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December 10, 2015

Via E-Mail and U.S. Mail

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

Re: *Telephone Number Portability*, CC Docket No. 95-116; *Telcordia Technologies, Inc. Petition to Reform Amendment 57 and to Order a Competitive Bidding Process for Number Portability Administration et al.*, WC Docket No. 07-149; *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

Dear Ms. Dortch:

On December 10, 2015, Michael Calabrese, on behalf of the Open Technology Institute at New America, and the undersigned, on behalf of the LNP Alliance¹ ("Joint Parties"), met in two separate meetings with Dianne Cornell, Special Counsel to Chairman Wheeler, and Nick Degani, Wireline Legal Advisor to Commissioner Pai, to express significant concerns regarding the lack of transparency in the LNPA Transition process and to urge the Commission to closely supervise the LNPA Transition.

The lack of transparency in the LNPA Transition process to date threatens to have an adverse impact on consumers and small carriers that rely on effective and affordable number portability. Recently a coalition of consumer groups and carrier trade associations wrote to the Commission to reinforce this message and to express their support for an open and inclusive LNPA Transition.² Section 251(e)(1) of the Communications Act requires the Commission to

¹ 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.

² Letter from the LNP Alliance, FISPA, TEXALTEL, the Open Technology Institute at New America, Public Knowledge, and Common Cause to Ms. Marlene H. Dortch, Secretary, Federal Communications

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designate impartial entities to administer telecommunications numbering.³ The Joint Parties urged the Commission, acting pursuant to its statutory responsibilities, to ensure that the LNPA Transition is implemented effectively and with the inclusion of small carriers at every stage of planning and implementation. To date, during the current planning phase, the Joint Parties have been disappointed by the manner in which large carriers have dominated what has become a highly insular process.

The Joint Parties reiterated their request that the Commission require the Transition Oversight Manager (“TOM”) Engagement Letter to be made public. The Commission has ordered the North American Number Portability (“NAPM”) “to bill the costs of the Transition Oversight Manager (“TOM”) to, and recover the costs from, current NPAC users”⁴ The members of the LNP Alliance are current NPAC users and will be billed for the costs of the TOM. As such, it would seem beyond cavil that the LNP Alliance members and consumers should be able to review a copy of the TOM Engagement Letter to understand the charges for which the carriers are being billed, and for which their customers are being billed. We look forward to receiving the TOM Engagement Letter from the TOM directly or, if not, through appropriate and responsible Commission oversight.

The Joint Parties also raised the fact that it is critical to both consumers and small carriers that the iconectiv contract be made publicly available. It is our understanding that the iconectiv contract was conditionally approved by the NAPM on October 29, 2015 (“Proposed Contract”) and that it is currently being reviewed by the Commission. Smaller carriers and public interest groups have an equal interest in reviewing the Proposed Contract in a timely manner, including adequate opportunity to provide input into whether the Proposed Contract meets critical needs and anticipates critical policy goals. The Joint Parties are particularly concerned that costs be controlled, that there be adequate time for testing, and that there be effective enforcement if key implementation timelines and quality of service criteria are not met. The Joint Parties are also concerned that the Proposed Contract detail the manner in which the LNPA Transition will be coordinated with the IP Transition, including adequate attention to IP-to-IP routing. We deserve to review the Proposed Contract in advance and not after the fact in order to ensure that these priorities are met.

It was suggested that it may be that only portions of the Proposed Contract will be made publicly available. The Joint Parties fail to understand why the large NAPM carriers would have access to the full contract but smaller carriers would have access only to certain portions. This is where the Commission plays a critical public interest oversight role to ensure that there is transparency, neutrality, and equal access to information for consumers and small carriers alike.

Commission, CC Docket No. 95-116; WC Docket No. 07-149; and WC Docket No. WC 09-109 (Dec. 4, 2015).

³ 47 U.S.C. § 251(e)(1).

⁴ Letter from Matthew S. DeNero, Chief, Wireline Competition Bureau, to Todd D. Daubert, Counsel to the NAPM, CC Docket No. 95-116, WC Docket Nos. 07-149, 09-109 (July 9, 2015).

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If the Commission decides for some reason to continue to fail to disclose any portion of the Proposed Contract, it should summarize the issues addressed by such sections and the reason for ensuring that only the largest carriers continue to have access to such materials.

One of the areas of utmost concern to the Joint Parties is the manner in which IP-to-IP routing and porting will be addressed by the LNPA Transition. The LNPA Transition must incorporate IP-to-IP routing and porting, particularly where many small carriers have developed in an all-IP environment. Both small carriers and consumer groups have consistently advocated for a single, common and uniform system of number porting under neutral, Commission-regulated management consistent with the statutory imperative of Section 251(e)(1).⁵ Because iconectiv has indicated in the past that it might transfer its statutorily mandated responsibilities to potentially non-neutral private ENUM registries,⁶ the Joint Parties urged the Commission to exercise vigilant oversight in this area. Like adding private tolls to the public highways and favoring some drivers over others, private ENUM registries would harm consumers, small carriers, competition, and the public interest.

The Joint Parties attended the TOM webinar on Wednesday, December 9, but the presentation was an introductory one that did little to ensure smaller carriers that costs will be controlled, that testing will be comprehensive, that critical cost and implementation information will be made available on a timely basis, or that LNPA Transition timelines will be made public. The high attendance at the webinar indicated acute interest in these issues among many parties. As a format, we also believe that a webinar is inferior to a public, in-person meeting that is webcast live for those who are unable to attend in person. The webinar format allowed limited interaction, no visibility into who was in attendance, and no assurance that all questions raised were answered or at least acknowledged.

We remain hopeful that future webinars or other informational sessions will provide further information of central interest to consumers and small carriers. In the meantime, the lack of information available through the TOM, at least to smaller carriers and consumers, makes it all the more important that the Commission make the TOM Engagement Letter and the Proposed Contract publicly available as soon as possible. The Commission should also step in at this time to mandate a more active role for the NANC's LNPA Working Group as a means to promote a more transparent and publicly accessible forum for smaller carriers.

⁵ 47 U.S.C. § 251(e)(1).

⁶ *IP Inter-Carrier Routing, Capabilities to Support IP Services Interconnection*, Telcordia (dba iconectiv) (May 2014).

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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,

/s/ James C. Falvey

James C. Falvey
Counsel for the LNP Alliance

cc: Dianne Cornell
Nick Degani
Rebekah Goodheart
Amy Bender
Ann Stevens
Sanford Williams