



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

June 20, 2019

Donald Stockdale
Chief, Wireless Telecommunications
Bureau Kathy Harris
Mobility Division, Wireless Telecommunications
Bureau Federal Communications Commission
445 12th Street, S.W.
Washington, DC
20554

RE: WT Docket No. 18-197, Confidentiality of NRUF/LNP

Data Dear Mr. Stockdale and Ms. Harris:

The Office of the Attorney General for the State of Texas ("Office of the Attorney General") is analyzing the proposed acquisition of Sprint Corporation by T-Mobile US, Inc. In connection with this investigation, the Office of the Attorney General plans to seek access to materials filed with the Federal Communications Commission ("FCC") that contain or incorporate Numbering Resource Utilization and Forecast ("NRUF") data and local number portability ("LNP") data provided by telecommunications carriers. This letter sets forth the confidentiality protections that the Office of the Attorney General will accord to NRUF and LNP data and any filings containing such data that are obtained in connection with this office's investigation of the proposed transaction.

Information gathered by this office during an antitrust investigation is considered non-public. The Office of the Attorney General has authority to issue civil investigative demands ("CIDs") under Texas Business and Commerce Code section 15.10, and is required to maintain confidentiality of information produced in response to CIDs. *See* TEX. BUS. & COMM. CODE § 15.10(i). Additionally, if an agency of the federal government shares information with a Texas Governmental entity, the Texas entity must withhold the information from open records requests that the federal agency determined to be confidential under federal law. TEX. GOV. CODE § 552.101; Texas Open Records Decision No. 561 at 6-7 (1990); *accord United States v. Napper*, 887 F.2d 1528, 1530 (11th Cir.1989).

The Office of the Attorney General will use NRUF and LNP data, and any materials containing such data, only for legitimate law enforcement purposes. The Office of the Attorney General will not disclose such data unless such disclosure is required by law or is reasonably required to further a legitimate law enforcement purpose. Furthermore, if a request is made under the Public Information Act, Texas Government Code Chapter 552, for the disclosure of NRUF/LNP data, or information based on such data, the Office of the Attorney General will assert any exemptions it deems applicable and use its best efforts to provide concerned parties

with notice prior to the release of any such data or information. If NRUF data, LNP data, and/or confidential information based on that data become the subject of discovery in any litigation to which the State of Texas or any unit thereof is a party, the Office of the Attorney General will use its best efforts to ensure that a protective order is entered and will make reasonable efforts to avoid providing the requested data or information until all concerned parties have had an opportunity to review and comment on the protective order and to apply to the court for further protection.

Please do not hesitate to contact me if you have any questions about this matter or need further information.

Sincerely,

A handwritten signature in black ink, appearing to read "Bret Fulkerson". The signature is written in a cursive style with a long, sweeping underline.

Bret Fulkerson
Assistant Attorney General
Antitrust Division
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