

January 29, 2018

VIA ECFS

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

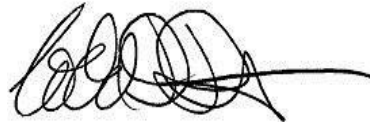
**Re: Telephone Number Portability, et al.**  
**CC Docket No. 95-116; WC Docket Nos. 09-109 and 07-149**

Dear Secretary Dortch:

At the request of the Transition Oversight Manager ("TOM"), the North American Portability Management LLC (the "NAPM LLC"), by its attorneys, hereby files the attached document from the TOM in the above-referenced proceedings.

Please contact the TOM ([greg.chiasson@us.pwc.com](mailto:greg.chiasson@us.pwc.com)) if you have any questions or would like any additional information about the issues discussed in the attached document.

Sincerely,



*Counsel to the NAPM LLC*

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The Transition Oversight Manager (TOM) has established industry-led rollback as the contingency rollback plan of record for the Local Number Portability Administrator (LNPA) transition, in accordance with the authority granted by the FCC<sup>1</sup>. It is the TOM's determination that industry-led rollback is the best plan to implement within the current transition schedule.

Neustar, in its statements and actions, is refusing to support the defined rollback approach, and is further sowing confusion among transition stakeholders regarding the history, current state, and next steps for contingency rollback. In a filing with the Federal Communications Commission on January 16, 2018,<sup>2</sup> Neustar states "due to the TOM's failure to establish a viable contingency rollback plan, there is no path back to a stable platform for consumers in the affected states if rollout does not go as planned." Neustar concludes stating, "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."

Neustar's characterization of efforts to establish the contingency rollback plan as well as the current state of preparations is counterfactual, given the history of discussions and negotiations related to contingency rollback and the level of preparation made for a rollback event.

In light of recent statements made and positions taken by Neustar, it is critical that all stakeholders have accurate information regarding transition plans and status. As such, the TOM has prepared this summary of the history, current state, and required next steps regarding contingency rollback, which would be implemented only in case of a catastrophic, non-recoverable failure after the LNPA transition. Additionally, the TOM seeks to ensure that the NAPM LLC and other transition stakeholders have the context necessary to respond to Neustar's public rejection of its obligation to support industry-led contingency rollback if it were required. To further these aims and the dissemination of this information, the TOM requests that the NAPM upload this summary to its website and file it in the appropriate public dockets.

### **Contingency Rollback Approach Development**

To ensure readiness in the event of a rollback, the TOM has sponsored a regular cadence of contingency rollback planning meetings since 2015. As part of these meetings, a wide variety of potential rollback approaches were identified and evaluated. In particular, a variety of automated and partially-automated rollback approaches were assessed, including those proposed in part by Neustar.

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<sup>1</sup> "See, e.g., Telcordia Technologies, Inc. Petition to Reform Amendment 57 and to Order a Competitive Bidding Process for Number Portability Administration et al., Order, 31 FCC Rcd 8406, para. 36 (2016) (LNPA Approval Order) ("At the direction of the NAPM, the TOM will (1) determine and enforce the responsibilities of both Neustar, as the incumbent, and Telcordia, as the incoming LNPA; (2) work with Neustar, Telcordia, and the NAPM to ensure that national security, network security, and public safety are protected; (3) establish testing criteria for transition milestones; (4) monitor stakeholder adherence to the TOP; (5) monitor and assess benchmarks; (6) assist in the development of dispute resolution procedures; (7) assist with the identification of gaps for law enforcement and public safety requirements as they pertain to the LNPA; (8) prepare agreed-upon progress reports and performance reports; and (9) confirm the accuracy and completeness of data transfer between Neustar and Telcordia.").

<sup>2</sup> January Neustar Response to NAPM, FCC, WC Docket Nos. 07-149 and 09-109, CC Docket No. 95-116, (filed Jan. 16, 2018) ("Neustar Response to 12/29 NAPM-TOM Report").

