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*Ex parte*

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

**Re: *Petition of Telcordia Technologies, Inc. to Reform or Strike Amendment 70, to Institute Competitive Bidding for Number Portability Administration, and to End the NAPM LLC's Interim Role in Number Portability Administration Contract; WC Docket No. 09-109; Telephone Number Portability, CC Docket No. 95-116***

Dear Ms. Dortch:

XO Communications, LLC (“XO”) files this letter to counter the following assertions made in this proceeding that the current Local Number Portability Administrator (“LNPA”) selection process (the “LNPA Selection Process”): (1) excluded participation by certain providers or industry sectors, (2) failed to appropriately incorporate the ongoing transition to IP-based networks, or (3) neglected to include sufficient evaluation of the financial impacts of a transition to a new LNPA vendor.<sup>1</sup> In particular, XO vigorously refutes arguments that the LNPA Selection Process, as established or conducted, was inherently biased or disadvantaged any industry segment.<sup>2</sup> As discussed below, arguments to further delay the LNPA Selection Process are unfounded,<sup>3</sup> and XO urges the Commission to act expediently to finalize selection of the next LNPA vendor so that industry transition activities may begin in earnest.

#### **I. The LNPA Selection Process Was Open to All Industry Interests And Was Not Biased**

XO has devoted countless man hours actively engaged in the LNPA Selection Process and is troubled by eleventh-hour protestations seeking to unwind the years of work by many who have diligently focused on conducting a fair and representative LNPA Selection Process. XO is a CLEC member of the North American Portability Management LLC (“NAPM”), with one of its representatives actively participating on the Future of the NPAC Advisory Committee (“FoNPAC”), and XO has been a long-standing member of the North American Numbering

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<sup>1</sup> See Letter from James C. Falvey, Counsel for the LNP Alliance, to Marlene Dortch, FCC, WC Docket No. 09-109 & CC Docket No. 95-116 (Dec. 11, 2014) (“LNP Alliance December Ex Parte”); Comments of the LNP Alliance on Neustar’s Petition for Declaratory Ruling, WC Docket No. 09-109 & CC Docket No. 95-116 (Nov. 21, 2014) (“LNP Alliance November Comments”).

<sup>2</sup> LNP Alliance November Comments at 2-3.

<sup>3</sup> *Id.* at 3-4.

Council (“NANC”), where I served as one of the tri-chairs of the NANC LNPA Selection Working Group (“SWG”) since September 2011.

In the *LNPA Selection Order*, the Commission adopted the joint proposal of the NAPM and the NANC Chair for the LNPA Selection Process following public notice and comment in a rulemaking proceeding.<sup>4</sup> The adopted LNPA Selection Process did not change the private industry-based administrative model, which the Commission first approved when it adopted the NANC’s recommendation in 1997 to utilize the regional LLCs for oversight and management of the LNPA due to the benefits to be gained from LLC expertise in negotiating the contracts at issue.<sup>5</sup> In doing so then, the Commission underscored its commitment to ensuring that number portability administration would be carried out in a fair and impartial manner, and its belief, after considering the NANC’s proposal as well as comments and all other issues, that the proposed structure would best effectuate successful number portability deployment and administration.<sup>6</sup>

Pursuant to the current LNPA Selection Process, which continues to reflect the principles that the Commission has adopted for the administration of local number portability,<sup>7</sup> the NAPM – the private entity contracting with the LNPA – utilized the FoNPAC to administer the Request for Proposal (“RFP”) phase.<sup>8</sup> The NANC established the SWG to “work with, provide policy guidance as outlined by the FCC to, and oversee the technical work by, the FoNPAC,” and to provide feedback to the FoNPAC for its consideration during the RFP phase.<sup>9</sup> Upon receiving the FoNPAC’s vendor recommendation via the SWG,<sup>10</sup> the NANC could either have approved the recommendation and forwarded it to the Commission, or provided the FoNPAC with suggested changes, which the FoNPAC could accept or reject.<sup>11</sup> The SWG properly carried out its duty to “oversee the selection process of the LNPA(s)”<sup>12</sup> during the RFP phase, which ended upon the NANC’s approval of the recommendation. Once the NANC forwarded the recommendation to the Commission, information filed with the Commission was made available to the public pursuant to a Protective Order.<sup>13</sup> As such, the public has access, pursuant to the Protective Order,

<sup>4</sup> *Petition of Telcordia Technologies Inc. to Reform or Strike Amendment 70, to Institute Competitive Bidding for Number Portability Administration and to End the NAPM LLC’s Interim Role in Number Portability Administration Contract; Telephone Number Portability, Order*, WC Docket No. 09-109; CC Docket No. 95-116, DA-11-454, ¶ 5 n.14 (rel. May 16, 2011) (“*LNPA Selection Order*”).

<sup>5</sup> *In the Matter of Telephone Number Portability*, CC Docket No. 95-116, Second Report and Order and Further Notice of Proposed Rulemaking, 12 FCC Rcd. 12281, 12345-46, ¶¶ 115-17 (rel. Aug. 18, 1997) (“*Second Portability Report and Order*”) (“Because the LLCs were responsible for negotiating the master contracts with their respective local number portability administrators, each LLC is the entity with the greatest expertise regarding the structure and operation of the database for each region. Therefore... using an entity other than the LLC to provide immediate oversight of the [LNPA] would waste the LLC’s valuable expertise and run the risk that necessary modifications to the database system may be delayed.”).

