



PUBLIC NOTICE

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**AT&T WIRELESS SERVICES, INC. AND CINGULAR WIRELESS CORPORATION,
APPLICATIONS FOR THE TRANSFER OF CONTROL OF LICENSES AND
AUTHORIZATIONS**

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

**WT Docket No. 04-70
CC Docket No. 99-200
CC Docket No. 95-116**

In connection with the Commission's review of the applications for the transfer of control of AT&T Wireless Services, Inc. and its wholly- and majority-owned subsidiaries to Cingular Wireless Corporation (collectively, the "Applicants"), and in addition to examining data submitted by the Applicants and other wireless carriers in this proceeding, information contained in the Numbering Resource Utilization and Forecast ("NRUF") reports filed by wireless telecommunications carriers and disaggregated, carrier-specific local number portability ("LNP") data related to wireless telecommunications carriers are being examined. These data, in conjunction with data currently in the record, may assist the Commission in assessing the competitive effects of the transaction. Accordingly, the NRUF reports for all wireless telecommunications carriers for December 2001, December 2002, June 2003, and December 2003 and the monthly LNP reports for all wireless telecommunications carriers for November 2003 through July 2004 are being placed in the record in WT Docket No. 04-70, subject to the provisions of the Protective Order previously entered.¹

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

¹ Applications for the Transfer of Control of Licenses and Authorizations from AT&T Wireless Services, Inc. and Its Subsidiaries to Cingular Wireless Corporation, WT Docket No. 04-70, *Order*, DA 04-729 (rel. Mar. 17, 2004) ("*Protective Order*").

their current inventory of telephone numbers and a five-year forecast of their numbering resource requirements.² LNP data are collected by the LNP Administrator and provided to the FCC.

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).³ The NRUF and LNP reports are being placed in the record subject to the provisions of the *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.

Pursuant to the *Protective Order*, interested persons who are not involved in competitive decision-making activities and who have signed the Acknowledgement of Confidentiality may review confidential information. We emphasize that persons seeking to review the NRUF or LNP data must have adequate protections in place to prevent disclosure of this information. The *Protective Order* also provides persons who submitted confidential information five business days to object to the release of that information to a person who requests to review it. Because interested persons who wish to review the NRUF or LNP data will be seeking those data from the Commission rather than from the carriers themselves, thereby preventing the carriers from learning when a person seeks to review their confidential information, the Commission will not release the information until it has issued a further Public Notice listing the persons seeking access or otherwise notifying the affected wireless telecommunications carriers and giving the carriers five business days to object.

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, Susan Singer, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, at (202) 418-1340, or Sanford Williams, Telecommunications Access Policy Division, Wireline Competition Bureau, at (202) 418-1508.

² 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 ¶ 5 (2000).

³ In the Matter of Numbering Resource Optimization, *Report and Order and Further Notice of Proposed Rule Making*, 15 FCC Rcd 7574, 7607 ¶ 78 (2000).