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

In the Matter of	)	
	)	
Administration of the North American Numbering Plan	)	CC Docket No. 92-237
	)	
	)	
Numbering Resource Optimization	)	CC Docket No. 99-200

REPLY COMMENTS OF NEUSTAR, INC.

NeuStar, Inc. (NeuStar), submits these reply comments in response to certain comments filed pursuant to the Wireline Competition Bureau's (Bureau) Public Notice in the above-captioned proceeding (Public Notice) and the attached NANPA Technical Requirements Document (Requirements Document).[1] Most of the comments confirm NeuStar's view that, although the Requirements Document, in general, is complete, several points would benefit from clarification or modification by the Bureau. NeuStar submits this reply to address a limited number of comments that reflect a misunderstanding of the system of neutrality regulations and policies that govern the North American Numbering Plan Administrator (NANPA) and misconceptions of certain operational aspects of NANPA. NeuStar also suggests that the Requirements Document be modified to list an additional duty of NANPA.

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[1] *The Wireline Competition Bureau Seeks Comments on the North American Numbering Plan Administrator Technical Requirements*, Public Notice, CC Docket Nos. 92-237, 99-200, DA 02-1412 (rel. June 13, 2002) (Public Notice). The NANPA Technical Requirements Document (Description/Specifications/Statement of Work) (June 13, 2002) is attached to the Public Notice (Requirements Document).

I. NEUSTAR SUPPORTS THE INCORPORATION OF NEUTRALITY POLICIES INTO THE REQUIREMENTS DOCUMENT

A. NANPA Is Governed By A System Of Neutrality Policies That Govern Its Financial Structure and Its Day-to-Day Operations

NeuStar, as stated in its initial comments in this proceeding, considers neutrality as the fundamental tenet of number administration and supports the inclusion of specific neutrality regulations in the Requirements Document.[2] In addition to abiding by the Federal Communications Commission's (Commission) neutrality rules,[3] NeuStar has implemented a corporate-wide Code of Conduct and an associated neutrality compliance program to ensure neutrality. As part of this program and in conjunction with Commission regulations, an independent auditor, approved by the Commission and the North American Numbering Council (NANC), conducts quarterly audits of NeuStar's neutrality compliance and provides a report to the Commission and the NANC.

In addition to serving as the current NANPA, NeuStar also was named by the Commission as the National Thousands Block Pooling Administrator (PA) and serves as the Number Portability Administration Center (NPAC) administrator pursuant to industry contracts. One commenter suggested that the Requirements Document should include safeguards to mitigate inherent conflicts between the responsibilities of the NANPA, PA and NPAC administrator and the "financial rewards derived from those responsibilities," if an

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[2] Comments of NeuStar, Inc. at 13, CC Docket Nos. 99-200 and 92-237 (July 2, 2002)(NeuStar Comments). Verizon Wireless agrees that neutrality is paramount to the function of NANPA and also supports the incorporation of a neutrality policy in the Requirements Document. Comments of Verizon Wireless at 3, CC Docket Nos. 99-200 and 92-237 (July 2, 2002)(Verizon Wireless Comments).

[3] 47 C.F.R. §52.12(a)(1)-(a)(2)(ii).

entity serves as all three administrators.[4] Such safeguards already exist. NeuStar was awarded the numbering administrations in question via the competitive bidding process and abides by: Commission rules and orders in the performance of its duties as the NANPA; industry contracts governing the actions of the NPAC administrator; and a Federal Acquisition Regulation (FAR) contract guiding the day-to-day dealings of the PA. Industry guidelines govern the responsibilities and duties of all three administrative positions. NeuStar cannot and does not act outside of the contracts, rules, policies, and guidelines, for its own benefit, and is subject to serious contractual and federal regulatory penalties if it does so.[5] In addition to regulatory and contractual enforcement mechanisms, oversight by the Commission for NANPA and the PA and the industry consortium for the NPAC, respectively provides an additional and indispensable layer of safeguards to ensure that neutrality is maintained among the three roles.

Moreover, NeuStar has a third layer of protection for neutrality in the form of an internal neutrality program that governs performance in all three roles identified above. NeuStar's internal neutrality program includes a formal complaint process that enables all service providers and regulators to register a complaint regarding any perceived discrimination by NeuStar in its administrative duties. This process, available on the NeuStar, NANPA and NPAC web sites,[6] has been in effect since March 2000 and, to date, no formal complaint concerning the neutrality of NeuStar as the NANPA has been submitted.

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[4] Verizon Wireless Comments at 4.

[5] *See e.g.*, Requirements Document at §§9.2.3 and 9.3.

[6] *See* www.NeuStar.biz, www.NPAC.com, and www.NANPA.com.

