Office of the Secretary
Service Date
September 8, 2016

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION OF IDAHO 6-CLARK LIMITED PARTNERSHIP, AN OPERATING ENTITY OF THE VERIZON WIRELESS BUSINESS DIVISION, FOR A 2015 INVESTMENT TAX CREDIT FOR INSTALLING QUALIFYING BROADBAND EQUIPMENT	)	**CASE NO. GNR-T-16-09** **ORDER NO. 33588**

On August 5, 2016, Idaho 6-Clark Limited Partnership, an operating entity of the Verizon Wireless business division (the "Company"), applied to the Idaho Public Utilities Commission ("Commission") for an Order confirming that certain equipment it installed in 2015 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

In its Application, the Company states it invested $4,856,883.33 in qualifying broadband equipment in 2015. The Company states it installed equipment associated with "CMDA2000 (Code Division Multiple Access) technology to support LTE [Sonet Light Terminating Equipment] for 4G [4th Generation Mobile System] voice and broadband data, in addition to three other generations of CDMA-based cellular network technologies . . . ." *See* Application at 2. The Company asserts that its broadband network has data transmission rates between 300,000 bits per second ("bps") and 3,000,000 bps for subscriber downloads and uploads. *Id.* The Company further asserts that 100% of the Company's total Idaho subscribers have access to its Idaho broadband network. *Id.* at 3.

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). 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.[1] 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 the Company's Application under *Idaho Code* § 63-3029I. Based on its review, Staff believes that the Company 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 the Company'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 the Company's Application and Staff's recommendation, we find that the Company's equipment is "qualified broadband equipment" eligible for the tax credit under *Idaho Code* § 63-3029I. The Company is a telecommunications carrier. Further, the listed equipment (as presently configured) is an integral part of the Company'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 the Company's equipment is "qualified broadband equipment." The Commission makes no findings regarding the costs of the installed broadband equipment or other expenses.

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[1] The Commission issued Order No. 28784 pursuant to *Idaho Code* § 63-3029I(4), which empowers the Commission to "issue procedural orders necessary to implement" *Idaho Code* § 63-3029(4).

ORDER

IT IS HEREBY ORDERED that the Company's Application for an Order confirming that certain equipment it installed in 2015 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 8th day of September 2016.

PAUL KJELLANDER, PRESIDENT

KRISTINE RAPER, COMMISSIONER

ERIC ANDERSON, COMMISSIONER

ATTEST:

Jean D. Jewell
Commission Secretary

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