



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 08-2226
October 2, 2008

APPLICATIONS OF AT&T MOBILITY SPECTRUM LLC, FCC FILE NO. 0003382436, UNION TELEPHONE COMPANY, FCC FILE NO. 0003371176, AND CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS, FCC FILE NOS. 0003382435 AND 0003382444, FOR 700 MHZ BAND LICENSES, AUCTION NO. 73

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

**CC Docket No. 99-200
FCC File Nos. 0003382436, 0003371176, 0003382435, and 0003382444**

AT&T Mobility Spectrum LLC, Union Telephone Company, and Cellco Partnership d/b/a Verizon Wireless have filed the above-referenced applications for 700 MHz band licenses pursuant to Auction No. 73.¹ 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 grant of the above-referenced applications. Accordingly, subject to the provisions of a protective order ("NRUF Protective Order") being adopted this day,³ the Commission intends to place into the record in FCC File Nos. 0003382436, 0003371176, 0003382435, and 0003382444 (1) NRUF reports for all wireless telecommunications carriers concerning data as of December 31, 2007, and (2) wireless-to-wireless LNP data for all wireless telecommunications carriers from the December 2007 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 See Auction of 700 MHz Band Licenses Closes; Winning Bidders Announced for Auction 73, *Public Notice*, 23 FCC Rcd 4572 (2008); Wireless Telecommunications Bureau Announces That Applications for 700 MHz Band Licenses Are Accepted for Filing, *Public Notice*, 23 FCC Rcd 6722 (2008).

² See 47 C.F.R. § 1.907.

³ Applications of AT&T Mobility Spectrum LLC, Union Telephone Company, and Cellco Partnership d/b/a Verizon Wireless for 700 MHz Band Licenses, Auction No. 73, File Nos. 0003382436, *et al.*, CC Docket No. 99-200, *Protective Order*, DA 08-2225 (WTB rel. Oct. 2, 2008).

their current inventory of telephone numbers and a five-year forecast of their numbering resource requirements.⁴ LNP data are collected by the LNP Administrator and provided to the Commission.

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).⁵ The NRUF and LNP reports are being placed into the record subject to the provisions of an NRUF Protective Order. As such, the NRUF data will not be available to the public except pursuant to the terms of the NRUF 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 NRUF 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 NRUF 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 until October 9, 2008, 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 by October 9, 2008, the Commission will place the NRUF and LNP data into the public record subject to the safeguards contained in the NRUF 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 FCC File Nos. 0003382436, 0003371176, 0003382435, and 0003382444.

Under the Commission's current procedures for the submission of filings and other documents,⁶ submissions in this matter may be filed electronically (*i.e.*, through ECFS and through the Commission's Universal Licensing System ("ULS")) or by hand delivery to the Commission's Massachusetts Avenue location.

- **If filed by ECFS**, 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 following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply. Parties are reminded that unredacted comments and other material containing confidential information may not be filed electronically.

⁴ See 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).

⁵ *Id.* at 7607 ¶ 78.

⁶ See Implementation of Interim Electronic Filing Procedures for Certain Commission Filings, *Order*, 16 FCC Rcd 21483 (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 22165 (2001); Reminder: Filing Locations for Paper Documents and Instructions for Mailing Electronic Media, *Public Notice*, 18 FCC Rcd 16705 (2003).

- **If filed by ULS**, go to the ULS website at <http://wireless.fcc.gov/uls/>. Begin the process of submitting a pleading by clicking on the “SUBMIT A PLEADING” link. The link will take you to the *Pleadings Information* Screen where you select the type of pleading and enter the pleadings filer information. Completion of the contact information is optional. Upon completion of this screen, please click on “CONTINUE.” Complete the *File Numbers/Call Signs* Screen. Click to indicate that the pleading pertains to a File Number, and enter File Nos. 0003382436, 0003371176, 0003382435, and 0003382444. After clicking the “SUBMIT” button, the screen will update to show all the File Numbers associated with the pleading. Next, complete the *Attach File* Screen to attach the pleading document. Use the drop down box to select Pleading or Confidential Pleading. The “BROWSE” button opens a Microsoft Windows screen where you will locate and select your pleading file. The Description field allows you to enter a brief description for the pleading. Click the “ADD ATTACHMENT” button to upload your pleading. You may submit up to thirty files for each pleading but each file must be smaller than 10 MB in size. You also have the opportunity to delete any selected file from the pleading. Finally, to complete your electronic pleading submission, click on the “SUBMIT PLEADING” button and the *Confirmation* Screen will be displayed. The *Confirmation* Screen will display your Confirmation Number as well as your entered pleadings information. You may print this page for your records by selecting the Print Page link at the top of the page.
- **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 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 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) Kathy Harris, Mobility Division, Wireless Telecommunications Bureau, at kathy.harris@fcc.gov, or (202) 418-7447 (facsimile); (3) Susan Singer, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, at susan.singer@fcc.gov, or (202) 418-7447 (facsimile); (4) Angela Kronenberg, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, at angela.kronenberg@fcc.gov, or (202) 418-7447 (facsimile); and (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 Kathy Harris, Mobility Division, Wireless Telecommunications Bureau, at (202) 418-0609, Susan Singer, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, at (202) 418-1340, or Angela Kronenberg, Spectrum and Policy Division, Wireless Telecommunications Bureau, at (202) 418-2963.

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