Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	
Telcordia Technologies, Inc. Petition to Reform Amendment 57 and to Order a Competitive Bidding Process for Number Portability Administration	WC Docket No. 07-149
	WC Docket No. 09-109
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	
Telephone Number Portability	CC Docket No. 95-116
Telephone Number Portability	

To: Chairman Wheeler, and Commissioners Clyburn, Rosenworcel, Pai, and O'Rielly

APPLICATION OF NEUSTAR, INC., FOR REVIEW OF SECOND PROTECTIVE ORDER

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INTRODUCTION

Pursuant to 47 C.F.R. § 1.115, Neustar seeks the Commission's review of the Wireline Competition Bureau's March 31, 2016, *Second Protective Order.*[1] The *Second Protective Order* precludes all knowledgeable telecommunications industry personnel – with the exception of those that work for members of the North American Portability Management, LLC ("NAPM") – from reviewing the terms of the proposed Master Services Agreement ("MSA") between the NAPM and Telcordia Technologies, Inc., d/b/a iconectiv ("iconectiv"). Those restrictions are facially discriminatory, in violation of the Communications Act, and plainly unnecessary to protect legitimate proprietary business information. The Commission should reverse the Wireline Competition Bureau's ("Bureau") decision and require publication of the entire MSA or, at a minimum, limit any redaction of confidential information to material that is genuinely proprietary and confidential.

First, the Bureau's *Second Protective Order* precludes Neustar's technical and managerial personnel from reviewing any provisions of the proposed MSA, which makes no sense for at least two reasons. First, Neustar has operated the Number Portability Administration Center ("NPAC") for nearly two decades; its personnel are by far the most knowledgeable individuals regarding the operation of the NPAC. Neustar's critical review of the proposed MSA will help to identify whether the MSA adequately addresses the many aspects of the LNPA's responsibilities that have evolved over time and that were not fully described in the RFP documents. Second, Neustar will necessarily play a pivotal role in any successful transition.

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[1] Second Protective Order, *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, DA 16-344 (rel. Mar. 31, 2016) ("*Second Protective Order*").

The opportunity to review the proposed MSA and to provide comments prior to contract approval is necessary to ensure that Neustar, the NAPM, the Commission, and other affected participants can assess Neustar's ability to meet these expectations within any timelines required by the proposed MSA.

Second, by placing the proposed MSA in the record under protective order, the Bureau has erected needless obstacles to effective public participation in the evaluation of the proposed MSA. The terms of the proposed MSA will, at a minimum, affect whether iconectiv has satisfied all of the Commission's requirements related to Local Number Portability Administrator ("LNPA") neutrality, public safety, and national security, and it will likely set forth a number of transition-related requirements and benchmarks. Numerous parties – private interests, local and state government entities, and federal agencies – expressed concerns about these issues prior to the Commission's selection of iconectiv, and have reiterated those concerns after the release of the *Selection Order* – including as recently as the last meeting of the North American Numbering Council ("NANC") on March 24, 2016. They should have an opportunity to address whether the proposed contract terms adequately address their concerns without the burden of compliance with the terms of the *Second Protective Order*.

Third, restricting review of the proposed MSA solely to lawyers, and solely to individuals who have no role – even in an advisory or analytical capacity – in any business decision-making of a company "in a business relationship with" iconectiv or the NAPM effectively precludes interested companies in the telecommunications industry *other than members of the NAPM* from having knowledgeable personnel review the proposed MSA. *All* NPAC users, including carriers and providers of telecommunications-related services, will be effectively bound by the terms of the MSA – which may impose a variety of obligations on users – once approved. The members

of the NAPM have no fiduciary obligation to other industry participants. Preventing the companies that compete with NAPM members from reviewing the proposed MSA is discriminatory and violates the spirit, if not the letter, of 47 U.S.C. § 251(e).

The *Selection Order*[2] required submission of the proposed MSA for Commission approval. Inherent in that procedure is the requirement that interested persons – the public, NPAC users, and Neustar itself – should have an opportunity to inform the Commission's views with regard to this vitally important matter. By blocking or restricting effective participation, the *Second Protective Order* violates basic administrative law norms and threatens to complicate any transition to the next LNPA. The Commission should promptly reverse the Bureau's action.

