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June 8, 2016

Ex Parte

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

Re: Telephone Number Portability, *et al.*, CC Docket No. 95-116;
WC Docket Nos. 09-109 and 07-149

Dear Ms. Dortch:

FISPA,¹ representing over 200 small- and mid-sized competitive providers, is writing this letter in support of greater Commission scrutiny of the iconectiv Master Service Agreement (“iconectiv MSA” or “MSA”) and the framework for the LNPA Transition in general. FISPA urges the Commission to take this opportunity to examine closely the iconectiv MSA before final approval to ensure that the interests of small and mid-sized providers are represented and that the IP Transition is fully integrated into the LNPA Transition.

The initial phase of the LNPA Transition has not been transparent and has been marked by a series of missteps. The iconectiv project to provide the coding for the NPAC was initially staffed by two foreign nationals such that it had to be restarted in March 2016. The TOM cut testing and data migration intervals in half between January and April 2016. The MSA as currently drafted creates its own definition for “telecommunications services,” and other key terms central to the MSA are poorly defined.

Accordingly, the Commission cannot limit its review of the MSA and the LNPA Transition process, as some have recommended, to neutrality and security issues alone.² The Commission is not limited in any way by its own March 2015 Selection Order³ and should review every aspect of the LNPA Transition at this time. First and foremost, the Commission

¹ FISPA was founded in 1996 and currently represents over 150 small and mid-sized competitive providers. FISPA continues to provide leadership in helping small- and mid-sized CLECs and service providers compete against and work with incumbent carriers to ensure a better business model to increase our members’ probability for success.

² Letter from John T. Nakahata and Mark D. Davis to Marlene H. Dortch, Secretary, Federal Communications Commission, Telephone Number Portability, *et al.*, CC Docket No. 95-116; WC Docket Nos. 09-109 and 07-149, at 1 (May 23, 2016).

³ Telcordia Technologies, Inc. Petition to Reform Amendment 57 and to Order a Competitive Bidding Process for Number Portability Administration, *et al.*, CC Docket No. 95-116; WC Docket Nos. 09-109 and 07-149, Order (rel. Mar. 27, 2015).

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should ensure that the IP Transition is integrated into the LNPA Transition. The IP Transition will bring significantly greater savings to smaller carriers than the LNPA Transition, yet some like CenturyLink have recently recommended that the IP Transition of the NPAC cannot proceed until the LNPA Transition is complete.⁴ This would unduly delay the IP Transition and place enormous pressure on the North American Portability Management LLC (“NAPM LLC”) to rush through the LNPA Transition, increasing the likelihood of failure.

In addition, the Commission should require the Transition Oversight Manager (“TOM”) and the NAPM to conduct public workshops to develop a plan to integrate the IP Transition into the LNPA Transition. The Commission should also require as a condition of MSA approval that the NAPM dues structure be revamped to allow smaller carriers to participate in critical NAPM decisionmaking. The User Agreement attached to the MSA, which incorporates the MSA and which all carriers will soon have to execute, should not be “Confidential” and should be a public document open to our members’ review. Detailed timelines for implementation—including testing, data migration, and IP Transition integration—should be made public. And the Commission should closely review and adopt constructive recommended revisions to the MSA, including those offered by the LNP Alliance and New America’s Open Technology Institute.

This ex parte notification is being filed electronically for inclusion in the public record of the dockets referenced above, as required by Section 1.1206(b). Please direct any questions regarding this matter to the undersigned.

Respectfully submitted,

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⁴ Letter from Jeffrey S. Lanning, Vice President, Federal Regulatory Affairs, CenturyLink, to Marlene H. Dortch, Secretary, Federal Communications Commission, Telephone Number Portability, *et al.*, CC Docket No. 95-116; WC Docket Nos. 09-109 and 07-149, at 2 (May 20, 2016).