

**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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I. INTRODUCTION AND SUMMARY

Telcordia Technologies, Inc.¹ (“Telcordia”) recognizes and appreciates the very significant work put in by the North American Numbering Council’s Selection Working Group (SWG) and by the North American Portability Management LLC’s Future of Number Portability Administration Center Subcommittee (“FoNPAC”) on preparation of the Request for Proposal (“RFP”) for the Local Number Portability Administrator (LNPA), the Vendor Qualification Survey (“VQS”), and the Technical Requirements Document (“TRD”). Telcordia looks forward to competing in the upcoming procurement for NPAC Administrators. In that pro-competitive

¹ LM Ericsson, Inc. finalized its acquisition of Telcordia Technologies, Inc. on January 12, 2012. For ease of reference in the above-captioned proceedings, however, we will refer to “Telcordia.”

spirit, Telcordia offers these comments to ensure that the procurement process will be successful and robustly competitive—with the goal of yielding the best result both for the industry and for the ratepaying consumers that ultimately pay the costs of number portability administration. Failure to address the issues discussed here will likely reduce participation in the procurement process, and could preclude more cost-effective approaches from being proposed (for example, because subcontractors may be discouraged from participating).

To ensure a robustly competitive process, the Commission should do the following:

- Streamline and focus the neutrality evaluation by providing a more tailored process for identifying and addressing any neutrality concerns, by placing neutrality determinations on a parallel track with the other parts of the award process, and by replacing the requirement for bidders to abide by the Neustar Code of Conduct, which was developed as a result of concerns arising from Neustar’s unique corporate history, and instead asking respondents to propose an auditable Respondent code of conduct targeted to their own specific circumstances.
- Require all respondents to submit regional bids, with the option of submitting a national bid, rather than the current structure, which requires a national bid with the option of regional bids.
- Broaden the Best and Final Offer (“BAFO”) process to require that any BAFOs be solicited from more than one respondent to ensure competition at all stages of the process, including final selection.
- Revise the “price reasonableness” provision in bid evaluation to reflect the criteria used in the FCC’s most recent NANPA solicitation.
- Enhance the transparency of the selection process so that the Commission and interested parties receive from the FoNPAC and/or SWG explanations consistent with the requirements of the Federal Acquisition Regulations’ Sections 15.3 and 15.5 for pre- and post-award communications and proposal evaluation explanations in order to ensure greater transparency and fairness in bid evaluation and provide the Commission with a basis to review the recommendations it receives.
- Modify the confidentiality protections to mirror 47 C.F.R. § 0.457(d), protecting bidders’ proprietary and trade secret information, while permitting the FoNPAC, SWG and Commission to utilize all aspects of the bids in determining the award of the NPAC contract(s).
- Ensure that the RFP conforms to the Commission’s prior orders regarding policy- and decision-making authority and oversight. For example, the FoNPAC has no decision-

making authority and thus can neither reject nor refuse to consider any bids on its own initiative nor make neutrality determinations.

The Commission has authority to direct changes to the RFP and other procurement documents, because this remains a government procurement in support of the FCC's local number portability program.

II. THE NEUTRALITY PROVISIONS OF THE RFP AND VENDOR QUALIFICATION SURVEY AS DRAFTED ERECT UNNECESSARY BARRIERS TO COMPETING BIDDERS THAT DO NOT ENSURE NEUTRALITY, AND FAIL TO PROVIDE AN ADEQUATE "CURE" PROCESS.

Telcordia agrees, consistent with the Commission's rules and orders cited in the RFP,² that it is critical that any NPAC be neutral,³ and that there be adequate safeguards in place to ensure neutrality. Telcordia further agrees that neutrality should be evaluated according to the criteria set forth in 47 C.F.R. § 52.12(a)(1), *i.e.*, (1) the Administrator "may not be an affiliate of any telecommunications provider," (2) the Administrator "may not issue a majority of its debt to, nor it may [sic], derive a majority of its revenues from any telecommunications service

² See, *e.g.*, 47 U.S.C. § 251(e); 47 C.F.R. § 52.21(k); see also 47 C.F.R. § 52.12(a) (requiring the NANPA and the Billing & Collection Agent to be neutral); §52.13(a) (requiring the NANPA to be an independent and impartial non-government entity); *Telephone Number Portability*, First Report & Order and Further Notice of Proposed Rulemaking, FCC 96-286, 11 FCC Rcd.8352, 8391 ¶ 92 (1996) ("LNP First Report and Order") (concluding "it is in the public interest for the number portability databases to be administered by one or more neutral third parties"); *Telephone Number Portability*, Second Report & Order, FCC 97-289, 12 FCC Rcd. 12,281, 12,287 ¶ 7 (1997) ("LNP Second Report and Order").

