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February 16, 2018

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**CONFIDENTIAL MATERIALS ATTACHED
BY HAND AND ELECTRONIC FILING**

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

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

Dear Ms. Dortch:

Neustar, Inc. ("Neustar") submits the attached documents in response to Chairman Ajit Pai's February 2, 2018, letter,¹ and the February 9, 2018, meeting with Federal Communications Commission ("FCC" or "the Commission") staff, the North American Portability Management LLC ("NAPM"), the Transition Oversight Manager ("TOM"), and iconectiv regarding contingency rollback solutions for the Local Numbering Portability Administrator ("LNPA") cutover. Specifically, this letter responds to the FCC staff's February 9, 2018, request for the parties to further consider any areas of agreement concerning the viability of a manual contingency rollback.

Because implementation of a manual contingency rollback by April 8, 2018, would necessarily shortcut testing and therefore be inherently unreliable and contrary to industry best practices, Neustar and the NAPM were unable to progress on a manual contingency rollback. To provide a more detailed response to the Commission's requests regarding the use of a manual contingency rollback, Neustar provides the attached materials:

1. Summary of Negotiations with the NAPM;
2. Declaration of Cheryl Smith; and

¹ Letter from Ajit V. Pai, Chairman, Federal Communications Commission, to Lisa Hook, President and CEO, Neustar, Inc. et al, CC Docket Nos. 99-200 et al (Feb. 2, 2018).



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3. A report: "NPAC Transition Contingency Planning & Rollback Analysis, February 2018."

Neustar's primary concern with respect to any rollback approach remains its utility to restore NPAC data integrity quickly and reliably. This will in turn support the resumption of services with minimum consumer and service provider disruption. As such, Neustar continues to believe an automated approach is the only viable solution to rollback that can be implemented and validated to facilitate the Commission's objective of a seamless cutover.

Pursuant to Section 0.459 of the Commission's Rules, 47 C.F.R. § 0.459, Neustar respectfully requests that the redacted portions of the attached materials be withheld from public inspection and afforded confidential treatment in accordance with Section 552(b)(4) of the Freedom of Information Act, 5 U.S.C. § 552(b)(4), and Sections 0.457(d)(2) and 0.459(b) of the Commission's Rules, 47 C.F.R. §§ 0.457(d)(2), 0.459(b). Accordingly, the enclosed submission is labeled "Confidential – Not for Public Inspection." Neustar is providing a redacted version of the filing on the Commission's Electronic Comment Filing System marked "Redacted – For Public Inspection."

Section 552(b)(4) of the Freedom of Information Act ("FOIA") permits an agency to withhold from public disclosure any information that qualifies as "trade secrets and commercial or financial information obtained from a person and privileged or confidential." 5 U.S.C. § 552(b)(4). Section 0.457(d)(2) of the Commission's Rules allows persons submitting materials that they wish withheld from public inspection in accordance with Section 552(b)(4) to file a request for non-disclosure. 47 C.F.R. § 0.457(d)(2). The requirements governing such requests are set forth in Section 0.459(b) of the Commission's rules. In accordance with Section 0.459(b) of the Commission's Rules, this request is supported by the following showing:

- (1) *Identification of the specific information for which confidential treatment is sought.*

Neustar seeks confidential treatment for its summary of negotiations with the NAPM and a presentation titled "NPAC Transition Contingency Planning & Rollback Analysis, February 2018." The confidential information is marked "Confidential – Not for Public Disclosure."



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(2) *Identification of the Commission proceeding in which the information was submitted or a description of the circumstances giving rise to the submission.*

The Confidential Information is being submitted in response to Chairman Pai's February 2, 2018, letter and Neustar's February 9, 2018 meeting FCC staff, the NAPM, the TOM, and iconectiv in the proceedings dealing with the LNPA transition, WC Docket Nos. 07-149 & 09-109, and CC Docket No. 95-116.

(3) *Explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged.*

The Confidential Information material that is subject to a non-disclosure agreement and contains a third-party author's sensitive commercial information. That information is protected by Section 0.457(d).

Neustar's negotiations with the NAPM are subject to a non-disclosure agreement, and thus cannot be publicly disclosed. Disclosure to the Commission is permissible because of its role overseeing the transition.²

(4) *Explanation of the degree to which the information concerns a service that is subject to competition.*

Both Neustar's negotiations with the NAPM and the "NPAC Transition Contingency Planning & Rollback Analysis, February 2018" presentation contain proprietary commercial information related to Neustar and/or the third-party author.

(5) *Explanation of how disclosure of the information could result in substantial competitive harm.*

Disclosure of the Confidential Information would result in substantial competitive harm to Neustar because it would disclose sensitive information subject to non-disclosure agreements.

Disclosure of the Confidential Information would harm the third-party author by revealing highly-sensitive proprietary information related to their work. That information could be used to the author's competitive disadvantage with future

² *Telcordia Techs., Inc. Petition to Reform Amendment 57 & to Order A Competitive Bidding Process for No. Portability Admin.*, Order, 31 FCC Rcd 8406, ¶ 44, 46 (2016).



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projects. The D.C. Circuit has found that parties do not have to “show actual competitive harm” to justify confidential treatment. *Pub. Citizen Health Research Grp.*, 704 F.2d at 1291 (quoting *Gulf & Western Indus. v. U.S.*, 615 F.2d 527, 530 (D.C. Cir. 1979)). Rather, “[a]ctual competition and the likelihood of substantial competitive injury’ is sufficient to bring commercial information within the realm of confidentiality.” *Id.*

(6) *Identification of any measures taken by the submitting party to prevent unauthorized disclosure.*

Neustar and the third-party author do not release the sensitive confidential or commercial information contained in the Confidential Information to the public in the normal course of business. They maintain strict internal processes to ensure that such information is protected from public disclosure, including the use of non-disclosure and confidentiality agreements.

(7) *Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties.*

Neustar and the third-party author have not and do not intend to make the information contained in the Confidential Information available to the public. In the unlikely event that the information contained in the Confidential Information might be provided to others, it would be so provided via arrangements that maintain confidentiality.

(8) *Justification of the period during which the submitting party asserts that material should not be available for public disclosure.*

Neustar and the third-party author request that the material for which it requests confidentiality be protected indefinitely. Neither Neustar nor the author would, in the normal course of business, provide this information to the public.

For the foregoing reasons, Neustar requests that the Confidential Information be treated as confidential and withheld from public inspection.

Please contact the undersigned with any questions. Thank you for your assistance.



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Very Truly Yours,

/s/ Thomas J. Navin

Thomas J. Navin
Counsel for Neustar, Inc.