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November 14, 2011

Via First Class Mail and E-mail

Honorable Geoffrey G. Why
Tri-Chair, North American Numbering Council Selection Working Group
Co-Chair, North American Numbering Council and
Commissioner, Massachusetts Department of Telecommunications and Cable
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Ms. Ann Berkowitz
Tri-Chair, North American Numbering Council Selection Working Group
Director, Federal Regulatory Affairs
Verizon Communications
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Re: *Request To Obtain Neustar's Proprietary Information*

Dear Commissioner Why, Ms. Gaugler, and Ms. Berkowitz:

I write on behalf of Neustar, Inc., in response to the November 3, 2011, letter of John T. Nakahata and Madeleine V. Findley on behalf of Telcordia Technologies, Inc. In that letter, Telcordia seeks "details as to the current hardware of third party software used in the NPAC SMS" and "details as to the current NPAC processes/procedures [and] related costs." Telcordia has provided no valid justification for the information that it seeks. Neustar objects to the sharing of Neustar's proprietary information with any competitor as part of the RFI/RFP process

Honorable Geoffrey G. Why
Ms. Tiki Gaugler
Ms. Ann Berkowitz
November 14, 2011
Page 2

and will use all appropriate regulatory and legal means to protect its confidential proprietary information.

The RFI “broadly requests information regarding proposed products, services and concepts as they relate to administration of LNP services (including Routing, Rating, Billing, and Network Maintenance.” RFI § 1.1. But, while that information “may or may not be used in the development of the RFP,” a response to the RFI “is not a pre-requisite to submitting a proposal in response to the RFP, nor will its submission count favorably or unfavorably towards proposal evaluation.” *Id.* There is accordingly no basis for Telcordia’s suggestion that it stands at any disadvantage relative to Neustar (or any other competitor) because it lacks proprietary details of the present NPAC system. As the RFI itself makes clear, information submitted in response to the RFI is “for planning purposes only” and thus does not have any impact on potential participants in the eventual RFP process. *Id.*

Furthermore, Telcordia offers no basis for its assertion that it requires additional information to respond to the RFI. The NAPM LLC has made available extensive technical documentation concerning the requirements for NPAC services. *See* https://www.napmlc.org/pages/npacrfp/npac_rfp.aspx. In addition, a multitude of relevant documents have over the years been made publicly available.¹ Beyond the bare assertion that those documents “do not provide any details as to the current hardware or third party software used in the NPAC SMS” or “*internal* operations process/procedures documents” (emphasis added), Telcordia does not explain what information it lacks or why it is relevant to their response to the RFI. Telcordia is not being asked to respond merely “from a greenfields perspective”; rather, it has the benefit of the extensive requirements documents and further documentation as a starting point for any suggestions for improvement that they may wish to offer.

By contrast, the harm to the competitive bidding process and to Neustar from the disclosure of the information that Telcordia apparently seeks would be substantial. The particular combination of hardware and software technology implemented by Neustar represents the product of significant investment and is by its nature competitively sensitive and proprietary.

¹ *See* <http://www.npac.com/documents/documents.shtml#v3.4>. For example, the public web site for the NPAC maintains the Functional Requirements Specification, the Interoperable Interface Specification, the Abstract Syntax Notation One (ASN.1) document, the Guidelines for the Definition of Managed Objects (GDMO) document, test documentation, external Implementation Project Plan, and the XML definitions document, among others. Additionally, Telcordia and other competitors have the benefit of an exhaustive and public review of the entire NPAC system conducted over the past 24 months in connection with Telcordia’s NANC 437 proposal. *See* North American Numbering Council - Local Number Portability Administration Working Group, *Report on NANC Change Order 437 Feasibility Analysis*, January 11, 2011.

KELLOGG, HUBER, HANSEN, TODD, EVANS & FIGEL, P.L.L.C.

Honorable Geoffrey G. Why
Ms. Tiki Gaugler
Ms. Ann Berkowitz
November 14, 2011
Page 3

The same is true of information regarding Neustar's internal operations processes and procedures. If that information is disclosed to Telcordia and other potential competitors, they will not only be able improperly to rely on Neustar's innovations in designing their own competitive bid, but they will have less incentive to develop meaningful innovations of their own in response to the RFP. Such disclosure will have the effect of depriving the industry of the benefits of aggressive competition to design the best possible NPAC system.

Beyond the damage that such disclosure would do to the competitive bidding process, providing Telcordia the proprietary information it seeks would be unfair and prejudicial to Neustar. Neustar is confident that it has developed and will continue to offer the most efficient, reliable, and cost-effective NPAC/SMS. To allow a competitor to piggy-back on Neustar's efforts would deprive Neustar of the legitimate benefits of its investment and innovation. Moreover, it would jeopardize Neustar's legitimate investment-backed expectation that its proprietary information would remain confidential.

Telcordia argues that "only one bidder – the incumbent – has information" about proprietary aspects of the system that Neustar designed. That, of course, is true, and is generally true when a customer seeks either to renew or to replace a contract with an existing information technology vendor. But there is no unfairness in that: Telcordia and other vendors of highly complex services would likewise object to the disclosure of proprietary information related to those services. And an RFP process in which all competitors have access to the proprietary information of all the others is no RFP process at all.

Sincerely,



Aaron M. Panner

cc: Diane Griffin Holland
Maureen Duignan
Frank Inserra
Marilyn Jones
Kalun Lee
Ann Stevens
Mel Clay
Tim Decker