PUBLIC NOTICE

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DA 11-808
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PROPOSED ASSIGNMENT OF LOWER 700 MHz BAND LICENSES FROM QUALCOMM INCORPORATED TO AT&T MOBILITY SPECTRUM LLC

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

WT Docket No. 11-18
CC Docket No. 99-200

AT&T Mobility Spectrum LLC ("AT&T Mobility") and Qualcomm Incorporated ("Qualcomm," and together with AT&T Mobility, the "Applicants") have filed an application pursuant to section 310(d) of the Communications Act of 1934, as amended.[1] In this application, the Applicants seek Commission approval to assign six D block and five E block licenses in the Lower 700 MHz band from Qualcomm to AT&T Mobility. AT&T Mobility is an indirect, wholly-owned subsidiary of AT&T Inc.

In connection with the Commission's review of the proposed transaction, the Commission intends to examine information contained in the Numbering Resource Utilization and Forecast ("NRUF") reports filed by wireless telecommunications carriers[2] 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 order ("NRUF/LNP Protective Order") being adopted this day and the availability of the data, 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, December 31, 2007, June 30, 2008, December 31, 2008, June 30, 2009, December 31, 2009, June 30, 2010, and December 31, 2010 (when the December 31, 2010 NRUF reports become available), and (2) wireless-to-wireless LNP data for all wireless telecommunications carriers from the December 2006, June 2007, December 2007, June 2008, December 2008, June 2009, December 2009, June 2010, and December 2010 (when available) LNP databases that the Commission receives from NeuStar, Inc.

Section 251 of the Communications Act of 1934, as amended (the "Communications Act"), grants the Commission jurisdiction over the North American Numbering Plan ("NANP") and related telephone numbering issues.[3] In order to better monitor the way numbering resources are used within the

[1] 47 U.S.C. § 310(d).

[2] *See* 47 C.F.R. § 1.907.

[3] 47 U.S.C. § 251.

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] 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).[5] The NRUF and LNP reports are being placed into the record subject to the provisions of an NRUF/LNP Protective Order. As such, the NRUF data will not be available to the public except pursuant to the terms of the NRUF/LNP 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/LNP 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/LNP 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 **May 31, 2011**, 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 **May 31, 2011**, the Commission will place the NRUF and LNP data into the record subject to the safeguards contained in the NRUF/LNP 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. 11-18.

Under the Commission's current procedures for the submission of filings and other documents,[6] submissions in this matter may be filed electronically (*i.e.*, though ECFS) or by hand delivery to the Commission.

- **If filed by ECFS,**[7] 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, U.S. Postal Service mailing address, and the applicable docket number. Parties may also submit an electronic comment by Internet e-mail. 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 first-class or overnight U.S. Postal Service mail. All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be

[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 ¶ 5 (2000).

[5] *Id.* at 7607 ¶ 78.

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

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

delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 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 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 445 12th St., SW, Room CY-B402, Washington, DC 20554, fcc@bcpiweb.com, or (202) 488-5563 (facsimile); (2) Kathy Harris, Mobility Division, Wireless Telecommunications Bureau, at kathy.harris@fcc.gov, or (202) 418-7447 (facsimile); (3) Monica DeLong, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, at monica.long@fcc.gov, or (202) 418-7447 (facsimile); and (4) Jim Bird, Office of General Counsel, at jim.bird@fcc.gov, or (202) 418-1234 (facsimile).

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 Kathy Harris, Mobility Division, Wireless Telecommunications Bureau, at (202) 418-0609, or Monica DeLong, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, at (202) 418-1337.

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