³ Telcordia shares the interest in ensuring a robustly competitive procurement and selection of neutral and unbiased NPAC Administrators reflected in comments filed by Public Knowledge and the Idaho Public Utilities Commission. See Comments of the Idaho Public Utilities Commission, WC Docket Nos. 95-116, 07-149-& 09-109, at 2-3 (filed Sept. 11, 2012) ("Idaho PUC Comments"); Comments of Public Knowledge, WC Docket Nos. 95-116, 07-149-& 09-109, at 2 (filed Sept. 12, 2012) ("PK Comments").

provider,” and (3) the Administrator may not be “subject to undue influence by parties with a vested interest in the outcome of numbering administration and activities.”⁴

Under this standard, Telcordia and Ericsson believe that both companies are neutral. Neither Ericsson nor Telcordia is affiliated through common ownership with any telecommunications carriers or VoIP providers, nor does either derive a majority of its revenue from, or issue a majority of its debt to any telecommunications carrier or interconnected VoIP providers.⁵ Because each derives its revenue from sales to a broad range of telecommunications providers, among others, neither is subject to “undue influence” by any single carrier or “telecommunications industry segment.” This would be true for Ericsson even if its North American sales were considered in isolation from the rest of Ericsson. Telcordia and Ericsson strongly support the requirement that an LNPA be a neutral entity and look forward to providing the information necessary to demonstrate their neutrality to the Commission, including all appropriate safeguards to ensure that neutrality over the course of the contract.

Because neutrality is critical to an Administrator’s legitimacy, the RFP process needs to have a robust, but flexible, mechanism for addressing neutrality concerns, particularly with respect to “undue influence.” The basic requirements set forth in 47 C.F.R. 52.12 (a)(1) do that. The process that has been followed to date has granted the incumbent significant flexibility to

⁴ See also *NANP Administration Third Report and Order*, 12 FCC Rcd. 23,040, 23,076 ¶¶69; *Request of Lockheed Martin Corporation and Warburg, Pincus & Co. for Review of the Transfer of the Lockheed Martin Communications Industry Services Business*, Order, FCC 99-346, 14 FCC Rcd. 19,792, 19,794-5 (1999) (“*Warburg Transfer Order*”).

⁵ Although Ericsson has a managed services relationship with Sprint, it also provides services and equipment to many other telecommunications providers both in the United States and around the world, including some to whom Ericsson has annual North American sales larger than to Sprint. Thus, although Ericsson’s relationship with Sprint is well-known, it is counterbalanced by Ericsson’s relationships with many other industry participants, from smaller companies to larger ones.

petition the Commission to amend the requirements to ensure continuing neutrality while recognizing changes in the incumbent's corporate circumstances over time. However, the RFP's and Vendor Qualification Survey's ("VQS") requirements and processes with respect to neutrality are not clear, straightforward, or flexible. For example,

1. The RFP and VQS both reference an "undue influence" standard, but provide no guidance as to how it will be applied;⁶
2. The RFP and VQS discuss, in passing, the requirement that the NPAC "not [be] aligned with any particular telecommunications segment",⁷ but it is not clear if this is demonstrated by meeting the undue influence neutrality criteria in the RFP/VQS or is an additional requirement that is separate from other neutrality criteria in the RFP/VQS,
3. The RFP and VQS are contradictory as to whether a subcontractor must meet all neutrality requirements (including those that go beyond 47 C.F.R. § 52.12(a)(1)), some neutrality requirements (such as only those specified in 47 C.F.R. § 52.12(a)(1)), or no neutrality requirements.⁸
4. The RFP and VQS appear to seek to obtain copies of every contract that a respondent or its subcontractors has with a telecommunications carrier or interconnected VoIP provider – and seek this information without any confidentiality protections.⁹ As

⁶ *Wireline Competition Bureau Seeks Comment on Procurement Documents for the Local Number Portability (LNP) Administration Contract*, Public Notice, DA 12-1333, WC Docket Nos. 09-109, 07-149, CC Docket No. 95-11, Attachment, 2015 LNPA RFP, §4.2 at 10 (rel. Aug. 13, 2012) ("RFP"); *Wireline Competition Bureau Seeks Comment on Procurement Documents for the Local Number Portability (LNP) Administration Contract*, Public Notice, DA 12-1333, WC Docket Nos. 09-109, 07-149, CC Docket No. 95-11, Attachment, 2015 LNPA Vendor Qualification, §3.4 at 11 (rel. Aug. 13, 2012) ("VQS").

⁷ RFP § 4.2 at 9-11; VQS § 3.4 at 10-11.

⁸ *See, e.g.*, RFP § 4.2 at 9; VQS § 3.4 at 10. *But see* VQS § 3.4 at 11 ("It is possible for a Primary Vendor that is preclude from being the NPAC/SMS Administrator may be allowable as another Primary Vendor's Sub-Contractor ... if that Primary Vendor qualifies as a Neutral Third Party in responding to the RFP.").

⁹ *See, e.g.*, VQS § 3.4 at 11 ("The Respondent must specifically address and demonstrate that as a Primary Vendor it is a Neutral Third Party and must disclose ... all contractual relationships, arrangements or other factors that would enhance or impair the Primary Vendor's and Sub-Contractors' ability to ensure the LNPA is at all times a Neutral Third Party."); *see also* RFP § 1.3 at 2 ("All responses to the RFP survey become the property of the NAPM LLC upon submission.... No Respondent's information submitted, with the exception of pricing information, will be treated as confidential or subject to any restrictions

discussed in Section VI, below, contracts could not be provided under these terms, and such a production requirement would be unreasonable and unduly burdensome when applied to an entity such as Ericsson, let alone a subcontractor.

