



PUBLIC NOTICE

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

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DA 11-1830
November 1, 2011

NOTICE AND REQUEST FOR COMMENTS CONCERNING A FREEDOM OF INFORMATION ACT REQUEST FOR A RECORD CONTAINING NUMBERING RESOURCE UTILIZATION AND FORECAST AND LOCAL NUMBER PORTABILITY DATA

A request has been filed with the Federal Communications Commission (Commission) pursuant to the Freedom of Information Act (FOIA)¹ and the Commission's implementing regulations,² assigned FOIA Control No. 2012-012, seeking "an unredacted copy of the declaration of Colin B. Weir, dated June 10, 2011, and filed in WT Docket No. 11-65."³ The Weir Declaration utilizes Numbering Resource Utilization and Forecast (NRUF) data and Local Number Portability (LNP) data that the Commission has recognized to be highly confidential.⁴ Section 0.461(d)(3) of the Commission's FOIA regulations requires that when a FOIA request is filed for records containing confidential commercial information, the custodian of the records will provide notice to the person or persons who originally submitted the confidential materials to the Commission.⁵

The NRUF/LNP data is available to parties to the AT&T/T-Mobile proceeding pursuant to the *NRUF/LNP Protective Order*. However, a FOIA request is a request for public release of records without the restrictions of a protective order. Therefore, by this Public Notice, we seek comment by any carriers whose NRUF or LNP data is utilized in the Weir Declaration. If a carrier has any objection to disclosure of the Weir Declaration, it must submit a detailed written statement addressing the factors set forth in section 0.459(b) of the Commission's

¹ 5 U.S.C. § 552.

² 47 C.F.R. § 0.461.

³ Electronic FOIA request by Joseph I. Marchese (filed Oct. 10, 2011).

⁴ See *Applications of AT&T, Inc. and Deutsche Telekom AG for Consent to Assign or Transfer Control of Licenses and Authorizations*, 26 FCC Rcd 6031 n.3 (2011) (*NRUF/LNP Protective Order*).

⁵ 47 C.F.R. § 0.461(d)(3) (allowing notice to be provided by Public Notice where data is submitted by many persons).

regulations⁶ as to why the Declaration may be withheld from inspection. All filings should be labeled “FOIA CONTROL NO. 2012-012.” Interested parties should file comments by November 14, 2011.

Filings should be sent by e-mail to Kathy Harris, Mobility Division, Wireless Telecommunications Bureau, at kathy.harris@fcc.gov, Laurence Schecker, Office of General Counsel, at laurence.schecker@fcc.gov, and to FOIA@fcc.gov.

Comments should also be served on the FOIA requester either by United States Postal Service or electronically as follows:

Joseph I. Marchese, Esq.
Bursor & Fisher
369 Lexington Avenue 10th Floor
New York, NY 10017
jmarchese@bursor.com

Mr. Marchese may file a response to any comments by November 18, 2011, serving all commenting parties.

Questions concerning this notice may be addressed to Kathy Harris, Mobility Division, Wireless Telecommunications Bureau, kathy.harris@fcc.gov, 202-418-0609, and Laurence Schecker, Office of General Counsel, laurence.schecker@fcc.gov, (202) 418-1717.

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⁶ 47 C.F.R. § 0.459(d).