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March 17, 2015

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

Electronically Filed

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

Dear Ms. Dortch:

We write on behalf of Neustar, Inc., to raise our objections to the Commission's failure to respond to Neustar's repeated requests for access by cleared counsel to review a report prepared under the direction of the Office of the Director of National Intelligence ("ODNI") and recently placed in the record of this proceeding by the Commission staff. That report appears to bear significantly on both the Commission's decision-making in this proceeding and on the continuing operation of the NPAC. The Commission's delay in placing that material in the record, the impending start of the Sunshine period on May 19, 2015, and the Commission's failure to provide Neustar the opportunity to review that information prejudice Neustar and risk creating unnecessary delays in addressing national security issues potentially identified in the report.

On March 3, 2015, the Commission staff placed in the record of the above-captioned proceeding a letter, dated December 17, 2014, from William R. Evanina, National Counterintelligence Executive, ODNI, to Admiral David Simpson, Chief of the Commission's Public Safety and Homeland Security Bureau, which provided a copy of the "National Security Implications of Related to Local Number Portability Administration – Review Group Report," dated December 8, 2014 ("Review Group Report"). According to the letter, that report "contains a set of recommendations and law enforcement requirements for the FCC to consider as a post-selection enhancement to the LNPA's planned security measures." The letter goes on to say that "there are important implications to the Nation's security as a result of this program, and addressing those items is a concern to those of us on the national security team."

Ms. Dortch
March 17, 2015
Page 2

No copy of the Review Group Report was placed in the public record of this proceeding. Commission staff informed counsel for Neustar that a copy was placed in the FCC's Sensitive Compartmented Information Facility ("SCIF").

On March 6, 2015, counsel for Neustar, who have appropriate security clearances and who have viewed classified information in the SCIF previously in the course of this proceeding, asked a representative of the Public Safety and Homeland Security Bureau for permission to view the Review Group Report. On or about the same date, Counsel for Neustar asked ODNI for its view regarding Neustar's access to the Review Group Report. On March 11, 2015, counsel for Neustar was informed by the ODNI that "because you are seeking access to a document in connection with an FCC proceeding, you should go to the FCC in the first instance. If the FCC determines it is appropriate within the framework of its process to provide you access to this document, we can then consider issues of classification and need to know." Counsel for Neustar has continued to ask for access to the Review Group report, including as recently as yesterday, and repeatedly has been informed that FCC staff are considering Neustar's request.

The Commission's failure to respond to counsel for Neustar regarding access to the Review Group Report is inexplicable because the issue before the Commission is merely "whether it is appropriate within the framework of its process to provide [] access to this document." It also is inappropriate for several reasons. First, the information that is contained in the report is likely to be highly relevant to the LNPA selection decision that the Commission has before it. Neustar has long maintained that the RFP in this proceeding did not adequately address national security, public safety, and law enforcement considerations relevant to the NPAC. To the extent that the Review Group Report contains recommendations for additional security measures to be implemented by the party selected for the next LNPA contract period, Neustar should have an opportunity to comment on the effect of those recommendations on the selection decision.

Second, because the Review Group Report likely addresses matters that are relevant to Neustar's continuing operation of the NPAC and/or to matters implicated by a potential transition, Neustar has a continuing need to review and assess the Review Group Report. We can see no rationale for denying Neustar access to the Review Group Report. For the foregoing reasons, Neustar has an evident need to know. Moreover, failure to provide cleared Neustar representatives with an opportunity to review and evaluate the Review Group Report threatens to deprive the Commission and the national security agencies of important information that could help to ensure that any potential issues identified in the Review Group Report are promptly and effectively resolved.

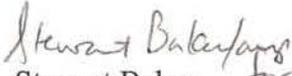
Given the potential importance of the report to the issues in this docket, we ask that the Commission promptly respond to Neustar's request to review the report. At the same time, the Commission should remove the proposed order in this docket from the Public Meeting agenda to permit orderly ex parte presentations concerning the matters covered by the report.

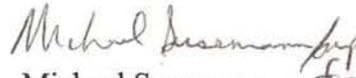
KELLOGG, HUBER, HANSEN, TODD, EVANS & FIGEL, P.L.L.C.

Ms. Dortch
March 17, 2015
Page 3

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 one of us.

Sincerely,


Stewart Baker *for*
Steptoe & Johnson LLP


Michael Sussmann *for*
Perkins Coie LLP


Aaron M. Panner
Kellogg, Huber, Hansen,
Todd, Evans & Figel, P.L.L.C.

Counsel to Neustar, Inc.

cc: Chairman Wheeler
Commissioner Clyburn
Commissioner Rosenworcel
Commissioner Pai
Commissioner O'Rielly
Jonathan Sallet
Julie Veach
Admiral David Simpson
Ruth Milkman
Daniel Alvarez
Rebekah Goodheart
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