B. NANPA Must Maintain Its Leadership Role Regarding Number Management and Operation

One commenter states that the NANPA must not be authorized to comment "on the desirability of proposed relief alternatives, including proposals to allow extended permissive dialing or wireless grandfathering, . . . even at the request of a state regulatory commission."[7] Furthermore, the commenter states that the Requirements Document should provide that NANPA not comment on the desirability of technology-specific overlays because aspects of technology-specific overlays are anti-competitive and discriminatory against wireless providers.[8] NeuStar understands the need to maintain its impartiality as the NANPA and has done so successfully throughout its term. These comments, however, could be interpreted to mean that NANPA cannot analyze or discuss the effects of certain aspects of area code relief, even if a state commission requests it. Such a result would be undesirable and would be harmful to policy-setting regulatory efforts. NANPA has certain expertise that is beneficial in the development and planning of area code relief and optimization efforts. When a service provider or state commission believes that knowing the impacts of certain relief options or conservation methods are important to the area code relief process, NANPA should not be prevented from analyzing the data and providing the results. In accordance with its neutrality policy, NANPA would not recommend one option over another, it merely would

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[7] Verizon Wireless Comments at 3.

[8] *Id.* at 4. The Commission has held that certain TSOs are a form of relief. *Numbering Resource Optimization, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Telephone Number Portability*, Third Report and Order and Second Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200, FCC 01-362, ¶34 (rel. Dec. 28, 2001) (*Third NRO Order*).

provide the analysis and allow the service providers or state commissions to weigh the attributes of the options before them.

In addition to frustrating the relief planning process, such arbitrary restrictions prevent NANPA from maintaining its leadership role in number management and optimization as specified in the Requirements Document. In listing the attributes of NANPA, the Requirements Document states that:

> NANPA shall also ensure that numbering administration in the United States is effective, while using the expertise and innovation of industry to promote number optimization. It also supports efforts to accommodate current and future numbering needs, and to advise the industry and regulators relative to numbering issues (e.g., potential resource exhaust).[9]

NANPA also is directed to "provide assistance to users of numbering resources and suggest alternatives, when possible, that shall optimize numbering resource utilization."[10] NeuStar understands that various entities have differing positions regarding the desirability or effectiveness of various numbering management and optimization methodologies, but placing restrictions on the information NANPA can provide or the organizations it can address[11] will severely limit the effectiveness of NANPA's numbering expertise and its role as a leader in number optimization and management. Alternatively, the Requirements

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[9] Requirements Document at § 1.4.

[10] *Id.* at §2.3.3. As part of its CO code administration, NANPA also is required to "provide assistance to all clients who use numbering resources and suggest alternatives, when possible, that may assist clients with number resource optimization and utilization issues. *Id.* at §4.2.1. *See also*, *Third NRO Order* at ¶74 (directing NANPA to work with service providers and state commissions to develop creative solutions to prevent premature exhaust of the North American Numbering Plan).

[11] For example, as part of its investigation into number optimization, the Subcommittee on Telecommunications and the Internet of the House of Representatives Committee on Energy and Commerce requested NeuStar, as the NANPA, to provide testimony regarding numbering management and NANPA's role in the administration of federal and state numbering policy. NeuStar presented its testimony before the Subcommittee on June 26, 2002.

Document should ensure that NANPA provides relevant, factual and impartial assistance to service providers and organizations responsible for numbering policy.

II. ADHERENCE TO CHANGES IN INDUSTRY GUIDELINES SHOULD BE INCORPORATED IN THE CHANGE MANAGEMENT PROCESS

Another commenter expressed concern that the Requirements Document incorporates details from industry guidelines that are subject to change, which may lead to conflicting directives for NANPA. As a result, the commenter proposed that the Requirements Document be modified to state, "NANPA will comply with the currently published versions of all INC guidelines."[12] Although NeuStar believes this text was offered for clarification, the text creates an additional area of concern. As written, the text may result in NANPA complying with all changes to the Industry Numbering Committee (INC) guidelines, without oversight by the Commission, even if those changes result in a change of scope for NANPA. The Requirements Document reflects the Commission's desire to have all changes in scope reviewed and approved by the Commission.[13] As expressed in its initial comments, NeuStar suggests that all changes in scope should undergo a change in scope procedure whereby the contracting officer of the Commission reviews all changes in scope and corresponding changes in compensation.[14]

III. THE LIST OF NANPA'S DUTIES IN THE REQUIREMENTS DOCUMENT SHOULD BE MODIFIED

Upon further review of the Requirements Document, NeuStar discovered that administration of a small number of 800 central office codes for use in Bermuda and the

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[12] Comments of SBC Communications Inc. at 4, CC Docket Nos. 99-200 and 92-237 (July 2, 2002).
[13] Requirements Document at §2.10
[14] NeuStar Comments at 7-9.

Caribbean islands was not included in the list of NANPA duties.[15] It was necessary to set these codes aside because Bermuda and many of the Caribbean islands elected not to participate in the toll free database system. Should the industry or regulators determine in the future that additional toll-free codes need to be set aside, it would be natural for NANPA to administer those codes as well.

IV. CONCLUSION

NeuStar respectfully requests that the Commission amend the NANPA Requirements Document in a manner consistent with these reply comments and its initial comments in this proceeding.

Respectfully submitted,

/s/ Ron Conners
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[15] Requirements Document at §3.

CERTIFICATE OF SERVICE

I, Kimberly Wheeler Miller, do hereby certify that on this 9th day of July, 2002, copies of the foregoing Reply Comments of NeuStar, Inc. were served by U.S. first class mail, postage prepaid, except where indicated, to the following:

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