<sup>6</sup> *Id.* at 12348-49, ¶¶ 121-123.

<sup>7</sup> *See LNPA Selection Order* ¶ 16.

<sup>8</sup> *Id.*, Attachment A, § I.2.

<sup>9</sup> *Id.*, Attachment A, § I.3 & I.4.

<sup>10</sup> *Id.*, Attachment A, § I.5 n.

<sup>11</sup> *Id.*, Attachment A, § I.5 m.

<sup>12</sup> *Id.*, Attachment A, § I.2.

<sup>13</sup> *Petition of Telcordia Technologies Inc. to Reform or Strike Amendment 70, to Institute Competitive Bidding for Number Portability Administration and to End the NAPM LLC’s Interim Role in Number Portability Administration Contract; Telephone Number Portability, Revised*

to all of the information that the Commission is considering as it decides whether to approve the recommendation.

XO contests any claim that small and medium providers or other industry entities were “limited access to, and at times exclu[ded] from, the SWG’s LNPA selection process”<sup>14</sup> or that “[t]he LNPA selection process is tainted by actual and perceived bias.”<sup>15</sup> As one of the SWG Tri-chairs, I oversaw the process conducted for individuals to join the SWG and facilitated member contributions during SWG meeting discussions. Therefore, I know that participation in the SWG and the lengthy LNPA Selection Process by small and medium providers or other industry entities was neither limited nor excluded. Very simply, per the Commission’s *LNPA Selection Order*, SWG membership was open to any NANC member who volunteered to participate, did not have a conflict of interest with any potential vendor, and signed a non-disclosure agreement (“NDA”).<sup>16</sup> Clearly, constraining participation in SWG meetings to individuals who signed the NDA cannot be construed to indicate that any entity or individual was excluded from the LNPA Selection Process.

Furthermore, individuals were, in fact, added as SWG participants throughout the LNPA Selection Process with minimal effort – by merely providing a signed NDA. All SWG participants were given opportunity to raise and discuss issues in meetings, whether they joined the group at its inception or months into the process, and all SWG decisions were determined on a consensus basis, per NANC guidelines.<sup>17</sup> At each of the NANC open meetings following SWG activity, the SWG presented a report, and each written SWG report to the NANC contained a list of entity members and contact information for each of the SWG Tri-chairs. The SWG written reports were made available to the public at each NANC meeting.<sup>18</sup> If any impacted party believed the process was biased or that its interests were not adequately represented due to the composition of the SWG or activities described in the reports, that party could (and should) have sought to remedy its concern by joining the SWG (and the NANC, if not already a member) at any time during the LNPA Selection Process.<sup>19</sup> A primary reason that XO volunteered to participate in the SWG, despite XO’s limited resources and the extensive time commitment involved, was to ensure that XO remained informed of the issues under consideration and that the interests of XO and the competitive industry would be represented *during the ongoing selection process*, not raised at the eleventh hour. For any party to now claim that it was excluded from the LNPA Selection Process, when in fact it never sought to participate, is disingenuous.

For example, the LNP Alliance notes that “COMPTEL, representing competitive carriers of all sizes, was not a member of the SWG, as it was in 1997.”<sup>20</sup> However, COMPTEL is a NANC member that was aware of the ongoing LNPA Selection Process, and all NANC members – including trade associations – were permitted to participate in the SWG, as XO representatives

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Protective Order, WC Docket No. 09-109; CC Docket No. 95-116, DA-14-881 (rel. June 25, 2014) (“Protective Order”).

<sup>14</sup> LNP Alliance November Comments at 13.

<sup>15</sup> *Id.* at 3.

<sup>16</sup> *LNPA Selection Order*, Attachment A, § I.2.

<sup>17</sup> North American Numbering Council (NANC) Operating Manual, Version 3, Chapter 5 (December 10, 2013), available at <http://www.nanc-chair.org/docs/principles.html>.

<sup>18</sup> Reports to the NANC are available at <http://www.nanc-chair.org/>.

<sup>19</sup> See Charter for the North American Numbering Council, Section 12: Membership and Designation.

<sup>20</sup> LNP Alliance November Comments at 5.

discussed with COMPTTEL. [BEGIN HIGHLY CONFIDENTIAL INFORMATION] [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED], [END HIGHLY CONFIDENTIAL INFORMATION] all indicate that there was no “bloc of similarly situated large companies [holding] sway” over other participants, nor was there any “bias in favor of the wireless industry segment.”<sup>21</sup>

Furthermore, some parties have erroneously claimed that the RFP documents, technical requirements, and selection criteria were developed and reviewed solely by the NAPM,<sup>22</sup> without acknowledging the oversight conducted by the SWG – with its wireline CLEC and ILEC, cable operator, wireless provider, and regulator participants – or the Commission. Given that the Commission directed the Bureau to participate and oversee the LNPA Selection Process “to ensure that the process [ran] efficiently and [was] impartial to all potential vendors and all segments of the industry”<sup>23</sup> and that Bureau staff participated in SWG meetings, there is no support for claims that the process or composition of the SWG was unfair, unbalanced or biased. Also, the mere fact that some parties have now chosen to participate by asking the Commission to ensure that certain issues are or have been considered during the LNPA Selection Process in no way proves that such issues have not already been fully considered<sup>24</sup> or substantiates an assertion that an actual bias existed in the process.<sup>25</sup>

One LNP Alliance member has urged the Commission “to implement a process to ensure that of the thousands of providers that depend on number portability as a core component of their

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<sup>21</sup> *Id.* at 5.

