

1776 K STREET NW
WASHINGTON, DC 20006
PHONE 202.719.7000

www.wileyrein.com

March 17, 2016

Thomas J. Navin
202.719.7487
TNavin@wileyrein.com

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Room TW-A325
Washington, D.C. 20554

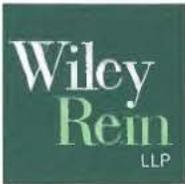
Re: *Petition of Telcordia Technologies, Inc. to Reform or Strike Amendment 70, to Institute Competitive Bidding for Number Portability Administration and to End the NAPM LLC's Interim Role in Number Portability Administration Contract Management, WC Docket No. 09-109; Telephone Number Portability, CC Docket No. 95-116*

Dear Ms. Dortch:

On March 15, 2016, Rich Fruchterman, Aaron Goldberger (via teleconference), and Michael O'Connor of Neustar, Inc. ("Neustar") and the undersigned of Wiley Rein LLP met with the following from the Federal Communications Commission ("FCC"): Kris Monteith, Ann Stevens, Michael Jacobs, Marilyn Jones, and Sanford Williams (via teleconference) of the Wireline Competition Bureau, Allan Manuel of the Public Safety and Homeland Security Bureau, and Terry Cavanaugh and Neil Deller of the Office of General Counsel.

The purpose of this meeting was to seek written assurance from the Commission that transferring competitively sensitive Number Portability Administration Center ("NPAC") user data to iconectiv is permissible in support of the transition to a new Local Number Portability Administrator ("LNPA"). Specifically, the North American Portability Management ("NAPM") LLC asked Neustar to transfer competitively sensitive NPAC user data to iconectiv, beginning as early as June 1, 2016, in connection with Neustar's role in building and testing an enhanced bulk data download ("EBDD") capability.

Over the past year, Neustar has worked diligently to help the NAPM, the Transition Oversight Manager ("TOM"), and iconectiv successfully transition the LNPA responsibilities. Neustar is supportive of the NAPM's request to provide iconectiv with the EBDD capability and corresponding data. To that end, Neustar and the NAPM have been working on a plan to develop and test the EBDD capability.



Marlene H. Dortch
March 17, 2016
Page 2

Under the plan, Neustar would transfer to iconectiv all of the data in the NPAC production databases, beginning with the Southeast Region on June 1, 2016, with other regions to follow later.¹ The information will include competitively sensitive data, such as subscribers' phone numbers when they are moving from one carrier to another, or information as to where carriers are adding numbering resources, which potentially indicates marketing plans. Such information could be extremely useful to the win-back campaigns of large wireless carriers to the detriment of small and medium sized carriers.²

The proposed transfer of competitively sensitive data necessarily implicates Neustar's compliance with its longstanding neutrality obligations as the LNPA, North American Numbering Plan Administrator, and Pooling Administrator.³ The Commission's March 2015 Order selecting iconectiv as the LNPA imposed a set of neutrality-related safeguards and conditions on iconectiv and Ericsson.⁴ In that Order, in an effort to support its neutrality determination, the Commission required that the safeguards and conditions "be in effect prior to Telcordia [iconectiv] commencing to provide LNPA services pursuant to a contract with the NAPM."⁵ Neustar is not aware of any FCC decision ratifying iconectiv's or Ericsson's compliance with these obligations and therefore seeks assurance from the Commission that Neustar will not violate its own neutrality obligations by sharing

¹ In addition to current NPAC production data, Neustar has been asked to deliver ten years of historical Local Number Portability Enhanced Analytics Platform ("LEAP") data and Wireless Do Not Call ("WDNC") data as part of the EBDD.

² This situation will be even more troubling if iconectiv uses Ericsson networking facilities and personnel.

³ See 47 U.S.C. § 251(e)(1); 47 C.F.R. §§ 52.12(a)(1); 52.21(j); 52.26(a); see also *Request of Lockheed Martin Corporation and Warburg, Pincus & Co. For Review of the Transfer of the Lockheed Martin Communications Industry Services Business*, Order, 14 FCC Rcd 19792, Appendix A (1999) ("*Warburg Transfer Order*") (outlining Neustar's Neutrality Code of Conduct).

⁴ See *Telcordia Technologies, Inc. Petition to Reform Amendment 57 and to Order a Competitive Bidding Process for Number Portability Administration; 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 Management*, Order, 30 FCC Rcd 3082, ¶¶ 179-88, Appendix (2015).

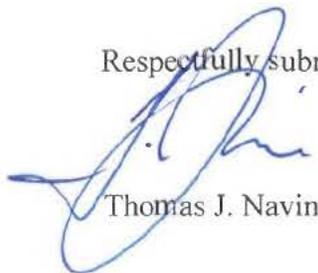
⁵ *Id.* ¶ 188.

Marlene H. Dortch
March 17, 2016
Page 3

competitively sensitive information with iconectiv before iconectiv and Ericsson have fully implemented the neutrality safeguards required by the Commission. Given the neutrality concerns discussed above, Neustar has informed the NAPM that it requires written confirmation from the Commission that the transfer by Neustar of competitively sensitive NPAC production data to iconectiv does not violate Neustar's neutrality obligations if such transfers occur prior to iconectiv and Ericsson fulfilling their neutrality obligations to the Commission's satisfaction.

Please do not hesitate to contact me if you have any questions.

Respectfully submitted,



Thomas J. Navin

cc: Kris Monteith
Ann Stevens
Michael Jacobs
Marilyn Jones
Sanford Williams
Allan Manuel
Terry Cavanaugh
Neil Dellar