5. The VQS establishes the “neutrality” determination, including the subjective undue influence test, as a prerequisite to bid consideration; although it theoretically can permit a bidder to “cure” if found to have “undue influence” prior to the submission of bids, neither the VQS nor the RFP sets a deadline by which a “neutrality” decision would be rendered, meaning that there may in fact be no opportunity to “cure.”¹⁰
6. Neutrality determinations, including “undue influence,” appear to be made by the FoNPAC,¹¹ rather than by the FCC, notwithstanding that the FCC is the decisional authority and all neutrality decisions to date have been made by the Commission or its Bureau.¹²

As discussed further below, the RFP’s process for addressing “neutrality” needs to be revised, including by substituting a more tailored approach to neutrality safeguards rather than automatically imposing requirements targeted to the incumbent’s particular circumstances on all

on its use and disclosure.”); VQS § 1.4 at 3 (“No Respondent’s information submitted, with the exception of pricing information, will be treated as confidential or subject to any restrictions on its use and disclosure.”).

¹⁰ See VQS § 4.1 at 24 (“Respondents will be notified if their responses to this Vendor Qualification survey are rejected, in whole or in part. If the rejection is due to failure to meet neutrality criteria (on the basis of neutrality as defined in Section 3.4, ITEM 3: Neutrality), the Respondent will have until the last day of the RFP survey submission interval to resubmit, addressing the identified Neutrality issue(s).”).

¹¹ See, e.g., RFP § 1.3 (“[T]he NAPM LLC and the FoNPAC expressly reserve the right to reject any and all responses to this RFP survey without an explanation.”); VQS § 1.4 (same). Cf. *Petition of Telcordia Technologies, Inc. to Reform or Strike Amendment 70, to Institute Competitive Bidding for Number Portability Administration, and to End NAPM LLC’s Interim Role in Number Portability Administration Contract and Telephone Number Portability*, Order, DA 11-883, 26 FCC Rcd. 6839, 6841-44 ¶¶ 8-10, 13-14, 19 & Attach. A ¶ 5 (2011) (“*LNPA Selection Process Order*”) (clarifying that the FoNPAC has authority to make recommendations but that the Commission retains “ultimate oversight and control” and will “make a final decision about the contract award”).

¹² See, e.g., *Warburg Transfer Order*, 14 FCC Rcd. 19,792; *Neustar, Inc., Request to Allow Certain Transactions Without Prior Commission Approval and to Transfer Ownership*, Order, FCC 04-203, 19 FCC Rcd. 16,982, (2004) (“*Safe Harbor Order*”); *Neustar Request for Clarification*, Order, FCC 11-109, 26 FCC Rcd. 10,726 (2011) (“*Neustar Clarification Order*”).

bidders and, for the first time, any subcontractors. Yet it also needs to retain the flexibility that has characterized it to date so that it can address inevitable evolutions in LNPA circumstances.¹³

A. The Neutrality Review Should Consider Neutrality, including Potential Cures, in Parallel with the Rest of the Bid.

Telcordia strongly supports the importance of the FCC rules regarding neutrality. As currently proposed, however, the Neutrality Provisions of the RFP and VQS present a front-loaded process for determining all aspects of neutrality, including both (1) the ownership, revenue and debt requirements of 47 C.F.R. § 52.12(a)(1)(I) and (ii), and (2) the more amorphous “no undue influence” requirement in 47 C.F.R. § 52.12(a)(iii). The responses to the VQS and RFP currently are due simultaneously. Although the draft documents appear to permit Respondents to submit responses to the VQS prior to the filing deadline,¹⁴ the substantial information requests will make early submission unlikely for many potential new bidders. The VQS provides,

“Respondents will be notified if their responses to this Vendor Qualification survey are rejected, in whole or in part. If the rejection is due to failure to meet neutrality criteria (on the basis of neutrality as defined in Section 3.4, ITEM 3 [undue influence]), the Respondent will have until the last day of the RFP survey submission interval to resubmit, addressing the identified Neutrality issue(s).”¹⁵

All of this would have to occur within the 63 days between the release of the final RFP and VQS and the deadline for submission of responses. Yet neither the RFP nor the VQS provides any assurance that potential neutrality issues will be identified to a bidder sufficiently in

¹³ To take the position that no LNPA can be deemed neutral if it has any sales to a telecommunications provider would serve to eliminate almost, if not all, potential Respondents. This could include the incumbent, which has provides significant services to various telecommunications industry carriers and segments through, among others, its Targusinfo subsidiary, the largest supplier of CNAM services. *See* Landline CNAM, <http://www.targusinfo.com/solutions/communication-service-providers/landline-cnam/>.

¹⁴ *See* VQS § 4.1.

¹⁵ VQS § 4.1

advance of the submission deadline in order for the bidder to “cure.” Indeed, the intensively fact-specific nature of undue influence determinations and the significant data requests in the RFP and VQS likely will require significant time and attention from all parties involved.