<sup>22</sup> Letter from Kathleen Q. Abernathy, Executive Vice President, External Affairs, of Frontier, to FCC Chairman Tom Wheeler, Commissioner Mignon Clyburn, Commissioner Jessica Rosenworcel, Commissioner Ajit Pai, and Commissioner Michael O’Rielly, CC Docket No. 95-116; WC Docket No. 09-109, at 2 (Mar. 21, 2014) (“The RFP requirements employed in the current process were drafted and defined by the NAPM, which has a limited membership of 10 large service providers. The selection process has lacked critical technical and operational input from key affected stakeholders.”) (“Frontier Ex Parte”); *see also* Letter from John Liskey, Executive Director of Michigan Internet & Telecommunications Alliance, to Julie Veach, Chief of FCC Wireline Competition Bureau, CC Docket No. 95-116; WC Docket No. 07-149; WC Docket No. 09-109 (Feb. 17, 2014); Letter from Charles D. Land, Executive Director of TEXALTEL, to Julie Veach, Chief of FCC Wireline Competition Bureau, CC Docket No. 95-116; WC Docket No. 07-149; WC Docket No. 09-109, at 1-2 (Feb. 20, 2014); Letter from Pamela H. Hollick, President of Midwest Association of Competitive Communications (MACC), to Julie Veach, Chief of FCC Wireline Competition Bureau, CC Docket No. 95-116; WC Docket No. 09-109, at 1 (Feb. 25, 2014) (“MACC Ex Parte”); Letter from Rebecca Murphy Thompson, General Counsel of Competitive Carriers Association (CCA), to Julie Veach, Chief of FCC Wireline Competition Bureau, CC Docket No. 95-116; WC Docket No. 07-149; WC Docket No. 09-109, at 2 (Mar. 21, 2014) (“CCA Ex Parte”).

<sup>23</sup> *LNPA Selection Order* ¶ 17.

<sup>24</sup> LNP Alliance November Comments at 6 (“A number of other small entities have likewise weighed in to raise issues that were not addressed by the SWG, and that will clearly require more time to receive adequate attention.”).

<sup>25</sup> *Id.* at 8. (“The comments filed by these and other entities are the evidence that there was an actual bias and prejudicial impact across many corners of the industry as a result of the pinched and skewed composition of the SWG.”)

business have input and the opportunity to voice concerns,”<sup>26</sup> when in fact the Commission has done just that in seeking public comment. The Wireline Competition Bureau sought comment on the proposed Request for Proposal (RFP), and the associated Technical Requirements Document (TRD) and Vendor Qualification Surveys, noting “[t]he final TRD, RFP, and Vendor Qualification Surveys will be issued *after the completion of public comments and Commission review of the comments and the documents.*”<sup>27</sup> One can hardly imagine a more inclusive invitation for industry entities and the public to participate in the process or opportunity for thorough consideration of the documents.

Finally, the LNP Alliance argues that “[s]mall companies such as those in the LNP Alliance have unique interests ... [that] were not represented on the current SWG.”<sup>28</sup> While the LNP Alliance has not detailed those particular interests in its filings, the group did recently recognize that XO is not only aware of competitive industry interests regarding use of the Number Portability Administration Center (“NPAC”), but has advocated extensively on behalf of the competitive industry for quite some time.<sup>29</sup> As noted above, this is exactly the reason that XO took proactive steps to participate throughout the LNPA Selection Process – to represent the interests of smaller competitive carriers. Moreover, neither the LNP Alliance nor other protesting providers have offered any explanation as to why those companies neglected to join the SWG or submit public comments in response to the RFP documents in order to represent their “unique, specialized numbering needs.”<sup>30</sup> Neustar has claimed that “[t]he selection process is flawed because, *despite opportunities for broader participation*, the selection criteria, as set forth in the RFP and related documents, no longer reflect current and evolving needs and requirements of participants in the telecommunications industry.”<sup>31</sup> In other words, even though Neustar admits broad industry participation was welcome and accessible, it argues that because some industry interests chose not to become involved until recently, the entire process should be considered flawed. Short of the Commission mandating smaller carrier participation earlier in the process, XO fails to understand what further Commission or NANC invitation these providers needed in order to entice their participation in the process, particularly with any distinct numbering concerns. Based on this logic, mandatory participation might be anticipated in every proceeding; the Commission could hardly achieve its goals and mission if this were the case. For parties that disregarded the opportunities and invitations to participate for over two and a half years to now claim they were excluded and to cast aspersions on the process and the participants is not credible.

