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October 16, 2014

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:

On October 14, 2014, Lisa Hook, President and Chief Executive Officer, Leonard Kennedy, Senior Vice President and General Counsel, Scott Deutchman, Deputy General Counsel, Becky Burr, Deputy General Counsel, Bill Reidway, Vice President – Product Management, and Aaron Goldberger, Associate General Counsel, all of Neustar, Inc.; Thomas Navin, of Wiley Rein; and I met with Julie Veach, Chief of the Wireline Competition Bureau, Lisa Gelb, Diane Griffin Holland, Laurence Bourne, Ann Stevens, Michelle Sclater, Sanford Williams, and Myrva Freeman, of the Commission. On October 15, 2014, Ms. Hook, Mr. Kennedy, Mr. Deutchman, Mr. Reidway, Mr. Navin, and I met with Daniel Alvarez of the Commission. This letter provides a record of the matters discussed at those meetings.

In both of our presentations, we noted the importance of the role of the Local Number Portability Administrator (“LNPA”). The Number Portability Administration Center (“NPAC”) enables number portability and is the only real-time database that provides every service provider indispensable routing information for every voice call and text message. We emphasized that beyond basic competitive number porting, the NPAC provides services that are critical to service providers and other constituencies, including public safety and law enforcement organizations. Neustar has been providing NPAC services flawlessly. The NANC recommendation to select Ericsson as the next LNPA fails to provide a sufficient factual basis to justify the selection under the APA’s “substantial evidence” standard. The risks and costs of a transition to a less capable and less reliable NPAC, stripped of services that NPAC users rely on today, are significant, are not well understood by affected constituencies, and have not been appropriately evaluated.

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We then discussed several matters related to the 2015 LNPA RFP process and the above-captioned proceedings. We first noted, for reasons that have been discussed in our prior submissions, that an NPRM and informal rulemaking are substantive legal requirements and not mere formalities. We also explained that the need for an NPRM is particularly acute because the Commission does not have before it a record that adequately addresses the many significant technical, policy, and national-security issues that have been raised in response to the Commission's initial public notice seeking comment on the NANC recommendation. The NANC's recommendation and the documents supporting it provide only high-level conclusions without any discussion of the relative technical merits of the competing proposals. Nor has the public had fair notice of the potential impact of a transition to a new NPAC vendor. The Commission also has no basis on which to evaluate the soundness of the NANC's recommendation. For example, in the absence of a quantification of the likely costs of transition and the value of any differences in the capabilities between the competing proposals, the NANC has provided the Commission with no basis to evaluate the proposals' relative cost. More fundamentally, the RFP appropriately made price a subsidiary factor to technical and management criteria. Given the apparent differences between the proposals, the absence of any explanation for those differences and their impact on NPAC users is a glaring deficiency.

We showed that the record reflects significant differences between the service proposed by Ericsson and that delivered today by the LNPA – particularly elements of the LNPA service other than competitive porting, which have been developed over time in response to changing industry requirements (for example, the continual orchestration of large porting requests, access by law enforcement and auto-dialer users, and requirements for the PSTN-to-IP transition). Failing to fill these gaps in service will have serious consequences for platform stability, long-term innovation, and industry competitiveness. In addition, the operational maturity of Neustar's existing LNPA services contrasts dramatically with Ericsson's proposal to build its NPAC and associated services "from scratch." This build-out also will have negative technical, operational, and price consequences to NPAC users that must be specifically assessed by the Commission.

We also noted that Ericsson does not satisfy the statutory or Commission regulatory requirements regarding the impartiality and neutrality of the LNPA. We also explained, consistent with our prior submissions, the reasons that ensuring the neutrality and impartiality of the LNPA is of great legal and policy importance. The LNPA regularly handles competing demands for NPAC resources, and must prioritize those demands in a neutral way. Moreover, in making judgments about the technical evolution of the NPAC and the role of numbering in the transition to all-IP networks, a network equipment vendor may have an interest in reducing the functionality of the NPAC to shift greater functionality to the network equipment the vendor sells.

We urged the Commission to consider the hard questions about the proposals and to engage with the Commission's technical experts and the parties to ensure that the respective qualifications of each proposal are fully understood, compared, and evaluated. Such engagement

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is necessary to provide the Commission a foundation for rationally determining financial factors and transition risks. That level of investigation is a basic requirement of any RFP process, but the current record does not document any such effort. We offered to make Neustar personnel available to assist with the technical issues that have been presented in the proceeding.

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,

Handwritten signature of Aaron M. Panner in blue ink, with the initials 'cmu' written at the end of the signature.

Aaron M. Panner

cc: Daniel Alvarez
Nicholas Degani
Rebekah Goodheart
David Goldman
Amy Bender
Julie Veach
Jonathan Sallet
Lisa Gelb
Michele Ellison
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