

March 19, 2015

VIA ELECTRONIC DELIVERY

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Room TWA325
Washington, DC 20554

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

Dear Ms. Dortch:

Neustar, Inc. submits this reply to the February 18, 2015 filing by Ericsson's wholly owned subsidiary, Telcordia Technologies, Inc., d/b/a iconectiv,¹ in response to Neustar's January 28, 2015 *ex parte* and the report authored by Smith & Associates ("S&A").² The S&A Report highlighted the potential transition risks and delays associated with the Ericsson proposal, including an unrealistic development timetable, failure to meaningfully address the necessary development, testing, or implementation efforts, and the lack of a true risk profile. S&A found that a complete transition of such a complex system will take 3 to 4 years, and recommended an impact assessment of how the many risks and delays could have a disruptive impact on both consumers and service providers.

Ericsson's reply is most significant for what it does *not* say—namely it makes no substantive attempt to challenge S&A's conclusion that Ericsson's proposed schedule to deploy a system with an equivalent suite of NPAC services is seriously understated even under the most optimistic assumptions. Ericsson also made no attempt to address the fact that it could miss even a realistic schedule as a result of serious unaddressed flaws in Ericsson's transition plan.

¹ Telcordia Technologies Inc., d/b/a iconectiv is part of Ericsson, and unless otherwise noted will be referred to here by the name of the corporate parent. See Letter from John Nakahata, Counsel for Telcordia to Marlene Dortch, Secretary, Federal Communications Commission, CC Docket No. 95-116, WC Docket Nos. 07-149, 09-109 (Feb. 18, 2015) ("Ericsson Letter").

² Smith & Associates, Technical Evaluation of the Next Generation NPAC/SMS Proposals, *attached to* Letter from Thomas McGovern, Partner, Hogan Lovells to Marlene Dortch, Secretary, Federal Communications Commission, CC Docket No. 95-116, WC Docket No. 09-109 (Jan. 28, 2015) ("S&A Report").

Instead, Ericsson simply claims S&A fails to rebut Ericsson's own experts, Dr. Eric Burger and Deloitte Consulting LLP, on the matter of whether an NPAC transition is "manageable." Ericsson's assertion, however, relies on a selective reading of its own experts' reports. For instance, although Deloitte concluded that by working with carriers Ericsson might be able to transition to the LNPA on a compressed timeline, this gloss overlooks the fact that Deloitte's report actually asserts that schedule changes would require "full awareness of the use cases and scenarios" and that schedule compression "is likely not achievable without incurring additional risks."³

More importantly, Deloitte's analysis of the acceptability of Ericsson's proposed transition plan starts from the flawed assumption that it is *not* proposing a "greenfield approach" to software development (*i.e.*, developing new software from scratch), when it is now clear Ericsson is planning to do just that.⁴ Similarly, Dr. Burger's report not only forecasts significant pre-transition costs to carriers arising from a transition, but also recognizes the increased risk of latent errors in implementation associated with a greenfield deployment: "If a new NPAC operator were to write all-new code from scratch, there is a distinct likelihood of latent errors to be found post-release."⁵ Because Ericsson has announced its intention to develop a U.S. NPAC from scratch to address national security, law enforcement, and public safety concerns, it is now important that the risks associated with doing so are accounted for in the transition.

Ericsson glides over these concerns; the S&A Report does not. In fact, the S&A Report is the first contribution to seriously and critically consider the implications of Ericsson's "from scratch" development approach and the details of its proposed transition plan. The S&A Report represents a fresh look at Ericsson's proposal and offers specific findings and observations as to why Ericsson's transition approach does not comport with IT industry standards. Although the FoNPAC and SWG members have "substantial subject-matter expertise and first-hand experience with number portability,"⁶ S&A's real world expertise in building real-time infrastructure systems provides a critical perspective on evaluating IT transition plans. Smith & Associates' credentials establish its technical qualifications to comment on this topic, especially

³ Reply Comments of Telcordia Technologies Inc., d/b/a iconectiv, WC Docket No. 09-109, CC Docket No. 95-116 (Aug. 22, 2014) Ex. C, *Report of Deloitte Consulting, LLP* 2 (Aug. 8, 2014) ("Ericsson Reply Comments").

⁴ S&A Report at 17 (quoting Ericsson Reply Comments at 110 (citing *Report of Deloitte Consulting* at 3)).

⁵ Ericsson Reply Comments, Ex. B, Eric Burger, *Issues and Analysis of a Provider Transition for the NPAC, S²ERC Technical Report* 11–12 (July 22, 2014). Additionally, Ericsson improperly insinuates that Dr. Burger determined that it has relevant experience to serve as the LNPA, because its portability operations abroad "involved *more complexity* than U.S. portability operations." This severely distorts Dr. Burger's citation of Dr. W. Bruce Allen's paper, which compares number portability operations in the U.S. and India and ultimately concludes that "the experience of one communications market with portability is not likely to produce anything transferable to another market." W. Bruce Allen, *India's Experience with Mobile Number Portability* 13 (May 3, 2013). Dr. Allen's report also catalogs the myriad differentiating features and performance characteristics of the U.S. NPAC.

⁶ Ericsson Letter at 2.

in the absence of any detailed transition assessment from the FoNPAC and SWG. The S&A Report is precisely the type of external analysis and expertise the FCC should be relying on to catalog and assess the costs and risks of an LNPA transition. It is worth noting that, even with their different perspectives and expertise, the 3 to 4 year timeline identified by S&A as necessary to complete a transition project matches closely the FoNPAC's original estimate of 33 months.

Contrary to Ericsson's repeated suggestion, the S&A Report does not conclude that a well-performing incumbent should never be replaced. It does, however, make the case that a decision to embark on a transition that is likely to result in significant disruptions should be based on a clear-eyed and comprehensive assessment of the relative costs and potential benefits. The record does not reflect that Ericsson's proposal promises superior technology, greater capabilities, or better operation than the current NPAC. Given this fact, the details of the transition plan, including a catalog of the costs and risks of sacrificing nearly twenty years of stable and nearly error-free operations, should be top of mind for the decision-makers.⁷

Rather than take Ericsson's suggestion to disregard these matters, the FCC should undertake an independent evaluation of the local number portability proposals to assess the true costs and benefits to all parties, prior to making a final selection.

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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⁷ See Letter from Michele Farquhar, Counsel to Neustar to Marlene Dortch, Secretary, Federal Communications Commission, CC Docket No. 95-116, WC Docket Nos. 07-149, 09-109 at 2 (Feb. 13, 2015).