This process is impractical for addressing neutrality, and it is implausible to believe it will work. Issues of ownership and debt have generated legions of FCC decisions with respect to proper attribution of interests.¹⁶ The undue influence standard—which the RFP and VQS understandably do not attempt to define¹⁷—is intentionally vague, and can only be judged in the context of particular facts. There is a substantial likelihood that any dispute over neutrality will raise difficult or novel issues—certainly issues that will, at a minimum, need to be adjudicated by the Wireline Competition Bureau.¹⁸

A better way to proceed would be for the FCC to divorce the neutrality review from the bid evaluation. To do this, responses to both the RFP and VQS would be due, as specified, 63 days after release. Within a relatively short time, *e.g.*, 30 days, the FoNPAC and SWG would refer to the Wireline Competition Bureau any responses that they believed presented questions of neutrality. The Bureau then would review those responses, discuss them with the affected respondents, permit those respondents to modify their neutrality responses and/or safeguards,

¹⁶ *Applications of Cellco Partnership d/b/a Verizon Wireless and AT&T, Inc. For Consent To Assign or Transfer Control of Licenses and Authorizations and Request for Declaratory Ruling on Foreign Ownership*, Memorandum Opinion and Order and Declaratory Ruling, DA 10-1554, 25 FCC Rcd. 10,985 (2010) (foreign ownership rules); *Request for Declaratory Ruling Concerning the Citizenship Requirements of Sections 310(b)(3) and (4) of the Communications Act of 1934, as amended*, Declaratory Ruling, FCC 85-295, 103 FCC 2d 511 (1985) (“*Wilner & Scheiner P*”) (same); *see also* MB Docket No. 92-51 and related orders and filings (media ownership interest rules).

¹⁷ *See* RFP § 4.2 at 10; VQS § 3.4 at 11.

¹⁸ As discussed further in Part VII, below, the RFP asserts that the NAPM LLC and its FoNPAC committee “expressly reserve the right to reject any and all response” to the VQS, but that plainly cannot be the case because the Commission reserved all decisionmaking to itself, with the FoNPAC and SWG providing recommendations.

and ultimately seek public comment on particular responses as they may have been modified.

While the Bureau worked through potential neutrality issues, the FoNPAC and the SWG would evaluate the bid submissions on organizational, technical, and price grounds.

Proceeding in this manner parallels the process that the Bureau has employed when addressing neutrality issues for Neustar.¹⁹ When Warburg Pincus first sought to acquire Neustar from Lockheed Martin, Warburg proposed a structure for addressing neutrality concerns notwithstanding the fact that it actually controlled telecommunications carriers, in addition to owning Neustar.²⁰ The Bureau sought comment on that initial proposal.²¹ Warburg then withdrew its initial proposal, and proposed a new one, including a voting trust and a code of conduct.²² The Bureau again sought public comment.²³ Only after that second round of comments did the Commission approve Warburg's acquisition of Neustar.²⁴

Furthermore, as the Warburg-Neustar experience shows, conducting a neutrality review in a setting that permits interactive resolution of neutrality concerns is more flexible, and is more likely to yield results that are targeted to the specific neutrality issues presented by a specific Respondent. Neustar's code of conduct was uniquely tailored to the situation in which Neustar's principal beneficial owner also owned controlling and non-controlling, but attributable, stakes in

¹⁹ See e.g. *Warburg Transfer Order*, 14 FCC Rcd. 19,792; *Safe Harbor Order*, 19 FCC Rcd. 16,982; *Neustar Clarification Order*, 26 FCC Rcd. 10,826.

²⁰ See *Warburg Transfer Order*, 14 FCC Rcd. at 19,797-99 ¶¶ 6-8.

²¹ See *id.* ¶ 6.

²² See *id.* ¶ 8.

²³ See *id.* ¶ 15.

²⁴ See *id.* Subsequently, the Commission has twice modified Neustar's neutrality requirements, after seeking public comment. *Safe Harbor Order*, 19 FCC Rcd. 16,982; *Neustar Clarification Order*, 26 FCC Rcd. 10,726.

telecommunications carriers.²⁵ Separating the neutrality determination, especially the undue influence review, from the evaluation of Respondent’s management, operation, and price submission will permit the procurement process to benefit from full and robust competition at every stage, maximizing the potential benefit for industry and the public. As discussed further below, a more flexible neutrality-review process is also likely to be more effective in addressing neutrality issues.

Disqualifying a bidder because of what may be a curable neutrality issue additionally deprives the bidding process—and the public—of a respondent that may offer the best technical, managerial or price package, and reduces the pressure on any remaining bidders to bid as aggressively as the process progresses—for example, into best-and-final offers. With a two-track approach, the SWG and the FoNPAC, and ultimately the NANC and the Commission, would be able to consider and evaluate on the merits all bids that pass the objective neutrality criteria notwithstanding any “undue influence” neutrality concerns. A parallel bid-evaluation process thus would permit and, indeed, encourage more robust competition on the merits, resulting in greater efficiencies, increased incentive to offer innovative and entrepreneurial services and products, and heightened cost savings for industry and the ultimate ratepayers, the consumer public. Moreover, proceeding in this manner takes advantage of the relative competencies of the FoNPAC/SWG, on the one hand, and the Bureau, on the other.

