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October 10, 2014

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Room TW-A325
Washington, D.C. 20554

Electronically Filed

Re: CC Docket No. 95-116; WC Docket No. 09-109

Dear Ms. Dortch:

I write on behalf of Neustar, Inc., in response to letters to you of October 2, 2014, and October 7, 2014, sent by Todd Daubert on behalf of North American Portability Management LLC ("NAPM LLC"). NAPM's letters confirm our point: that the record before the Commission contains no formal analysis to support the NAPM's selection recommendation.

NAPM's October 2 letter asserts that members of the FoNPAC reviewed the proposals and "weigh[ed] the submitted materials . . . against the specific RFP criteria," but there is nothing in the record to document that analysis. As a result, there is nothing beyond conclusory statements in the recommendation to support it. As NAPM is forced to acknowledge (at 2), "formal analysis notes . . . do not exist" (internal quotation marks omitted). Neustar inadvertently omitted a word when it quoted NAPM's prior filing, but that omission hardly changed either the meaning of the quoted sentence or the legal significance of NAPM's failure to "show its work." The NAPM's decision not to maintain or to provide to the Commission a full explanation of its analysis – in a matter of surpassing importance to the entire industry and the public interest – is not only inconsistent with best practices but also denies the Commission any basis for acting on the NANC's recommendation.

NAPM's letters, moreover, raise more questions than they answer. NAPM states (Oct. 2 letter at 1) that FoNPAC "met as a committee numerous times over several months to discuss relevant issues," but because no minutes or records of such deliberations have been produced, there is nothing in the record to demonstrate that the NAPM's recommendation reflects objective evaluation of all relevant criteria under the RFP (rather than, for example, undue weight given to price). It is not unreasonable to ask why the minutes and other records of the NAPM's

evaluation process were not preserved and made available to the Commission. In any event, the NAPM's failure to document its recommendation means that it provides no basis for reasoned Commission decision-making. *See* Neustar Comments 76-91.

Neustar has never argued, as NAPM asserts (Oct. 2 letter at 2) that "no other party is qualified to serve as" LNPA or that the NANC recommendation is "necessarily . . . deficient because it does not endorse . . . Neustar." Neustar does insist, however, that the NPAC is a vital enabler of consumer choice and the seamless interoperability of carrier networks, which has operated essentially without flaw under Neustar's stewardship. Given enough money and time, transition is possible, as with any software and service platform – but mere feasibility is not the question before the Commission. Any decision to transition must weigh whether the risks and costs of that action, to all constituents, outweigh any perceived benefits. The recommendation sent to the Commission contains no evaluation of the risks and costs of transition (along with many other critical matters connected to the choice of vendor), which is part of the reason that, far from attracting "universal industry support," the NANC recommendation has prompted expressions of concern or opposition from dozens of NPAC users and their representatives, along with law enforcement and public safety agencies. In sum, an evaluation of proposals that makes no effort to quantify the risks and costs of transition fails to provide a reasoned analysis. Moreover, the Commission was denied the opportunity to weigh the true benefits, costs, and risks in light of the NAPM's failure to consider additional proposals.

NAPM's October 7 Letter likewise does nothing to address the absence from the record of documentation to support the NANC's recommendation. The fact that NAPM had to explain in a telephone conversation "the scoring methodology . . . used" including "the method used to allocate total potential points" and "predetermined weighting factors" provides a vivid illustration of the failure to develop, through the evaluation process, a basis for reasoned Commission decision-making. An informal ex parte conversation provides no basis for public comment and does not provide any evidence that the Commission could reasonably rely on.

Pursuant to Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, a copy of this letter is being filed via ECFS. If you have any questions, please do not hesitate to contact me.

Sincerely,

Aaron M. Panner

cc: Daniel Alvarez
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