Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	
Petition of Telcordia Technologies, Inc. to	)	
Reform or Strike Amendment 70, to	)	WC Docket No. 09-109
Institute Competitive Bidding for Number	)	
Portability Administration, and to End the	)	
NAPM LLC's Interim Role in Number	)	
Portability Administration Contract	)	
	)	
Telephone Number Portability	)	CC Docket No. 95-116

OPPOSITION OF THE NAPM LLC

The North American Portability Management LLC ("NAPM LLC"), by its counsel, submits this opposition to the Petition for Declaratory Ruling (the "Petition") filed by Neustar, Inc. ("Neustar") concerning the Local Number Portability Administrator ("LNPA") selection process (the "LNPA Selection Process").[1] The Petition lacks merit, and further delay in this proceeding is harmful to the public interest. Accordingly, the NAPM LLC respectfully urges the Federal Communications Commission ("FCC" or "Commission") promptly to deny the Petition and issue an order approving the recommendation for the next LNPA.

I. THE LNPA RECOMMENDATION IS THE RESULT OF A THOROUGH PROCESS THAT THE FCC ADOPTED FOLLOWING PUBLIC NOTICE AND COMMENT IN A RULEMAKING PROCEEDING

The Commission adopted the joint proposal of the NAPM LLC and the Chair of the North American Numbering Council ("NANC") for the LNPA Selection Process following

[1] *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 Oct. 22, 2014).

public notice and comment in a rulemaking proceeding.[2] And the LNPA recommendation that the NAPM LLC (acting through its Future of NPAC Subcommittee ("FoNPAC")) ultimately put forward in 2014 and that the NANC unanimously approved[3] followed in all respects the process that the FCC adopted. There is no basis for reopening the selection process now. Further, the FCC's adoption of the process was appropriate and consistent with its administrative duties.

A. The Time for Challenging the LNPA Selection Process Has Long Passed

On March 8, 2011, the FCC sought comment on the joint proposal of the NAPM LLC and the NANC Chair for the LNPA Selection Process:

> We attach the complete NANC Chair/NAPM proposal to this order and seek comments on it from interested parties. We invite parties to offer additional suggestions about the process and recommend a timeframe that will ensure that a new LNPA contract is in place when the existing contract expires on December 31, 2015.[4]

After considering public comments on the joint proposal of the NAPM LLC and the NANC Chair for the LNPA Selection Process, the FCC adopted the proposal on May 16, 2011 with minor modifications that left "the substance of the original proposal … largely unchanged."[5]

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2 *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*, WC Docket No. 09-109, CC Docket No. 95-116, Order, 26 FCC Rcd. 6839 (rel. May 16, 2011) ("May 2011 Order"); 5 U.S.C. § 553.

3 Letter from Betty Ann Kane, Chairman, NANC, to Julie A. Veach, Chief, Wireline Competition Bureau, FCC, WC Docket No. 09-109 & CC Docket No. 95-116 (Apr. 24, 2014) ("LNPA Recommendation") ("The NANC has concurred, with one abstention vote, to recommend the selection of Telcordia Technologies, Inc… as the sole vendor to serve as the LNPA.").

4 *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*, WC Docket No. 09-109, CC Docket No. 95-116, Order and Request for Comment, 26 FCC Rcd. 3685, 3691-97, Attachment A (rel. Mar. 8, 2011) ("March 2011 Order").

5 May 2011 Order, 26 FCC Rcd. at 6843 ¶ 16. The NANC/NAPM Proposal, as adopted, is included as Attachment A to the May 2011 Order.

Neustar did not challenge the adoption of the LNPA Selection Process while it was being considered in the rulemaking proceeding, or during the period for challenging the order adopting it. Likewise, Neustar did not challenge the Request for Proposal ("RFP") and the associated Technical Requirements Document ("TRD") and Vendor Qualification Surveys while they were being considered in the rulemaking proceeding, or during the period for challenging the order approving them.[6] As such, Neustar's collateral attack on the LNPA Selection Process in the form of its Petition should be denied because the Petition is an untimely challenge to the Orders adopting the LNPA Selection Process and related LNPA documents.[7]

B. The LNPA Selection Process Was Followed

The LNPA Recommendation is the result of the LNPA Selection Process that the Commission adopted.[8] The LNPA Selection Process was designed to preserve competitive neutrality by ensuring that none of the participating bidders could gain an unfair advantage as a result of gaining access, directly or indirectly, to information submitted by any other bidder.

