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March 26, 2015

**Notice of Ex Parte**

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

**Re: Notice of Ex Parte Communication  
(CC Docket No. 95-116; WC Docket No. 09-109)**

Dear Ms. Dortch:

By this letter, the LNP Alliance<sup>1</sup> responds, pursuant to 47 C.F.R. § 1.1206(b)(2)(v), to issues raised by Telcordia in the attached ex parte letter dated March 25, 2015 (“Telcordia Ex Parte”) reflecting a meeting between Telcordia and Commission Staff that took place yesterday, on March 25, 2015, the day before the Commission’s Open Meeting earlier today. As of 5:30 p.m. ET, the letter has not yet been publicly posted to the Commission’s website.

The eleventh-hour nature of this meeting confirms our concerns about the lack of transparency in this process. The LNP Alliance also firmly believes that this letter is evidence that an extension should have been granted so that the details now being worked out at the last minute could be subjected to public comment *before* the Commission voted on the impending Order. The Commission has a very full plate but this process is being rushed in a manner that is precluding timely public comment on the critical issue of Telcordia’s neutrality.

Telcordia is a wholly owned subsidiary of Ericsson and the LNP Alliance has been urging the Commission to require Ericsson to spin off Telcordia to meet the Commission’s

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<sup>1</sup> The LNP Alliance is a consortium of small and medium-sized (“S/M”) providers that currently consists of Comspan Communications, Inc., Telnet Worldwide, Inc., the Northwest Telecommunications Association (“NwTA”), and the Michigan Internet and Telecommunications Alliance (“MITA”). The LNP Alliance is focused on ensuring that the LNPA selection process takes into account the concerns of its S/M provider members and other similarly situated providers.

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statutory and regulatory neutrality obligations.<sup>2</sup> The LNP Alliance is acutely concerned about last-minute meetings between Telcordia and the FCC Staff in which they appear to be working out an alternative structure for Ericsson and Telcordia but with no public comment on their proposed solution. Based on the Telcordia filing, the LNP Alliance is also concerned that, despite some form of voting trust at the subsidiary level, Telcordia will continue to be inextricably intertwined with its corporate parent Ericsson when it comes to the financing of Telcordia, taxes, accounting, and Telcordia's reliance on Ericsson employees for number portability functions.

The following are just three excerpts from the Telcordia Ex Parte that are of grave concern to the LNP Alliance:

1. *“Such a generic reference could be misinterpreted to apply to Telcordia’s provision of LSMS/SOA products and services in the United States, or number portability-related products or services provided outside the United States. The Commission should not extend any such conditions to cover services other than LNPA services.”*

Although the LNP Alliance believes a voting trust is an entirely inadequate solution, LSMS/SOA products must be subject to the voting trust if there is to be one.

2. *“Indeed, Ericsson will have a single representative on Telcordia’s Board of Directors. Telcordia also reports its financial results consolidated with Ericsson, and will necessarily have to work with Ericsson on tax, security and other ancillary issues.”*

This confirms the LNP Alliance's previous concerns that Telcordia is not duly separated from Ericsson and neutral because Telcordia will be inextricably intertwined (*e.g.*, consolidated financial statements) with Ericsson's finance, tax and other departments. Telcordia's reliance on Ericsson's resources also eliminates any semblance of fairness in its competition with the actually independent Neustar entity which must support its own back office functions.

3. *“There are some instances in which Telcordia will obtain ancillary support from Ericsson for LNPA Services, but the employees providing such support will not be shared employees, i.e., employees of both Telcordia and Ericsson.”*

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<sup>2</sup> 47 C.F.R. § 52.26(a) (prohibiting the LNPA from affiliation with a telecom equipment manufacturer); 47 C.F.R. § 52.12(a)(1) (prohibiting the LNPA from being aligned with a particular industry segment); 47 C.F.R. § 52.12(a)(1) (the LNPA must be impartial); 47 C.F.R. § 52.21(k) (the LNPA must be independent); 47 C.F.R. § 52.21(a)(1)(iii) (the LNPA must not be subject to undue influence); *see also* 47 U.S.C. 251(e).



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This confirms that there will not be any meaningful separation from Ericsson's employees "for LNPA Services." The Commission must separate Telcordia's financial, tax, and employment resources by spinning off Telcordia from Ericsson.

Ultimately, this selection decision is being rushed and the impacts are too important to be patching together solutions with the winning bidder without the daylight of public scrutiny. The LNP Alliance would prefer to see the Commission extend the time frame for a decision and allow for comment that would lead to a meaningful separation of Telcordia from Ericsson.

As required by Section 1.1206(b), this *ex parte* notification is being filed electronically for inclusion in the public record of the above-referenced proceedings. If you have any questions or require additional information, please do not hesitate to contact me at 202.659.6655.

Sincerely,

/s/ James C. Falvey  
James C. Falvey  
*Counsel for The LNP Alliance*

Enclosure

cc: Daniel Alvarez  
Amy Bender  
Nick Degani  
Rebekah Goodheart  
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Julie Veach  
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David Simpson