

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554**

In the Matter of:

Petition of Telcordia Technologies, Inc. to Reform or Strike Amendment 70, to Institute a Competitive Bidding for Number Portability Administration, and to End the LLC's Interim Role in Number Portability Administration Contract Management

Telephone Number Portability

WC Docket No. 09-109

WC Docket No. 07-149

CC Docket No. 95-116

REPLY COMMENTS OF THE LNP ALLIANCE

The LNP Alliance (“LNP Alliance” or “Alliance”)¹ hereby submits these reply comments to the comments filed on May 21, 2015 by various parties on the Transition Plan filed by the North American Portability Management LLC (“NAPM”) on April 28, 2015,² as invited by the Commission in its Public Notice released May 7, 2015.³

I. INTRODUCTION AND SUMMARY

The comments filed on May 21 reflect that there are a number of small and medium-sized carriers that share the positions that the LNP Alliance has been advocating for some time: that

¹The LNP Alliance is a consortium of small and medium (“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.

² Letter from Todd Daubert, Dentons, to Ms. Marlene H. Dortch, Secretary, FCC, WC Docket No. 09-109, CC Docket No. 95-116 (April 28, 2015) (“Transition Plan”).

³ Public Notice, CC Docket No. 95-116, WC Docket Nos., 07-149, 09-109, DA 15-554 (rel. May 7, 2015).

the FCC must ensure NAPM, the third party Manager, iconectiv, and the LNPA Working Group initiate meaningful outreach to the smaller carriers; that the costs to be incurred by smaller carriers be determined; that safeguards be established to avoid deteriorating quality issues that could occur; that smaller carriers need to be included in the planning and implementation of testing; and that performance benchmarks and penalties should be made publicly available for comment.

Virtually every commenting party advocated for a more open and transparent LNPA Transition process than the LNPA selection process, including public comment on key documents such as the Manager's contract, the iconectiv contract, and benchmarks and penalties. The Commission has appropriately turned its focus to including smaller carriers in the process and should continue to stay engaged to ensure that the larger carriers that dominate the NAPM and the LNPA Working Group begin to include smaller carriers in the LNPA Transition process.

On May 28, 2015, Chairman Wheeler announced that a tentative agenda for the June 18, 2015 Commission meeting agenda that includes consideration of a Report and Order that will establish a process to authorize interconnected VoIP providers to obtain telephone numbers directly from the Numbering Administrators, rather than through intermediaries.⁴ If the Commission votes in support of an order granting non-telecommunications carriers common carrier porting rights, the Commission will be adding yet another layer of complexity to the already-taxed telecommunications ecosystem. In an environment already plagued with rural call completion breakdowns and rampant intercarrier compensation abuse by the largest carriers, the Commission would for the first time permit non-carriers to enter into the routing and porting ecosystem without the legally required assistance of certificated carriers. This transition will take place concurrently with the IP Transition and potentially the LNPA Transition. Although

⁴ FCC News Release, *FCC Announces Tentative Agenda For June Open Meeting* (May 28, 2015).

the Commission appears to envision “a process to authorize interconnected VoIP providers,” the Commission will be introducing these new providers at a time when their intercarrier compensation, interconnection, routing, and of course number porting rights and responsibilities are legally tainted and poorly defined.

Although the Commission has yet to define publicly the exact contours of this new layer of complexity, at a minimum, it is now even more important than ever that small and medium-sized carriers be integrally involved in the LNPA Transition process to ensure that they continue to be able to port numbers seamlessly. As the Open Technology Institute (“OTI”) pointed out, number portability represents “a pillar of competition policy” with \$8B to \$10B in consumer benefits.⁵ The Wireline Competition Bureau (“Bureau”) and the Commission must remain fully engaged in each of these transitions to ensure that larger carriers do not increase the cost or decrease the quality of number porting in a manner that harms competitors and consumers alike. This oversight is particularly important given that the prospective LNPA, iconectiv, is wholly owned and financed entirely by Ericsson, a company that is entirely dependent on the largest wireless carriers and the wireless industry for its revenues.

II. OVERSIGHT STRUCTURE AND OUTREACH

As indicated by the other commenters, the LNPA Transition is off to a rocky start in terms of efforts by larger carriers to include smaller carriers in the process. As NTCA indicated, “small carrier engagement has to this point been virtually nonexistent.”⁶ NTCA also accurately pointed out that “the *Transition Oversight Plan* is devoid of meaningful detail.”⁷ This is consistent with the LNP Alliance’s view that “the LNPA Working Group does not yet seem to

⁵ OTI Comments at 3.

⁶ NTCA Comments at 5.

⁷ *Id.* at 2.

understand the nature and importance of its role in the process.”⁸ This was based on the fact that there was little to no meaningful, proactive discussion of the LNPA Transition at the LNPA Working Group meetings in Ft. Lauderdale in early May.⁹ That meeting was characterized by a lack of detailed and meaningful discussion at this first effort of that Group to address the LNPA Transition, despite the best efforts of the LNP Alliance and the NANC Chairman Kane’s staff to initiate such a discussion.

The LNP Alliance continues to support strongly the LNPA Working Group as the key hub for the exchange of information on the LNPA Transition. The LNPA Working Group should then immediately undertake to define the specifics of its role, subject to the approval of the Commission. Such a role must include and require attendance by a representative of the third party Manager at the bimonthly face-to-face meetings of the LNPA Working Group.¹⁰ Chairman Kane and her staff have been consistently supportive of an active oversight role for the LNPA Working Group. The state commissions¹¹ and the Commission should stay engaged to ensure that the LNPA Working Group effectively and efficiently discharges and reports on its oversight duties, once they are defined and approved. That role should also include acting as a one-stop clearinghouse for updates from the NANC Future of Numbering (“FoN”) Working Group, the ATIS/SIP Forum IP-NNI Task Force, the ATIS Industry Numbering Committee, the Internet Engineering Task Force, and the ATIS TLT numbering testbed.¹² This will require that the LNPA Working Group dedicate several hours of its bi-monthly agenda to this topic to ensure that there is ample opportunity for two-way communications and that the issue receives due attention. The LNPA Working Group should also provide regular and detailed reports of its

⁸ LNP Alliance Comments at 6, fn. 7.

