



PUBLIC NOTICE

Federal Communications Commission
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Washington, D.C. 20554

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NOTICE OF REQUEST FOR ACCESS TO CARRIER DATA FILED IN THE NUMBERING RESOURCE UTILIZATION AND FORECAST (NRUF) REPORTS

PLEADING CYCLE ESTABLISHED

CC Docket Nos. 99-200 and 95-116

Comment Date: October 24, 2017

The United States Department of Justice, Antitrust Division (the Department), “investigates proposed mergers and other potentially anticompetitive agreements or practices, including in the mobile wireless services industry.”¹ For the purpose of monitoring competition in the mobile wireless industry and preparing for future antitrust investigations, the Department has requested access to information contained in each Numbering Resource Utilization and Forecast (NRUF) report filed with the Federal Communications Commission by wireless telecommunications carriers from December 2015 through the present, by carrier and by rate center. The Department also requests local number portability (LNP) data in the Commission’s possession related to wireless telecommunications carriers, by carrier and by rate center, from January 2016 to the present.²

Section 251 of the Communications Act, 47 U.S.C. § 251, gives the Commission jurisdiction over the North American Numbering Plan (NANP)³ and related telephone numbering matters. 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 utilization reports of their current inventory of telephone numbers and a five-year forecast of their numbering resource requirements.⁴ LNP data is collected by the LNP Administrator, and provided to the Commission. The Commission has recognized that disaggregated, carrier-specific forecast and utilization

¹ Letter from Scott Scheele, Chief, Telecommunications and Media Enforcement Section, Antitrust Division, U.S. Department of Justice, to Kris Monteith, Chief, Wireline Competition Bureau, Federal Communications Commission, CC Docket Nos. 99-200, 95-116, at 1 (filed Oct. 11, 2017), <https://ecfsapi.fcc.gov/file/10122943507618/NRUF%20Request.pdf> (DOJ Request).

² *Id.*

³ The NANP is comprised of 20 North American countries that share numbering resources. See N. Am. Numbering Plan Admin., *About the North American Numbering Plan*, https://www.nationalnanpa.com/about_us/abt_nanp.html (last visited Oct. 12, 2017).

⁴ See *Numbering Resource Optimization*, CC Docket No. 99-200, Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 7574, 7578–79, para. 5 (2000).

data should be treated as confidential and should be exempt from public disclosure under 5 U.S.C. § 552(b)(4).⁵

In general, the Commission may share information it has collected with another government agency under 44 U.S.C. § 3510. Section 3510 further provides that all provisions of law that relate to the unlawful disclosure of information apply to the employees of the agency to which the information is released. Although the Commission's regulations provide that proprietary and commercially sensitive information will be withheld from public disclosure, subject to the public's right to seek disclosure under the Freedom of Information Act and implementing regulations, 5 U.S.C. § 552, 47 CFR § 0.457(d), 0.459(d), the Commission may disclose to other federal agencies records that have been submitted to the Commission in confidence upon another agency's request pursuant to 47 CFR § 0.442(d).

Pursuant to the Commission's regulations in 47 CFR § 0.442, affected parties have 10 days from the date of this notice to oppose disclosure of NRUF and LNP data to the Department of Justice. If the Commission receives no opposition from affected parties within 10 days of this notice, the Commission will disclose the information requested above to the Justice Department. If disclosure is opposed, the procedures set forth in 47 CFR § 0.442 will apply.

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file objections to the planned disclosure on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://apps.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. Paper filings can be sent 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 are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. All envelopes and boxes 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 9050 Junction Drive, Annapolis Junction, MD 20701.
 - U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

Parties must also send a courtesy copy of their filing to Marilyn Jones, Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 5-C264, Washington, D.C. 20554 or via e-mail to marilyn.jones@fcc.gov.

For further information, please contact Marilyn Jones at marilyn.jones@fcc.gov or at (202) 418-2357.

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⁵ *Id.* at 7607, para. 78.