

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of:

Petition of Telcordia Technologies, Inc.
To Reform Amendment 57 and To Order a
Competitive Bidding Process for Number
Portability Administration

WC Docket No. 07-149

Petition of Telcordia Technologies, Inc. To
Reform or Strike Amendment 70, To
Institute a Competitive Bidding for Number
Portability Administration, and To End the
LLC's Interim Role in Number Portability
Administration Contract Management

WC Docket No. 09-109

Telephone Number Portability

CC Docket No. 95-116

COMMENTS OF TELCORDIA TECHNOLOGIES, INC.

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March 22, 2011

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COMMENTS OF TELCORDIA TECHNOLOGIES, INC.

Telcordia Technologies, Inc. ("Telcordia") hereby comments in response to the Wireline Competition Bureau's ("Bureau") March 8, 2011 Order and Request for Comment¹ in the above-captioned dockets. Telcordia commends the Bureau, as well as the North American Numbering Council ("NANC") and North American Portability Management LLC ("NAPM LLC"), for taking steps to reinstate an open, transparent, and competitive process in the LNP administrative process to protect stakeholders including, most importantly, consumers, and to define the roles of private organizations such as the NAPM. Reestablishing accountability over fundamental policy

¹ *In the Matter of 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; Telephone Number Portability*, Order and Request for Comment, WC Docket No. 09-109, CC Docket No. 95-116 (rel. Mar. 8, 2011) ("March 8th Order").

decisions involving number portability administration and requiring competitive bids for the next number portability administrator contract are necessary to reassert the FCC's proper policymaking authority over this contract and to effectively safeguard the public's pocketbook. Telcordia particularly supports the Bureau's requirement that any timeline for the LNPA selection process "shall provide adequate time for potential delays or contingencies and still ensure that a new contract will be in place when the existing contract expires."²

Because the NANC/NAPM Proposal was drafted prior to the Bureau's issuance of its Order, it could not have reflected its terms. Thus, some changes to the NANC/NAPM Proposal are necessary to conform to the letter or spirit of the Bureau's Order:

- The Bureau's Order clearly vests the authority to recommend LNPAs with the NANC, not the NAPM.³
- The Bureau's Order requires Bureau approval of the Request for Information ("RFI"), Technical Requirements Document ("TRD"), and Request for Proposals ("RFP").⁴
- Following in that spirit of NANC as the final recommending authority, the Selection Working Group, rather than the NAPM Future of Numbering Subcommittee ("FONPAC Subcommittee"), should have the authority itself to revise and modify any draft RFI, TRD or RFP submitted by the FONPAC Subcommittee.
- A process for the development of the Technical Requirements Document ("TRD") specified by the Bureau needs to be added.

Telcordia also respectfully suggests the following additions to the NANC/NAPM Proposal to further safeguard the public interest:

- One of the SWG Chairs should be a state utility commissioner or consumer advocate appointed by the NANC Chair, rather than having all three chairs elected by the SWG members. As drafted, all three chairs could be from industry or be FONPAC members.
- The SWG's membership, and the membership of any subcommittees, should be balanced, in terms of NANC Member entities, both between industry and state utility

² *Id.* at 4.

³ *Id.* at 1.

⁴ *Id.* at 4.

commissions/consumer advocates and between entities that are members of NAPM and those that are not. This is especially the case because the SWG will be reviewing, modifying and/or revising work submitted by the FoNPAC. This is consistent with the Federal Advisory Committee Act.

- The FoNPAC Subcommittee needs to be made more transparent, and its work as a technical working group for the SWG should not be limited to FoNPAC Subcommittee members. The FoNPAC Subcommittee is a subcommittee of a private membership organization of service providers, with substantial dues, and thus cannot be balanced in membership. Moreover, neither the FoNPAC's membership nor its operating procedures are transparent. Given the substantial role that the proposal would assign to the FoNPAC, its meetings, discussions and deliberations should be open to all SWG members. The SWG should be charged with ensuring that both its own processes and those of the FoNPAC Subcommittee are open and transparent, except to the limited extent necessary to protect vendor confidential information.
- The SWG should not terminate prior to implementation of the new contract(s) by December 2015. The contract(s), which will be the binding legal document establishing the terms of the LNPA(s) performance, should be approved by SWG, NANC and FCC before becoming effective.
- The FCC does not need now to designate the NAPM as the entity to manage the new LNPA contract(s), as that is not an essential element of LNPA selection. However, if the FCC designates NAPM to manage the LNPA contract(s), the FCC should make clear that NAPM lacks the authority to make substantial modifications to those contracts without the approval of the NANC (if consensus can be reached) and FCC.
- In the interest of time, at any point at which a full NANC recommendation is required, the NANC Chair should be permitted to determine that further NANC consideration would be futile, and thus to forward a matter on which there is a dispute or no consensus directly to the FCC.