⁹ *Id.*

¹⁰ *See* LNP Alliance Comments at 6.

¹¹ *See* Joint State Commissions Comments at 1.

¹² *Id.*

activities pursuant to this role to state commissions and the Commission. The LNP Alliance is not opposed to additional fora for the exchange of information as recommended by other commenters.¹³

Other commenters supported the LNP Alliance suggestion that there be broader public comment on the iconectiv contract with OTI recommending public comment on the contract and a Commission vote to approve it.¹⁴ The LNP Alliance supports these efforts to add additional transparency to the LNPA Transition process.

There was also consistent support for the LNP Alliance's comments aimed at ensuring that the third party Manager represents the interests of all carriers and the broader public. The LNP Alliance also supports OTI's recommendation that the Bureau "take an active and objective role in vetting and ultimately communicating directly with the Transition Oversight Manager to ensure that individual (and/or firm) is objectively qualified, truly independent of the dominant telcos, and has a free and open channel of communication with the Bureau and other FCC staff monitoring the transition."¹⁵ This is similar to the type of oversight recommended by the LNP Alliance¹⁶ and will be necessary to ensure that larger carriers do not control the LNPA Transition.

III. COST CONTROL AND COST RECOVERY

A number of commenters filed in support of ensuring that costs for smaller carriers are identified up front and kept under control throughout the process, an issue that the LNP Alliance raised throughout the LNPA selection process.¹⁷ John Staurulakis, Inc. ("JSI") focused attention

¹³ See, e.g., OTI Comments at 6; CCA Comments at 3; NTCA Comments at 4.

¹⁴ OTI Comments at 7-8.

¹⁵ *Id.* at 7.

¹⁶ LNP Alliance Comments at 3-6.

¹⁷ See also LNP Alliance Comments at 10.

on the costs that will be incurred by Service Order Administration (“SOA”) providers such as JSI. JSI recommended that the costs for smaller carriers be “nominal if not waived,” and that because iconectiv is committed to provide service at costs much lower than Neustar’s, that those savings should rightfully be passed through to JSI’s customers (and ultimately to consumers).¹⁸ The LNP Alliance wholeheartedly supports these positions, as well as JSI’s support for ensuring that SOA interfaces are not diminished,¹⁹ a concern that the LNP Alliance has itself raised in previous filings.

CCA also supported ensuring that testing costs on smaller carriers are not “overly burdensome,”²⁰ and NTCA recommended that “the FCC . . . carefully monitor the transition to a new LNP administrator with an eye towards limiting the cost burden on, and any disruptions to, the operations of small carriers.”²¹ OTI aptly points out that ultimately consumers will pay the additional costs,²² another reason for the Commission to ensure that costs are carefully contained and not passed through to smaller carriers. The Commission should ensure that transition costs are identified early in the process and that smaller carriers and consumers are insulated from the costs of the LNPA Transition.

IV. TESTING, BENCHMARKS AND PENALTIES

NTCA noted that the Transition Plan “contains little more than vague assurances that the necessary testing will take place and promises to work with the industry stakeholders and the public safety and law enforcement community.”²³ NTCA also noted “palpable concern among small carriers and those that represent them that the testing regime ultimately adopted by NAPM

¹⁸ JSI Comments at 3.

¹⁹ *Id.*

²⁰ CCA Comments at 3.

²¹ NTCA Comments at 2.

²² OTI Comments at 3.

²³ NTCA Comments at 4.

will not sufficiently consider the needs of small carriers.”²⁴ CCA likewise advocated including “in the Transition Plan additional details on expected means of consulting with small providers on testing issues.”²⁵ JSI also emphasizes the need to reach out to smaller rural carriers to ensure there is “testing appropriate to their needs.”²⁶ The LNP Alliance supports the general consensus that involving smaller carriers in the preparation and implementation of testing protocols is critical to the success of the LNPA Transition.²⁷

CCA called for “more detail on the types of performance benchmark incentives and penalties that may occur if Neustar . . . or iconectiv fail to meet their respective obligations, as well as information on who will pay for any incentives provided to Neustar or iconectiv.”²⁸ The LNP Alliance has raised similar concerns, included added focus on which entity will assess penalties and award incentives.²⁹

V. CONCLUSION

The Commission, the Bureau, and the state commissions are to be commended for focusing on providing active oversight of the LNPA Transition process, as evidenced by the Commission’s request for comment on the Transition Plan. The comments, almost exclusively by entities representing smaller carriers and consumers, reflect that these entities: 1) have not been included in the incipient LNPA Transition process to date and therefore perceived a need to provide comments on the Transition Plan; and 2) share common concerns about disciplining NAPM and the larger carriers running the LNPA Transition to date, outreach to smaller carriers, cost control, testing, and performance benchmarks and penalties. The Commission should heed

²⁴ *Id.*

²⁵ CCA Comments at 4.

²⁶ JSI Comments at 4.

²⁷ LNP Alliance Comments at 9.

²⁸ CCA Comments at 3.

²⁹ LNP Alliance Comments at 8-9.

the advice of these commenters in order to make an effort to ensure that the concurrent LNPA Transition, IP Transition, and VoIP Provider Transition do not result in a transition to further routing and porting chaos.

Respectfully Submitted,

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