

June 16, 2016

VIA ECFS

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

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

Dear Secretary Dortch:

The North American Portability Management LLC ("NAPM LLC"), by its attorneys, respectfully urges the Federal Communications Commission ("FCC" or "Commission") promptly to approve the Master Services Agreement between the NAPM LLC and Telcordia Technologies, Inc. d/b/a iconectiv ("iconectiv") (the "New MSA"), and to deny Neustar, Inc.'s motion to order Telcordia Technologies, Inc. d/b/a iconectiv to show cause why it should not be disqualified from selection as Local Number Portability Administrator ("LNPA").<sup>1</sup>

In its filing yesterday, Neustar claims that Telcordia's Opposition to *Neustar's Motion* requires the Commission to grant the motion. This is not true. The relevant facts are as follows:

- Telcordia committed to building the NPAC in America from the ground up using only U.S. citizens<sup>2</sup>;
- The New MSA requires Telcordia to build the NPAC in America from the ground up using only U.S. citizens;

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<sup>1</sup> Motion of Neustar to Order Telcordia Technologies, Inc. to Show Cause Why It Should Not Be Disqualified From Selection As Local Number Portability Administrator, *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 (filed June 1, 2016) ("*Neustar Motion*").

<sup>2</sup> 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, FCC 15-35 at ¶ 125 (rel. Mar. 31, 2015) ("Selection Order") ("Telcordia responds that the "U.S. NPAC will be built in America from the ground up," and declares that it "will not use foreign code in the U.S. NPAC nor will it use U.S.-developed] code elsewhere in the world." It continues that Telcordia employees working on NPAC/SMS systems will be U.S. citizens who will be closely screened, vetted, trained, and supervised. Telcordia responds further that it has the ability to prohibit administrator "write" functions from outside of the United States. Regarding supply chain vulnerabilities, Telcordia states that its LNP software development approach uses a U.S.-based supply chain, and that it segregates its products that serve the U.S. critical infrastructure from products that it offers abroad, to protect against supply chain exploitation.") (footnotes omitted).

- The New MSA also ensures that the Government's equities are protected by a rigorous audit program that monitors for and ensures compliance, backstopped by robust enforcement tools throughout the term of the contract;<sup>3</sup>
- The new NPAC has not been delivered and is not due to be delivered for several months -- indeed, the New MSA has yet to be executed;
- When the new NPAC is delivered, it will be an NPAC that is built in America from the ground up using only U.S. citizens;
- Telcordia has not violated any representations to the Commission or anyone else because (1) the NPAC is not yet due to be delivered (and Telcordia currently is not under any legal or contractual obligation to deliver any NPAC); and (2) Telcordia is currently building the NPAC in America from the ground up using only U.S. citizens; and
- The NAPM LLC, with oversight of the Commission, will ensure that the NPAC delivered by Telcordia was in fact built in America from the ground up using only U.S. citizens.

In sum, Telcordia has not made any misrepresentations to anyone,<sup>4</sup> and Neustar's filings have no basis in fact or applicable law.

Neustar's recent motion, and the timing of its filing, must be recognized for what it is: another blatant attempt to delay the transition to a new LNPA. It likely will not be the last attempt by Neustar to delay the transition. As we explained in our ex parte letter dated June 15, 2016, the sole party who gains from delay is Neustar. For each day that Neustar is able to delay transition, Neustar holds on to additional revenue of at least \$1.4M, **and the public loses out on approximately \$1M in savings each and every day.**<sup>5</sup>

The NAPM LLC has done exactly as the Commission directed in the Selection Order: the NAPM LLC negotiated the terms of the New MSA with Telcordia LLC with oversight by the Commission through the Bureau and the Public Safety and Homeland Security Bureau with input from Executive Branch entities with expertise in and responsibility for law enforcement and national security matters with the full knowledge of all of the relevant facts, including those at issue in the Neustar Motion. Accordingly, the NAPM LLC respectfully urges the Commission to promptly approve the New MSA so that the important security enhancements of the New MSA can be implemented as soon as possible and the American public will not unnecessarily continue to incur approximately \$1M for each day of delay.

Please contact the undersigned if you have any questions or would like any additional information about the issues discussed herein.

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<sup>3</sup> *Id.*, ¶ 194 ("We will also require that the terms and conditions of the contract ensure that the Government's equities are protected by a rigorous audit program that monitors for and ensures compliance, backstopped by robust enforcement tools throughout the term of the contract.").

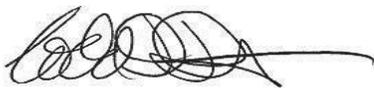
<sup>4</sup> To the extent Telcordia had previously developed code on a completely voluntarily basis that did not meet the requirements of the New MSA, such code will not be used for the NPAC.

<sup>5</sup> The current MSA costs approximately \$496M per year. The New MSA would cost approximately \$175M during the first year.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Todd D. Daubert', with a long horizontal flourish extending to the right.

Todd D. Daubert  
*Counsel to the NAPM LLC*

cc: Diane Cornell  
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