## **II. There Is Little Risk That Transitioning to a New LNPA Vendor Will Disrupt the Industry Transition to IP.**

XO has been at the forefront in advocating for an expedient transition to all-IP networks and industry-wide managed IP-based interconnection. In light of this, XO considered the implications of that transition in evaluating the RFP documents and the vendor proposals during

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<sup>26</sup> MACC Ex Parte at 1-2.

<sup>27</sup> *Public Notice*, Wireline Competition Bureau Seeks Comment On Procurement Documents For The Local Number Portability (LNP) Administration Contract, WC Docket No. 09-109, WC Docket No. 07-149, CC Docket No. 95-116 (rel. Aug. 13, 2012).

<sup>28</sup> LNP Alliance November Comments at 5.

<sup>29</sup> LNP Alliance December Ex Parte at 1.

<sup>30</sup> LNP Alliance November Comments at 2-3.

<sup>31</sup> Petition of Neustar For Declaratory Ruling Concerning The Local Number Portability Administration Selection Process, WC Docket No. 09-109, CC Docket No. 95-116, at 8 (Feb. 12, 2014) (“Neustar Petition I”).

the LNPA Selection Process. Although industry groups are indeed in the midst of considering standards and impacts of the IP transition,<sup>32</sup> XO sees no reason to delay selection of the next LNPA while those deliberations continue. In fact, XO strongly disagrees with the LNP Alliance that “[c]onsumers and providers would benefit if the Commission were to extend the current Neustar contract for two years in order to garner sufficient operational data and industry consensus” regarding necessary enhancements for the IP transition.<sup>33</sup> As discussed below, there is no consensus regarding whether any significant enhancements will be necessary, particularly in the near-term; therefore, there is very little risk that “the transition to a new LNPA could disrupt or delay the IP Transition.”<sup>34</sup>

XO believes that those claiming that the LNPA Selection Process neglected to fully consider the IP transition are overstating the near-term impact of the IP transition on the operations of the NPAC<sup>35</sup> and, in fact, appear inconsistent with the recent findings of the NANC LNPA Working Group, which responded as follows after reviewing and considering the draft documents of the ATIS/SIP Forum IP-NNI Joint Task Force (“Task Force”) regarding IP interconnection and routing (jointly referred to as the “Task Force Report”):<sup>36</sup>

- In our opinion, none of the documented alternatives affect service provider number porting processes (i.e., the LSR/FOC and WPR/WPRR processes). Therefore, we foresee no changes to those processes.
- If an alternative is chosen that uses the NPAC as the ENUM registry, the industry will be required to standardize the format of the Voice URI field in the Subscription Version (SV) record.
- If an alternative is chosen that uses a separate ENUM registry (i.e., not in the NPAC), then the NPAC feeds described for the ENUM solutions in the IP-NNI draft document are required.<sup>37</sup>

Thus, although modifications to the NPAC databases may ultimately become necessary or advisable, the LNPA Working Group – an open industry group with broad industry representation – has determined that no immediate planning is even necessary to consider modifying the NPAC in the near future.

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<sup>32</sup> LNP Alliance July Comments at 19 (“Final reports, recommendations and standards in many areas will be published within the year.”).

<sup>33</sup> *Id.* at 5.

<sup>34</sup> *Id.* at 23.

<sup>35</sup> See CCA Ex Parte at 1 (“Similarly, the RFP does not fully account for new and evolving services, including IP transition functionalities, which would free number porting from geographic constraints, and dynamic ecosystem monitoring, which enhances system-wide reliability. These services are not addressed by the RFP or are addressed only cursorily, and may not be supported without hundreds of millions of dollars more in potential fees.”); LNP Alliance November Comments at 11, citing Exhibit A, Affidavit of David J. Malfara, Sr., at 7 (“[I]t is my opinion that the impending transition of the PSTN to IP raises the degree of complexity because of the expansion of issues to consider in the selection process.”).

<sup>36</sup> ATIS/SIP Forum IP-NNI Joint Task Force, IP Interconnection Profile and IP Interconnection Routing Report (draft submitted for public comment by Dec. 1, 2014), *available at* [http://www.sipforum.org/component/option,com\\_docman/task.doc\\_download/gid,714/Itemid,261/](http://www.sipforum.org/component/option,com_docman/task.doc_download/gid,714/Itemid,261/) (jointly referred to as “Task Force Report”).

<sup>37</sup> Email from Ron Steen, Tri-Chair of LNPA WG, to Jim McEachern, ATIS NNI Joint Task Force, (Nov. 25, 2014), attached hereto as Exhibit A.

