



1776 K STREET NW
WASHINGTON, DC 20006
PHONE 202.719.7000

www.wileyrein.com

June 1, 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:

I write on behalf of Neustar, Inc. ("Neustar") to submit the attached correspondence related to the transfer of user data contained in the Number Portability Administration Center ("NPAC") to Ericsson's wholly owned subsidiary Telcordia Technologies d/b/a iconectiv.

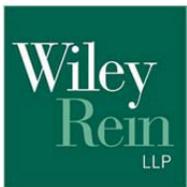
Please do not hesitate to contact me if you have any questions.

Respectfully submitted,

/s/ Thomas J. Navin
Thomas J. Navin

cc: Kris Monteith
Ann Stevens
Sanford Williams
Debra Jordan
Neil Dellar
Michele Ellison

ATTACHMENT



1776 K STREET NW
WASHINGTON, DC 20006
PHONE 202.719.7000

www.wileyrein.com

May 31, 2016

Thomas J. Navin
202.719.7487
TNavin@wileyrein.com

VIA EMAIL

Matthew S. DelNero
Chief, Wireline Competition Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Letter from Matthew S. DelNero, Chief, Wireline Competition Bureau,
to Thomas J. Navin, Counsel, Neustar (May 26, 2016).

Dear Mr. DelNero:

I write on behalf of Neustar, Inc. in response to your letter of May 26, 2016¹ regarding Neustar's concern that transferring competitively sensitive Number Portability Administration Center ("NPAC") data to iconectiv² may violate Neustar's neutrality obligations.³ This concern stemmed from the Commission's determination in the *Selection Order* that the relationship between iconectiv and Ericsson, iconectiv's 100% owner, raised neutrality concerns that required specific safeguards before iconectiv could begin service as a Local Number Portability Administrator ("LNPA").⁴ To Neustar's knowledge, those safeguards have not yet been implemented. Further, iconectiv is not and never could be neutral because it is wholly owned by Ericsson and iconectiv's directors owe their fiduciary duties

¹ See Letter from Matthew S. DelNero, Chief, Wireline Competition Bureau, to Thomas J. Navin, Counsel, Neustar (May 26, 2016).

² iconectiv is the business name for Ericsson's wholly owned subsidiary Telcordia Technologies Inc.

³ See Letter from Thomas J. Navin, Counsel, Neustar, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 09-109, CC Docket No. 95-116 (filed May 26, 2016); Letter from Thomas J. Navin, Counsel, Neustar, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 09-109, CC Docket No. 95-116 (filed Mar. 17, 2016).

⁴ See *Telcordia Technologies, Inc. Petition to Reform Amendment 57 and to Order a Competitive Bidding Process for Number Portability Administration et al.*, Order, 30 FCC Rcd 3082, ¶ 181 (2015) ("*Selection Order*"). Neustar has petitioned the U.S. Court of Appeals for the District of Columbia Circuit to review the Commission's neutrality findings in the *Selection Order*, including the use of safeguards to address the relationship between Telcordia and Ericsson. See Brief of Petitioner Neustar, Inc., USCA Case No. 15-1080, at 28-50 (filed Sept. 21, 2015). By transferring competitively sensitive data to iconectiv, Neustar is not waiving any of the neutrality objections to the selection of iconectiv/Telcordia/Ericsson that it has raised before the Commission or the Court.

May 31, 2016

Page 2

solely to Ericsson. The Commission's proposed safeguards do not (and cannot) resolve either of those fundamental and irremediable problems.

Your letter states that, because iconectiv is not a telecommunications service provider ("TSP"), Neustar will not violate its neutrality obligations by transferring data to iconectiv. By focusing solely on whether iconectiv is a TSP, however, your letter did not address the broader question of the intersection between Neustar's neutrality obligations and the neutrality concerns expressed by the Commission itself over the relationship between iconectiv and Ericsson.

Nevertheless, despite your silence on this issue, Neustar understands your letter as directing Neustar to deliver this competitively sensitive data to iconectiv and that you do not believe neutrality concerns should delay the provision of this data, even prior to implementation of the neutrality safeguards that the Commission deemed necessary. Neustar also understands your letter to provide Neustar with an absolute defense should any service provider injured by the transfer of their data to iconectiv or the Commission itself bring a neutrality complaint against Neustar. Thus, with these understandings, Neustar will move forward with the data transfer to iconectiv.

If Neustar's understanding of your intent is not accurate, please contact me immediately.

Respectfully submitted,

/s/ Thomas J. Navin
Thomas J. Navin