In accordance with the LNPA Selection Process, the FoNPAC developed a recommendation that was subject to oversight by the NANC through its LNPA Selection Working Group ("SWG") and ultimate approval by the NANC.[9] Although the process permitted

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6 *Wireline Competition Bureau Seeks Comment on Procurement Documents for the Local Number Portability (LNP) Administration Contract*, WC Docket Nos. 09-109, 07-149, CC Docket No. 95-116, Public Notice, 27 FCC Rcd. 11771 (rel. Aug. 13, 2012).

7 *See* 47 C.F.R. § 1.429(d) ("The petition for reconsideration and any supplement thereto shall be filed within 30 days from the date of public notice of such action."); *See also In the Matter of Motions for Declaratory Rulings Regarding Comm'n Rules & Policies for Frequency Coordination in the Private Land Mobile Radio Servs.*, 14 FCC Rcd. 12752, 12757 ¶ 11 (1999) ("as the Commission has previously held, indirect challenges to Commission decisions that were adopted in proceedings in which the right to review has expired are considered impermissible collateral attacks and are properly denied.").

8 *LNPA Selection Process Order* at Attachment A, 26 FCC Rcd. at 6845-47; *LNPA Recommendation.*

9 *See May 2011 Order,* Attachment A, 26 FCC Rcd. at 6845-47.

the NANC, directly or indirectly through the SWG, to provide the FoNPAC with suggested changes or reasons for not approving its recommendation,[10] the NANC unanimously supported the FoNPAC recommendation.[11] Accordingly, the NANC forwarded the FoNPAC's recommendation to the Commission with an explanation for its decision to support the FoNPAC's recommendation.[12]

Once the RFP Phase was completed, the LNPA Recommendation and all of the information upon which the LNPA Recommendation was based – including the LNPA SWG Report to NANC on LNPA Vendor Selection Recommendation of the Future of NPAC Subcommittee, the FoNPAC LNPA Request for Proposal Evaluation Summary and Selection Report, and the FoNPAC Selection Report Overview – were filed with the FCC and made available to the public pursuant to a Protective Order.[13] Accordingly, all of the information upon which the Commission will make its decision to accept or reject the LNPA Recommendation is available to the public.

C. The 2014 LNPA Recommendation is More Thorough and Complete than the 1997 SWG Report

Contrary to Neustar's claims, the LNPA Recommendation and documentation provided to the Commission in 2014 is far more robust than the information that was provided to the Commission in the 1997 NANC LNPA Selection Working Group ("SWG") Report (the "1997

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10 *Id.*

11 One NANC member abstained from voting on the NANC Recommendation.

12 *See LNPA Recommendation*, Exhibits B and C to the SWG Report.

13 *In the Matter of 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*, WC Docket No. 09-109, CC Docket No. 95-116, Revised Protective Order (rel. June 25, 2014) ("These materials, which include technical, pricing, and other proprietary information, were submitted as confidential information, subject to protection under section 0.459 of the Commission's rules.").

SWG Report.")[14] As part of the 2014 filed materials, the NANC provided a full explanation of the steps taken as part of the LNPA Selection process as well as the reasoning behind the unanimously supported recommendation.[15] By contrast, the 1997 SWG Report provides much less information. Specifically, the 1997 SWG Report does not include the recommendations and reports of the LLCs, and it provides only a brief summary of the recommendations with minimal justifications for each. Nor does the 1997 SWG Report include the LLC decisions upon which the SWG's opinion was based. The amount of information made publicly available with the NANC Recommendation in 2014 vastly outweighs the amount of information made available in 1997.

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14 *See LNPA Recommendation* and *NANC Local Number Portability Administration Selection Working Group Report* (Apr. 25, 1997) ("1997 SWG Report").

15 One NANC member abstained from voting on the NANC Recommendation.

II. CONCLUSION

For the reasons set forth above, there is no merit to Neustar's claim that the LNPA Selection Process is deficient. Therefore, further debate of these issues, which harms consumers by postponing the realization of the benefits of the LNPA Selection Process, is not merited. The public interest will be served in accordance with controlling law by promptly denying the Petition and issuing an order approving the NANC's standing recommendation for the next LNPA.

Respectfully submitted,

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