



# PUBLIC NOTICE

Federal Communications Commission  
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DA 17-332

Released: April 6, 2017

**APPLICATIONS OF NEW CINGULAR WIRELESS PCS, LLC, DYCOM HOLDING, INC., AND  
WILKES CELLULAR, INC., FOR CONSENT TO ASSIGN A LOWER 700 MHZ C BLOCK  
LICENSE AND A CELLULAR LICENSE IN GEORGIA**

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

**WT Docket No. 17-82  
CC Docket No. 99-200**

New Cingular Wireless PCS, LLC, an indirect wholly-owned subsidiary of AT&T Inc. (together with New Cingular Wireless PCS, LLC, AT&T), together with Dycom Holding, Inc. (Dycom), and Wilkes Cellular, Inc. (Wilkes) (together with Dycom and AT&T, the Applicants), have filed applications pursuant to Section 310(d) of the Communications Act of 1934, as amended,<sup>1</sup> seeking Commission consent to the assignment of a Lower 700 MHz C Block license from Dycom to AT&T and a cellular license from Wilkes to AT&T.<sup>2</sup> The subject licenses cover one local market in Georgia. On April 6, 2017, the Commission accepted the applications for filing and established a pleading cycle for the proposed transaction.<sup>3</sup>

In connection with the Commission's review of the proposed transaction, the Commission intends to examine information contained in the biannual Numbering Resource Utilization and Forecast (NRUF) reports filed by wireless telecommunications carriers,<sup>4</sup> 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 transaction.

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<sup>1</sup> 47 U.S.C. § 310(d).

<sup>2</sup> Dycom would assign its Lower 700 MHz license and Wilkes Cellular would assign its cellular license to Hope Acquisition Company LLC (Hope Acquisition). Hope Acquisition would initially be an LLC wholly-owned by Dycom. Immediately after this step, New Cingular would purchase all of the membership interests in Hope Acquisition from Dycom, resulting in Hope Acquisition becoming a wholly-owned subsidiary of New Cingular. In addition to the proposed assignment of these licenses, the parties seek authority to simultaneously consummate the transfer of control of Hope Acquisition to New Cingular.

<sup>3</sup> *New Cingular Wireless PCS, LLC, Dycom Holding, Inc., and Wilkes Cellular, Inc., Seek FCC Consent to the Assignment of a Lower 700 MHz C Block License and a Cellular License in Georgia*, WT Docket No. 17-82, Public Notice, DA 17-329 (WTB Apr. 6, 2017).

<sup>4</sup> 47 CFR §§ 1.907, 52.5.

Accordingly, subject to the provisions of a protective order (NRUF Protective Order) being adopted this day,<sup>5</sup> the Commission intends to place into the record in this proceeding:

- NRUF reports for all wireless telecommunications carriers concerning data as of June 30, 2014, December 31, 2014, June 30, 2015, December 31, 2015, June 30, 2016, and December 31, 2016 (when available).
- Wireless-to-wireless LNP data for all wireless telecommunications carriers from the June 30, 2014, December 31, 2014, June 30, 2015, December 31, 2015, June 30, 2016, and December 31, 2016 (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 June 2014 to June 2016 LNP databases (and any updates that may become available during the pendency of the Commission's review of the Application) 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.<sup>6</sup> To monitor better the way numbering resources are used within the NANP and allocate NANP resources efficiently, 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.<sup>7</sup> 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).<sup>8</sup> 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 **April 17, 2017** 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 April 17, 2017, 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. 17-82.

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<sup>5</sup> *Applications of New Cingular Wireless PCS, LLC, Dycom Holding, Inc., and Wilkes Cellular, Inc., for Consent To Assign Licenses*, WT Docket No. 17-82, NRUF/LNP Protective Order, DA 17-331 (WTB Apr. 6, 2017).

<sup>6</sup> 47 U.S.C. § 251.

<sup>7</sup> 47 CFR § 52.15(f); *see Numbering Resource Optimization*, Report and Order and Further Notice of Proposed Rule Making, 15 FCC Rcd 7574, 7578-7579, para. 5 (2000) (*Numbering Report and Order*).

<sup>8</sup> *Numbering Report and Order*, 15 FCC Rcd at 7607, para. 78.

Under the Commission's current procedures for the submission of filings and other documents,<sup>9</sup> submissions in this matter may be filed electronically through the Commission's Electronic Comment Filing System (ECFS) or by hand delivery to the Commission.

- **To file electronically**,<sup>10</sup> comments shall be sent as an electronic file via the Internet to <http://apps.fcc.gov/ecfs>. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket number. Parties may also submit an electronic comment by email.
- **To file 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, SW, Washington, DC 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 email 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) Kathy Harris, Mobility Division, Wireless Telecommunications Bureau, at [kathy.harris@fcc.gov](mailto:kathy.harris@fcc.gov) or (202) 418-2643 (facsimile); (2) Kate Matraves, Competition and Infrastructure Policy Division, Wireless Telecommunications Bureau, at [catherine.matraves@fcc.gov](mailto:catherine.matraves@fcc.gov) or (202) 418-2643 (facsimile); and (3) Jim Bird, Office of General Counsel, at [TransactionTeam@fcc.gov](mailto: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 CFR § 0.331, and is effective upon its adoption.

For further information, contact Kathy Harris, Mobility Division, Wireless Telecommunications Bureau, at (202) 418-0609, or Kate Matraves, Competition and Infrastructure Policy Division, Wireless Telecommunications Bureau, at (202) 391-6272.

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<sup>9</sup> *FCC Announces Change in Filing Location for Paper Documents*, Public Notice, 24 FCC Rcd 14312 (2009).

<sup>10</sup> *Electronic Filing of Documents in Rulemaking Proceedings*, Report and Order, 13 FCC Rcd 11322 (1998).