

May 22, 2009

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

Re: Renewed Request for Interim Standstill Order, 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. 07-149

Dear Ms. Veach:

Telcordia Technologies, Inc. ("Telcordia") hereby renews its request for an interim standstill order regarding the implementation of URI fields in the NPAC database pursuant to Change Orders NANC 429, 430 and 435 ("URI Change Orders"). According to an email from NeuStar to NPAC database users, NAPM LLC approved a statement of work – Amendment 72 – with respect to these change orders, under which NeuStar will provide the "ability to provision" URIs for Voice, for Multimedia Messaging Service (MMS), and for Short Messaging Service (SMS).<sup>1</sup> The information provided to the Bureau by NeuStar in its May 19, 2009 ex parte presentation and letter is incomplete, and could mislead the Commission into believing that there will be no irreversible consequences of permitting NAPM and NeuStar to proceed with Amendment 72 while the Commission considers the lawfulness of inclusion of these fields.

Because NAPM has exceeded its authority under 47 C.F.R. § 52.25(f) by contracting for fields in the NPAC database that have not been found by the North American Numbering Council ("NANC") to be "necessary to route telephone calls to the appropriate telecommunications carriers," Telcordia is separately formally initiating the NANC dispute resolution process with respect to the adoption of Amendment 72 by

---

<sup>1</sup> A copy of this email is attached as Exhibit A.

NAPM. Telcordia has also filed a petition 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.<sup>2</sup> Telcordia thus requests that the Bureau issue a standstill order preventing NAPM and NeuStar from implementing any statements of work regarding the URI Change Orders, including the URI-related provisions of Amendment 70, until, at a minimum, the NANC has considered the dispute, provided a recommended decision to the Chief of the Bureau, and the 90 days for Bureau action have passed. Telcordia believes that:

1. There is a substantial likelihood of unlawfulness of Amendment 72;
2. Third parties will incur substantial sunk implementation costs in the absence of a standstill order;
3. There is no substantial offsetting benefit to proceeding with implementation during the NANC dispute resolution process;
4. There are definitive administrative processes available to the Commission.

These points are discussed more fully below.

**Substantial likelihood of unlawfulness of Amendment 72.** In its letter, NeuStar does not contest that these fields have not been approved by NANC. NANC has never found these URI fields to be "necessary to route telephone calls to the appropriate telecommunications carriers," as rule 52.25(f) requires for all data placed in the NPAC database. Indeed, NANC has not met since February 22, 2008, and did not consider these change orders at that meeting. Neither have the Commission or the Bureau made such a finding. When the Bureau returned Change Order NANC 400 on February 4, 2008, it permitted the industry to "reconsider" the issue.<sup>3</sup> As NANC has not discussed these change orders in any meeting since February 4, 2008, such reconsideration cannot possibly be complete.

NeuStar argues that the URI Change Orders were approved by the LNPA Working Group. That is not the full story, as discussed further below. But even if these orders were fully and properly considered by the LNPA Working Group, the LNPA Working Group is not NANC, and cannot make a determination that this is information "necessary to route telephone calls to the appropriate telecommunications carriers" under rule 52.25(f).

---

<sup>2</sup> 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. 07-149 (May 20, 2009) ("Telcordia Petition").

<sup>3</sup> See Letter from Dana Shaffer, Chief, Wireline Competition Bureau, to Tom Koutsky, 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).

NeuStar's description of the role and actions of the LNPA Working Group is not complete. The Working Group never reached consensus on whether NAPM should proceed with authorizing NeuStar to add and populate the URI fields, except in a very formalistic sense. The URI fields were "approved" as part of a package of change orders, but without individual consideration. Working group participants were told by the chairs that they could only prioritize the change orders within the package, and that they could not seek to strike particular change orders from the package. There was a request from at least one participant to discuss the appropriateness of including the change orders in the package. Nonetheless, given the process used, those participants permitted to vote were forced to prioritize all the accepted change orders in the package; they could not vote "no" for any single change order. Further, after prioritization there was only a call for consensus to send the prioritized change order list to the NAPM. A "no" vote at that time would mean that none of the change orders in the package would be approved. This is not a true consensus. Moreover, the LNPA Working Group practice is to permit only the service provider participants to vote. Non-service provider participants who may be affected are not allowed to vote. This is in contrast to the NANC, which is a chartered federal advisory committee subject to the procedural protections of the Federal Advisory Committee Act, and which has voting representatives from among service providers, vendors, state regulators, standards bodies, associations, and more. This underscores why the Commission's requirement for NANC consideration and determination of necessity must be observed *before* these changes can be lawfully implemented.

