

January 24, 2018

VIA ECFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Telephone Number Portability, et al.
CC Docket No. 95-116; WC Docket Nos. 09-109 and 07-149

Dear Secretary Dortch:

The North American Portability Management LLC (the "NAPM LLC"), by its attorneys, hereby responds to the ex parte filing of Neustar dated January 16, 2018.¹ It is not too surprising that Neustar is seeking to undermine confidence in the transition given that each day of delay would add approximately \$1M to Neustar's bottom line at the ultimate expense of the nation's consumers of communications services. The NAPM LLC is dismayed, however, that Neustar is now making threats that likely constitute an anticipatory breach of the relevant Master Service Agreements ("MSAs").²

The NAPM LLC urges Neustar to act in good faith by proactively mitigating risks associated with the transition rather than exacerbating risks through its own actions and failures to act, and then complaining publicly that the FCC, the TOM, the NAPM LLC and iconectiv have all failed to mitigate those risks. Neustar's explicit threat to leave the industry with no contingency support should any problems arise during the transition is unconscionable. Neustar's failures to act in good faith violate the FCC orders and Neustar's contractual obligations,³ and put at risk the ability of service providers to fulfill the wishes of

¹ Letter from Thomas J. Navin, Counsel to Neustar, Inc., to Marlene H. Dortch, Secretary, FCC, WC Docket Nos. 07-149 and 09-109, CC Docket No. 95-116 (filed Jan.16, 2018) ("Neustar Letter").

² See, e.g., Neustar Letter at Attachment A ("In conjunction with the current published schedule and the termination notice provided by the NAPM in November 2017, Neustar is terminating all aspects of its NPAC service in the Southeast Region on April 8 as iconectiv launches its platform. This includes help desk staff and subject matter expertise for Users in the affected states, along with all database, application, and network availability. For the avoidance of doubt, given the TOM's failure to establish workable parameters after nearly two years of effort, following an April 8 iconectiv launch Neustar will not be available to provide resources to assist in issue resolution, and there will be no means to restore NPAC service with Neustar's platform or personnel."). There is no basis under the MSAs or any notice provided by the NAPM LLC to Neustar to constitute a basis for Neustar to terminate service on April 8, 2018.

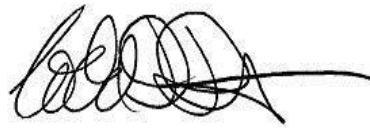
³ See, e.g., *In the Matter of Implementation of Telcordia Technologies, Inc. Petition to Reform Amendment 57 and to Order a Competitive Bidding Process for Number Portability Administration et al.*, WC Docket Nos. 09-109, 07-149, CC Docket 95-116, Order, 30 FCC Rcd 3082 at para. 159 (2015) ("Furthermore, the Commission expects Telcordia and Neustar to carry out their respective transition responsibilities in good faith and in a reasonable and cooperative manner. . . . This includes, but is not

consumers. These types of failures also bring into question Neustar's fitness to be selected for future contracts: vendors who fail to act in good faith or cooperate fully with transition efforts at the end of a service term should not be entrusted with new or additional services.⁴

Neustar should ask itself whether it has taken every step possible to ensure that the transition is successfully completed on a timely basis, including, for example, whether Neustar has ordered all necessary facilities on a timely basis and taken all possible steps to complete certification and begin testing as soon as possible. To the extent Neustar or any service provider has intentionally failed to take steps necessary to ensure the successful and timely completion of the transition, it would be fair to ask why they have not done so when other vendors have, and how they intend to mitigate the risks they have created or exacerbated.

Please contact the undersigned if you have any questions or would like any additional information about the issues discussed herein.

Sincerely,



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cc: Claude Aiken
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limited to, adherence to schedules, reasonable and cooperative behavior and commitment to customer satisfaction, integrity and business ethics, and business-like concern for the interests of the customer.").

⁴ See, e.g., *id.* ("Each company's record in successfully transitioning from and to the LNPA may be considered by the government in past performance evaluations under future procurements, e.g., the Commission's numbering contracts.").