²⁵ Neustar suggests that it has “built its business around maintaining neutrality in compliance with the Commission’s rules.” *Ex Parte* Letter of Aaron M. Panner, Counsel for Neustar, Inc., to Marlene H. Dortch, FCC, at 2, WC Docket Nos. 95-116, 07-149 & 09-109 (filed Sept. 11, 2012) (“Neustar Sept. 11 Ex Parte”). In fact, however, Neustar and Warburg Pincus, of their own accord, designed, drafted, and proposed the Neustar Code of Conduct and its neutrality provisions to the Commission. It would be more accurate to say Neustar has benefitted from the flexibility in the existing neutrality process to address its particular circumstances so that it could continue to do business as those circumstances evolved.

Finally, proceeding on the two-track approach can reduce the amount of documentation required to be submitted with the VQS. Section 3.4 of the VQS currently requires respondents to specifically address “all contractual relationships, arrangements or other factors that would enhance or impair the Primary Vendor’s and Sub-Contractors’ ability to ensure that the LNPA is at all times a Neutral Third Party.”²⁶ If the FoNPAC/SWG do not need to make an up-or-down initial neutrality determination in a compressed period of time, then there would be sufficient time during the two-track review period to obtain and evaluate any necessary documents, and to provide for any corresponding confidentiality protections. In addition, as discussed further below, particularly if the Respondent is required to submit its own Code of Conduct, it will have the ability to address neutrality concerns through proposed safeguards.

Accordingly, the Commission should direct the SWG to revise the RFP to separate evaluation of neutrality from other aspects of the bid, and to refer the resolution of neutrality issues to the Wireline Competition Bureau.

B. The RFP/VQS Should Direct Respondents to Propose a Code of Safeguards Assuring Respondent’s Own Neutrality and Neutral Behavior by Subcontractors.

The procurement process should require Respondents to submit a proposed Code of Safeguards ensuring the neutrality of the Primary Vendor and neutral conduct by any subcontractors rather than requiring that any and all Respondents be bound by the Neustar-specific Code of Conduct. Section 4.2 of the draft RFP not only requires a successful Respondent to meet the neutrality requirements of 47 C.F.R. § 52.12(a)(1), but also mandates that each successful Respondent—and possibly all subcontractors—abide by the Code of Conduct that Neustar and Warburg proposed to the FCC as part of Warburg’s acquisition of

²⁶ VQS § 3.4 at 11.

Neustar from Lockheed Martin. That Code of Conduct, however, is not part of the Commission's neutrality rules but was necessitated only because Warburg Pincus owned substantial and, in some cases, controlling shares of telecommunications carriers. The Neustar Code of Conduct was developed to address specific Warburg-related concerns.

Although some of its provisions have universal applicability (such as the bar on the LNPA showing preference to or special consideration for any telecommunications carrier), many of the Neustar-specific safeguards are not appropriate for other corporate settings, especially if also applied to subcontractors.²⁷ For example:

1. The Neustar Code of Conduct bans a "shareholder" from participating in company management. This was intended to address Warburg Pincus's ownership interest in Neustar, at a time when Warburg also had ownership interests above 10 percent in at least two telecommunications companies.²⁸ However, the proposed Code of Conduct provisions as drafted in Section 4.2 of the RFP would seem to forbid *any* employee or management stock ownership in the LNPA. Moreover, in a highly diversified publicly traded company of which the NPAC represents only a small part, it is unlikely that employee stock ownership will affect neutrality.
2. Prohibiting employees, and employees of sub-contractors, from owning *any* publicly traded stocks or bonds of telecommunications carriers or interconnected VoIP providers is a broader restriction than is reasonable or necessary to police neutrality.²⁹ Subcontractors, even those supporting only a minor piece of the Administrator's

²⁷ Telcordia agrees that subcontractors should engage in neutral behavior, as has been the case in NANPA and Pooling Administrator procurements. But it is not the case that applying to any and all subcontractors a Code of Conduct drafted to address specific issues arising with the corporate structure of a single primary vendor is "consistent with general contracting principles" or "generally established" practice. *See* Neustar Sept. 11 Ex Parte at 4-5. And, in fact, at least one of the public Master Agreements for NPAC services does not define "subcontractor" or discuss the neutrality obligations of subcontractors at all. *See* Master Agreement for NPAC/SMS Services Between Lockheed Martin IMS and Northeast Carrier Acquisition Co., LLC. .

²⁸ *See Warburg Transfer Order*, 14 FCC Rcd. at 19,789-89 ¶8 ("Warburg reports investments in the following entities: a 50.6 percent interest in the Four Media Company (Four Media); a 20 percent interest in Covad Communications Company (Covad); a 14 percent interest in Primus Telecommunications Group, Inc. (Primus)," among others).

²⁹ As the Code of Conduct is written, any employee that owns shares of a basic market index fund could be in violation of this Code of Conduct. This could include employees' retirement fund or mutual fund holdings.

operation or one that could not effectuate bias, would have to require employees to divest personal holdings of telecommunications-carrier or interconnected-VoIP-provider stocks or bonds. Subcontractors may be forced to forego participating in a bid simply because of the disproportionate burden of verifying and enforcing compliance with such a restrictive prohibition.

3. The restriction to 40% control of the LNPA's Board of Directors, which was developed specifically to control Warburg's influence over Neustar, is now ambiguously expanded to any "single entity that cannot pass Neutrality" and may, under Section 4.2, apply to subcontractors.