Throughout the rollback planning process, there has been a pattern of shifting positions and escalating demands by Neustar. For example, even though rejected by industry working groups, a full peering approach was initially demanded. Later, an automated approach using an enhanced bulk data download (EBDD) file was demanded, only to be made infeasible during implementation planning negotiations by an increasing series of demands for validation files that were infeasible from a technical and resource perspective. Additionally, along the way on March 21, 2017, Neustar also unilaterally rejected a semi-automated approach employing industry-accepted mass update/mass port files after multiple months of development.

More recently, Neustar demanded a series of mandatory tests for industry-led rollback, only to abruptly change this position and completely reject industry-led rollback as discussions around the types and scope of mandatory testing progressed. Moreover, this rejection came despite NAPM LLC offers to eliminate the Gateway Evaluation Processes and Service Level Requirements defined in the Master Service Agreements between the NAPM LLC and Neustar in the event of a rollback, essentially absolving Neustar from any liability for data and operational issues arising from rollback.

The industry-led approach was selected by the NAPM LLC because, in the judgment of the TOM and the NAPM LLC, it best addresses technical, resource, schedule, and contractual constraints, including addressing this problematic behavior pattern by Neustar. Indeed, the fundamental premise of industry-led rollback is that Neustar need only process the NPAC transactions it is contracted to process.

Above and beyond this reason, the industry-led rollback approach truly is the right solution for the current circumstances. First, industry-led is the required, baseline approach. In the event of a catastrophic failure that would trigger a rollback, an automated solution cannot be guaranteed to function. Therefore, an industry capability to resubmit transactions is required, even if an automated solution were also developed.

Second, the automated approach as demanded by Neustar was not workable. Onerous demands for supplemental validation information were made that were not feasible from a technical and resource perspective. Similarly, onerous contractual demands were made that clearly indicated that an agreement to actually implement was unlikely.

Third, the proposed automated approach would have been extremely expensive – development was forecast to be a multimillion dollar effort – millions of dollars for a solution that cannot be guaranteed to work and is extremely unlikely to be employed given the low probability of a rollback. And, even if developed, would not obviate the need to plan and prepare for industry-led rollback.

When fully considered, the industry-led approach is the best choice given technical, resource, schedule, and contractual factors.

### **Current State Preparation for Industry-led Rollback**

The TOM has been conducting a series of interactive, industry working sessions to communicate and socialize the industry-led approach, supporting mechanisms, and testing plans within the service provider community. The fifth working session was hosted by the TOM on January 16, 2018 and included an update to the guide materials provided to industry for resubmission of porting transactions in the event of a rollback. This update included changes to address suggestions made by Neustar, prior to its abrupt rejection of the industry-led approach, to enhance rollback. Previous industry working sessions covered

rollback decision governance, transaction log specifications, recommended testing, as well as other related preparatory subjects. Additionally, rollback has been a regular topic during the TOM's monthly LNPA transition webcast series and discussed in industry groups such as the LNPA Transition Oversight Subcommittee.

At this juncture, a rigorous industry-led rollback process has been defined, resubmission aids developed, specifications and plans for transaction logs prepared, and per defined test recommendations, multiple carriers are testing the processes and tools they would employ in a rollback.

Industry-led rollback is not only workable, it is the only rollback approach that meets requirements and supports the current transition schedule. The time for delay is past; it is time to pull together to appropriately prepare for the extremely unlikely probability that a rollback is required.

### **Next Steps**

All transition stakeholders have a role to play in appropriately preparing for contingency rollback.

Service providers and other NPAC users should continue to review the distributed resubmission aids and transaction log materials, including ensuring ability to access and download the logs that would be made available in the event of a rollback. Users should also continue to review and test their internal processes and tools that would be called upon to resubmit transactions if required.

Service bureaus and vendors should support their customers in their review and testing processes.

Neustar should rescind its recent public statements disclaiming its contractual responsibilities as LNPA through end of the transition and end its dispute with the TOM's established transition plan. Especially considering the significant concessions that the NAPM LLC has offered in good faith in the event of a rollback and Neustar's compensation for services even after the regional migrations to iconectiv, Neustar needs to accept the contingency rollback plan and honor its obligations under the FCC's Orders and its MSAs to process resubmitted transactions if required.