At this point, the Task Force “was *unable to reach consensus on a single registry architecture*,” thus the Task Force Report “summarizes the various proposals for IP interconnection routing that have been discussed by the Task Force, both registry and non-registry based, and how they may interoperate.”<sup>38</sup> The Task Force Report discusses multiple options for providers to exchange information to facilitate IP-based interconnection, many of which utilize the current constructs of the NPAC and/or the Local Exchange Routing Guide (“LERG”).<sup>39</sup> While the Task Force has made great strides since it was formed in December 2013, it does not yet appear to be “on the cusp of establishing [LNP IP Transition requirements]”<sup>40</sup> that would require NPAC modifications, as the LNP Alliance suggests. Similarly, ATIS recently sponsored a webinar particularly focused on the following recent PSTN-IP transition topics addressed by ATIS’ Industry Numbering Committee (“INC”): nationwide 10-digit dialing, numbering testbed, and large-scale rate center consolidation.<sup>41</sup> Only two of these items – the numbering testbed and large-scale rate center consolidation – could potentially impact NPAC functionality, and neither of those is close to resolution. The numbering testbed is still in the nascent stage of organization having just launched in November,<sup>42</sup> and ATIS’ recently released white paper regarding large-scale rate center, concluded that “[g]iven the complexities related to large-scale rate center consolidation, it is premature to develop a plan for implementation. However, as carriers’ network architecture and the market drives the need for such consolidation, the industry and regulators should work collaboratively to develop a plan.”<sup>43</sup>

Additionally, the LNP Alliance, in particular, appears to be misguided regarding the representation of certain industry interests during the LNPA Selection Process and suggests that VoIP providers had no voice or representation:

The concerns raised by the LNP Alliance and others after the most recent selection demonstrates that small carriers’ concerns were NOT fully considered. Many of these entities are not even aware of the process, or of its implications, since they may be VoIP providers who are just now beginning to see the benefits

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<sup>38</sup> Task Force Report, IP Interconnection Routing, § 1.1 (emphasis added).

<sup>39</sup> See Task Force Report, IP Interconnection Routing, § 4.1.1 (“no new industry systems development or standards were required to implement this solution”); § 4.2.3 (“As industry requirements develop, and if they direct a solution to utilize existing database systems to support IP routing and interconnection information exchange, the capabilities of BIRRDs/LENG and NPAC database systems and their existing processes can be leveraged and enhanced to meet this need.”); § 5.2.3 (“This approach simply enhances the existing interfaces (direct or via service bureaus) that all SPs have with the NPAC, requiring no new governance structures.”); § 6.4.5 (“The solution proposed above is just one potential “middle ground” for industry consideration. It is instantiated over existing NPAC infrastructure and conforms to approved/adopted change orders. Using the NPAC to support the PSTN to IP transition use case (and others being discussed) also allows inherent data synchronization with number portability information.”).

<sup>40</sup> LNP Alliance July 25 Comments at 19.

<sup>41</sup> ATIS Webinar, *Spotlight on the All-IP Transition: The Numbering Impacts* (recorded Dec. 11, 2014), available at <https://www144.livemeeting.com/cc/ATIS/view?id=8F9964>.

<sup>42</sup> ATIS Webinar, *Spotlight on the All-IP Transition: The Numbering Impacts*, Presentation at 14 (Dec. 11, 2014) (stating the ATIS TOPS Council Testbed Initiative was launched on November 18, 2014), available at [http://www.atis.org/newsandevents/webinar-pptslides/the\\_numbering\\_impacts\\_webinar121114.pdf](http://www.atis.org/newsandevents/webinar-pptslides/the_numbering_impacts_webinar121114.pdf).

<sup>43</sup> Letter from Thomas Goode, ATIS General Counsel to Scott Jordan, FCC CTO, and Henning Schulzrinne, FCC Technical Advisor, Attachment, *Large-Scale Rate Center Consolidation Considerations in the Transition from the PSTN to All-IP*, at 4 (Sept. 19, 2014), available at <https://www.atis.org/legal/Docs/INC/ATIS%20INC%20RCC.pdf>.

of obtaining their own numbering resources. In consideration of the PSTN's impending transition to IP, these entities may very well represent an industry faction that comprises the bulk of innovation over the term of the next LNPA contract, yet NONE of them participated in the recent SWG process. These entities, and their interests, should be *central* to this process.<sup>44</sup>

XO presumes that the term "VoIP Providers" references over-the-top VoIP ("OTT VoIP") providers that have recently gained direct access to numbering resources, given that XO does provide VoIP services, as do other participants in the SWG. Regardless, the statement that "NONE of them participated in the recent SWG process" is misleading and/or misinformed. Pursuant to the process established in the Commission's *LNPA Selection Order*, various levels of review and oversight were conducted by groups other than the SWG, specifically the FoNPAC, the NAPM, the NANC, and the Commission. By characterizing the entire LNPA Selection Process as the "SWG process" severely diminishes the value and input from this oversight. In that vein, the LNP Alliance appears to disregard the participation of Vonage – one of the most prominent and outspoken OTT VoIP providers – as a NAPM member. [BEGIN HIGHLY CONFIDENTIAL INFORMATION]

[REDACTED]. [END HIGHLY CONFIDENTIAL INFORMATION] If Vonage, which has led the effort for OTT VoIP providers to gain direct access to numbering resources, is not considered capable of suitably considering and representing the interests of OTT VoIP providers and any unique needs of that industry segment, it is difficult to imagine what entity could.