Rather than rigidly imposing the Neustar Code of Conduct, or similar Neustar-specific requirements, on all future LNPAs, the RFP and VQS should require each Respondent to submit a code of safeguards and a neutrality plan designed to ensure the bidder's neutrality and neutral behavior by its potential subcontractors. The FCC followed such a procedure in both the NANPA and Pooling Administrator procurements. In this respect, Neustar would be at an advantage because a Neustar-specific code of conduct already exists. The code of safeguards could be required to be auditable.

Proceeding in this manner addresses four separate problems with the RFP: (1) it ensures that a Respondent's code of conduct is appropriate to the Respondent's particular structure and mix and use of subcontractors, and thus will be more effective; (2) it ensures that both LNPAs and subcontractors meet the 47 C.F.R. § 52.12(a)(1) neutrality requirements, including those against undue influence, (3) it accomplishes these objectives without imposing requirements that may needlessly impede an entity's participation either as an LNPA or as a subcontractor, and (4) it provides a means to address "undue influence" without, for example, requiring a respondent to produce every contract it has with every telecommunications provider (potentially thousands of contracts), an overly-burdensome request. It is unnecessary to specify in the procurement documents themselves a putatively "universal" Code of Conduct given that the LNPA will be

subject to the neutrality requirements set forth in 47 C.F.R. § 52.12(a)(1), particularly if the respondent must also propose its own, auditable Code of Conduct.

III. THE COMMISSION SHOULD REQUIRE REGIONAL BIDS TO ENSURE A FULL AND INFORMED CHOICE WHEN DECIDING WHETHER TO SELECT JUST ONE OR MULTIPLE NUMBER PORTABILITY ADMINISTRATORS.

One of the most significant decisions that the FoNPAC and SWG – and ultimately the Bureau and Commission – will have to weigh is whether to select a single, national Local Number Portability Administrator (*i.e.*, selecting the same Administrator for all regions), or to select more than one Administrator.³⁰ Section 14.1 of the RFP allows for bids to be submitted covering either of these possibilities, but does not require bidders who submit a “Fully Combined Proposal” (*i.e.*, for all seven regions as a whole) to explain how they would price if awarded less than all regions, or to justify the price differentials, if any, between the “Fully Combined Proposal” and one or more regions that are less than the entire country.³¹

As Telcordia has previously explained, awarding regional contracts to multiple Administrators would foster ongoing competition and benchmarking between and among those Administrators for innovative and entrepreneurial services and price efficiencies.³² Depending on the number of bidders and how they bid, however, the current structure of Section 14.1 could leave the Commission confronting a choice between all-or-nothing options. For example, if only two bidders submitted responses, one offering both a “Fully Combined” national proposal and regional bids, and the other offering a “Fully Combined” national proposal but no regional bids,

³⁰ See William P. Rogerson, *An Economic Analysis of Competitive Procurement Process Design Options for NPAC Services*, (Sept. 13, 2011), submitted as attachment to *Ex Parte* Letter of John T. Nakahata, Counsel for Telcordia Technologies, Inc. to Marlene H. Dortch, FCC, WC Docket Nos. 95-116, 07-149 & 09-109 (filed Sept. 15, 2011) (“Rogerson Study”).

³¹ RFP § 14.1.

³² Rogerson Study at 11-16.

the Commission would be left only with the choice between “Fully Combined” national proposals, and would have no option to have multiple regional NPAC Administrators.³³

To that end, Telcordia suggests that the RFP should require all bidders to submit regional bids, and should provide an additional option of submitting a national bid. As an alternative way to enable side-by-side bid evaluation, the RFP could simply require that all bidders submit both regional and national bids. Either method will allow for a side-by-side comparison, permitting the industry and the Commission to determine which provides the best value to the industry and the public. Shifting to a requirement of severable regional-plus-optional-national or mandatory national bidding would not at all detract from the ability of either the SWG/FoNPAC or the Commission to consider both the costs and benefits of multivendor versus single-vendor awards. In fact, as noted, it would provide more information with which to do so.

IV. BROADEN THE BEST-AND-FINAL-OFFER PROCESS TO ENSURE COMPETITION AND PRECLUDE SINGLE-PARTY NEGOTIATIONS.

In order to ensure that the bid evaluators, including the Commission, have the best information available when reviewing bids, the Commission should direct that the RFP be revised so that if Best-and-Final-Offers (BAFO) are solicited, they will be solicited from multiple vendors simultaneously. As reflected in Section 13.6, the procurement process as currently structured contemplates that a BAFO may be sought from only one bidder.³⁴

³³ RFP § 14.1; *see also, e.g.*, Rogerson Study at 21-23 (describing potential negative impact of allowing package bidding such as this).

³⁴ RFP § 13.6 (“After responses are submitted to this RFP survey, the NAPM LLC FoNPAC may decide to seek best and final offers from one or more Respondents if additional information is necessary or responses must be altered in order to make a final decision.... The NAPM LLC FoNPAC reserves the right to request only one best and final offer. Respondents may not request an opportunity to submit a best and final offer and no Respondent shall be considered to be entitled to have the NAPM LLC FoNPAC request that it submit a best and final offer.”).

Allowing a BAFO to be solicited from only one vendor unintentionally permits replication of the non-transparent negotiation process of the past, and mutes Respondents' incentives to continue to bid aggressively at the BAFO stage. For example, if a BAFO was sought from one vendor on price/cost alone, that vendor could respond with a price that only slightly undercut its competitor's bid, because the competitor may not also be entitled to submit a BAFO.

