



PUBLIC NOTICE

Federal Communications Commission
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DA 12-1934

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APPLICATIONS OF DEUTSCHE TELEKOM AG, T-MOBILE USA, INC., AND METROPCS COMMUNICATIONS, INC. FOR CONSENT TO ASSIGN OR TRANSFER CONTROL OF LICENSES AND AUTHORIZATIONS

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

WT Docket No. 12-301
CC Docket No. 99-200

Deutsche Telekom AG (“Deutsche Telekom”), T-Mobile USA, Inc. (“T-Mobile”), and MetroPCS Communications, Inc. (“MetroPCS” and, together with Deutsche Telekom and T-Mobile, the “Applicants”) have filed applications (collectively, the “Applications”) pursuant to Sections 214 and 310(d) of the Communications Act of 1934, as amended,¹ seeking Commission consent to the transfer of control of Personal Communications Service (“PCS”) and Advanced Wireless Services (“AWS-1”) licenses and leases, one lower 700 MHz license, as well as international 214 authorizations, held by MetroPCS and its wholly-owned and controlled subsidiaries and by T-Mobile and its wholly-owned and controlled subsidiaries to a newly combined entity. The Commission has accepted the Applications for filing, established a pleading cycle, and opened a docket, WT Docket No. 12-301, for the proposed transactions.²

In connection with the Commission’s review of the proposed transactions, the Commission intends to examine information contained in the biannual Numbering Resource Utilization and Forecast (“NRUF”) reports filed by wireless telecommunications carriers,³ carrier-specific local number portability (“LNP”) data related to wireless telecommunications carriers, and further disaggregated monthly carrier-specific local number portability data (“Carrier-to-Carrier LNP Data”) related to wireless telecommunications carriers. These data may assist the Commission in assessing the competitive effects of the transactions. Accordingly, subject to the provisions of a protective order (“NRUF Protective Order”) being adopted this day⁴ the Commission intends to place into the record in this proceeding:

¹ 47 U.S.C. §§ 214, 310(d).

² See Deutsche Telekom AG, T-Mobile USA, Inc. and MetroPCS Communications, Inc. Seek FCC Consent to the Transfer of Control of PCS Licenses and AWS-1 Licenses and Leases, One 700 MHz License, and International 214 Authorizations Held by MetroPCS Communications, Inc. and by T-Mobile USA, Inc. to Deutsche Telekom AG, *Public Notice*, DA 12-1730 (rel. Oct. 26, 2012).

³ See 47 C.F.R. §§ 1.907, 52.5.

⁴ See Applications of Deutsche Telekom AG, T-Mobile USA, Inc., and MetroPCS Communications, Inc. For Consent To Assign or Transfer Control of Licenses and Authorizations, WT Docket No. 12-301, *NRUF/LNP Protective Order*, DA 12-1935 (WTB rel. Nov. 30, 2012).

- NRUF reports for all wireless telecommunications carriers concerning data as of December 31, 2008, June 30, 2009, December 31, 2009, June 30, 2010, December 31, 2010, June 30, 2011, December 31, 2011, and June 30, 2012 (when available).
- Wireless-to-wireless LNP data for all wireless telecommunications carriers from the December 2008, June 2009, December 2009, June 2010, December 2010, June 2011, December 2011, and June 2012 (when available) LNP databases that the Commission receives from the LNP Administrator, NeuStar, Inc. This LNP data shows the total number of ports in and ports out per carrier.
- Wireless-to-wireless Carrier-to-Carrier LNP Data for all wireless telecommunications carriers, on a monthly basis, from the December 2008 to June 2012 (when available) LNP databases that the Commission receives from the LNP Administrator, NeuStar, Inc. This LNP data shows, on a monthly basis, the specific number of ports from each wireless carrier to another carrier in each area.

Section 251 of the Communications Act grants the Commission jurisdiction over the North American Numbering Plan (“NANP”) and related telephone numbering issues.⁵ 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 their current inventory of telephone numbers and a five-year forecast of their numbering resource requirements.⁶ 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).⁷ The NRUF and LNP reports will be placed into the record subject to the provisions of the NRUF Protective Order. As such, the NRUF and LNP 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 Acknowledgment 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 **December 10, 2012** to oppose disclosure of their NRUF and LNP data. In addition, affected parties will have three business days after the filing of an Acknowledgment 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 December 10, 2012, the Commission will place the NRUF, LNP and Carrier-to-Carrier LNP data into the 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 WT Docket No. 12-301.

⁵ 47 U.S.C. § 251.

⁶ 47 C.F.R. § 52.15(f). *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).

⁷ *Id.* at 7607 ¶ 78.

Under the Commission's current procedures for the submission of filings and other documents,⁸ submissions in this matter may be filed electronically (*i.e.*, though ECFS) or by hand delivery to the Commission.

- **If filed by ECFS,**⁹ 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, U.S. Postal Service mailing address, and WT Docket No. 12-301. Parties may also submit an electronic comment by Internet e-mail. Parties are reminded that unredacted comments and other material containing confidential information may not be filed electronically.
- **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. All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. 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, Express, 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) David Hu, Broadband Division, WTB, at david.hu@fcc.gov or (202) 418-7247 (facsimile); (3) Kathy Harris, Mobility Division, WTB, at kathy.harris@fcc.gov or (202) 418-7447 (facsimile); (4) Kate Matraves, Spectrum and Competition Policy Division, WTB, at catherine.matraves@fcc.gov or (202) 418-7447 (facsimile); (5) David Krech, Policy Division, International Bureau, at david.krech@fcc.gov or (202) 418-2824 (facsimile); and (6) Jim Bird, Office of General Counsel, at TransactionTeam@fcc.gov or (202) 418-1234 (facsimile).

This action is taken pursuant to Sections 4(i) and 310(d) of the Communications Act, 47 U.S.C. §§ 154(i), 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.

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⁸ See FCC Announces Change in Filing Location for Paper Documents, *Public Notice*, 24 FCC Rcd 14312 (2009).

⁹ See Electronic Filing of Documents in Rulemaking Proceedings, GC Docket No. 97-113, *Report and Order*, 13 FCC Rcd 11322 (1998).