

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION)
OF SYRINGA NETWORKS, LLC FOR AN) CASE NO. SZ9-T-09-01
INVESTMENT TAX CREDIT FOR)
INSTALLING QUALIFYING BROADBAND)
EQUIPMENT) ORDER NO. 30742
)

On January 21, 2009, the Commission received an Application from Syringa Networks, LLC (“Syringa”) asking for approval of a broadband tax credit pursuant to Commission Order No. 28784 and *Idaho Code* § 63-3029I(4). In order to be eligible to obtain the tax credit, the taxpayer must first obtain an Order from the Commission “confirming that the installed equipment is qualified broadband equipment.” *Idaho Code* § 63-3029I(4). “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).

THE APPLICATION

Syringa is a wholesale provider of wholesale broadband telecommunications and other services operating in southern Idaho. Syringa’s Application indicates that during the 2008 calendar year the Company installed digital switching equipment, SONET multiplexers, power equipment, engineering and other equipment associated with its broadband network in Boise, Idaho Falls, Hagerman, Hailey, Ketchum, Caldwell and Payette communities. The Company’s total investment in qualified broadband equipment amounted to approximately \$2,000,000 during the 2008 calendar year.

STAFF REVIEW

Staff reviewed the list of proposed broadband equipment submitted by Syringa and found that the equipment identified meets the statutory criteria outlined in *Idaho Code* § 63-3029I(3)(b). Staff determined that Syringa’s broadband equipment is capable of transmitting signals at a rate of at least 200,000 bits per second to a subscriber and at least 125,000 bits per second from a subscriber. *Idaho Code* § 63-3029I(3)(b). Staff also determined that Syringa is a telecommunications carrier and its equipment is “necessary to the provision of broadband service and an integral part of a broadband network.” *Idaho Code* § 63-3029I(3)(b)(i). Therefore, Staff

recommended that the Commission issue an Order approving the Application and that the approving Order, along with a copy of Syringa's Application, be forwarded to the Idaho State Tax Commission.

COMMISSION FINDINGS

Based upon our review of the Application and the recommendations of the Staff, we find that the Application for a qualifying broadband equipment Order should be granted. Syringa has adequately demonstrated that the equipment identified in its Application is qualifying broadband equipment subject to the tax credit. We further find that Syringa is a telecommunications carrier and, as presently configured, the installed equipment is an integral part of the Company's broadband network and that it is necessary to facilitate the delivery of broadband internet service to Idaho customers. It is therefore appropriate for the Commission to issue this Order confirming that the equipment identified in Syringa's Application is qualifying broadband equipment.

ORDER

IT IS HEREBY ORDERED that Syringa Networks, LLC's Application for an Order certifying that it has installed qualifying broadband equipment is granted.

IT IS FURTHER ORDERED that a copy of this Order and a copy of Syringa's 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 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. *Idaho Code* §§ 61-626, 63-3029I(4).

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 10th
day of March 2009.



MACK A. REDFORD, PRESIDENT



MARSHA H. SMITH, COMMISSIONER



JIM KEMPTON, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

O:SZ9-T-09-01_np