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December 19, 2014

**Notice of Ex Parte**

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

**Re: Notice of Ex Parte Communication (CC Docket No. 95-116;  
WC Docket No. 09-109)**

Dear Ms. Dortch:

On December 17, 2014, Jerry James, Consultant to the LNP Alliance<sup>1</sup> and Dave Malfara, Sr., Technical Consultant to the LNP Alliance, and the undersigned held a conference call with Rebekah Goodheart, Wireline Legal Advisor to Commissioner Clyburn. On the call, the LNP Alliance provided the attached presentation and discussed a series of issues that the LNP Alliance considers critical to the LNPA selection process.

The LNP Alliance emphasized the fact that small and medium telecommunications carriers such as those that comprise the LNP Alliance have unique interests in terms of the manner in which they utilize the NPAC. Even XO, which was a member of the Selection Working Group, has recognized in a recent ex parte letter that competitive carriers use the NPAC in different ways than larger carriers, and therefore have unique interests.<sup>2</sup> The LNP Alliance is concerned that, due to the limited number of participants on the Selection Working Group, the interests of small and medium providers have been overlooked.

In particular, the LNP Alliance emphasized that selecting the LNPA at this time, when industry task forces have not yet defined the role of the NPAC in a post-IP Transition world, may have skewed the selection process. We pointed out that the two bidders may have based

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<sup>1</sup> The LNP Alliance is a consortium of small and medium ("S/M") providers that currently consists of Comspan Communications, Inc., Telnet Worldwide, Inc., the Northwest Telecommunications Association ("NWTa"), and the Michigan Internet and Telecommunications Alliance ("MITA"). The LNP Alliance is focused on ensuring that the LNPA selection process takes into account the concerns of its S/M provider members and other similarly situated providers.

<sup>2</sup> Letter from Ms. Tiki Gaugler, XO Communications, to Marlene H. Dortch, Secretary, Federal Communications Commission, at 3-4 (Nov. 26, 2014).

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their bids on very different understandings of the respective roles of the NPAC and IP registries. In order to ensure that the selection process provides an “apples to apples” process, the Commission should extend the Neustar contract by two years, by which time there will be a much clearer definition of the role of the NPAC and a better likelihood that bidders will be estimating the cost of the same NPAC services.

The LNP Alliance also focused attention on the fact that Telcordia, a wholly owned subsidiary of Ericsson, does not meet the Commission’s neutrality requirements as embodied in the Commission’s rules. For example, Telcordia cannot claim that it is not affiliated with a telecom equipment manufacturer because of its affiliation with Ericsson,<sup>3</sup> and there can be no question but that Telcordia is aligned with a particular industry segment,<sup>4</sup> again due to the fact that it is owned by Ericsson, which, in addition to being a major wireless equipment manufacturer, has contracts to operate the networks of Sprint and T-Mobile. These close ties cannot be cured by creating a separate board for Telcordia, because Ericsson would still control its subsidiary’s budget, finances, and so on. The LNP Alliance recommend that Telcordia must be spun off in order to permit it to meet the Commission’s neutrality requirements, and that lesser half-measures would not be sufficient. Extending Neustar’s contract by two years would also provide the time necessary for Ericsson to spin off Telcordia such that it could be a valid bidder for the LNPA contract in the future.

Finally, the LNP Alliance noted that a number of other entities have recently raised concerns about issues that are critical to their interests, but which were not taken into account by the limited number of participants on the SWG. The FBI, DEA, Secret Service, and New York Police Department have all filed ex partes expressing concern about the selection of the next LNPA. In addition, public safety organizations such as NENA, Intrado, and the Illinois Emergency Management Association have emphasized 9-1-1-related concerns that must be addressed. The Commission could address all of these concerns if it were to extend the Neustar contract by two years, and rebid the contract after that time.

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<sup>3</sup> 47 C.F.R. § 52.26(a).

<sup>4</sup> 47 C.F.R. § 52.12(a)(1).



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As required by Section 1.1206(b), this *ex parte* notification is being filed electronically for inclusion in the public record of the above-referenced proceedings. If you have any questions or require additional information, please do not hesitate to contact me at 202.659.6655.

Sincerely,

/s/ James C. Falvey  
James C. Falvey  
*Counsel for The LNP Alliance*

Enclosure

cc: Rebekah Goodheart (via e-mail)  
Jerry James  
Dave Malfara, Jr.