BACKGROUND

In the March 26, 2015, *Selection Order*, the Commission required the NAPM to submit the proposed contract and neutrality Code of Conduct for the Commission's review and approval.[3] The Commission noted that commenting parties had raised specific concerns about the national security and public safety aspects of iconectiv's proposal, and arguments that iconectiv could not serve as an impartial numbering administrator in light of the ties between its parent company and certain large telecommunications providers. The Commission therefore determined that, once an agreement between iconectiv and NAPM was negotiated, the FCC would "review [the agreement] for consistency with" the *Selection Order*.[4]

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[2] Order, *Telcordia Technologies, Inc. Petition To Reform Amendment 57 and To Order a Competitive Bidding Process for Number Portability Administration, et al.*, 30 FCC Rcd 3082 (2015) ("*Selection Order*").

[3] *See id.* ¶ 193.

[4] *Id.* ¶ 3; *see also id.* ¶ 199 (directing the NAPM "to negotiate the proposed terms of the LNPA contract in accordance with this Order, and submit the proposed contract to the Commission for approval").

On March 31, 2016, noting that "the NAPM and Telcordia will be submitting the MSA and Code of Conduct to the Commission in the near future," the Bureau released the *Second Protective Order*.[5] That Order provides for three levels of confidentiality. "Confidential Information" – defined as "information that is not otherwise available from publicly available sources and that is subject to protection under the Freedom of Information Act . . . and the Commission's implementing rules" – is available only to individuals who subscribe to the Acknowledgement of Confidentiality attached to the *Second Protective Order*.[6] To subscribe to that acknowledgement, an individual must certify that they are obtaining the information "due solely to [his or her] capacity as Counsel or Outside Consultant" to a party.[7] The individual must also certify that they are not involved in "Competitive Decision-Making." That term is defined broadly to mean "a person's activities, association, or relationship with any of his or her clients involving advice about or participation in the relevant business decisions or the analysis underlying the relevant business decisions of the client in competition with or in a business relationship with the Submitting Party."[8]

"Highly Confidential Information" is defined as Confidential Information that the Submitting Party claims "constitutes some of its most sensitive business data which, if released to competitors or those with whom the Submitting Party does business, would allow those persons to gain a significant advantage in the marketplace or in negotiations."[9] Only "Outside

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[5] *Second Protective Order* ¶ 1.

[6] *Second Protective Order* ¶ 3.

[7] The Acknowledgement refers to parties described in Paragraph 12 of the *Second Protective Order*, but it is not clear what the significance of that reference is.

[8] *Second Protective Order* ¶ 3. The definition as written is garbled.

[9] *Id.*

Counsel of Record and Outside Consultants" – who cannot be involved in Competitive Decision-Making – may have access to Highly Confidential Information.[10] Finally, "particularly sensitive information" which "relates to the national security and law enforcement aspects of the MSA" are classified as "Security Documents," and made available only to American citizens and to no more than four Outside Counsel or Outside Consultants (or a combination) per participant.[11]

On April 1, 2016, the NAPM and Telcordia submitted the MSA, designated entirely as "Confidential," "Highly Confidential," or "Security Documents."

QUESTION PRESENTED FOR RECONSIDERATION AND REVIEW

Whether the Bureau's imposition of the *Second Protective Order* was discriminatory, arbitrary and capricious, and a denial of Neustar's right to participate meaningfully in the Commission's review of the terms of the proposed MSA.

ARGUMENT

A. Neustar Must Have Timely and Effective Access to the Proposed MSA

The *Second Protective Order* improperly restricts Neustar's access to the proposed MSA. That is unlawful and arbitrary: first, because Neustar has a legitimate interest in reviewing the proposed MSA and commenting on its terms prior to approval; second, because failure to consult with Neustar prior to approval will leave the NAPM and the Commission without assurance that the transition foreseen in the proposed MSA can be implemented on schedule.

1. The Administrative Procedure Act provides that, "[s]o far as the orderly conduct of public business permits, an interested person may appear before an agency or its responsible

[10] *Id.* ¶ 8(a).

[11] *Id.* ¶ 9(b).

employees for the presentation, adjustment, or determination of an issue, request, or controversy in a proceeding, whether interlocutory, summary, or otherwise, or in connection with an agency function." 5 U.S.C. § 555(b). Courts have "universally understood [§ 555(b)] to establish the right of an interested person to participate in an on-going agency proceeding." *Block v. SEC*, 50 F.3d 1078, 1085 (D.C. Cir. 1995).