By arguing that "it would be irresponsible and potentially very harmful to bid and award the LNPA contract without incorporating these requirements," the LNP Alliance is essentially asking the Commission to put the LNPA contract on hold indefinitely. XO fully supports continued consideration of these issues within the industry to facilitate industry-wide implementation of IP interconnection arrangements. However, given the current status of industry considerations regarding possible NPAC modifications – over two years after development of the RFP documents – XO submits that the LNPA Selection Process has appropriately considered available information regarding the IP transition. The LNPA Selection Process should not be now stymied, especially with no evidence that major near-term modifications to the NPAC will be necessary.

### III. Realistic Costs and Benefits of An LNPA Transition Must Be Evaluated Through A Cost-Benefit Analysis

Neustar claims to have "demonstrated that transition costs are actually likely to amount to hundreds of millions of dollars,"<sup>45</sup> which were not considered during the LNPA Selection Process.<sup>46</sup> While this claim has sparked the interests of various carriers,<sup>47</sup> XO regards much of the

<sup>44</sup> LNP Alliance November Comments at 10-11, citing Exhibit A, Affidavit of David J. Malfara, Sr., at 6) (emphasis in original).

<sup>45</sup> Comments of Neustar, WC Docket No. 09-109; CC Docket No. 95-116, at 2 (Nov. 21, 2014)

<sup>46</sup> Petition of Neustar For Declaratory Ruling, WC Docket No. 09-109, CC Docket No. 95-116, at 46 (Oct. 22, 2014) ("Finally, they lacked any meaningful consideration and evaluation of the risks and costs inherent in the transition entailed by the SWG's and NANC's recommendations, which stand to impact both consumers and smaller carriers.") ("Neustar Petition II").

<sup>47</sup> Frontier Ex Parte at 1 ("Most significantly, the current Request for Proposal (RFP) does not account for or adequately weigh the risks and costs inherent in an LNPA transition and the significant costs Frontier and smaller carriers would be forced to bear"); CCA Ex Parte at 1 ("In

costs described in both the Standish Report<sup>48</sup> and the Singer Paper<sup>49</sup> cited by Neustar to be speculative and overstated. Furthermore, proper consideration of the overall financial impact of a transition must include a cost-benefit analysis, evaluating projected savings in comparison to realistic costs, not simply focus on potential transition costs alone.

At the outset, the purpose of issuing an RFP during the LNPA Selection Process was to acquire competitive bids for LNPA services. For any party to now argue that the LNPA Selection Process should be unwound merely because the incumbent provider was not recommended is illogical. Many of XO's customers were at one time businesses with investments in legacy telecommunications equipment. Thankfully for XO and other competitive providers, those customers did not immediately shy away from changing providers simply because some additional upfront transition costs may have been incurred. If that were the mindset of all consumers, there would be no progress to new technologies or competitive services. Instead, those customers evaluated the (realistic) costs in comparison to benefits or savings gained over time and made a decision to transition from incumbent providers to XO or to upgrade to new technologies or services. Fortunately, the fact of initial transition costs does not make all consumers immediately and perpetually fearful of transitioning from one provider to another. Otherwise, a thriving competitive industry would not be possible.

In fact, the Standish Report relied upon by Neustar expresses its clear bias against selecting any LNPA vendor other than Neustar:

The Standish Group does not see any real value in replacing Neustar with a new NPAC vendor except for possible cost savings. Cost savings usually is not a good reason to replace a specialized mission-critical service. Cost savings is more fruitful for commodity services and products. It is our opinion that a change in vendors will be more likely to cause increased costs and no savings.<sup>50</sup>

In other words, the Standish Group would find no justification for changing LNPA vendors *even if* the Standish Group itself believed the cost savings would outweigh the transition costs. With this underlying predisposition, it is no wonder the information presented in the Standish Report is biased in favor of their foregone conclusion that Neustar should continue as the LNPA vendor. Moreover, critical evaluation of the Standish Report reveals that it includes very little information specific to this NPAC transition, but instead categorizes it in comparison to other projects it has studied and summarily provides cost estimates and predictions for the NPAC transition.<sup>51</sup>

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particular, it does not appear that any analysis has been performed to determine the impact of an LNPA transition of smaller carriers, either in terms of financial effects, or in terms of customer disruption.”); Letter from Dennis Moffit, Suddenlink Senior Counsel, to FCC Chairman Tom Wheeler, Commissioner Mignon Clyburn, Commissioner Jessica Rosenworcel, Commissioner Ajit Pai, and Commissioner Michael O’Rielly, CC Docket No. 95-116 & 07-149; WC Docket No. 09-109, at 2 (April 24, 2014) (“Thus, any unwarranted or unnecessary transition costs will result in a diversion of these resources from the provision of competitive voice services.”).

<sup>48</sup> See Standish Grp. Int’l, *Big Bang Boom* (2014), available at [http://www.standishgroup.com/sample\\_research\\_files/BigBangBoom.pdf](http://www.standishgroup.com/sample_research_files/BigBangBoom.pdf) (“Standish Report”).

<sup>49</sup> Hal J. Singer, *Estimating the Costs Associated with a Change in Local Number Portability Administration* (2014), available at <http://www.ei.com/downloadables/SingerServicesTransition.pdf> (“Singer Paper”).

<sup>50</sup> Standish Report at 2.

