

March 18, 2015

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

Re: **Notice of *Ex Parte* Presentations, CC Docket No. 95-116; WC Docket No. 09-109**

Dear Ms. Dortch:

On Monday, March 16, 2015, on behalf of Neustar, Inc., the Honorable Michael Chertoff, Joel F. Brenner, and Adam Isles, all of the Chertoff Group, met separately with Commissioner Ajit Pai and his legal adviser Nicholas Degani, Commissioner Michael O’Rielly and his legal adviser Amy Bender, and Commissioner Mignon Clyburn and her legal adviser Rebekah Goodheart, to discuss cybersecurity and national security issues related to the 2015 LNPA RFP (the “RFP”).<sup>1</sup> As outside counsel to Neustar, I am filing this letter on behalf of our client Neustar, which has retained the Chertoff Group. The following points were made in one or more of these meetings.

The Chertoff Group was retained by Neustar to examine the RFP process and assess the risks to national security and U.S. critical infrastructure via cyber attack implicated by that process. As a result of that examination, the Chertoff Group identified significant deficiencies in the RFP as compared with the NIST Framework for Improving Critical Infrastructure Cybersecurity and prevalent security standards embodied in that Framework.<sup>2</sup> A final report containing the Chertoff Group’s findings and recommendations was filed with the Commission on September 30, 2014.

As the Chertoff Group noted in the meetings, although the RFP could not have aligned precisely to the NIST Framework since the latter was not finalized until 2014, the Framework

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<sup>1</sup> See Commission Seeks Comment on the North American Numbering Council Recommendation of a Vendor To Serve as Local Number Portability Administrator, CC Docket No. 95-116, WC Docket No. 09-109, *Public Notice*, DA 14-794 (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 (Sept. 29, 2014).

itself is an embodiment of standards and guidance that existed for years before the RFP issuance. In addition, it was public knowledge within a week after the RFP was issued that the Framework would be forthcoming.

Meeting attendees discussed the importance of the LNPA and the telecommunications sector to the nation's critical infrastructure, and the Chertoff Group noted that geopolitical and other factors are increasing cyber risks. Cybersecurity programs must stay current with the changing threat landscape to be effective, and maturity of approaches also varies widely by country. Given the troubling ease with which malicious actors have repeatedly compromised networks at major corporations and government agencies, security must be designed with an operating presumption that network perimeters will at some point be breached. The constant and credible threat of cyber attack underscores the public safety and national security imperative of a thoughtful and complete security evaluation of the LNPA selection process designed to produce the best outcome for the safety and security of the national telecommunications network.

The Chertoff Group also noted that while the NIST Framework provides guidance on the security categories that need to be considered in any systematic review, it does not specify technical standards or dictate specific security measures to be implemented. A competitive process yields a frame of reference by enabling evaluators to describe specific capabilities, compare responses and evaluate differences on, for example, network segmentation; asset, configuration and vulnerability management; secure software development; and advanced malware detection. Were only one offeror for the LNPA contract requested to provide a proposed security solution, such a move would be tantamount to sole-sourcing the security component of the LNPA contract, and would result in a substantial loss of leverage during the negotiation process and subsequent contract implementation. Meeting attendees discussed other major IT modernization procurements that experienced challenges when cybersecurity and national security requirements were not sufficiently defined at the outset.

In the meetings, reference was also made to specific elements of recent public statements from the Commission on the Wireline Competition Bureau ("WCB") draft order to initiate contract negotiations with Ericsson as the next LNPA.<sup>3</sup> The automatic renewal deadline in the current LNPA contract, which is effective as of March 31, was noted as a factor in the timing of the draft order.

The Commission's statement provided that, if the proposed order were approved, the NAPM would begin to negotiate contract terms with Ericsson, that such terms would be subject to approval by the WCB, and that the Commission would oversee the transition to ensure that matters affecting the public interest, such as public safety and security, are fully addressed in the contract terms. The Chertoff Group observed that this review would be subject to an aggressive 18-month transition deadline, with pressure to approve the contract notwithstanding potential security concerns increasing as the deadline approached. As the Chertoff Group meeting

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<sup>3</sup> See FCC, "Status Update: Local Number Portability Administrator Contract" (Mar. 4, 2015), available at [http://transition.fcc.gov/Daily\\_Releases/Daily\\_Business/2015/db0304/DOC-332364A1.pdf](http://transition.fcc.gov/Daily_Releases/Daily_Business/2015/db0304/DOC-332364A1.pdf).

attendees discussed, in contrast to the procedure suggested by the WCB's statement, any law enforcement and national security input should be sought to define requirements for offerors before the contact is awarded, rather than as after-the-fact input for post-selection enhancements.

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.

Respectfully submitted,

*/s/ Michele C. Farquhar*

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