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January 24, 2018

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VIA ELECTRONIC FILING

Ms. Kris Anne Monteith
Chief, Wireline Competition Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

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

Dear Ms. Monteith:

This letter requests, on behalf of Neustar, Inc. (“Neustar”), that the Federal Communications Commission (“FCC” or “Commission”) Wireline Competition Bureau (“Bureau”) fully disclose Article 19 of Telcordia Technologies d/b/a iconectiv’s (“iconectiv”) Master Services Agreement (“MSA”) with the North American Portability Management LLC (“NAPM”), and that the Bureau also fully disclose the Transition and Implementation Plan submitted with iconectiv’s response to the 2015 Local Number Portability Administrator (“LNPA”) Request for Proposal and incorporated by reference into the MSA at Exhibit D. This information is currently withheld from public inspection because it has been designated by the parties to the MSA as “Confidential” or “Highly Confidential.” Neustar seeks relief from those designations pursuant to the Commission’s rules and the terms of the *Second Protective Order*.¹

The Commission articulated the basis for Neustar’s current request when it affirmed, in July 2016, the Bureau’s then-extant justification for withholding portions of the MSA from public inspection. At that time, Neustar was seeking reversal of the

¹ 47 C.F.R. §§ 0.459(h), 0.461(d)(3); *In re Telcordia Technologies, Inc. Petition to Reform Amendment 57 and to Order a Competitive Bidding Process for Number Portability Admin.*, Second Protective Order, 31 FCC Rcd. 2297, ¶ 5 (Wireline Comp. Bur. 2016) (“*Second Protective Order*”); see also *In re Telcordia Technologies, Inc. Petition to Reform Amendment 57 and to Order a Competitive Bidding Process for Number Portability Admin.*, Order, 31 FCC Rcd. 8444, ¶ 21 (2016) (“*AFR Dismissal Order*”) (“If Neustar or others believe that more of the MSA should be unredacted, they should follow the provisions set forth in the *Second Protective Order* and request relief from the Bureau.”).

Ms. Kris Anne Monteith

January 24, 2018

Page 2

Commission's *LNPA Selection Order* in the U.S. Court of Appeals for the District of Columbia Circuit.² The Commission believed that "releasing the contents of the MSA" during the pendency of Neustar's appeal "would give Neustar an unfair competitive advantage" in the event its efforts to overturn the *LNPA Selection Order* were successful.³ Specifically, the Commission was concerned that "[s]hould the court reverse that Order, Neustar, having seen all of Telcordia's business sensitive information in the MSA, would have a competitive advantage in a re-bid of the LNPA contract."⁴ Thus, the Commission concluded, withholding portions of the MSA from public inspection was necessary at that time to preserve "the integrity of the [LNPA selection] process."⁵

The danger foreseen by the Commission has now passed and access to the requested information is necessary for the industry and consumers to understand the steps involved in the imminent cut over to iconectiv's database. Last year, the D.C. Circuit denied Neustar's petition for reversal of the *LNPA Selection Order*, thus ending Neustar's efforts to overturn the Order.⁶ The transition to iconectiv is purportedly in its final stages, and "Neustar is demonstrably committed to ensuring a successful process whereby Neustar shuts down its [Number Portability Administration Center ("NPAC")] operations and iconectiv goes live with its new system, data center, and personnel."⁷ Despite these changed circumstances, however, many portions of the MSA relevant to this cut over remain unnecessarily withheld from public inspection. Withholding this information makes no sense. Now that the LNPA selection process and Neustar's appeal from that process have concluded, there is no longer any risk that disclosing additional portions of the MSA could give Neustar a competitive

² See *In re Telcordia Technologies, Inc. Petition to Reform Amendment 57 and to Order a Competitive Bidding Process for Number Portability Admin.*, Order, 30 FCC Rcd. 3082 (2015) ("*LNPA Selection Order*"), *aff'd sub nom. Neustar, Inc. v. FCC*, 857 F.3d 886 (D.C. Cir. 2017).

³ *AFR Dismissal Order* ¶ 15.

⁴ *Id.* ¶ 16.

⁵ *Id.* ¶ 15.

⁶ See *Neustar, Inc. v. FCC*, 857 F.3d 886 (D.C. Cir. 2017).

⁷ Letter from Thomas J. Navin, Counsel to Neustar, Inc., to Marlene H. Dortch, Secretary, FCC, WC Docket Nos. 07-149 & 09-109, CC Docket No. 95-116, Attach. A (filed Dec. 15, 2017) ("Neustar December Letter").