<sup>51</sup> *Id.* at 4. For example, the Standish Report estimates the average cost to migrate each user system to the new NPAC will be \$2 million without providing any supporting data or explanation.

XO questions many of the Standish Group’s suppositions about the telecommunications industry and the NPAC transition, which led to its unreasonably pessimistic predictions regarding the challenges of managing the transition. For example, while the Standish Report highlights the common traits in successful large projects, it fails to recognize that the top two it describes – a highly skilled executive sponsor and highly engaged users who thoroughly know their subject matter – are readily available the telecommunications industry. Instead the Standish Report considers these necessary traits lacking and thereby creating additional burdens during an NPAC transition:

The telecommunications industry will need to coalesce around identifying one executive sponsor (from companies with very diverse interests – *very hard to do*) and spend considerable time with a new vendor to make this even a challenged project.<sup>52</sup>

Telecommunications industry participants, which are competitors and have divergent objectives, will need to collaborate. This effort will require *additional time and cost to achieve*.<sup>53</sup>

[F]inding and engaging the right users to participate in the project is one of the most important details for a successful project. The project needs users who have the business knowledge, the wish to provide effort, and the time to participate.... *The telecommunications industry must be ready to put forth this effort to help a new NPAC service provider build a new system*.<sup>54</sup>

These statements show little familiarity with industry organizations – including the NANC and its working groups,<sup>55</sup> the NAPM,<sup>56</sup> and ATIS<sup>57</sup> – where numbering expert members are already organized, devoting time and collaborating on a regular basis. All of these industry groups include carrier members with diverse, even contrary, objectives as competitors; however, the members have decades of experience collaborating to manage and facilitate numbering administration. Furthermore, as XO and other carriers have devoted time not only engaged in the LNPA Selection Process, but in ongoing activities of the NANC and its working groups for decades, there will be no shortage of NPAC users with the business knowledge, desire, and time to participate in testing the new NPAC, as necessary.

The Singer Paper similarly makes questionable assumptions about the industry and uses those to speculate costs. For example the author assumes that “[c]arriers typically issue service credits to complaining customers,” then summarily estimated that a lump sum of \$64.5 million would be spent by carriers issuing service credits to complaining customers during the first year

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<sup>52</sup> *Id.* (emphasis added).

<sup>53</sup> *Id.* at 8 (emphasis added).

<sup>54</sup> *Id.* at 9 (emphasis added).

<sup>55</sup> See 47 C.F.R. § 52.11(b) (describing the duties of the NANC)

<sup>56</sup> The purpose of the NAPM “is to negotiate and manage the contracts for LNP administration, including ‘immediate oversight and management’ of the LNP administrator(s) in accordance with orders and directions from the Federal Communications Commission”), *available at* <https://www.napmlc.org/pages/home.aspx>.

<sup>57</sup> See ATIS website homepage (“ATIS brings together the top global [information and communications technology (“ICT”)] companies to advance the industry’s most critical business priorities”), *available at* [www.atis.org](http://www.atis.org).

after the transition.<sup>58</sup> [BEGIN HIGHLY CONFIDENTIAL INFORMATION] [REDACTED]  
[REDACTED]  
[REDACTED]. [END HIGHLY CONFIDENTIAL INFORMATION] Furthermore, XO's technical staff is well-trained to investigate call routing issues and determine root causes and to update databases as necessary to correct such issues expediently, so XO will not need to implement new internal procedures for addressing NPAC data concerns since these already exist today. Thus, XO cannot attest to the practices of all other carriers but believes the Singer Paper's assumption does not reflect industry-wide practices or realistic costs. The Singer Paper likewise speculates on estimated costs related to systems transition, transaction processing, unplanned outages, service credits, and hands-on customer service, most of which XO also believes to be overstated.<sup>59</sup>

That being said, XO acknowledges that there would be costs and risks associated with transitioning to a new LNPA vendor. However, like its customers have done before switching to XO services, XO has completed a thorough analysis comparing realistic transition costs – which XO and other providers have no incentive to misrepresent – to the benefits. [BEGIN HIGHLY CONFIDENTIAL INFORMATION] [REDACTED]  
[REDACTED]. [END HIGHLY CONFIDENTIAL INFORMATION] [BEGIN HIGHLY CONFIDENTIAL INFORMATION] [REDACTED]  
[REDACTED]  
[REDACTED]. [END HIGHLY

CONFIDENTIAL INFORMATION] While concerns have been raised about whether a new LNPA would bear all transition costs that are not carrier-specific,<sup>61</sup> Section 12.3 of the RFP specifies that “[t]he new LNPA will absorb its own expenses related to its portion of the transition and implementation of the new NPAC ecosystem.”<sup>62</sup> Individual carrier transition costs will vary depending on how each carrier connects to the NPAC databases and whether the carrier will directly participate in NPAC testing. Like most small and medium carriers, XO utilizes Service Order Administration (SOA)<sup>63</sup> and Local Service Management System (LSMS) gateways to

<sup>58</sup> Singer Paper at 1 and 5.

<sup>59</sup> *Id.* at 2.

