

# United States Senate

WASHINGTON, DC 20510-4606

March 25, 2015

The Honorable Tom Wheeler, Chairman  
Federal Communications Commission  
445 12th Street, SW  
Washington, D.C. 20554

291

Dear Chairman Wheeler:

I am writing in relation to the planned vote in the Commission's open meeting on March 26, 2015 on the selection of a Local Number Portability Administrator (LNPA). Following multiple briefings with stakeholders and the FCC, I remain concerned with the management of national, state, and local security and potential transition issues.

I have previously expressed my strong belief that national security concerns identified by the FBI and the Intelligence Community's Review Group need be taken into account as the FCC decides on the selection of the Administrator. I appreciate your assurances that throughout the selection process and thereafter you will do whatever is necessary to ensure that the LNP system meets highly rigorous standards for security and reliability for the nation.

However, I am concerned that, should there be a decision to make a transition to a new LNPA at this time, there is not a system in place to fully mitigate the potential national security implications, complications and costs that could affect U.S. security and law enforcement agencies, as well as small- and medium-sized carriers and telephone customers. A transition of this magnitude would be the first of its kind for the LNP system, should be managed extremely closely to ensure that security and other concerns are addressed, and should not be undertaken precipitously, before the potential risks and complications are fully studied and mitigated.

I believe you would agree that the U.S. government has a considerable interest in ensuring that the LNP system operates smoothly and securely, and that the FCC has responsibility throughout to fully ensure that it is able to oversee the mitigation of any security risks.

Along these lines, who will be responsible for ensuring that that these security concerns from law enforcement agencies are addressed and that any transition runs smoothly? Will the Commission appoint a transition manager or managers? How will local and state government entities, law enforcement, service providers, and others have the critical input necessary as the transition proceeds? Will specific requirements be created as a demarcation before the current Administrator is released from its contract, such as cyber security and disaster recovery plans?

I urge you to expeditiously provide answers to these questions so that these serious issues are addressed in a comprehensive manner prior to beginning such a complex undertaking.

Sincerely,

A handwritten signature in blue ink that reads "Mark R. Warner". The signature is written in a cursive, flowing style.

Mark R. Warner  
United States Senator



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

June 12, 2015

The Honorable Mark Warner  
United States Senate  
475 Russell Senate Office Building  
Washington, D.C. 20510

Dear Senator Warner:

First of all, I apologize for the tardiness of this response to your March 25<sup>th</sup> letter concerning the selection of a local number portability administrator. I wholeheartedly agree with you that the integrity and reliability of the porting system is of paramount concern.

The day following your letter, the Federal Communications Commission (Commission) unanimously approved an Order with the recommendation to move forward with contract negotiations with Telcordia Technologies, Inc., to serve as the next Local Number Portability Administrator (LNPA). The incumbent LNPA, Neustar, Inc. (and its predecessors), has administered number porting since 1997. In 2011, the Commission decided to conduct a competitive process to select the next LNPA. The process was supported by Neustar, Telcordia, and others, and it included evaluation of technical and managerial competence, security and reliability, public safety and law enforcement considerations, cost-effectiveness, and neutrality.

As part of this process, the Commission engaged both the industry consortium that manages the local number portability contract—North American Portability Management, LLC (NAPM)—and our federal advisory committee on numbering issues—the North American Numbering Council (NANC). We encouraged extensive input from industry, consumers, public safety, and government entities. We required bidders to respond to questions about service quality and system security and reliability. We also required bidders to describe how they would ensure a smooth and secure transition. It was the recommendation of NANC that the contract should go to Telcordia.

Commission staff, comprising subject matter experts across disciplines and bureaus, independently evaluated the recommendation and the record, while also conferring with national security and law enforcement experts concerning post-selection considerations. After extensive review and analysis of all the data submitted to the Commission, staff concurred with the recommendation of the NANC that Telcordia best met the evaluation criteria, and my fellow Commissioners and I agreed with the staff.

Importantly, the Order requires Telcordia to comply with specific conditions to ensure that it serves as a neutral administrator and Telcordia's service conforms with national security

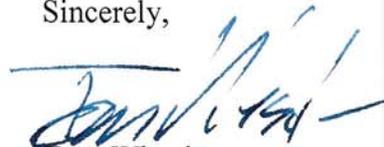
and law enforcement needs. Furthermore, the negotiated contract will be subject to Commission review to ensure that the neutrality and security requirements are fully satisfied.

The Order also directs NAPM to take all necessary steps to ensure that the transition is overseen by experienced third parties familiar with communications infrastructure, project management, and change management. As required in the Order, NAPM provided the Commission with a detailed Transition Oversight Plan on April 27, 2015, within 30 days of the release of the Order. The Commission's Wireline Competition Bureau sought and received public comment on the transition plan and will be responsible, with support from the Public Safety and Homeland Security Bureau, for reviewing and, if appropriate, approving the transition plan (including directing any necessary changes before such approval). Moreover, NAPM will provide status reports to the Wireline Competition Bureau every 30 days during the transition and immediately notify the Bureaus of any concerns or issues as the transition unfolds. The Wireline Competition Bureau will provide regular updates to the Chairman and Commissioners throughout the transition.

Again, this Order is only one important step toward implementing a new contract. There is more to do. We will continue to engage law enforcement and national security experts as we look at the post-selection process to ensure that those concerns are appropriately addressed. And we will work closely with all stakeholders to ensure that any transition process is as smooth as possible to facilitate the kind of competition in the voice marketplace that consumers have come to expect and deserve while keeping the number for which they have an affinity.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,



Tom Wheeler