Finally, Telcordia is substantially likely to prevail on the decision before the Commission that these URI fields are "not necessary to route telephone calls to the appropriate telecommunications carriers." Two of these URI fields involve MMS and SMS, which are not even telecommunications services and do not fit within the term "telephone calls." In addition, the Voice URI is also not necessary to route telephone calls to the appropriate telecommunications carriers. These calls, whether IP-PSTN or IP-IP, are completed and routed today without using the Voice URI now to be added to the NPAC. In addition, port correction for IP-to-IP communications is done today using NPAC data to determine the service provider ID (Service Provider Identification) of the company the TN is ported to, and the call is then routed to the URI appropriate to that service provider if an IP route is available or via the PSTN if it is not. As was reflected in the 2005 Future of Numbering Working Group Report on NANC Change Order 400:

No additional information beyond that currently in the NPAC is needed to complete telephone calls to ported numbers through the PSTN. At the April 14, 2005 joint meeting of the Future of Numbering and LNPA Working Groups there was agreement of all parties that placement of Internet URIs (Universal Resource Identifiers) in the NPAC (Number Portability Administration Center) was not necessary to support PSTN (Public Switched Telephone Network) call completion and that changes to

PSTN elements (switches, Service Control Points, and Signal Transfer Points) were not contemplated.<sup>4</sup>

The result is that today, the value-added service of determining the best route (in this case in IP-to-IP route) is done in a separate service provider database apart from the NPAC, and these calls are being completed. The new URI fields are in no way “necessary” to the proper routing of these calls.

**Third parties will incur substantial sunk costs to implement these URI changes in the absence of a standstill order.** NeuStar’s May 19, 2009 letter portrays the URI changes as entirely reversible, asserting, “there is no irreversible harm that would come from any action by the North American Portability Management, LLC.” NeuStar represents that the statement of work is constructed such that, should the Commission determine that these fields should not be included in the NPAC, “NeuStar would remove such fields at no cost to the industry,” and that “the severability provision of Amendment 70 . . . simply has no bearing on any amendment under consideration by the NAPM to add URI fields to the NPAC.” Telcordia appreciates NeuStar’s concession that Amendment 70 will not be affected if the Commission concludes that the URI fields cannot be added to the database, and that NeuStar will remove those fields from the database without further charge to the industry. But will NeuStar reimburse the already incurred and billed costs to the industry of installing the URI fields in the first place?

In any event, NeuStar focuses only on a small piece of the potential costs – those costs to modify the NPAC database itself. If carriers actually start to use this capability, potentially much larger costs are those that the industry would incur to modify the Local Systems (Service Order Activations Systems and Local Service Management Systems) that carriers use to access the NPAC and to actually route traffic (including downstream network elements). Local system providers (including Telcordia) are required by their contracts to conform their systems to NPAC specifications. Through NAPM’s action, these URI fields become NPAC specifications, to which local system providers must now modify their systems should they receive requests from their customers. These costs will then be billed by the vendors to their carrier customers. In addition, service providers may have to modify their Operation Support Systems that support provision of portability data and connect to the systems that provision or receive data from the NPAC. The costs of modifying these systems to meet these URI change orders will be sunk once incurred, and cannot be recovered or made useful if the inclusion of URIs is found to be unlawful. In total, these costs, including costs of modifying carrier OSS systems, would likely run into the millions of dollars if there is any significant usage (which by itself raises anticompetitive cross-subsidization concerns, as discussed below). Thus, unless NeuStar

---

<sup>4</sup> Report and Recommendation on NANC Change Orders 399 & 400, Future of Numbering Working Group (revised June 10, 2005) at 25-26, *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.*

is offering to reimburse third parties – the local system providers and their customers – if the Commission later determines that NAPM has acted beyond its authority in adopting these change orders and Amendment 72, there will be substantial harm to third parties in the absence of a standstill order. Once established, these URI fields, even if unlawful, will seem like a *fait accompli* – which is exactly what NeuStar intends.

In addition, if NeuStar is permitted to proceed with implementation of these URI fields, it will be able to begin to execute the anticompetitive monopoly leveraging and cross-subsidization strategy with respect to the ENUM services market that Telcordia described more fully in its petition.<sup>5</sup> It will be extremely difficult for the Commission to remedy that competitive harm once it occurs, and third parties will unnecessarily incur substantial cost and expend significant effort in changing their systems and networks if they are forced to switch away from NeuStar because the Commission declares the inclusion of URI fields in the NPAC database to be unlawful. A standstill order would prevent such disruption from occurring.

**There is no substantial offsetting benefit to proceeding with implementation during the NANC dispute resolution process.** As discussed above, all these messages are being routed today. They are simply being routed without use of the NPAC. There will thus be no substantial benefit to rushing to proceed with implementation of these URI change orders during the NANC dispute resolution process.