<sup>60</sup> [BEGIN HIGHLY CONFIDENTIAL INFORMATION] [REDACTED]  
[REDACTED]  
[REDACTED]. [END HIGHLY CONFIDENTIAL INFORMATION]

<sup>61</sup> Comments of Cequel Communications, LLC d/b/a Suddenlink Communications, CC Docket No. 95-116, WC Docket No. 09-109, at 6 (July 25, 2014).

<sup>62</sup> RFP section 12.3 (“This [transition and implementation] plan must include both the anticipated transition period and a list of transition activities from the incumbent to the new LNPA. Respondent shall provide an implementation approach (tasks and milestones), staff management approach (staff categories and hours per task), risk management approach, change control approach, and quality assurance approach to develop, implement, and transition to the new NPAC/SMS without disrupting current or continuing NPAC operations within the published timeline. The incumbent LNPA and the new LNPA shall work cooperatively to facilitate a smooth transition and implementation of the NPAC/SMS

<sup>63</sup> [BEGIN HIGHLY CONFIDENTIAL INFORMATION] [REDACTED]  
[REDACTED]  
[REDACTED]

access and exchange data with the NPAC databases and/or outsources porting activities to a third party service bureau. A change in NPAC vendors will not require XO (or likely other small and medium carriers) to modify its internal network or back office systems; therefore, the LNPA transition would not require most carriers to expend time or resources for major software developments.<sup>64</sup> Instead, companies like XO will rely on these third party vendors to establish and test their gateway services with the new NPAC databases, and XO will then administer test cases using the vendor gateways in order to ensure the data flows through appropriately. XO believes this may represent a comparable test plan for similarly-situated small and medium carriers, and many small carriers that do not to participate in early stages of NPAC testing or that utilize service bureaus for all of their porting activities would incur significantly lower, even minimal, transition costs. For these reasons, XO contests the LNP Alliance’s claim that “very little consideration [has been] given to the costs that smaller carriers will bear.”<sup>65</sup>

In addition, XO considers the risk of the proposed transition to be minimal. The current NPAC “is fully documented and is well understood by the carriers (customers), gateway vendors (as it is part of the availability and performance calculation), and database vendor, [thus] the availability and performance requirements on the NPAC are not extreme by today’s standards.”<sup>66</sup> Importantly, while the physical NPAC databases would be new after a transition, the operation and functionality of the NPAC is not novel. Change orders for the current NPAC have all been considered and approved by the NANC LNPA Working Group and are all well-documented. Thus, while XO recognizes that some database errors may transfer to a new NPAC database during the transition, XO expects any major systemic issues will be identified and resolved during system testing so that only isolated errors may be found after the new NPAC databases are live, similar to those that occur in the current NPAC and are corrected by carriers, as necessary.

[BEGIN HIGHLY CONFIDENTIAL INFORMATION] [REDACTED]  
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[REDACTED]  
[REDACTED]. [END HIGHLY CONFIDENTIAL INFORMATION]

In sum, the Standish Group’s evaluation of return on investment, or cost-benefit analysis, for the NPAC project is noteworthy:

Industry norms indicate that a three-year payback is necessary to take on any project. Some organizations demand a shorter period for payback. Given the size of the industry investment, the multifaceted effort, and problematic timing, *our*

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[REDACTED] [REDACTED]. [END HIGHLY CONFIDENTIAL INFORMATION] LNP Alliance July Comments at 3.

<sup>64</sup> Some larger carriers that operate their own SOA gateways with the NPAC databases may require software development.

<sup>65</sup> LNP Alliance November Comments at 12. *See also* LNP Alliance December Ex Parte, Attached presentation at 2 (acknowledging its understanding that small and medium carriers will not likely incur costs near the \$250,000 per carrier estimated in the S<sup>2</sup>ERC Report).

<sup>66</sup> S<sup>2</sup>ERC Report at 10.

<sup>67</sup> [BEGIN HIGHLY CONFIDENTIAL INFORMATION] [REDACTED]  
[REDACTED]). [END HIGHLY CONFIDENTIAL INFORMATION]



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**Subject:** Re: [Lnpa] ATIS/SIP Forum NNI Joint Task Force Draft Documents for Comment

Jim and the ATIS NNI Joint Task Force,

The LNPA Working Group has reviewed the ATIS/SIP Forum NNI Joint Task Force Draft Documents focusing in particular on the IP Interconnection Routing Report. In regard to that report, we make the following comments:

- In our opinion, none of the documented alternatives affect service provider number porting processes (i.e., the LSR/FOC and WPR/WPRR processes). Therefore, we foresee no changes to those processes.
- If an alternative is chosen that uses the NPAC as the ENUM registry, the industry will be required to standardize the format of the Voice URI field in the Subscription Version (SV) record.
- If an alternative is chosen that uses a separate ENUM registry (i.e., not in the NPAC), then the NPAC feeds described for the ENUM solutions in the IP-NNI draft document are required.

The LNPA Working Group appreciates the ongoing efforts of the NNI Joint Task Force. We wish to stay involved as the Task Force moves forward in planning the IP transition. We stand ready to discuss impacts and interactions with the number porting processes and the NPAC.

On behalf of the LNPA Working Group,

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