March 3, 2015

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

Re: Notice of Ex Parte Communication
CC Docket No. 95-116; WC Docket No. 07-149; WC Docket No. 09-109

Dear Ms. Dortch:

We write to express our interest in ensuring that proper account is taken on the record of the above-referenced proceedings of the impact, if any, on the transition to a new Local Number Portability Administrator (LNPA) on small and rural communications companies.

Under Section 553(b) of the Administrative Procedure Act (APA), the Federal Communications Commission must conduct a Regulatory Flexibility Act (RFA) analysis whenever it adopts a rule subject to notice and comment rulemaking.[1] Congress enacted the RFA because it found that agencies had uniformly applied "laws and regulations designed for application to large scale entities" to small businesses. Congress found that agencies' "failure to recognize differences in the scale and resources of regulated entities has in numerous instances adversely affected competition in the marketplace."[2] To avoid inflicting lasting damage on small businesses, the RFA requires federal agencies to review regulations for their effect on small businesses and to consider less burdensome alternatives.[3]

To be clear, we take no position on the merits of selecting any particular LNPA vendor. But consistent with the RFA, the FCC should evaluate the effects of proposed regulatory changes such as this transition on small businesses and, if any impacts arise, identify ways to mitigate costs and burdens imposed on small businesses.

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[1] 5 U.S.C. §§ 603(a), 604(a).
[2] 5 U.S.C. § 601 *et seq.*, Congressional Findings and Declaration of Purpose, (a)(2)-(4).
[3] 5 U.S.C. § 603.

A properly conducted RFA process would ensure that any LNPA will provide no less than the same level of affordable, efficient, seamless and reliable number portability services that small rural carriers have come to expect and rely on from the NPAC – and to ensure, if any costs or burdens should arise, that those are accounted for and steps can and will be taken to mitigate them.

Respectfully submitted,

**NTCA –**
**THE RURAL BROADBAND**
**ASSOCIATION**

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