



PUBLIC NOTICE

Federal Communications Commission
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April 16, 2009

APPLICATIONS OF PTI PACIFICA INC. AND IT&E OVERSEAS, INC. FOR CONSENT TO ASSIGN LICENSES

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

ULS File No. 0003356838
CC Docket No. 99-200

PTI Pacifica Inc. (“PTI Pacifica”) and IT&E Overseas, Inc. (“IT&E” and, together with PTI Pacifica, the “Applicants”) have filed a series of applications pursuant to sections 214 and 310(d) of the Communications Act of 1934, as amended.¹ As part of a larger transaction, the Applicants seek Commission approval of the assignment of wireless licenses from IT&E to PTI Pacifica.²

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 carriers³ 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 (“NRUF Protective Order”) being adopted this day, the Commission intends to place into the record in this proceeding (1) NRUF reports for all wireless telecommunications carriers concerning data as of June 30, 2008 and (2) wireless-to-wireless LNP data for all wireless telecommunications carriers from the June 2008 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 PTI Pacifica, Inc. and ITE Overseas, Inc. Seek FCC Consent to Assign Licenses, ULS File No. 0003356838 (filed May 2, 2008). In addition to the assignment of wireless licenses, the Applicants are also seeking Commission approval for the assignment and transfer of domestic and international Section 214 assets and a declaratory ruling under section 310(b)(4) of the Communications Act that the proposed acquisition by PTI Pacifica of IT&E’s licenses and authorizations is consistent with the public interest. The Wireline Competition Bureau created a docket, WC Docket No. 08-54, for the transfer of control of the domestic Section 214 application.

³ See 47 C.F.R. § 1.907.

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 April 23, 2009 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 April 23, 2009, 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 ULS File No. 0003356838.

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.*, though ULS) or by hand delivery to the Commission's Massachusetts Avenue location.

- **If filed electronically**, the ULS website may be accessed at <http://wireless.fcc.gov/uls/>. From the ULS website, interested parties begin the process of submitting a pleading by clicking on the "SUBMIT A PLEADING" link. The link takes the user first to the *Pleadings Information* Screen. Upon completion of that screen, clicking "CONTINUE" will take the user to the *File Numbers/Call Signs* Screen. Upon completing that screen, the user continues to complete the third and fourth steps of the process, in the *Attach File* and *Confirmation* Screens, respectively. Each screen will indicate the information to be supplied and/or the action(s) to be performed for completion of that screen. Additionally, a more detailed description of the instructions can be

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 Wireless Telecommunications Bureau Enhances the Commission's Universal Licensing System to Implement Electronic Filing for Pleadings, *Public Notice*, 21 FCC Rcd 424 (WTB 2006) ("*ULS Pleadings Implementation PN*") (announcing that the Commission enhanced ULS to implement the electronic filing of pleadings); *see also* 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).

found in the *Public Notice* announcing the enhancement of ULS to implement electronic filing for pleadings.⁷

- **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) Erin McGrath, Mobility Division, Wireless Telecommunications Bureau, at erin.mcgrath@fcc.gov, or (202) 418-7447 (facsimile); (3) Pramesh Jobanputra, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, at Pramesh.Jobanputra@fcc.gov, or (202) 418-7447 (facsimile); (4) Virginia Metallo, Office of General Counsel, at virginia.metallo@fcc.gov, or (202) 418-1234 (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 Erin McGrath, Mobility Division, Wireless Telecommunications Bureau, at (202) 418-2042, or Pramesh Jobanputra, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, at (202) 418-1323.

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⁷ See *ULS Pleadings Implementation PN*, 21 FCC Rcd at 425.