



# PUBLIC NOTICE

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OCT 17 2006

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DA 06-2015  
October 11, 2006

## APPLICATION FOR CONSENT TO TRANSFER OF CONTROL FILED BY AT&T INC. and BELL SOUTH CORPORATION

### NUMBERING RESOURCE UTILIZATION AND FORECAST (NRUF) REPORT DATA PLACED INTO THE RECORD, SUBJECT TO PROTECTIVE ORDER

WC Docket No. 06-74  
CC Docket No. 99-200

AT&T Inc. ("AT&T") and BellSouth Corporation ("BellSouth") (collectively, "the Applicants") have filed a series of applications pursuant to sections 214 and 310(d) of the Communications Act of 1934, as amended<sup>1</sup> and section 2 of the Cable Landing License Act.<sup>2</sup> In these applications, the Applicants seek Commission approval of the transfer of control to AT&T of licenses and authorizations held directly and indirectly by BellSouth. In connection with the Commission's review of the applications, the Commission intends to utilize some of the information contained in the Numbering Resource Utilization and Forecast ("NRUF") reports filed by wireless telecommunications carriers.<sup>3</sup> These data may assist the Commission in assessing the competitive effects of the transaction. Accordingly, subject to the provisions of the First Protective Order adopted in this proceeding,<sup>4</sup> the Commission is placing into the record in this proceeding data drawn from NRUF reports for all wireless telecommunications carriers with data as of December 31, 2005.

Section 251 of the Communications Act grants the Commission jurisdiction over the North American Numbering Plan ("NANP") and related telephone numbering issues. 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

<sup>1</sup> 47 U.S.C. §§ 214, 310(d).

<sup>2</sup> *Id.* § 35; see generally *An Act Relating to the Landing and Operation of Submarine Cables in the United States*, 47 U.S.C. §§ 34-39 (Cable Landing License Act).

<sup>3</sup> See 47 C.F.R. § 1.907.

<sup>4</sup> *AT&T Inc. and BellSouth Corporation Applications for Approval of Transfer Of Control*, WC Docket No. 06-74, Order, DA 06-1032 (rel. May 12, 2006) (First Protective Order).

their current inventory of telephone numbers and a five-year forecast of their numbering resource requirements.<sup>5</sup>

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>6</sup> The NRUF report data are being placed into the record subject to the provisions of a protective order. As such, the NRUF data will not be available to the public except pursuant to the terms of the protective order, as outlined below.

Persons seeking to review the particular NRUF data may do so only for purposes of participating in this proceeding. Pursuant to the First 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 Acknowledgement of Confidentiality attached to the First Protective Order in this merger proceeding may review the NRUF data. We emphasize that persons seeking to review the NRUF data must have adequate protections in place to prevent improper use or disclosure of the information.

The Commission is placing the NRUF data into the public record subject to the safeguards contained in the First Protective Order. Affected parties will have five business days after the filing of an Acknowledgement of Confidentiality or, if an Acknowledgment of Confidentiality has already been filed, a request to review the data, to object to the release of the data to a particular person who requests permission to review it. If disclosure is opposed, the procedures set forth in 47 C.F.R. § 0.461(i) shall apply. All filings should refer to WC Docket No. 06-74 and CC Docket No. 99-200.

Under the Commission's current procedures for the submission of filings and other documents,<sup>7</sup> objections to release of the data and responses thereto may be filed electronically (*i.e.*, though ECFS) or by hand delivery to the Commission's Massachusetts Avenue location.

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<sup>5</sup> See *In the Matter of Numbering Resource Optimization*, CC Docket No. 99-200, Report and Order and Further Notice of Proposed Rule Making, 15 FCC Rcd 7574, 7578-79, para. 5 (2000) (*Numbering Resource Order*).

<sup>6</sup> *Id.*, 15 FCC Rcd at 7607, para. 78. The NRUF data to be placed into the record in this proceeding is aggregated at the state level and identifies the quantity of numbers assigned in each state in the BellSouth territory to: (i) Cingular Wireless LLC (Cingular) and certain of its affiliates; and (ii) in the aggregate, all other CMRS carriers providing service in each state. Cingular has granted the Commission permission to place the aggregated NRUF data submitted by Cingular and certain of its affiliates in the record of this proceeding. See Letter from Jim Bugel, Vice President, Federal Government Affairs, Cingular, to Marlene H. Dortch, Secretary, FCC, WC Docket 06-74 (filed Oct. 10, 2006). The data for all other CMRS carriers is aggregated such that neither confidential treatment nor permission to place the data in the record in this proceeding are necessary. *Numbering Resource Order*, 15 FCC Rcd at 7607, para. 79.

<sup>7</sup> See *Implementation of Interim Electronic Filing Procedures for Certain Commission Filings*, Order, 16 FCC Rcd 21483 (2001); see also *FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence*, Public Notice, 16 FCC Rcd 22165 (2001); *Reminder: Filing Locations for Paper Documents and Instructions for Mailing Electronic Media*, Public Notice, 18 FCC Rcd 16705 (2003).

- **If filed by ECFS,**<sup>8</sup> 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, Postal Service mailing address, and the applicable docket number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.
- **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 (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. 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 mail, Express Mail, 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](mailto:FCC@BCPIWEB.COM) or (202) 488-5563 (facsimile); (2) Marilyn Jones, Competition Policy Division, Wireline Competition Bureau, at [marilyn.jones@fcc.gov](mailto:marilyn.jones@fcc.gov), or (202) 418-1413 (facsimile); (3) Nick Alexander, Competition Policy Division, Wireline Competition Bureau, at [nicholas.alexander@fcc.gov](mailto:nicholas.alexander@fcc.gov), or (202) 418-1413 (facsimile); (4) Bill Dever, Competition Policy Division, Wireline Competition Bureau, at [william.dever@fcc.gov](mailto:william.dever@fcc.gov), or (202) 418-1413 (facsimile); (5) Jim Bird, Office of General Counsel, at [jim.bird@fcc.gov](mailto:jim.bird@fcc.gov), or (202) 418-2822 (facsimile).

This action is taken pursuant to Sections 4(i) and 310(d) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and 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 Nick Alexander, Competition Policy Division, Wireline Competition Bureau, at (202) 418-2173.

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<sup>8</sup> See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).