A better process would be simply to require that BAFOs be solicited from more than one vendor (or from all vendors). This would allow BAFOs to be solicited from as few as two respondents, but would ensure that the SWG/FoNPAC and the Commission were provided at all times with full information about bidders' best offers with which to make a fair and objective side-by-side evaluation.

V. THE COMMISSION SHOULD REVISE THE “PRICE REASONABLENESS” PROVISION TO REFLECT THE CRITERIA USED IN THE FCC’S MOST RECENT NANPA SOLICITATION.

The Commission should revise the RFP to clarify how it will apply “price reasonableness” when evaluating bids, specifically that it will use “price reasonableness” as a way to determine that a Respondent's bid proposals – operational, management, and technical items – support and justify the price provided.³⁵ As currently drafted, however, Section 14.1.1 of the RFP simply provides, without elaboration, “[c]ompetition will be used to determine price reasonableness.”³⁶ No explanation or context is provided. If, however, simply comparing one bid to others to determine if the price is “realistic” is not appropriate for a situation in which there may be a small number of bidders, possibly only the incumbent and one other. In such a

³⁵ See, e.g., FAR §15.305 (providing guidelines for applying “price reasonableness” when evaluating bids).

³⁶ RFP § 14.1.1, Subpart C, at 65.

situation, the incumbent could submit a high bid with the hope that the evaluators would judge a substantially lower yet fully justified bid not to be “price reasonable” because of the comparison with the incumbent’s bid.

While the Commission at times has employed such price-reasonableness language in its numbering administration RFPs, it applied a more comprehensive and transparent approach in its most recent NANPA solicitation. In that RFP, the Commission stated:

The proposals will be analyzed to assess their price reasonableness and continuity with the contents of the Technical Proposal (i.e. whether the prices in an Offeror’s proposal are realistic for the work to be performed, reflect a clear understanding of the requirements, and are consistent with the various elements of the Offeror’s technical and management proposal).³⁷

This clause more clearly sets forth what is being evaluated, and does not use one bidder’s proposals to evaluate the reasonableness of another’s.

VI. ENHANCE THE TRANSPARENCY OF THE SELECTION PROCESS AND REQUIRE FULL EXPLANATION OF BID DATA, EVALUATION, AND SCORING ACCOMPANY LNPA RECOMMENDATIONS WHEN SUBMITTED TO THE FCC FOR REVIEW.

The Commission should revise the RFP to require the SWG/FoNPAC to submit a full explanation of submitted bid data, evaluation, and scoring when submitting its LNPA selection recommendations to the NANC and, ultimately, to the Commission. This will provide the ultimate decisionmaker and procurement process oversight body – the Commission – with full and complete data with which to evaluate and analyze the SWG/FoNPAC and NANC’s vendor selection recommendations.

³⁷ See, e.g., Amendment 1 to Solicitation FCC12R0007 (NANPA RFP), Mar. 21, 2012, at M.1.2.(price factor).

Such transparency is routine in federal procurements governed by the Federal Acquisition Regulations (“FAR”),³⁸ permitting all Respondents to have full information about the evaluation factors and proposal evaluation processes. For example, the FAR requires (and provides guidelines for) communications with potential bidders before, during, and after a procurement,³⁹ sets out specific steps for evaluating bids,⁴⁰ and requires certain notifications to all bidders upon conclusion of the procurement.⁴¹ Section 15.503(b) of the FAR expressly requires contracting officers to notify all offerors within three days of contract award with the following information: (1) the number of offerors solicited; (2) the number of bids received; (3) the name and address of each offeror receiving an award; (4) the items, quantities, and any stated unit prices of each award, unless impractical (at which point only the total contract price need be provided), subject to the requirement that the items, quantities, and any stated unit prices of each award shall be made publicly available, upon request; and (5) in general terms, the reason(s) the offeror’s proposal was not accepted, unless the price information provided readily reveals the reason.⁴² To protect bidder confidentiality, the FAR provides that “[i]n no event shall an offeror’s cost breakdown, profit, overhead rates, trade secrets, manufacturing processes and techniques, or other confidential business information be disclosed to any other offeror.”⁴³

³⁸ *See, e.g.*, FAR § 15.503.

³⁹ FAR § 15.306 (governing exchanges with offerors after receipt of proposals).

⁴⁰ FAR § 15.304 (providing guidance on devising and applying evaluation factors and significant subfactors in a federal procurement); FAR § 15.305 (providing guidelines for proposal evaluation, applying evaluation factors, and disclosing all relevant evaluation factors to potential bidders).

⁴¹ FAR § 15.503 (requiring contracting officer to notify offerors promptly when they are excluded from the competitive range of bidding, and after the contract is awarded, providing specific information about the basis for the determination).

⁴² FAR § 15.503(b)(1).

⁴³ *Id.*

As currently drafted, Section 16.1 of the RFP does not provide for anything like the transparency regarding bid data and evaluation required by FAR § 15.503. Yet the Commission will need more than summary recommendations in order to fairly and fully evaluate the procurement process and determine whether or not to approve the LNPA selection recommendations.⁴⁴ To that end, the Commission should revise the RFP to clarify that the vendor recommendations should be accompanied by comprehensive and transparent data and an explanation allowing the Commission to fully and fairly review the evaluation process and vendor recommendations.