Neustar is an "interested person" because it would be "entitled to judicial review" of the Commission's decision to approve the proposed MSA. *Nichols v. Board of Trs. of Asbestos Workers Local 24 Pension Plan*, 835 F.2d 881, 896 (D.C. Cir. 1987). Furthermore, the right to "appear" before the Commission includes the right to comment. In *Independent U.S. Tanker Owners Committee v. Lewis* ("*ITOC*"), 690 F.2d 908, 922 (D.C. Cir. 1982), the D.C. Circuit stated, "[t]he distinct and steady trend of the courts has been to demand in informal adjudications procedures similar to those already required in informal rulemaking."[12] This includes "some opportunity for interested parties to be informed of and comment upon the relevant evidence before the agency." *Id.* at 923; *see also id.* at 923 n.71 (citing cases); *United States Lines, Inc. v. Federal Mar. Comm'n*, 584 F.2d 519, 534 (D.C. Cir. 1978) ("Even where the reviewing court is informed of the specific information upon which [agency] reliance was placed, a barrier to effective judicial review remains: the absence of any adversarial comment among the parties. Our cases make clear the importance of such comment in allowing a court to review the action taken by the agency, as well as in facilitating informed agency decisionmaking itself." (footnote omitted)); *Pharmaceutical Research & Mfrs. v. FTC*, 44 F. Supp. 3d 95, 133 (D.D.C. 2014)

[12] We take this view without relinquishing the position that this proceeding is a quasi-legislative rulemaking governed by 5 U.S.C. § 553.

(citing *United States Lines* for the importance of "meaningful adversarial comment"); *Wisconsin Power & Light Co. v. FERC*, 363 F.3d 453, 463 (D.C. Cir. 2004) (same).

The *Second Protective Order* does not give Neustar any meaningful opportunity to comment on the proposed MSA. There is no lawyer, within or outside of the company, with the expertise needed to evaluate the operational details of the proposed contract. Furthermore, virtually all in-house lawyers with any familiarity would be barred from reviewing the document as they may be deemed "Competitive Decision-Makers." The Commission itself has argued in court that, if the MSA is not approved, all options – including selection of Neustar to continue as LNPA – remain open.[13] If the terms of the MSA reveal that iconectiv is failing to deliver a service that is consistent with the Request for Proposal documents and its prior commitments in this proceeding, Neustar has both the interest and expertise to bring such defects to the Commission's attention at a time when they can still be addressed. The Commission cannot reasonably preclude such "meaningful adversarial comment."

2. It is critical for the Commission to include Neustar in important matters, particularly related to transition, that may affect Neustar's obligations under its current contract, and as to which Neustar will be able to offer unique perspectives and insights based on its experience building and developing the NPAC over the last two decades. By restricting Neustar's access to the proposed MSA, the *Second Protective Order* precludes that engagement, jeopardizing an effective and timely transition.

Neustar will necessarily play a central role in any successful transition. For that reason, Neustar has repeatedly recommended parallel, coordinated negotiations of the transition-related

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[13] Motion of the Federal Communications Commission To Dismiss for Lack of Finality Or, in the Alternative, To Hold in Abeyance at 4, 7 & n.5, *Neustar, Inc. v. FCC*, No. 15-1080 (D.C. Cir. May 21, 2015).

provisions of the MSA between the NAPM and iconectiv, on the one hand, and the Neustar transition services agreements. Such coordination is essential to a smooth transition and to minimize the likelihood of costly modifications to the iconectiv MSA and attendant schedule changes. The NAPM, the Transition Oversight Manager ("TOM"), and the Commission have instead proceeded down the path of serial negotiations, finalizing the contractual requirements with iconectiv before negotiating Neustar's role in support of the transition. With no visibility into the overall transition plan and the specific requirements that will eventually be requested of Neustar, it is impossible for Neustar to begin any meaningful transition planning or to engage in a meaningful dialogue with the NAPM as to its expectations of Neustar's resources and support.

During the transition, Neustar's staff will continue to be focused on essential NPAC operations. The proposed MSA may include benchmarks, milestones and other operational commitments agreed to by iconectiv and the NAPM. In some cases, these commitments may require Neustar to train and dedicate resources that will depend on the project and timeline. It is important for all parties to confirm that the expectations reflected in the proposed MSA are realistic and workable and will not result in gaps in service.

