



PUBLIC NOTICE

Federal Communications Commission
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Washington, D.C. 20554

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DA 05-568
March 3, 2005

**NEXTEL COMMUNICATIONS, INC. AND SPRINT CORPORATION
APPLICATIONS FOR TRANSFER OF CONTROL OF LICENSES AND AUTHORIZATIONS**

**NUMBERING RESOURCE UTILIZATION AND FORECAST (NRUF) REPORTS
AND LOCAL NUMBER PORTABILITY REPORTS PLACED INTO THE RECORD,
SUBJECT TO PROTECTIVE ORDER**

**WT Docket No. 05-63
CC Docket No. 99-200
CC Docket No. 95-116**

Nextel Communications, Inc. (“Nextel”) and Sprint Corporation (“Sprint” and, together with Nextel, the “Applicants”) have filed a series of applications pursuant to Sections 214 and 310(d) of the Communications Act of 1934, as amended (the “Communications Act”).¹ In these applications, the Applicants generally seek Commission approval of the transfer of control to Sprint of the licenses and authorizations held both directly and indirectly by Nextel. In connection with the Commission’s review of the applications, the Commission intends to examine information contained in the Numbering Resource Utilization and Forecast (“NRUF”) reports filed by wireless telecommunications carriers² and disaggregated, carrier-specific local number portability (“LNP”) data related to wireless telecommunications carriers. These data may assist the Commission in assessing the competitive effects of the transaction. Accordingly, subject to the provisions of a protective order being adopted this day, the Commission intends to place into the record in this proceeding NRUF reports for all wireless telecommunications carriers with data as of December 31, 2003, and as of June 30, 2004, and all LNP data for every wireless telecommunications carrier (*i.e.*, wireless to wireless, wireless to wireline, and wireline to wireless ports) from the December 2003, June 2004, and December 2004 LNP databases that the Commission receives from NeuStar, Inc.

Section 251 of the Communications Act grants the Commission jurisdiction over the North American Numbering Plan (“NANP”) and related telephone numbering issues. In order to better monitor the way numbering resources are used within the NANP and efficiently allocate NANP resources, the Commission requires telecommunications carriers to provide the Commission with a utilization report of

¹ 47 U.S.C. §§ 214, 310(d).

² See 47 C.F.R. § 1.907.

their current inventory of telephone numbers and a five-year forecast of their numbering resource requirements.³ LNP data are collected by the LNP Administrator and provided to the FCC.

The Commission has recognized that disaggregated, carrier-specific forecast and utilization data should be treated as confidential and should be exempt from public disclosure under 5 U.S.C. § 552(b)(4).⁴ The NRUF and LNP reports are being placed into the record subject to the provisions of a protective order. As such, the NRUF data will not be available to the public except pursuant to the terms of the protective order, as outlined below.

Persons seeking to review the NRUF or LNP data may do so only for purposes of participating in this proceeding. Pursuant to the Protective Order, outside persons participating or intending to participate in the proceeding who are not involved in competitive decision-making activities and who have signed the Acknowledgement of Confidentiality attached to the Protective Order may review the NRUF and LNP data. We emphasize that persons seeking to review the NRUF or LNP data must have adequate protections in place to prevent improper use or disclosure of the information.

Affected parties have 10 days from the date of this notice to oppose disclosure of their NRUF and LNP data. In addition, affected parties will have five business days after the filing of an Acknowledgement of Confidentiality to object to the release of the data to a particular person who requests permission to review it.

If the Commission receives no opposition from affected parties within 10 days of this notice, the Commission will place the NRUF and LNP data into the public record subject to the safeguards contained in the Protective Order. If disclosure is opposed, the procedures set forth in 47 C.F.R. § 0.461(i) shall apply. All filings should refer to WT Docket No. 05-63 and CC Docket Nos. 99-200 and 95-116.

Under the Commission's current procedures for the submission of filings and other documents,⁵ submissions in this matter may be filed electronically (*i.e.*, though ECFS) or by hand delivery to the Commission's Massachusetts Avenue location.

- **If filed by ECFS,**⁶ comments shall be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the

³ See In the Matter of Numbering Resource Optimization, CC Docket No. 99-200, *Report and Order and Further Notice of Proposed Rule Making*, 15 FCC Rcd. 7574, 7578-79 ¶ 5 (2000).

⁴ *Id.* at 7607 ¶ 78.

⁵ See Implementation of Interim Electronic Filing Procedures for Certain Commission Filings, *Order*, 16 FCC Rcd. 21,483 (2001); see also FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence, *Public Notice*, 16 FCC Rcd. 22,165 (2001); Reminder: Filing Locations for Paper Documents and Instructions for Mailing Electronic Media, *Public Notice*, 18 FCC Rcd. 16,705 (2003).

⁶ See Electronic Filing of Documents in Rulemaking Proceedings, GC Docket No. 97-113, *Report and Order*, 13 FCC Rcd. 11,322 (1998).

following words in the body of the message, “get form <your e-mail address>.” A sample form and directions will be sent in reply.

- **If filed by paper**, the original and four copies of each filing must be filed by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

One copy of each pleading must be delivered electronically, by e-mail or facsimile, or, if delivered as paper copy, by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (according to the procedures set forth above for paper filings), to: (1) the Commission's duplicating contractor, Best Copy and Printing, Inc., at FCC@BCPIWEB.COM or (202) 488-5563 (facsimile); (2) Sheryl Todd, Telecommunications Access Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 5-B540, Washington, D.C. 20554; (3) Louis Peraertz, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, at louis.peraertz@fcc.gov, or (202) 418-7447 (facsimile); (4) Sara Mechanic, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, at sara.mechanic@fcc.gov, or (202) 418-7447 (facsimile); (5) Jim Bird, Office of General Counsel, at jim.bird@fcc.gov, or (202) 418-2822 (facsimile).

This action is taken pursuant to Sections 4(i) and 310(d) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and 310(d), Section 4 of the Freedom of Information Act, 5 U.S.C. § 552(b)(4), and authority delegated under Section 0.331 of the Commission's rules, 47 C.F.R. § 0.331, and is effective upon its adoption.

For further information, contact Louis Peraertz, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, at (202) 418-1879, Sara Mechanic, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, at (202) 418-0793, or Sanford Williams, Telecommunications Access Policy Division, Wireline Competition Bureau, at (202) 418-1508.