the listed equipment (as presently configured) is an integral part of Verizon’s broadband network and is necessary to the provision of broadband service to Idaho customers. Accordingly, it is appropriate for the Commission to issue an Order confirming that Verizon’s equipment is “qualified broadband equipment.”

The Commission makes no findings regarding the costs of the installed broadband equipment or other expenses.


ORDER

IT IS HEREBY ORDERED that Verizon’s Application for an Order confirming that equipment it installed in 2014 is “qualified broadband equipment” is granted.

IT IS FURTHER ORDERED that a copy of this Order and a copy of the Application be served on 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 with regard to any matter decided in 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 and 62-619.*


DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this **28th** day of October 2015.


PAUL KJELLANDER, PRESIDENT


MARSHA H. SMITH, COMMISSIONER


KRISTINE RAPER, COMMISSIONER

ATTEST:


Jean D. Jewell
Commission Secretary

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