

May 18, 2009

Ms. Julie Veach  
Acting Chief  
Wireline Competition Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: Amendment 70 to the NeuStar Number Portability Administration  
Contracts, URI Provisions, **Request for Interim Standstill Order**, WC  
Docket No. 07-149

Dear Ms. Veach:

Telcordia Technologies, Inc. (“Telcordia”) understands that the North American Portability Management, LLC (“NAPM”) may be considering, as early as this Wednesday, May 20, 2009, a statement of work to implement the Uniform Resource Indicator (“URI”)-related provisions of Amendment 70 to its Master Agreement with NeuStar, Inc. (“NeuStar”), which was executed on January 28, 2009. Included in Amendment 70 are provisions whereby NAPM may execute statements of work or other contract amendments directing NeuStar to incorporate three URI fields (SMS URI, Voice URI and MMS URI), and these become optional fields within the NPAC database.<sup>1</sup> These fields, however, are not permitted to be incorporated into the NPAC database. 47 C.F.R. § 52.25(f) only permits inclusion in the regional databases of “information necessary to route telephone calls to the appropriate telecommunications carriers.” Moreover, that rule grants responsibility to the NANC to “determine what specific information is necessary.” Such authority does not lie with either NAPM or the LNPA Working Group. NANC has made no such determination with respect to these URI fields. In its February 4, 2008 letter to NANC, the Bureau returned this issue to the

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<sup>1</sup> Amendment 70, § 35.5(b) (attached hereto as Exhibit 1 and *available at* <http://www.sec.gov/Archives/edgar/data/1265888/000095013309000136/w72483exv99w1.htm>).

industry for reconsideration, but did not direct or authorize implementation of the fields into the NPAC.<sup>2</sup>

A standstill directive is necessary so that both NANC and the Bureau can review whether these contractual provisions comply with 47 C.F.R. § 52.25(f) before the statements of work are adopted. The Bureau should direct NAPM to refrain from taking any actions to implement the addition of URI fields to the NPAC unless specifically authorized by the Commission or the Bureau after recommendation by NANC. This would prevent NAPM from acting unilaterally to authorize the addition of URI fields to the NPAC. This would not limit the ability of the Bureau or the Commission to authorize the inclusion of such fields if the Bureau or Commission felt it appropriate to do so under the existing rules.

A standstill is needed because once NAPM authorizes NeuStar to create and populate these fields, the provisions of Amendment 70 with respect to URI fields automatically take effect.<sup>3</sup> Once those contractual provisions take effect, there is no way to prevent the population of the URI fields without altering Amendment 70 in some way. Altering Amendment 70, by terms that Telcordia believes are unlawful, renders the entire amendment void. Amendment 70's inseparability clause directs that if the Commission voids or modifies any part of Amendment 70, the entire amendment is deemed to be void *ab initio* – which would automatically reprice all 2009 porting transactions as if Amendment 70 had not existed.<sup>4</sup> Thus, if the Bureau or Commission were to decide that the URI provisions of Amendment 70 were unlawful, directing that implemented provisions of the contract be set aside could trigger such repricing. Accordingly, it is far simpler and less prejudicial to all parties if any implementation of URI fields is held in abeyance until the Commission has the opportunity to decide the legality of these provisions, before any implementing statement of work may be issued.

### **Background on Prior NANC Consideration of URI Fields.**

URI fields are data elements within the ENUM standard. ENUM is an international standard that unifies traditional telephony and next-generation IP networks, and provides a critical framework for mapping and processing diverse network addresses.<sup>5</sup> It transforms the telephone number—the most basic communications address—into a universal identifier that can be used across many different devices and applications (voice, fax, mobile, email, text messaging, location-based services and the Internet). It does this by associating a telephone number with IP gateways for customer

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<sup>2</sup> See Letter from Dana R. Shaffer, Chief, Wireline Competition Bureau, to Thomas M. Koutsy, Chair, NANC (Feb. 4, 2008), available at [http://www.nanc-chair.org/docs/mtg\\_docs/Change\\_Order\\_400.pdf](http://www.nanc-chair.org/docs/mtg_docs/Change_Order_400.pdf) (“Shaffer Letter”).

<sup>3</sup> See Amendment 70 at Articles 2 (“Effectiveness and Term”) and 7.2 (“Addition of New Article 35 to Master Agreement”).

<sup>4</sup> See Amendment 70 at Article 15.2.

<sup>5</sup> Internet Engineering Task Force (IETF), [Enum] RFC 3761 on The E.164 to Uniform Resource Identifiers (URI) Dynamic Delegation Discovery System (DDDS) Application (ENUM), available at <http://www.ietf.org/mail-archive/web/enum/current/msg02981.html>.

services and devices. There are both public ENUM and service-provider, or private, ENUM.

The most common use of service-provider ENUM is for IP peering – enabling the IP-IP exchange of traffic between service providers. While public ENUM is still nascent, service-provider ENUM has been a growing, competitive market. When CableLabs in 2005 issued a request for information regarding provision of ENUM clearinghouses for VoIP peering, thirty companies were reported to have responded. More recently, multiple bidders responded to the ENUM LLC’s RFP to provide an ENUM clearinghouse for carriers choosing to participate.<sup>6</sup> Unlike NPAC, service-provider ENUM already operates in multivendor form.

