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January 23, 2015

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

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

Dear Ms. Dortch:

On Wednesday, January 21, 2015, on behalf of Neustar, Inc., the Honorable Michael Chertoff, the Honorable Paul A. Schneider, Joel F. Brenner, and Adam Isles, all of the Chertoff Group, and I, met with Admiral David Simpson, Chief of the Public Safety and Homeland Security Bureau, Jonathan Sallet, General Counsel, Lisa Gelb, Deputy Chief of the Wireline Competition Bureau, and P. Michele Ellison, Deputy General Counsel, of the Commission to discuss cyber security and procurement issues related to the 2015 LNPA RFP.<sup>1</sup>

Secretary Chertoff explained that the Chertoff Group had examined the RFP process from a cyber-security standpoint. That examination identified significant deficiencies in the RFP.<sup>2</sup> This was of great concern, he said, because the stakes for the security of the telephone system, including emergency communications, were huge. He noted that cyber attacks are getting worse, not better, and that counterintelligence risks were also involved. Although the Commission's Chairman has urged companies to follow the NIST Cybersecurity Framework, the RFP addresses security in only a general way. Three-quarters of the NIST subcategories are not addressed at all; many others are addressed only partially. As a result, the proposals that the Commission has before it likewise do not address most of the issues in the NIST framework. Law enforcement agencies have also stated requirements that are not in the RFP. Addressing these issues will have material cost implications, and they should have been included in the RFP

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<sup>1</sup> See Public Notice, Commission Seeks Comment on the North American Numbering Council Recommendation of a Vendor To Serve as Local Number Portability Administrator, DA 14-794, CC Docket No. 95-116, WC Docket No. 09-109 (June 9, 2014).

<sup>2</sup> See Letter of Aaron M. Panner, Counsel to Neustar, Inc., to Marlene H. Dortch, FCC, CC Docket No. 95-116; WC Docket No. 09-109 (filed Sep. 30, 2014) (attaching "A Review of Security Requirements for Local Number Portability Administration," prepared by The Chertoff Group).

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to make it complete and to assure the Commission that they will actually be accomplished to an auditable standard. Deputy Secretary Schneider noted that the original RFP responses could not have accounted for total costs that include adequate security because the RFP did not state the necessary, risk-based security requirements.

It was also explained that the NIST framework and the standards that underlie it are only a starting point: many of the most widely publicized breaches have occurred in organizations that were technically compliant with a security standard. Details matter, and fundamental to the Framework is grounding the selection of desired security controls in underlying security risk.

Deputy Secretary Schneider explained that the Commission can appropriately address the security-related deficiencies in the RFP and obtain the best value by requiring both bidders to submit supplemental proposals addressing how they intend to meet the risk-based security standards embodied in the NIST Framework. Seeking proposals from both bidders is important because competition is critical to ensuring that evaluators have the best possible frame of reference on the art of the possible. Mr. Brenner noted that once a supplier has been selected, the customer loses significant leverage over the vendor, which undermines the ability to impose and enforce compliance with additional requirements. This is particularly true where, as is the case here, a government contract is not involved. In contrast, when requirements are "baked in" early, as Chairman Wheeler has assured the public they would be in all FCC processes, the level of security achieved is higher.

Secretary Chertoff emphasized that the risk of cyber attack has become much more serious in recent years, that the consequences of any breach in the security of the NPAC could be catastrophic, and that the FCC will be held accountable for ensuring the security of this critical infrastructure. Secretary Chertoff, Admiral Simpson, and others also discussed the significant risks that would be involved in any vendor transition.

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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,

A handwritten signature in cursive script, appearing to read "Aaron M. Panner".

Aaron M. Panner

cc: Admiral Simpson  
Jonathan Sallet  
Michele Ellison  
Lisa Gelb