The opportunity to review the proposed contract with iconectiv and to provide comments prior to contract approval is necessary to ensure that the NAPM, the Commission, and other affected participants can assess Neustar's ability to meet these expectations within the timelines desired by the NAPM. Without such an opportunity, the need for modifications to the proposed MSA, with attendant and potentially costly delays, becomes all the more likely.

Neustar has already addressed one issue related to transition planning in an *ex parte* letter filed with the Commission. On March 3, 2016, Neustar concurrently sent to the Bureau the letter it sent to the TOM concerning the transition of Enhanced Law Enforcement Platform ("ELEP")

Services, Intermodal Ported Telephone Number List Services, and the NPAC IVR (the "Ancillary NPAC Services"). As noted in that letter, "following the transition from Neustar to iconectiv in the first of the seven NPAC regions, Neustar will no longer be able to provide the Ancillary NPAC Services in regions where Neustar is not the NPAC administrator because it will no longer be in a position to verify the integrity of the data upon which these services rely." It is therefore necessary that the iconectiv contract require provision of ELEP services by iconectiv following the transition of the first NPAC region. It is likewise critical that all parties know what steps must be taken to maintain seamless ELEP services and address the parties' roles in the transition process.

Several other specific transition-related issues must also be appropriately addressed before the proposed MSA is approved. *First*, the Commission must ensure that the contract fully addresses arrangements for "failback" – that is, the resumption of NPAC administration by Neustar in the event that iconectiv experiences unacceptable levels of service problems and disruptions. The failback issue requires both that the proposed contract fully address iconectiv's obligations in the event of failback, but also that Neustar's responsibilities in the event of failback be addressed in an appropriate transition services agreement. Because Neustar's and iconectiv's respective roles in failback must be seamlessly coordinated, these issues must be handled in parallel. If failback obligations are agreed to with iconectiv without Neustar's participation or agreement, it is nearly inevitable that the terms of the agreement with iconectiv will have to be amended once Neustar is presented with substantive requests.

Failback includes many complicated issues that must be discussed and negotiated to ensure that contractual provisions are comprehensive. Because the NPAC is dynamic, there will need to be a mechanism for the return of all NPAC data to Neustar, including that potentially

corrupted data be tested and verified. There are also several associated operational considerations that likewise will need to be addressed, including maintenance of help desk services; communications with the NPAC users and other constituencies; mechanisms for dealing with changes to customer profiles made by iconectiv for new customers onboarded by iconectiv, and many other issues. So far, the discussions with regard to these issues have been inadequate to define these processes at a level of detail that can be implemented through contractual provisions.

Second, Neustar has been requested to make enhancements to its Pooling Administration System in support of the transition, specifically to enable automated integration between the pooling system and the iconectiv NPAC. While this effort sits outside Neustar's responsibilities as the current LNPA, it will nonetheless require coordination with, and understanding of, iconectiv's obligations to support pooling-related NPAC functions under the proposed MSA, and the timing of said obligations in the context of the overall project plan. The Commission should ensure that Neustar's and iconectiv's respective tasks add up to a seamless transition of the pooling function with no disruption to users of either system.

Third, Neustar will be responsible for various testing functions for the transition in its capacity as a local systems vendor for NPAC provisioning and data distribution. Similar to the above, this task is distinct from Neustar's responsibilities as the current LNPA. Nevertheless, Neustar needs to plan for and perform this task; to do so requires understanding iconectiv's obligations with respect to the entrance and exit criteria of each phase of the transition. The same is true for other NPAC vendors. Neustar has sought this clarification from the TOM and the NAPM. To date, no information has been forthcoming. The Commission should guarantee

that all participants – not just Neustar – are afforded adequate information to fulfill their transition responsibilities. Failing to do so risks additional delays and disruptions.

To date, Neustar does not believe that these issues have been adequately addressed. This increases the risk that the proposed contract will fail to provide for all needed services, and/or will be based on mistaken assumptions concerning Neustar's capabilities and obligations.

B. The *Second Protective Order* Unreasonably Blocks Public Participation in the Evaluation of the Proposed MSA

1. The *Second Protective Order* is unlawful because it unreasonably burdens public participation in the evaluation of the proposed MSA. The Bureau itself recognized that it was necessary to "give appropriate access to the public."[14] The *Second Protective Order* fails to do so. Moreover, its restrictions are particularly unreasonable given that there is no reason to believe that most of the MSA is in any sense proprietary.

