PUBLIC NOTICE

Federal Communications Commission
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DA 14-1374
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APPLICATIONS OF AT&T INC., PLATEAU TELECOMMUNICATIONS, INC., E.N.M.R. TELEPHONE COOPERATIVE, NEW MEXICO RSA 4 EAST LIMITED PARTNERSHIP, AND TEXAS RSA 3 LIMITED PARTNERSHIP FOR CONSENT TO ASSIGN 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. 14-144
CC Docket No. 99-200

AT&T Inc. (together with its subsidiaries, "AT&T"), Plateau Telecommunications, Inc. ("Plateau Telecommunications"), E.N.M.R. Telephone Cooperative ("E.N.M.R."), New Mexico RSA 4 East Limited Partnership, and Texas RSA 3 Limited Partnership (together with Plateau Telecommunications, E.N.M.R., and New Mexico RSA 4 East Limited Partnership, "Plateau Wireless," and together with AT&T, 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 assign three Advanced Wireless Services ("AWS-1") licenses, three cellular licenses, two Lower 700 MHz C Block licenses, and 23 common carrier fixed point-to-point microwave licenses to an indirect, wholly-owned subsidiary of AT&T.[2] The Applicants also seek to assign three international section 214 authorizations to the same indirect, wholly-owned subsidiary of AT&T.[3] The proposed transaction involves spectrum licenses in three Cellular Market Areas ("CMAs") in largely rural parts of New Mexico and Texas.[4] On September 8, 2014, the Commission accepted the Applications for filing and established a pleading cycle for the proposed transaction.[5]

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[1] 47 U.S.C. §§ 214, 310(d).

[2] The licenses held by Plateau Wireless would be assigned, just prior to closing, to a newly-formed limited liability company, Powell Acquisition Company LLC. At closing, ownership of Powell Acquisition Company LLC would be transferred to AT&T.

[3] The Applicants indicate that one of the three international section 214 authorizations, File No. ITC-214-20030912-00436, only would be partially assigned to AT&T.

[4] *See* Application of Powell Acquisition Company LLC and Plateau Telecommunications, Inc. for Consent To Assign Licenses and Authorizations, ULS File No. 0006366669 (*lead application*), Ex. 1 (filed July 14, 2014).

[5] AT&T Inc. and Plateau Wireless Seek FCC Consent to the Assignment of Advanced Wireless Services, Cellular, Lower 700 MHz, and Microwave Licenses, and International Section 214 Authorizations from Plateau Wireless to AT&T Inc., WT Docket No. 14-144, *Public Notice*, DA 13-1287 (WTB rel. Sept. 8, 2014).

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,[6] 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. Accordingly, subject to the provisions of a protective order ("NRUF Protective Order") being adopted this day,[7] the Commission intends to place into the record in this proceeding:

- NRUF reports for all wireless telecommunications carriers concerning data as of June 30, 2012, December 31, 2012, June 30, 2013, December 31, 2013, and June 30, 2014 (when available).
- Wireless-to-wireless LNP data for all wireless telecommunications carriers from the June 30, 2012, December 31, 2012, June 30, 2013, December 31, 2013, and June 30, 2014 (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 2012 to June 2014 LNP databases (and any updates that may become available during the pendency of the Commission's review of the Applications) 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.[8] 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.[9] 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).[10] 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

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[6] *See* 47 C.F.R. §§ 1.907, 52.5.

[7] *See* Applications of AT&T Inc., Plateau Telecommunications, Inc., E.N.M.R. Telephone Cooperative, New Mexico RSA 4 East Limited Partnership, and Texas RSA 3 Limited Partnership for Consent To Assign Licenses and Authorizations, WT Docket No. 14-144, *NRUF/LNP Protective Order*, DA 14-1373 (WTB rel. Sept. 22, 2014).

[8] 47 U.S.C. § 251.

[9] 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, 7578-7579 ¶ 5 (2000).

[10] *Id.* at 7607 ¶ 78.

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 **October 2, 2014** to oppose disclosure of their NRUF and LNP data. In addition, affected parties will have five 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 October 2, 2014, 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. 14-144.

Under the Commission's current procedures for the submission of filings and other documents,[11] 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**,[12] 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., S.W., Room TW-A325, Washington, D.C. 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 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) the Commission's duplicating contractor, Best Copy and Printing, Inc., at FCC@BCPIWEB.COM or (202) 488-5563 (facsimile); (2) Scott Patrick, Mobility Division, Wireless Telecommunications Bureau, at scott.patrick@fcc.gov or (202) 418-7447 (facsimile); (3) Linda Ray, Broadband Division, Wireless Telecommunications Bureau, at linda.ray@fcc.gov or (202) 418-7247 (facsimile); (4) Kate Matraves, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, 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)

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

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

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 Scott Patrick, Mobility Division, Wireless Telecommunications Bureau, at (202) 418-2853, or Kate Matraves, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, at (202) 391-6272.

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