For convenience and clarity, Telcordia attaches as Appendix A specific suggested changes to the NANC/NAPM Proposal to implement the changes set forth above, with changes highlighted. A clean version of the NANC/NAPM Proposal including Telcordia's modifications is attached as Appendix B.

Telcordia looks forward to working with the Bureau, the NANC and the NAPM as a competitive selection process gets underway.

Respectfully submitted,



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Date: March 22, 2011

APPENDIX A: Telcordia's Interlineated Suggested Modifications to the NANC /NAPM Proposal.

NANC/NAPM LLC Consensus Proposal for Clarification of the FCC's Rules Regarding the LNPA Selection Process

I. SUMMARY OF THE PROPOSED LNPA SELECTION PROCESS

The Proposal -- which is based on, and consistent with, the Commission's rules and orders -- reflects consensus support for the following LNPA selection process:

1. The FCC will reaffirm the following delegations of authority:
 - a. NANC is authorized to oversee the selection of one or more independent, non-governmental entities that are not aligned with any particular telecommunications segment to serve as the LNPA(s) and to make recommendations to the Commission regarding such selection; and
 - b. ~~Subject to the oversight of the NANC,~~ the NAPM LLC's -Future of the NPAC Subcommittee ("FoNPAC Subcommittee"), pursuant to the process set forth below, is authorized to may recommend to the NANC's LNPA Selection Working Group ("SWG") the selection of the LNPA(s).
2. The NANC will establish an LNPA Selection Working Group ("SWG") to oversee the selection process of the LNPA(s).
 - a. The SWG will be comprised of and open to any individual who (a) is a NANC Member, NANC Alternate or technical staff of a NANC Member company, association or governmental entity and (b) who:
 - i. does not have a conflict of interest, or the appearance of a conflict of interest, with any vendor or potential vendor; and
 - ii. signs a non-disclosure agreement which prohibits (a) disclosure of confidential information to anyone who is not a member of the SWG or the NANC Chair and (b) the use of confidential information for any other purpose or in any other venue or hearing.
 - b. The SWG's membership on a NANC Member Company basis should be balanced between NANC members that are also members of the NAPM LLC and those that are not, and also between industry and state public utility commissioners/consumer advocates.
 - c. ~~b-~~For reasons of confidentiality, the NANC will delegate the authority to reach consensus on behalf of the NANC to the SWG with respect to the request for information ("RFI"), technical requirements document ("TRD") and the request for proposal ("RFP").
 - d. ~~e-~~Membership and participation in meetings is unrestricted, but each participating NANC Member company, association or governmental entity may exercise only one (1) vote on any given issue regardless of how many individuals associated with the NANC Member company, association or governmental entity are participating in the SWG. Decisions must be reached by consensus, which does not require unanimous

consent, but is not reached if the majority of any affected industry segment disagrees with the proposed decision.

