

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Petition of Neustar, Inc. for a	)	
Declaratory Ruling Concerning	)	
The Local Number Portability	)	
Administration Request for Proposal	)	
	)	
Telephone Local Number Portability	)	CC No. 95-116
	)	
Petition of Telcordia Technologies, Inc.	)	WC Docket No. 09-109

**COMMENTS OF THE  
UNITED STATES TELECOM ASSOCIATION**

The United States Telecom Association (USTelecom)<sup>1</sup> is pleased to submit its comments in response to the Commission’s Public Notice<sup>2</sup> requesting comments on two Petitions for Declaratory Ruling filed by Neustar, Inc. (Neustar) related to the Local Number Portability Administration selection process.<sup>3</sup> In the *Public Notice*, the Federal Communications Commission (Commission) seeks comment on Neustar’s request in the October 2014 petition that the Commission “redress violations of the Federal Advisory Committee Act (FACA),” and

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<sup>1</sup> USTelecom is the premier trade association representing service providers and suppliers for the telecom industry. Its diverse member base ranges from large publicly traded communications corporations to small companies and cooperatives – all providing advanced communications service to both urban and rural markets. USTelecom members provide a full array of services, including broadband, voice, data and video over wireline and wireless networks.

<sup>2</sup> See Wireline Competition Bureau Seeks Comment on Petitions for Declaratory Ruling Filed By Neustar, Inc. *Public Notice*, WC Docket No. 09-109, CC Docket No. 95-116, DA 14-1629 (rel. Nov. 7, 2014) (*Public Notice*).

<sup>3</sup> See *Neustar Petition for Declaratory Ruling*, WC Docket No. 09-109, CC Docket No. 95-116, filed October 22, 2014; *Petition of Neustar for Declaratory Ruling Concerning the Local Number Portability Administration Selection Process*, WC Docket No. 09-109, CC Docket No. 95-116, filed Feb. 12, 2014.

requests in the February 12, 2014 Petition that the Commission amend the Request For Proposals (RFP) in various ways designed to give Neustar another shot at retaining the numbering administrator contract. Neustar's petitions are irrelevant and unsubstantiated. All of the appropriate procedures for the selection process were followed in a fully vetted and transparent proceeding. No additional clarification or action is necessary. The petitions should be denied.

#### **I. THE RFP SHOULD NOT BE AMENDED TO SEEK ADDITIONAL INPUT**

Contrary to Neustar's request in its February 2014 petition, the Commission should not amend the RFP to include input from all industry constituencies. The RFP was already finalized and approved by the FCC after a public notice and comment period for this very reason. Even though this is not a rulemaking process and public comment is not mandated as a matter of law under the Administrative Procedure Act,<sup>4</sup> the Commission took a conservative approach by seeking input from all constituencies in the RFP process. This included a report from the North American Numbering Council (NANC) with respect to its evaluation of competing proposals, as required by the Bureau's May 2011 Order.<sup>5</sup> These steps were taken specifically to ensure that a record was compiled upon which the Commission could formulate a basis for its decision. All constituencies had the opportunity to participate in this process. Some constituents filed comments and others chose not to, but there is no legitimate basis for repeating this same process again.

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<sup>4</sup> See 5 U.S.C. §553.

<sup>5</sup> *Petition of Telcordia Technologies Inc. to Reform or Strike Amendment 70 to Institute Competitive Bidding for Number Portability Administration and to End the NAPM LLC's Interim Role in Number Portability Administration Contract: Telephone Number Portability*, Order, DA 11-883, 26 FCC Rcd. 6839 (WCB 2011).

Furthermore, the NANC is open to all industry participants. The Selection Working Group (SWG) was established from the membership of the NANC including representatives from state regulatory agencies, and small, medium and large service providers. Vendors were excluded for the obvious reasons related to self interest bias. The North American Portability Management's (NAPM) Future of the NPAC Subcommittee (FoNPAC) responded to rigorous discussions concerning the Request for Information (RFI), RFP survey, Technical Requirements Document (TRD) survey, Vendor Qualification Survey (VQS), and the recommended Vendor Selection in order to form the SWG. To ensure a thorough and complete RFP was issued it addressed the technical requirements used today and contemplated future changes in technology needed to operate the Number Portability Administration Center (NPAC).

## **II. THERE IS NO NEED TO CLARIFY THE RULES GOVERNING THE LNPA**

Neustar's request that the Commission clarify the rules governing the LNPA to ensure the selection process proceeds in a transparent manner is also unnecessary. The rules governing the LNPA selection process were established after a public notice and comment period which included full industry participation. As with any public comment period, everyone had the opportunity to participate in the comment cycle and many stakeholders did. After the comment period closed, the FCC utilized the input in the public record to define the rules and the LNPA Selection Process in their Order.<sup>6</sup> The NANC and NAPM then followed the FCC procedures as defined based on the open public record making further clarification of the rules in the

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<sup>6</sup> See *Petition of Telcordia Technologies, Inc. to Reform or Strike Amendment 70, to Institute Competitive Bidding for Number Portability Administration and to End the NAPM LLC's Interim Role in Number Portability Administration Contract; Telephone Number Portability*, Order, 26 FCC Rcd. 6839, WC Docket No. 09-109, CC Docket No. 95-116 (rel. May 16, 2011).

selection process unnecessary. The ninety-eight page NAPM report is further evidence of the transparency of the process. Any suggestion that additional clarification is needed to provide transparency is unsubstantiated and only serves to delay a process that needs to end now so that consumers are not needlessly burdened with additional costs.

### **III. NEW PROPOSALS ARE NOT NECESSARY AND ARE DISRUPTIVE**

Directing the NAPM to pursue additional proposals consistent with and amended RFP as requested by Neustar would be not only unnecessary but irrelevant and disruptive. New proposals would serve only to delay a process that is essentially complete. As we have already stated above, the RFP was shared with the public and input was provided that directly resulted in the final RFP. Neustar had the opportunity at that point in time to provide their concerns and therefore should not be given another opportunity to submit a new proposal at this late date. Neustar's request is self-serving and is meant to get them yet another bite at the apple since they were not recommended as the next NPAC vendor. The RFP process proceeded fairly and vendors submitted their proposals.

In fact, the vendors had opportunities, not once but twice, to provide their best offer, which they did. The FoNPAC issued a Best and Final Offer (BAFO) which was not a requirement of the FoNPAC and was above and beyond what was necessary to ensure a fair selection process. After all that, it is an inefficient use of taxpayer's resources and at best impractical to continue to give the party that doesn't win the bid another opportunity to make their case. Based on the replies from both bidders to the BAFO, the FoNPAC made its final recommendation.

#### IV. CONCLUSION

The process needs to move forward. The time is now for this proceeding to end. We respectfully request the Commission to act with urgency in approving the NANC recommendation and that the Commission dismiss both of Neustar's requests for declaratory ruling.

Respectfully submitted,

UNITED STATES TELECOM ASSOCIATION



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