

October 29, 2015

Ex Parte

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

Re: *Petitions for Waiver of Commission's Rules Regarding Access to Numbering Resources*, CC Docket 99-200; *Numbering Policies for Modern Communications*, WC Docket No. 13-97; *IP-Enabled Services*, WC Docket No. 04-36; *Telephone Number Requirements for IP-Enabled Service Providers*, WC Docket No. 07-243

Dear Ms. Dortch:

The LNP Alliance (“LNP Alliance” or “Alliance”),¹ FISPA,² TEXALTEL,³ the Open Technology Institute at New America,⁴ Public Knowledge,⁵ and Common Cause⁶ (collectively, “Parties”), write to express our continued support for an open and inclusive process to transition to a potentially new Local Number Portability Administrator (“LNPA”) (the “LNPA Transition”). Several of the Parties filed comments and/or reply comments on May 21 and June 21, 2015, respectively. All requested that the Commission establish an open and interactive LNPA Transition process to ensure that both consumers and smaller providers have the same access to information as larger carriers.

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 FISPA was founded in 1996 and currently represents over 150 small and mid-sized competitive local exchange providers, Internet service providers, and broadband service providers.

³ TEXALTEL is a non-profit trade association representing the interests of competition and competitive telecommunications carriers in Texas. TEXALTEL has been serving as an advocate for the competitive telecommunications industry since its inception in 1983.

⁴ New America’s Open Technology Institute is a non-profit policy institute that develops and advocates policies that promote universal, ubiquitous and affordable access to communications technology, including more robust mobile market competition.

⁵ Public Knowledge is a non-profit, research and advocacy organization that promotes freedom of expression, an open internet, and access to affordable communications tools and creative works.

⁶ Common Cause is the original “citizens lobby,” founded in 1970, now 400,000 strong with offices in 35 states and supporters in all 50. Common Cause promotes honest, open, accountable government in Washington and in our state capitals.

To date, that has not been the case. The North American Portability Management LLC (“NAPM”), which is comprised of the largest carriers in the industry, issued a Request for Proposal and selected the Transition Oversight Manager (“TOM”) in a closed process. NAPM then negotiated and, on August 7, 2015, signed a Letter of Engagement (“LOE”) with the TOM, Pricewaterhouse Coopers (“PwC”), presumably defining the roles and responsibilities of the TOM.⁷ The Commission has directed that the costs of the TOM will be treated as shared costs and paid for by all carriers, including many of the Parties’ respective members.⁸ PwC has begun implementation activities, for example, closing out 52 action items since September 2, 2015,⁹ but without the public visibility to ensure that consumer interests are protected, and with no input or supervision from any but the largest NAPM-member carriers. While the NAPM has issued a few monthly reports, these have been very high-level and have not provided the level of detail that consumers and smaller carriers require in order to understand fully and influence the LNPA Transition process.

As such, we write to request that the Commission make public the LOE and any and all LNPA-related agreements with the TOM, iconectiv, and/or Neustar. The Commission should also provide the Parties and our members, among others, an opportunity to comment on and have input into the LOE and the implementation of the LNPA Transition.¹⁰

Although NAPM has announced that the TOM will implement a Transition Outreach and Education Plan (“TOEP”), consumers and smaller carriers have had no input into the structure of the TOEP and no meetings have been scheduled to date. We understand that the TOEP will meet regularly in meetings open to the public but there are many questions left unanswered: where will the meetings take place, who will set the agenda, and what will happen to the information exchanged in those sessions? Will there be adequate visibility into the LNPA Transition process for consumers and smaller carriers? These are important issues that seem to have already been decided by the NAPM.

⁷ NAPM September 2015 Monthly Report, Letter from Todd D. Daubert, Counsel for NAPM, LLC to Marlene H. Dortch, Secretary, Federal Communications Commission, CC Docket No. 95-116; WC Docket Nos. 09-109 and 07-149, at 1 (Sept. 30, 2015) (“*NAPM Sept. Rpt.*”).

⁸ Notice Concerning Ex Parte Status Of Communications With Respect To The Local Number Portability Administrator Selection Proceeding, DA 15-929, WC Docket Nos. 07-149, 09-109, CC Docket No. 95-116 (Aug. 18, 2015).

⁹ *NAPM Sept. Rpt.* at 2.

¹⁰ Although NAPM recently filed a high-level presentation on the outlines of the Transition Oversight and Education Plan, the presentation fails to commit to a *transparent* process. The letter makes no commitment to making the LOE and other key documents public, and continues to make the transition outreach process one that is closely controlled by the NAPM as opposed to all parties with an interest in the LNPA Transition. As the NAPM states: “The NAPM LLC is working with the TOM to implement the TOEP.” Letter from Todd D. Daubert, counsel to the NAPM LLC, to Marlene H. Dortch, Secretary, Federal Communications Commission, at 1 (Oct. 29, 2015). The Commission must step in to make these key documents public in support of a generally more transparent and open process.

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It is critical to the Parties, some of whose members will be sharing in the costs of the TOM, that we have interactive and iterative input into the LOE, the TOEP, and the LNPA Transition, and not merely one-way, *post hoc* communication about decisions already taken by the largest, NAPM-member carriers. We therefore request that NAPM make the LOE publicly available and that failing such disclosure by a set date (we would recommend Friday, November 6), the Commission or Bureau require NAPM to make it publicly available.¹¹ We also urge the Commission to make any future agreements between NAPM and iconectiv or Neustar public and available for comment in a similar manner.

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. Please direct any questions regarding this matter to the undersigned.

Respectfully submitted,

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¹¹ To the extent portions of the LOE need to be kept confidential pursuant to the Protective Order established in the above-captioned dockets, the Parties would have no objection to such targeted confidential treatment.