In January 2005, with NAPM’s approval, NeuStar proposed to add four URI fields to the NPAC.<sup>7</sup> When NANC’s Future of Numbering Working Group met to consider the request,<sup>8</sup> the participants reached a consensus that the proposed URI fields were not necessary for the routing of telephone calls on the Public Switched Telephone Network but were for VoIP-to-VoIP calls, picture mail and instant messaging.<sup>9</sup> Both the Future of Numbering Working Group, and ultimately NANC itself, were unable to reach a consensus to add the URIs, at least in part because some NANC members believed that 47 C.F.R. § 52.25(f) precluded including the URIs in the NPAC because they were not necessary for the routing of telephone calls.<sup>10</sup> In June 2005, NANC forwarded NeuStar’s proposal to the FCC without recommendation or approval.<sup>11</sup> The FCC did not approve that proposal, but last year returned it to the industry for reconsideration.<sup>12</sup> No further action has been taken by NANC.

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<sup>6</sup> Telcordia was selected by ENUM LLC to be the Country Code 1 ENUM clearinghouse. See Press Release, Telcordia Technologies, Inc., *Country Code 1 ENUM LLC Enables Next Generation Services with Launch of Extensible ENUM Registry Service* (Feb. 17, 2009), available at [http://www.telcordia.com/news\\_events/pressreleases/2009/02172009.html](http://www.telcordia.com/news_events/pressreleases/2009/02172009.html).

<sup>7</sup> This was NANC Change Order 400, initiated at the NANC Local Number Portability Administration Working Group (“LNPA Working Group”). The proposed URI fields were for voice, multimedia messaging services, push-to-talk over cellular and presence. See Report and Recommendation on NANC Change Orders 399 & 400, Future of Numbering Working Group (revised June 10, 2005) at 4, available at [www.nanc-chair.org/docs/nowg/Jun05\\_FoN\\_NANC\\_Change\\_Order\\_Report.doc](http://www.nanc-chair.org/docs/nowg/Jun05_FoN_NANC_Change_Order_Report.doc) (“Future of Numbering Report”). When proposed, the stated purpose of these new fields was to coordinate and synchronize the updates of the SS7-based number portability databases with that of the IP-based look up databases. See *id.*

<sup>8</sup> NANC, at its March 2005 meeting, had referred the issue to both its Local Number Portability (LNPA) Working Group and its Future of Numbering Working Group for an evaluation and recommendation. North American Numbering Council Meeting Minutes, available at <http://www.fcc.gov/wcb/cpd/Nanc/> (“NANC Minutes”) (March 15, 2005) at 18-19.

<sup>9</sup> See Future of Numbering Report at 25-26.

<sup>10</sup> See Future of Numbering Report at 32.

<sup>11</sup> See NANC Minutes (June 28, 2005) at 2.

<sup>12</sup> See Shaffer Letter.

**Addition of URI Codes to the NPAC is Not Permitted Under 47 C.F.R. § 52.25(f).**

When the Commission created long-term number portability and devised the concept of a long-term number portability database, it specifically decided that the NPAC database would be “limited to the information necessary to route telephone calls to the appropriate service providers.”<sup>13</sup> All other information, including proprietary customer-specific information, would go into carrier-specific databases.<sup>14</sup> The Commission directed that the NANC – not NAPM or the LNPA Working Group – would determine “what specific information is necessary” to route telephone calls to the appropriate provider.<sup>15</sup>

NAPM thus has no authority to decide whether the URI fields contemplated by Amendment 70 may be added to the NPAC database. NANC considered the matter in 2005, was unable to reach consensus and then referred the issue to the FCC. As NANC’s Future of Numbering Working Group found when it examined the issue in 2005, the principal purpose of these URIs does not appear to be the routing of telephone calls, but the routing of IP-to-IP traffic, picture messages and text messages. Indeed, when the NANC last considered this issue, the opponents of including these URI fields in the NPAC pointed out that this traffic had not even been classified as telecommunications services.<sup>16</sup>

There is significant reason for concern with respect to the inclusion of extraneous information in the NPAC database. The NPAC database is paid for and maintained by all telecommunications carriers, pursuant to FCC rule. There is, at this time, only one NPAC contractor, and Amendment 70 makes it likely that this will remain the situation until at least 2015. This is a situation ripe for leveraging one monopoly, NPAC, into another market, ENUM services. Moreover, because the NPAC recovers its costs through a mandatory surcharge to all telecommunications carriers, it is a situation in which cross-subsidy is both sustainable, and could be recouped in the event NeuStar gained market power in the ENUM services market. Entering a standstill order would permit the Bureau the time to examine these issues.

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The Bureau has full authority to issue a standstill directive here. The Commission has plenary authority over numbering administration issues, including number portability administration, pursuant to 47 U.S.C. § 251(e), and it delegated authority to the Wireline Competition Bureau (WCB) “to monitor the activities of the carriers that comprise the

<sup>13</sup> *Telephone Number Portability*, First Report and Order and Further Notice of Proposed Rule Making, 11 FCC Rcd 8352, 8403 ¶¶99 (1996); 47 C.F.R. § 52.25(f).

<sup>14</sup> *Id.* at 8404 ¶¶100-101; 47 C.F.R. § 52.25(i).

<sup>15</sup> 47 C.F.R. § 52.25(f).

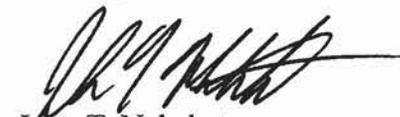
<sup>16</sup> Future of Numbering Report at 26-27.

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LLCs and *to take any action necessary* to remedy possible partiality by those carriers with respect to the LLCs' oversight and management of the local number portability administrators."<sup>17</sup>

Accordingly, Telcordia respectfully requests that the Bureau direct NAPM to refrain from executing any statements of work regarding the URI-related provisions of Amendment 70, pending further review by the Bureau.

Sincerely,



John T. Nakahata  
*Counsel to Telcordia Technologies, Inc.*

cc: Dan A. Sciallo  
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<sup>17</sup> *Telephone Number Portability*, Second Report and Order, CC Docket No. 95-116, 12 FCC Rcd 12281 ¶123 (1997) (emphasis added).