**There are definitive administrative processes available to the Commission for quick determination.** To support these Commission processes Telcordia is taking two steps. First, on May 20, 2009, Telcordia filed a petition asking the Commission to reform or strike Amendment 70, including its URI provisions, and to initiate a new competitive bidding process. The lawfulness of including these URI fields in the NPAC is addressed in that petition. Second, Telcordia will be immediately filing a formal dispute with the North American Numbering Council pursuant to 47 C.F.R. § 52.26(b)(3) to give NANC the opportunity to address the issue of the necessity of these URI codes for the completion of telephone calls, and also to provide a process for Bureau consideration of any NANC recommendation. Both of these actions limit the duration of the interim standstill order, at least pending further Commission action.

\* \* \*

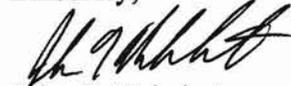
---

<sup>5</sup> See Telcordia Petition at 40-43.

Ms. Julie Veach  
May 22, 2009  
Page 6 of 6

Accordingly, Telcordia requests that the Bureau issue an interim standstill order to direct NAPM to refrain from executing any statements of work regarding the URI Change Orders, including the URI-related provisions of Amendment 70, until, at a minimum, the NANC has completed the dispute resolution process, provided a report to the Chief of the Wireline Competition Bureau, and 90 days have passed to permit Bureau consideration of that report pursuant to 47 C.F.R. § 52.26(b)(3).

Sincerely,



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

cc: Secretary, FCC  
Jennifer Schneider  
Nicholas Alexander  
Mark Stone  
Ann Stevens  
Marilyn Jones  
Melissa Kirkel  
Thomas Koutsky  
Jordan Goldstein  
Dan Sciuillo

## Exhibit A

---

**From:** crossreg-bounces@listserv.neustar.biz [crossreg-bounces@listserv.neustar.biz] On Behalf Of Wangner, Jessica [Jessica.Wangner@neustar.biz]  
**Sent:** Thursday, May 21, 2009 4:31 PM  
**To:** crossreg@listserv.neustar.biz  
**Subject:** [Crossreg] US Regions: Approval of SOW 72 and NANC Change Orders

US NPAC Users,

The NAPM, LLC has approved SOW 72: Implementation of NANC 429, 430, and 435. This communication serves as the notification required to inform all Users of the SOW, and a brief description of each NANC change order.

A detailed implementation plan including details regarding the Testing and Roll-out dates for the production regions will be forthcoming.

### **NANC 429 – URI for Voice**

The NPAC/SMS will provide the ability to provision a Voice URI for each SV and Pooled Block record. This information will be provisioned by the SOA and broadcast to the LSMS upon activation of the SV or Pooled Block and upon modification for those SOA and LSMS associations optioned "on" to send and receive this data. This Optional Data field parameter shall be added to the Bulk Data Download file, and be available to a Service Provider's SOA, LSMS, or both. This parameter will be supported across the interface on an opt-in basis only and will be functionally backward compatible.

### **NANC 430 – URI for Multimedia Message Service (MMS)**

The NPAC/SMS will provide the ability to provision an MMS URI for each SV and Pooled Block record. This information will be provisioned by the SOA and broadcast to the LSMS upon activation of the SV or Pooled Block and upon modification for those SOA and LSMS associations optioned "on" to send and receive this data. This Optional Data field parameter shall be added to the Bulk Data Download file, and be available to a Service Provider's SOA, LSMS, or both. This parameter will be supported across the interface on an opt-in basis only and will be functionally backward compatible.

### **NANC 435 – URI for Short Message Service (SMS)**

The NPAC/SMS will provide the ability to provision an SMS URI for each SV and Pooled Block record. This information will be provisioned by the SOA and broadcast to the LSMS upon activation of the SV or Pooled Block and upon modification for those SOA and LSMS associations optioned "on" to send and receive this data. This Optional Data field parameter shall be added to the Bulk Data Download file, and be available to a Service Provider's SOA, LSMS, or both. This parameter will be supported across the interface on an opt-in basis only and will be functionally backward compatible.

If there are any questions regarding this notification, please contact me at the numbers below.

Thank you,

**Jessica B.F. Wangner: NeuStar, Inc.**

NPAC Service Management Analyst

46000 Center Oak Plaza Sterling, VA 20166

[ T ] +1 571 434 5387 [ M ] +1 571 236 0652 [ F ] +1 571 434 5721 [ E ] [jessica.wangner@neustar.biz](mailto:jessica.wangner@neustar.biz) [ W ] [www.npac.com](http://www.npac.com)  
/ [www.neustar.biz](http://www.neustar.biz)