PUBLIC NOTICE

Federal Communications Commission
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DA 08-1784
JULY 29, 2008

APPLICATIONS OF CELLCO PARTNERSHIP D/B/A/ VERIZON WIRELESS AND ATLANTIS HOLDINGS LLC FOR CONSENT TO TRANSFER CONTROL OF LICENSES, AUTHORIZATIONS, AND SPECTRUM MANAGER AND *DE FACTO* TRANSFER LEASING ARRANGEMENTS

NUMBERING RESOURCE UTILIZATION AND FORECAST (NRUF) REPORTS AND LOCAL NUMBER PORTABILITY REPORTS PLACED INTO THE RECORD, SUBJECT TO PROTECTIVE ORDER

WT Docket No. 08-95
CC Docket No. 99-200

Cellco Partnership d/b/a/ Verizon Wireless ("Verizon Wireless") and Atlantis Holdings LLC ("Atlantis" and, together with Verizon Wireless, the "Applicants") have filed a series of applications pursuant to Sections 214 and 310(d) of the Communications Act of 1934, as amended ("Communications Act").[1] In these applications, the Applicants seek Commission consent to the transfer of control of licenses, authorizations, and spectrum manager and *de facto* transfer leasing arrangements through the transfer of control of subsidiaries of ALLTEL Corporation ("ALLTEL") and partnerships in which ALLTEL has either controlling or non-controlling general partnership interests from Atlantis to Verizon Wireless.[2]

In connection with the Commission's review of the applications, the Commission intends to examine information contained in the Numbering Resource Utilization and Forecast ("NRUF") reports filed by wireless telecommunications carriers[3] and disaggregated, carrier-specific local number portability ("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

[1] 47 U.S.C. §§ 214, 310(d).

[2] *See* Verizon Wireless and Atlantis Holdings LLC Seek FCC Consent to Transfer Licenses, Spectrum Manager and *De Facto* Transfer Leasing Arrangements, and Authorizations, and Request a Declaratory Ruling on Foreign Ownership, WT Docket No. 08-95, *Public Notice*, DA 08-1481 (rel. June 25, 2008). The Applicants have also filed a petition pursuant to Section 310(b)(4) of the Communications Act for a declaratory ruling that it is in the public interest for the subsidiaries and partnerships of ALLTEL to have indirect foreign ownership in excess of the 25 percent benchmark under Section 310(b)(4) of the Communications Act. *See id.*

[3] *See* 47 C.F.R. § 1.907.

order ("NRUF Protective Order") being adopted this day,[4] the Commission intends to place into the record in this proceeding (1) NRUF reports for all wireless telecommunications carriers concerning data as of December 31, 2006, June 30, 2007, and December 31, 2007, and (2) wireless-to-wireless LNP data for all wireless telecommunications carriers from the December 2006, June 2007, and December 2007 LNP databases that the Commission receives from NeuStar, Inc.

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.[5] 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).[6] The NRUF and LNP reports are being placed into the record subject to the provisions of an NRUF Protective Order. As such, the NRUF 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 Acknowledgement 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 August 8, 2008 to oppose disclosure of their NRUF and LNP data. In addition, affected parties will have five business days after the filing of an Acknowledgement 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 August 8, 2008, the Commission will place the NRUF and LNP data into the public 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. 08-95.

Under the Commission's current procedures for the submission of filings and other documents,[7] submissions in this matter may be filed electronically (*i.e.*, though ECFS) or by hand delivery to the Commission's Massachusetts Avenue location.

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[4] Applications of Cellco Partnership d/b/a Verizon Wireless, Airtouch Cellular, and Atlantis Holdings LLC, For Consent to Transfer Control of Licenses, Spectrum Manager Leases, De Facto Transfer Leasing Arrangements, and Authorizations, WT Docket No. 08-95, *Protective Order*, DA 08-1785 (WTB rel. July 29, 2008).

[5] *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 ¶ 5 (2000).

[6] *Id.* at 7607 ¶ 78.

[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

- **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. Parties are reminded that unredacted comments and other material containing confidential information may not be filed electronically.

- **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 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 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) Erin McGrath, Mobility Division, Wireless Telecommunications Bureau, at erin.mcgrath@fcc.gov, or (202) 418-7447 (facsimile); (3) Susan Singer, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, at susan.singer@fcc.gov, or (202) 418-7447 (facsimile); (4) Jim Bird, Office of General Counsel, at 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 Erin McGrath, Mobility Division, Wireless Telecommunications Bureau, at (202) 418-2042, or Susan Singer, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, at (202) 418-1340.

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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).