As to burdens on access, the terms of the *Second Protective Order* make it extremely expensive for most telecommunications industry participants to gain access to the proposed MSA, effectively precluding them from doing so. Few NPAC users have a large in-house legal department; fewer still employ lawyers who are *not* involved in "Competitive Decision-Making" as that term is defined in the *Second Protective Order*. Accordingly, the only way for most NPAC users to gain indirect access to the proposed MSA is to find and hire a lawyer or outside consultant to review the document for them. And, even if a company goes to that expense, that outside individual will most likely lack the intimate knowledge of the company's business and operational needs that will enable effective review.

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[14] *Second Protective Order* ¶ 2.

On the other side of the balance, there has been no showing that all of the information contained in the proposed MSA should be exempt from public disclosure at all.[15] The entirety of the current MSA between Neustar and the NAPM, including all amendments, is public. As noted above, all NPAC users will be bound by the MSA once it is approved. The Bureau's Order makes no attempt to justify denying parties the opportunity to review a proposed contract with which they will be required to comply as NPAC users. Furthermore, because NPAC services are provided to all users on a neutral basis, with costs recovered pursuant to a Commission-established formula, none of the details of iconectiv's obligations or the financial terms of the proposed MSA can be legitimately shielded from public view.

More fundamentally, the role of the numbering administrator has a strong public-interest component as a result of the vital role that the LNPA plays in the promotion of the statutory goal of telecommunications competition. The obligations of competitive neutrality and openness in doing business is inherent in the nature of numbering administration. The *Second Protective Order* entirely ignores that principle.

To the extent there are any genuinely proprietary aspects of the MSA – or matters that implicate sensitive national security or public safety issues – limited redactions are entirely adequate to address those concerns.[16] Even with regard to these issues, however, the protective order should be amended to ensure that knowledgeable personnel at Neustar and elsewhere have the opportunity to review the relevant information before the Commission acts on the proposal.

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[15] The *Second Protective Order* ¶ 5 permits parties to challenge the designation of a document or a portion of a document. However, the Bureau has already circulated a proposed order for the full Commission's consideration. Thus, any use of the challenge process to gain access to information would be untimely.

[16] *Assassination Archives & Research Ctr. v. CIA*, 334 F.3d 55, 58 (D.C. Cir. 2003) ("[E]ven if an agency establishes [a FOIA] exemption, it must nonetheless disclose all reasonably segregable, nonexempt portions of the requested record(s).").

The *Second Protective Order*'s treatment of Secure Documents is also unexplained and improper. At the outset, there is no reason to believe that all Secure Documents are *commercially* sensitive, which is what is required to merit Highly Confidential treatment. Nothing in the record suggests (and it makes no sense to assume) that all security-related information is commercially sensitive. Nor is there any reason to believe that the security-related information is classified – indeed, the Commission has not required a security clearance for access to the Secure Documents. The Commission may have determined that the Secure Documents are sensitive from a critical infrastructure point of view. But that concern would *not* justify the Bureau's arbitrary four-person limitation, nor would it justify withholding information about a law-enforcement access tool from Neustar as "too sensitive," when Neustar is already running a very similar law-enforcement access tool. If anyone should be given broad access to comment on the security rules for a law-enforcement platform it is the people who are responsible for securing a comparable platform, both because they have already been trusted with that information and because they are in the best position to provide meaningful comment.

In any event, treating the entire proposed MSA as confidential is unjustified.

2. The public needs to have effective access to the proposed MSA before the Commission takes action on it. The terms of the proposed MSA, and the Commission's decision whether to approve them, will have a substantial impact on the public. The actual terms of the proposed MSA will, at a minimum, affect whether iconectiv has satisfied all of the Commission's requirements related to LNPA neutrality, public safety, and national security, and it will likely set forth a number of transition-related requirements and benchmarks. Numerous parties – private interests, local and state government entities, and federal agencies – expressed concerns about these issues prior to the Commission's selection of iconectiv. They should have

an opportunity to address whether the proposed contract terms adequately address their concerns. All NPAC users will bear the direct costs of the iconectiv contract, as well as the costs associated with transition. The public will be adversely affected if, for example, the contract fails to provide adequate operational performance guarantees. NPAC users and members of the public, in written filings and in statements at the NANC meeting, have stated concerns about the lack of openness in the transition and contract negotiation process.[17] An opportunity to comment on the terms of the proposed contract is required to give interested parties the chance to "comment upon the relevant evidence before the agency." *ITOC*, 690 F.2d at 922-23.

