

February 16, 2016

**Ex Parte**

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:

The LNP Alliance (“LNP Alliance” or “Alliance”),<sup>1</sup> FISPA,<sup>2</sup> and the Open Technology Institute at New America<sup>3</sup> (collectively, “Parties”), write to express our continued concern that the process to transition to a potentially new Local Number Portability Administrator (“LNPA”) (the “LNPA Transition”) has not been sufficiently transparent to date.

The Parties represent consumers and small to mid-sized companies that are not members of the North American Portability Management LLC (“NAPM”). The input of these non-NAPM companies into the LNPA Transition process has been very limited to date. One of the main reasons their participation has been restricted is because of the manner in which non-NAPM company questions are being addressed—or in many cases not being addressed—by the Transition Oversight Manager (“TOM”). According to the TOM Frequently Asked Questions (“FAQs”) on the NAPM website, the only way to submit questions to the TOM is through the NAPM website. Questions have also been submitted during the two LNPA Transition industry webinars conducted to date. However, there has been no mechanism for tracking or answering the questions submitted, and the TOM has self-selected which questions it will answer. For example, the Parties’ members have filed many questions about cost impacts of the LNPA

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<sup>1</sup>The 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.

<sup>2</sup> 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.

<sup>3</sup> 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.

Transition. Yet there has been little to no information available about such cost impacts provided by the TOM or iconectiv to date.

In support of a mechanism for non-NAPM industry questions to be monitored and answered, the Parties submit the attached list of questions focused on increasing transparency and improving the flow of information to non-NAPM carriers. These questions are also being submitted through the NAPM website to the TOM. The Parties are concerned that if the current closed process continues, the lack of input from non-NAPM carriers will lead to porting and routing problems and other breakdowns detrimental to both carriers and consumers alike.

The Parties also urge the Commission to make the TOM Engagement Letter (“Letter”) and all associated documents public. The Parties have made this request of both the Commission and the NAPM, which is a Party to the Letter. Although the NAPM made a summary of the Letter (“TOM Summary”) available on the NAPM website earlier today, the TOM Summary leaves many questions unanswered (*e.g.*, the TOM Summary makes no mention of controlling LNPA porting costs to carriers or the IP Transition). As such, the LNPA Transition is moving forward while non-NAPM carriers remain in the dark as to the details of the charter of the TOM consultant for which they are paying. Disclosure seems particularly appropriate considering that non-NAPM carriers pay a proportionate share of the cost of the TOM, while consumer groups originally recommended that the TOM be appointed by and accountable to the Commission, not to the NAPM. The Commission should make the full text of the Letter available immediately.

In addition, the Parties repeat their request for the proposed iconectiv contract to be made public as soon as possible. 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 important policy goals. Given the silence from the TOM, iconectiv, and the NAPM on the issue of costs, the Parties urge the Commission to make the iconectiv contract publicly available at least 30 days before the Commission votes on whether or not to approve that contract so that the Commission’s decision—and any additional changes to the Proposed Contract—are informed by small carrier and consumer input.

The Commission must also consider the manner in which non-carrier providers, who are being given direct access to number resources for the first time, will participate in the LNPA Transition. Given that this is just one of many significant industry changes happening concurrently, the Commission should ensure that such non-carriers engage in rigorous porting and routing testing, and that such testing not be voluntary for such providers, as currently contemplated by the TOM.

Finally, the Parties also reiterate their concern that the IP Transition is being delayed by the failure of the TOM and the NAPM to incorporate the IP Transition into the design of the new iconectiv LNPA porting and routing services. The TOM has indicated that the IP Transition is a

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separate transition and that it only intends to respond to external requests to incorporate changes relating to the IP Transition into the LNPA Transition. The TOM Summary makes no mention whatsoever of the IP Transition. We urge the Commission to require NAPM and the TOM to take a significantly more proactive role in incorporating IP Transition changes into the LNPA processes to accommodate the IP Transition. Such changes would certainly have been incorporated during this period absent a transition to a new LNPA. The IP Transition is ongoing and should under no circumstances be delayed by the LNPA Transition. To the extent that the TOM and the NAPM wait until after the LNPA Transition to begin incorporating changes necessary for the IP Transition or are not proactively making efforts to incorporate the IP Transition into their processes, the result will be a material delay in the IP Transition to the detriment of both small to mid-size IP-centric carriers and for consumers. Indeed, the duties and obligations of the new LNPA with respect to IP number porting is among the important reasons the Commission must disclose the iconectiv contract prior to final approval.

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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