- e. ~~d.~~ The SWG ~~members~~ will ~~elect~~have three chairs ~~for the SWG~~ to administer the SWG activities and determine consensus when required. One chair will be a state commissioner, state public utility regulatory staff member, or NASUCA member designated by the NANC Chair, and two will be elected by SWG members.
 - f. ~~e.~~ Non-voting FCC staff observers may attend any meeting of the SWG or FoNPAC Subcommittee.
 - g. The SWG shall ensure that both its own processes and those of the FoNPAC Subcommittee are open and transparent, except to the limited extent necessary to protect vendor confidential information. In the event that the FoNPAC Subcommittee declines to participate, the SWG will form a Technical Subcommittee, which shall also be balanced in membership on a NANC member basis in the same manner as the SWG. To the extent possible, the FoNPAC Subcommittee also will be balanced in participation.
3. The NAPM LLC will utilize its ~~Future of the NPAC Subcommittee~~ (“FoNPAC Subcommittee”), which operates pursuant to the NAPM LLC Operating Agreement, to ~~administer~~participate in the selection process of the LNPA(s). For the purposes of this selection process, all FoNPAC Subcommittee meetings shall be open to participation by any SWG member, including all deliberations and meetings to vote on consensus on any drafts or recommendations. To ensure transparency and balanced participation, the membership and participation in the FoNPAC Subcommittee shall be publicly disclosed, the FoNPAC Subcommittee shall create minutes of its meetings, and those minutes will be available to any member of the SWG, the NANC or the FCC, subject to appropriate protections for proprietary or other business confidential information.
 4. The SWG will work with, provide policy guidance as outlined by the FCC to, and oversee ~~the~~any technical work by, the FoNPAC Subcommittee.
 5. The SWG and the FoNPAC Subcommittee will follow the LNPA vendor selection process set forth below:
 - a. The SWG will ~~oversee the development of the~~prepare and recommend a draft RFI ~~by~~to the FCC, with input from the FoNPAC Subcommittee.
 - b. The FoNPAC Subcommittee will submit ~~the~~a draft RFI to the SWG for ~~approval~~consideration and review.
 - c. The SWG will review and either approve the draft RFI or ~~suggest revisions to~~revise the draft RFI ~~for,~~ after consulting with the FoNPAC Subcommittee. ~~The FONPAC Subcommittee will consider any suggested revisions and work with the SWG to reach agreement regarding any suggested~~SWG may request the FoNPAC Subcommittee to provide draft revisions. The SWG will prepare a status report and submit the approved RFI to the NANC Chair.
 - d. The NANC Chair will submit the approved RFI, along with a request for ~~public release within 15 days~~approval, to the FCC and will submit the SWG status report to the NANC.

- e. Once the FCC publicly ~~announces the release date of~~ approves the RFI, the SWG will direct the NAPM LLC may to activate website software to receive public and vendor responses to the RFI.
- f. The FoNPAC Subcommittee will review and analyze the RFI responses and present recommendations regarding the outline for the RFP to the SWG.
- g. [INSERT PARALLEL STEPS FOR THE DEVELOPMENT OF THE TRD PRIOR TO OR SIMULTANEOUS WITH PREPARATION OF THE RFP]**
- ~~h. g-~~ The SWG will review, and approve or revise, the outline for the RFP ~~or suggest revisions regarding NPAC policy issues and vendor qualifications, including the selection and scoring criteria to be included in the RFP for the FoNPAC Subcommittee. The FoNPAC Subcommittee will consider any suggested revisions and work with the SWG to reach agreement regarding suggested revisions to the outline for the RFP.~~
- ~~i. h-~~ The FoNPAC Subcommittee will draft an RFP consistent with the RFP outline and submit it to the SWG for review, revision, and approval.
- ~~j. i-~~ The SWG will review, revise (if necessary), and approve the RFP ~~or suggest revisions regarding the RFP for the FoNPAC Subcommittee. The FoNPAC Subcommittee will consider any suggested revisions and work with the SWG to reach agreement regarding any suggested revisions~~ after consultation with the FoNPAC Subcommittee. The SWG will prepare a status report and will revise, if necessary, and submit the RFP and status report to the NANC Chair.
- ~~k. j-~~ The NANC Chair will submit the RFP, along with a request for public release within 30 days approval, to the FCC, and the SWG status report to the NANC.
- ~~l. k-~~ Once the FCC publicly ~~announces the release date of~~ approves the RFP, the SWG will direct the NAPM LLC may to activate website software to receive vendor responses to the RFP.
- ~~m. l-~~ The FoNPAC Subcommittee will review and evaluate vendor responses to the RFP in accordance with the approved criteria, and prepare a vendor(s) selection recommendation to the SWG.
- ~~n. m-~~ The SWG will review and evaluate the FoNPAC Subcommittee's vendor(s) selection recommendation, including the scoring of the selection criteria, with access to all of the vendor-submitted information and FoNPAC Subcommittee deliberation documents. The SWG may approve the FoNPAC Subcommittee's vendor(s) selection recommendation or modify and provide specific reasons for ~~not approving~~ modifying the selection recommendation to the FoNPAC Subcommittee. ~~The FoNPAC Subcommittee will consider this feedback and may revise its vendor selection recommendation.~~
- ~~o. n-~~ The SWG will present ~~the FoNPAC Subcommittee's~~ its final vendor(s) selection recommendation to the NANC.
- ~~p. o-~~ The Subject to protections for confidential information, the NANC will utilize a consensus process to approve the ~~FoNPAC Subcommittee~~ SWG's vendor(s) selection recommendation or suggest specific reasons why the ~~FoNPAC Subcommittee~~ SWG should consider an alternative recommendation, ~~which the FoNPAC Subcommittee will consider and, if appropriate, revise its recommendation.~~
- ~~q. p-~~ Upon consensus approval of the ~~FoNPAC Subcommittee~~ SWG's vendor(s) selection recommendation, the NANC Chair will submit the recommended vendor(s)

and evaluation report to the NANC for final approval. The NANC will have final approval of the recommendation that will be transmitted to the FCC by the NANC Chair.

r. ~~q~~- Upon final ~~approval~~implementation of vendor(s) selection ~~by the FCC~~, the NANC will disband the SWG.

