

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

In the Matter of	)	
	)	
The Petition of Telcordia Technologies, Inc.	)	
to Reform or Strike Amendment 70, to	)	
Institute Competitive Bidding for Number	)	WC Docket No. 09-109
Portability Administration, and to End the	)	
NAPM LLC's Interim Role in Number	)	
Portability Administration Contract	)	
Management	)	

**COMMENTS OF QWEST CORPORATION**

**THE TELCORDIA PETITION SHOULD BE DISMISSED  
FOR FAILURE TO FOLLOW PRESCRIBED PROCEDURE**

The Commission should dismiss Telcordia's FCC Petition.<sup>1</sup> Not only does it seek to embroil the Commission in what is essentially a commercial dispute involving vendors but it is premature and moot. Most of Telcordia's substantive arguments should be (and should have been) brought before the NANC. That body is charged with not only dispute resolution<sup>2</sup> but oversight of number management, including the performance of the NAPM LLC.<sup>3</sup> The issues Telcordia raises are not suited to a strict paper-pleading process. Rather, they require something more along the lines of what NANC has fashioned to deal with Telcordia's filed dispute dealing with the deployment of Uniform Resource Indicators ("URI")<sup>4</sup> by the NAPM LLC. Before the

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<sup>1</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, filed May 20, 2009 ("FCC Petition").

<sup>2</sup> 47 C.F.R. § 52.11(c).

<sup>3</sup> 47 C.F.R. § 52.26(b)(2) and (3).

<sup>4</sup> Telcordia letter to Thomas M. Koutsky, "Request that NANC Resolve Dispute Concerning Necessity of Adding Certain URI Codes for the Completion of Telephone Calls," dated May 26, 2009 ("NANC Request").

NANC, not only are filings being made outlining various positions,<sup>5</sup> but the Dispute Resolution Team is interviewing people as part of its investigative process, all designed to achieve transparency and fairness.

The interviews will be focused entirely upon the facts and will be on the record. [The Dispute Resolution Team] intend[s] to take notes of these factual interviews, provide a draft of those notes to interviewees for their review and correction, and promptly post the final notes of all interviews on the NANC Chair web page. Similarly, all written comments and communications will also be posted and made publicly available.<sup>6</sup>

A process similar to that being used to address Telcordia's currently-filed dispute should be used with respect to its two other objections: the absence of competitive bidding and multiple-vendor presence in numbering administration; and the ongoing involvement of the NAPM LLC in number management. After all, while Telcordia's existing NANC-filed dispute involves but a single issue of URI fields, its requests for relief before the NANC and the Commission are intertwined. Should the NANC determine that Telcordia's URI dispute is without merit, Telcordia would be hard pressed to successfully pursue before the Commission its other two requests (*e.g.*, competitive bidding and removal of the NAPM LLC) with any credibility. Particularly, given the breadth of Telcordia's requested relief before the Commission, *i.e.*, essentially the undoing of the entire existing number administration infrastructure in the United States, the Commission should at least have the benefit of the

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<sup>5</sup> Documents associated with the Telcordia dispute can be found at <http://www.nanc-chair.org/docs/dispute.html>. These documents include Mr. Koutsky's (the NANC Chair) establishment of an original schedule for resolving the dispute, as well as a modified schedule propounded by Commissioners Kane and Gray (the other two members of the Dispute Resolution Committee). That Schedule contemplates a Draft Report was to be provided to the full NANC by September 1<sup>st</sup>, discussion and consideration of the Draft Report, and a finalized response to be submitted to the Wireline Competition Bureau sometime in the September/October time frame.

<sup>6</sup> Kane/Gray Memorandum, July 14, 2009, at 1.

processes and expertise that NANC can bring to the discussion before taking up the Telcordia Petition.

Moreover, pursuing due process in two forums simultaneously is more process than Telcordia is due or that is fair to interested parties. Telcordia is not an unsophisticated participant in the world of numbering. If it believed that only the NANC could properly make the determination regarding the necessity of URIs to the routing of telephone calls -- which it has said<sup>7</sup> -- it should have gone there originally. In Telcordia's own words: "The public interest is served by addressing these questions in proper order -- first the NANC must determine that a particular field is necessary to the routing of telephone calls to the appropriate telecommunications carriers, then -- and only then -- should parties be required to incur the costs of doing so."<sup>8</sup>

There is only one reason to explain why Telcordia might have thought it necessary to approach the Commission before the NANC: to secure a Standstill Order.<sup>9</sup> But the need for

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<sup>7</sup> In Telcordia's FCC Petition, and a subsequently filed letter in WC Docket No. 07-149, it argues that the NANC is the appropriate body to have made decisions about the propriety of the URI fields, belying the appropriateness of its repeated attempts to engage the Commission in its disputes prior to their being addressed by the NANC. *See, e.g.*, Telcordia's claim that *only* the NANC is authorized to make a determination of whether information is "necessary to route telephone calls to the appropriate telecommunications carriers[;]" and that the NAPM LLC "elected to try to circumvent NANC's role[.]" Telcordia FCC Petition at 41 (citation omitted); Telcordia June 24, 2009 *Ex Parte* Letter, WC Docket No. 07-149 at 5 of 7 ("Telcordia June 24 Letter"). The matter of the NAPM LLC's exceeding its authority is raised throughout the Petition. *See also* FCC Petition at 26-31, 32, 43-45. Clearly, then, the forum to secure a determination of whether the URI fields are necessary to route calls or whether the NAPM LLC acted in an unauthorized manner is the NANC itself.