Ms. Kris Anne Monteith
January 24, 2018
Page 3

advantage. Because the Commission's reasons for withholding these portions of the MSA have ceased, the withholding must also cease.⁸

Recent developments further reveal the need to make the requested information available for public inspection. On December 7, 2017, the NAPM presented a report to the North American Numbering Council asserting that "various actions, and failures to act, by Neustar have increased the risk of delay in the May 25, 2018 NPAC Final Acceptance Date."⁹ Neustar has unequivocally denied this accusation.¹⁰ Yet Neustar cannot make a full public explanation of its position because it cannot reveal the contents of Article 19—in particular the provisions of the Article that create a financial incentive for iconectiv and the NAPM to falsely blame Neustar for any delay.

The lack of transparency concerning the Transition and Implementation Plan is also troubling. Neustar continues to meet all of its obligations to support the cut over. At the same time, it has consistently noted the lack of detail in the Transition Oversight Manager's various status reports with respect to readiness, testing, and contingency rollback.¹¹ Just days ago, in fact, Neustar warned the Commission that "iconectiv still has not finally developed its NPAC platform" and that "development delays continue to result in the abandonment of vital testing requirements" that are specified in the Transition and Implementation Plan.¹² These issues are coming to a head as the scheduled transition date swiftly approaches. Indeed, the lack of transparency surrounding the Transition and Implementation Plan makes it impossible to hold iconectiv accountable for fulfilling its obligations. Meanwhile, iconectiv and the NAPM rely on that still-hidden plan to ask the FCC staff to make demands from

⁸ See, e.g., *Zadvydas v. Davis*, 533 U.S. 678, 699 (2001) ("[T]he rationale of a legal rule no longer being applicable, that rule itself no longer applies[.]"); *Green v. Litter*, 8 Cranch 229, 249 (1814) (Story, J.) ("*cessante ratione, cessat ipsa lex*").

⁹ Neustar December Letter, Attach. B.

¹⁰ See *id.*, Attach. A.

¹¹ *Id.*

¹² See Letter from Thomas J. Navin, Counsel to Neustar, Inc., to Marlene H. Dortch, Secretary, FCC, WC Docket Nos. 07-149 & 09-109, CC Docket No. 95-116, Attach. A (filed Jan. 16, 2018).

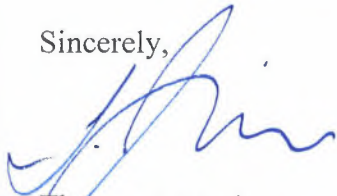
Ms. Kris Anne Monteith
January 24, 2018
Page 4

Neustar. NPAC stakeholders need access to the requested information so they can accurately evaluate whether and to what extent their interests are impacted.

In short, continued secrecy harms “the right of the public to participate in this proceeding in a meaningful way.”¹³ The NPAC database is a critical component of our nation’s communications infrastructure, and any risk to its integrity must be swiftly addressed with all relevant facts out in the open.¹⁴ Now that the Commission’s reasons for protecting this information have expired, the Bureau should promptly release Article 19 and the Transition and Implementation Plan.

Pursuant to the procedures set forth in the *Second Protective Order*, this letter will be filed with the Commission and served on the Submitting Parties.¹⁵

Sincerely,



Thomas J. Navin
Counsel to Neustar, Inc.

cc: Thomas M. Johnson, Jr.
P. Michelle Ellison
Neil Dellar
Ann Stevens
John T. Nakahata
Todd D. Daubert

¹³ *Second Protective Order* ¶ 2.

¹⁴ Neustar does not dispute that certain “national security and law enforcement aspects of the MSA” should continue to be withheld from public inspection. *Second Protective Order* ¶ 2. Article 19 and the Transition and Implementation Plan do not contain such information.

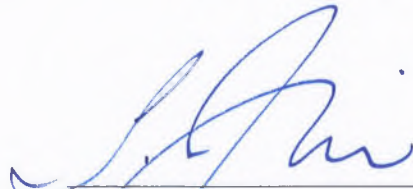
¹⁵ *Second Protective Order* ¶ 5.

CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of January, 2018 I caused a true copy of the foregoing letter to Kris Monteith, Chief, Wireline Competition Bureau, Federal Communications Commission to be sent via electronic mail to the following parties to this proceeding:

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