6. The FCC will authorize the NAPM LLC with oversight by the NANC and the FCC:
 - a. to negotiate a contract(s) with the selected vendor(s) upon final approval of vendor(s) selection by the FCC, which contract(s) will be subject to review and approval by the SWG, NANC and the FCC;
 - b. to approve and oversee system design, development, industry testing and activation; and
 - c. [OMIT AS UNRELATED TO LNPA(S) SELECTION. IF RETAINED, MODIFY AS FOLLOWS:] to manage the vendor(s) ~~contracts~~contract(s), with regular progress reports to the NANC. ~~NAPM LLC will file the final contracts with the FCC.~~ NANC will submit operational status reports, as needed, to the FCC. The NAPM LLC shall have no authority to make substantial modifications to the contracts without prior approval of NANC (if consensus can be reached) and the FCC.
7. If the SWG is unable to reach consensus regarding any issue, the issue shall be referred to NANC for recommended resolution and to the FCC for final resolution, subject to appropriate protections for confidential information. In the judgment of the NANC Chair, the issue may be referred directly to the FCC without further NANC consideration.

Legend:
<u>Insertion</u>
Deletion

APPENDIX B: Telcordia's Interlineated Suggested Modifications to the NANC /NAPM Proposal.

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 - b. The NAPM LLC's Future of the NPAC Subcommittee ("FoNPAC Subcommittee"), pursuant to the process set forth below, may recommend to the NANC's LNPA Selection Working Group ("SWG") the selection of the LNPA(s).
2. The NANC will establish an LNPA Selection Working Group ("SWG") to oversee the selection process of the LNPA(s).
 - a. The SWG will be comprised of and open to any individual who (a) is a NANC Member, NANC Alternate or technical staff of a NANC Member company, association or governmental entity and (b) who:
 - i. does not have a conflict of interest, or the appearance of a conflict of interest, with any vendor or potential vendor; and
 - ii. signs a non-disclosure agreement which prohibits (a) disclosure of confidential information to anyone who is not a member of the SWG or the NANC Chair and (b) the use of confidential information for any other purpose or in any other venue or hearing.
 - b. The SWG's membership on a NANC Member Company basis should be balanced between NANC members that are also members of the NAPM LLC and those that are not, and also between industry and state public utility commissioners/consumer advocates.
 - c. For reasons of confidentiality, the NANC will delegate the authority to reach consensus on behalf of the NANC to the SWG with respect to the Request for Information ("RFI"), Technical Requirements Document ("TRD") and the Request for Proposal ("RFP").
 - d. Membership and participation in meetings is unrestricted, but each participating NANC Member company, association or governmental entity may exercise only one (1) vote on any given issue regardless of how many individuals associated with the NANC Member company, association or governmental entity are participating in the SWG. Decisions must be reached by consensus, which does not require unanimous consent, but is not reached if the majority of any affected industry segment disagrees with the proposed decision.

