



PUBLIC NOTICE

Federal Communications Commission
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August 24, 2007

SECTION 272(f)(1) SUNSET OF THE BOC SEPARATE AFFILIATE AND RELATED REQUIREMENTS

INFORMATION DERIVED FROM NUMBERING RESOURCE UTILIZATION AND FORECAST REPORT DATA PLACED INTO THE RECORD, SUBJECT TO PROTECTIVE ORDER

WC Docket No. 02-112

In the *Section 272 Sunset* proceeding, the Commission is considering whether to adopt a new framework for the provision of in-region, interstate and international, long distance services.¹ As part of its analysis, the Commission may utilize information derived from the Numbering Resource Utilization and Forecast (“NRUF”) reports filed by wireless telecommunications carriers.² These data may assist the Commission in assessing the competitive market for in-region, interstate and international, long distance services. Accordingly, subject to the provisions of the *First Protective Order* adopted in this proceeding,³ the Commission is placing into the record in this proceeding data derived from NRUF reports for all wireless telecommunications carriers with data as of December 31, 2006.

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 their current inventory of telephone numbers and a five-year forecast of their numbering resource requirements.⁴

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.

¹ See *Section 272(f)(1) Sunset of the BOC Separate Affiliate and Related Requirements*, WC Docket No. 02-112, Further Notice of Proposed Rulemaking, 18 FCC Rcd 10914 (2003) (*Section 272 Sunset and Independent LEC Further NPRM*); *Section 272(f)(1) Sunset of the BOC Separate Affiliate and Related Requirements*, WC Docket No. 02-112, Notice of Proposed Rulemaking, 17 FCC Rcd 9916 (2002) (*Section 272 Sunset NPRM*).

² See 47 C.F.R. § 1.907.

³ *Section 272(f)(1) Sunset of the BOC Separate Affiliate and Related Requirements*, WC Docket No. 02-112, First Protective Order, DA 07-1387 (Comp. Pol. Div., Wireline Comp. Bur., rel. Mar. 22, 2007) (*First Protective Order*).

⁴ See *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*).

§ 552(b)(4).⁵ The information to be placed into the record in this proceeding identifies the percentage of wireless telephone numbers calculated for Verizon Wireless for each Verizon franchise area and for Cingular Wireless for each AT&T franchise area.⁶ Because this information could be used to derive Cingular-specific and Verizon Wireless-specific number utilization data, it is being placed into the record subject to the provisions of the *First Protective Order*. As such, the data will not be available to the public except pursuant to the terms of the *First 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 and filed the Acknowledgement of Confidentiality attached to the *First Protective Order* in this proceeding may review the data being placed in the record. We emphasize that persons seeking to review these data must have adequate protections in place to prevent improper use or disclosure of the information.

The Commission is placing 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. 02-112 and CC Docket No. 00-175.

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

- **If filed by ECFS,**⁸ 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, 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.

⁵ *Id.* at 7607, para. 78.

⁶ These percentages are derived from NRUF data submitted by wireless carriers, specifically: (i) Cingular and certain of its affiliates; and (ii) Verizon Wireless and certain of its affiliates; and (iii) all other CMRS carriers. Cingular and Verizon Wireless have each granted the Commission permission to place their own and their affiliates' NRUF data in the record of this proceeding. See Letter from Brian Fontes, Vice President, Federal Regulatory, AT&T Services Inc., to Marlene H. Dortch, Secretary, FCC, WC Docket No. 02-112, at 1 (filed May 9, 2007) (AT&T May 9, 2007 *Ex Parte* Letter); Letter from John T. Scott, Vice President & Deputy General Counsel, Verizon Wireless, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 02-112, at 1 (filed May 8, 2007) (Verizon May 8, 2007 *Ex Parte* Letter). The data for all other CMRS carriers that was used to derive the data being placed in the record is aggregated such that confidential treatment is not necessary. *Numbering Resource Order*, 15 FCC Rcd at 7607, para. 79.

⁷ 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).

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

- **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 or (202) 488-5563 (facsimile); (2) William Kehoe, Competition Policy Division, Wireline Competition Bureau, at william.kehoe@fcc.gov, or (202) 418-1413 (facsimile); (3) William Dever, Competition Policy Division, Wireline Competition Bureau, at william.dever@fcc.gov, or (202) 418-1413 (facsimile).

This action is taken pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), Section 4 of the Freedom of Information Act, 5 U.S.C. § 552(b)(4), and authority delegated under Section 0.291 of the Commission's rules, 47 C.F.R. § 0.291, and is effective upon its adoption.

For further information, contact William Dever or William Kehoe, Competition Policy Division, Wireline Competition Bureau, at (202) 418-1580.