C. The *Second Protective Order* Is Facially Discriminatory in Violation of the Act

As noted, numerous parties have raised concerns about the lack of important information available to them concerning both transition planning and the proposed MSA;[18] the *Second Protective Order* exacerbates the problem. Indeed, the order is unlawfully discriminatory because it affords the few private companies that are members of the NAPM privileged access to the terms of the proposed MSA while denying all other telecommunications industry participants the opportunity for meaningful review and comment. The terms of the *Second Protective Order* and its Acknowledgement of Confidentiality not only limit access to Highly Confidential information solely to Outside Counsel and Outside Consultants, but they also restrict access to Confidential information exclusively to lawyers (including in-house lawyers) who are not involved in Competitive Decision-Making, broadly defined. As a result, no knowledgeable

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[17] *See, e.g.*, Letter from the LNP Alliance, FISPA, Public Knowledge, and OTI at New America to Marlene H. Dortch, Sec'y, FCC, CC Docket No. 95-116; WC Docket Nos. 09-109 and 07-149, at 2 & Attach. A (Feb. 16, 2016).

[18] *See id.*

technical or managerial personnel from any telecommunications industry participant will have access to the proposed MSA – with the exception of members of the NAPM.

That restriction violates the spirit if not the letter of 47 U.S.C. § 251(e)(1), which makes clear that numbering administration must be competitively neutral. Pursuant to the *Selection Order*, the members of the NAPM have been negotiating with iconectiv for several months over the specific terms of the proposed MSA. The MSA will determine not only the obligations of the LNPA, but also the obligations – financial and operational – of NPAC users when utilizing the NPAC.

Indeed, Neustar's current agreement with all NPAC users refers to, is expressly made subject to, and incorporates by reference the existing MSA between the NAPM and Neustar. Accordingly, every NPAC user is bound by the existing MSA and, presumably, will be bound by the new MSA once approved; each user is thus subject to the rights that the NAPM and iconectiv reserve to themselves and to the obligations that they impose on NPAC users. Every NPAC user, whether a service provider or a provider of telecommunications-related services, therefore has a legitimate interest in reviewing the terms and conditions of the proposed MSA to understand how its rights and obligations in connection with the NPAC might change, to plan the accommodation of such changes, to determine whether to advocate for a different approach, and to ensure that the manner in which the NPAC service will be provided does not create operational or competitive difficulties. This cannot be accomplished if the decision-making employees of NPAC have no access to the proposed MSA.

Members of the NAPM, as noted, have already had that opportunity. There has been no restriction on the involvement of those companies' technical and managerial personnel in negotiations, and appropriately so. Under the *Second Protective Order*, however, competitors of

the NAPM's members will not have that same opportunity. That distinction is unfairly discriminatory. Such discrimination violates 47 U.S.C. § 251(e), which provides that numbering administration must be "impartial" and "competitively neutral," and it is arbitrary and capricious. As other parties have pointed out, members of the NAPM have no obligation to represent the interests of the broader telecommunications industry.[19] It makes little sense to require that the numbering administrator be impartial and neutral while allowing a small number of large providers to dictate – in secret – the terms under which service will be provided.

Furthermore, the fact that lawyers and consultants will be permitted to review certain information, subject to the *Second Protective Order*, does not address the unfair discrimination. Even leaving aside the unreasonable expense associated with obtaining counsel or technical consultants, such individuals will nearly always lack the familiarity with business and operational considerations that would allow for informed evaluation of the proposed MSA. Members of the NAPM face no such constraints.

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[19] *See* Reply Comments of Neustar, Inc. at 52-53, *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; *Telephone Number Portability*, CC Docket No. 95-116 (Aug. 22, 2014).

CONCLUSION

For the reasons set forth above, the Commission should reverse the Bureau's *Second Protective Order* and either: (1) allow all participants in the proceeding to review the entirety of the proposed MSA; or (2) require that only genuinely sensitive proprietary and national security/public safety information be subject to a more limited and reasonable protective order.

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