- e. The SWG will have three chairs to administer the SWG activities and determine consensus when required. One chair will be a state commissioner, state public utility regulatory staff member, or NASUCA member designated by the NANC Chair, and two will be elected by SWG members.
 - f. Non-voting FCC staff observers may attend any meeting of the SWG or FoNPAC Subcommittee.
 - g. The SWG shall ensure that both its own processes and those of the FoNPAC Subcommittee are open and transparent, except to the limited extent necessary to protect vendor confidential information. In the event that the FoNPAC Subcommittee declines to participate, the SWG will form a Technical Subcommittee, which shall also be balanced in membership on a NANC member basis in the same manner as the SWG. To the extent possible, the FoNPAC Subcommittee also will be balanced in participation.
3. The NAPM LLC will utilize its FoNPAC Subcommittee, which operates pursuant to the NAPM LLC Operating Agreement, to participate in the selection process of the LNPA(s). For the purposes of this selection process, all FoNPAC Subcommittee meetings shall be open to participation by any SWG member, including all deliberations and meetings to vote on consensus on any drafts or recommendations. To ensure transparency and balanced participation, the membership and participation in the FoNPAC Subcommittee shall be publicly disclosed, the FoNPAC Subcommittee shall create minutes of its meetings, and those minutes will be available to any member of the SWG, the NANC or the FCC, subject to appropriate protections for proprietary or other business confidential information.
4. The SWG will work with, provide policy guidance as outlined by the FCC to, and oversee any technical work by, the FoNPAC Subcommittee.
5. The SWG and the FoNPAC Subcommittee will follow the LNPA vendor selection process set forth below:
 - a. The SWG will prepare and recommend a draft RFI to the FCC, with input from the FoNPAC Subcommittee.
 - b. The FoNPAC Subcommittee will submit a draft RFI to the SWG for consideration and review.
 - c. The SWG will review and either approve the draft RFI or revise the draft RFI, after consulting with the FoNPAC Subcommittee. The SWG may request the FoNPAC Subcommittee to provide draft revisions. The SWG will prepare a status report and submit the approved RFI to the NANC Chair.
 - d. The NANC Chair will submit the approved RFI, along with a request for approval, to the FCC and will submit the SWG status report to the NANC.
 - e. Once the FCC publicly approves the RFI, the SWG will direct the NAPM LLC to activate website software to receive public and vendor responses to the RFI.
 - f. The FoNPAC Subcommittee will review and analyze the RFI responses and present recommendations regarding the outline for the RFP to the SWG.
 - g. **[INSERT PARALLEL STEPS FOR THE DEVELOPMENT OF THE TRD PRIOR TO OR SIMULTANEOUS WITH PREPARATION OF THE RFP]**

- h. The SWG will review, and approve or revise, the outline for the RFP, including the selection and scoring criteria.
 - i. The FoNPAC Subcommittee will draft an RFP consistent with the outline and submit it to the SWG for review, revision, and approval.
 - j. The SWG will review, revise (if necessary), and approve the RFP after consultation with the FoNPAC Subcommittee. The SWG will prepare a status report and will revise, if necessary, and submit the RFP and status report to the NANC Chair.
 - k. The NANC Chair will submit the RFP, along with a request for approval, to the FCC, and the SWG status report to the NANC.
 - l. Once the FCC publicly approves the RFP, the SWG will direct the NAPM LLC to activate website software to receive vendor responses to the RFP.
 - m. The FoNPAC Subcommittee will review and evaluate vendor responses to the RFP in accordance with the approved criteria, and prepare a vendor(s) selection recommendation to the SWG.
 - n. The SWG will review and evaluate the FoNPAC Subcommittee's vendor(s) selection recommendation, including the scoring of the selection criteria, with access to all of the vendor-submitted information and FoNPAC Subcommittee deliberation documents. The SWG may approve the FoNPAC Subcommittee's vendor(s) selection recommendation or modify and provide specific reasons for modifying the selection recommendation to the FoNPAC Subcommittee.
 - o. The SWG will present its final vendor(s) selection recommendation to the NANC.
 - p. Subject to protections for confidential information, the NANC will utilize a consensus process to approve the SWG's vendor(s) selection recommendation or suggest specific reasons why the SWG should consider an alternative recommendation.
 - q. Upon consensus approval of the SWG's vendor(s) selection recommendation, the NANC Chair will submit the recommended vendor(s) and evaluation report to the NANC for final approval. The NANC will have final approval of the recommendation that will be transmitted to the FCC by the NANC Chair.
 - r. Upon final implementation of vendor(s) selection, the NANC will disband the SWG.
6. The FCC will authorize the NAPM LLC with oversight by the NANC and the FCC:
- a. to negotiate a contract(s) with the selected vendor(s) upon final approval of vendor(s) selection by the FCC, which contract(s) will be subject to review and approval by the SWG, NANC and the FCC;
 - b. to approve and oversee system design, development, industry testing and activation; and
 - c. **[OMIT AS UNRELATED TO LNPA(S) SELECTION. IF RETAINED, MODIFY AS FOLLOWS:]** to manage the vendor(s) contract(s), with regular progress reports to the NANC. NANC will submit operational status reports, as needed, to the FCC. The NAPM LLC shall have no authority to make substantial modifications to the contracts without prior approval of NANC (if consensus can be reached) and the FCC.
7. If the SWG is unable to reach consensus regarding any issue, the issue shall be referred to NANC for recommended resolution and to the FCC for final resolution, subject to

appropriate protections for confidential information. In the judgment of the NANC Chair, the issue may be referred directly to the FCC without further NANC consideration.