<sup>8</sup> Telcordia June 24 Letter at 5 of 7. It should be noted that Telcordia's quoted remark above was made in the context of arguing that the NANC should have made a determination *prior* to any NAPM LLC action; it still points out that Telcordia was fully aware that the administrative "locus" for the decision at the time was the NANC, not the Commission.

<sup>9</sup> Telcordia Filing "Re: Amendment 70 to the NeuStar Number Portability Administration Contracts, URI Provisions, **Request for Interim Standstill Order**, WC Docket No. 07-149," filed May 18, 2009.

such Order is moot since the implementation of the URIs that Telcordia complained of in its FCC Petition has been accomplished. Accordingly, all the remaining elements of Telcordia's disputes appropriately belong before the NANC.<sup>10</sup>

As a long-standing member of the NAPM LLC, Qwest is confident that Telcordia's objections to its performance will be proven to be without merit once they are reviewed in an appropriate forum, devoid of strident rhetoric and unproven allegations of anti-competitive conduct. Like other NAPM LLC members,<sup>11</sup> Qwest is committed to the goals of number conservation, efficient porting and pooling, and serving the interests of consumers as technology migrates and changes. In line with that commitment, Qwest has worked with other NAPM LLC members to negotiate in good faith, but at arm's-length, contractual relationships that operate to the benefit of the industry and the public. In those negotiations, the NAPM LLC has acknowledged and documented the primary jurisdiction of the Commission over numbering matters and the prime delegation of numbering issues to the NANC.<sup>12</sup> And with others, we have been witness and party to the years of Telcordia dissatisfaction with the way the NAPM LLC has undertaken its business.<sup>13</sup> But despite Telcordia's dissatisfaction, Qwest is confident that the

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<sup>10</sup> Indeed, had Telcordia approached the NANC regarding the URI matter earlier in 2009, there would have been no need for Telcordia to have sought a Standstill Order from the Commission. Telcordia had raised at least some of the objections it raised in its FCC Petition in at least February of 2009. *See ex parte* from John T. Nakahata, Counsel to Telcordia to Marlene H. Dortch, FCC, CC Docket No. 95-116, dated February 19, 2009, and attachment thereto (this *ex parte* is also posted in ECFS in WC Docket No. 07-149).

<sup>11</sup> *See* T-Mobile Aug. 17, 2009 submission to the NANC Dispute Resolution Team posted at <http://www.nanc-chair.org/docs/dispute.html> at 1 and 2 of 4. *And see* Letter to Marlene H. Dortch, Federal Communications Commission from Dan A. Sciallo, Berenbaum Weinshienk PC, dated June 18, 2009, WC Docket No. 07-149, filed on behalf of the NAPM LLC at 2-3 ("NAPM LLC June 18 Letter"). This letter has been incorporated into the document list made a part of the Dispute Resolution proceeding.

<sup>12</sup> T-Mobile at 2 of 4. *And see* NAPM LLC June 18 Letter at 3.

<sup>13</sup> T-Mobile at 2 of 4. *And see* NAPM LLC June 18 Letter at 1-2.

NAPM LLC can demonstrate before any neutral forum that it has successfully implemented number portability and number pooling and is poised to continue its oversight of numbering administration matters into the future.<sup>14</sup>

The Commission should deny Telcordia's FCC Petition.

Respectfully submitted,

QWEST CORPORATION

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Its Attorneys

September 8, 2009

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<sup>14</sup> NAPM LLC June 18 Letter at 6-7.

CERTIFICATE OF SERVICE

I, Ross Dino, do hereby certify that I have caused the foregoing **COMMENTS OF QWEST CORPORATION** to be: 1) filed via ECFS with the Office of the Secretary of the FCC in WC Docket No. 09-109; 2) served via e-mail on Gary Remondino, Competition Policy Division, Wireline Competition Bureau at [gary.remondino@fcc.gov](mailto:gary.remondino@fcc.gov); 3) served via e-mail on the FCC's duplicating contractor Best Copy and Printing, Inc. at [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com); and 4) served via e-mail on counsel for Telcordia at [jnakahata@wiltshiregrannis.com](mailto:jnakahata@wiltshiregrannis.com).

/s/ Ross Dino  
Ross Dino

September 8, 2009