VII. THE CONFIDENTIALITY PROVISIONS MUST BE MODIFIED TO PROTECT BIDDERS' PROPRIETARY AND TRADE SECRET INFORMATION FROM BEING EXPROPRIATED FOR FUTURE COMPETITIONS, AND TO PROTECT EXISTING CUSTOMER RELATIONSHIPS UNRELATED TO THE NPAC.

The procurement process should provide stronger protection to confidential and commercially sensitive information submitted as part of a bid. The confidentiality protection in the current procurement documents is insufficient. As drafted, the proposed VQS places no restriction on either the use or the disclosure of information submitted (“with the exception of pricing information”) as part of a bid.⁴⁵ This will chill participation. Indeed, the confidentiality provisions in the proposed RFP and VQS are more limited than those in the Non-Disclosure Agreement all potential Respondents must sign simply to access the website where the

⁴⁴ In the initial 1997 procurement, the LNPA SWG provided a lengthy, detailed report regarding the procurement process to aid the NANC and the Commission in evaluating and approving the vendor selection recommendations. *See North American Numbering Council Local Number Portability Administration Selection Working Group Report*, Apr. 25, 1997, available at <http://transition.fcc.gov/web/cpd/Nanc/wknggrp.doc>.

⁴⁵ RFP § 1.3; VQS § 1.4.

procurement documents will be made available.⁴⁶ The NDA provides a reasonable scope of confidentiality protection.⁴⁷ Telcordia can identify no reason to provide less confidentiality for bid responses than has been provided to the process to date.

Additional confidentiality protection is needed for many reasons. Bidders are likely to compete with one another in other markets and may not be willing to share all their information publicly. In addition, potential bidders may be subject to nondisclosure provisions in existing contracts that would preclude bidders from being able to submit such contracts to the FoNPAC or SWG without adequate confidentiality protection. Some documents may be sufficiently sensitive that they would qualify for “highly confidential” treatment at the FCC, but would receive no confidentiality protection at all, simply because they were submitted in support of the RFP.

To encourage and facilitate a competitive procurement process with the maximum number of qualified bidders, commercially sensitive or proprietary information submitted as part of a bid should be treated as confidential or proprietary and subject to restrictions on use and disclosure. It may be shared within the FoNPAC, the SWG, and the Bureau (but not the full NAPM LLC or the full NANC) for the limited purposes of the LNPA selection process. This is consistent with the FCC’s Selection Process, which requires members of the SWG to sign a non-disclosure agreement.⁴⁸ It is also consistent with standard federal contracting practice and will encourage greater participation.⁴⁹ And because the information may be shared among the

⁴⁶ Mutual Non-Disclosure Agreement, available at <https://www.napmlc.org/Docs/npac/WDCLIB1-25344500-v5-Mutual%20NDA%20for%20LNPA%20RFP.DOC> (last accessed Sept. 13, 2012).

⁴⁷ *Id.*

⁴⁸ *LNPA Selection Process Order*, DA 11-883, 26 FCC Rcd. 6839, at Attach. A ¶ 2.a.ii.

⁴⁹ *See, e.g.*, FAR §5.4 (regarding release of information).

entities charged with evaluating bids, providing confidentiality protection will not impair the ability to conduct the procurement.

VIII. THE RFP/VQS MUST BE REVISED TO APPROPRIATELY LIMIT THE FoNPAC’S AUTHORITY TO RECOMMENDATIONS ONLY, RATHER THAN DECISIONS.

In order to conform to the terms of the Commission’s orders, the procurement process documents must state that all decisions, including the authority to reject bids, are reserved to the Commission. As currently drafted, the VQS states, “the NAPM LLC and the FoNPAC expressly reserve the right to reject any and all responses to this Vendor Qualification survey without an explanation.”⁵⁰ But this reserves a right that the NAPM and FoNPAC do not have.⁵¹ The Bureau’s Order detailing the LNPA selection process states, “[t]he FoNPAC Subcommittee will review and evaluate vendor responses to the TRD and RFP, and prepare a vendor selection recommendation to the SWG.”⁵² The Bureau further notes, “NASUCA cautions that decisions regarding the LNPA contact, including the expenditure of money, should be made by the Commission. We agree.”⁵³ Rejecting a bid and refusing to consider it – particularly if on neutrality grounds – clearly constitutes a final decision with respect to the bid, not just a recommendation. Decisions as to who should be considered to be an LNPA are beyond the FoNPAC’s and the NAPM’s authority.

⁵⁰ VQS § 1.4.

⁵¹ Indeed, the NAPM has a very circumscribed role in this RFP. The Commission has authorized only its FoNPAC Subcommittee to participate in the bid evaluation and vendor recommendation process. *LNPA Selection Process Order*, DA 11-883, 26 FCC Rcd. 6839, 6841-47 ¶¶ 8-10, 13, 19 & Attach. A. NAPM’s role is limited to activating the website software to receive public and vendor responses to the RFI and RFP documents, and – upon FCC authorization – to approve and oversee system design, development, industry testing and activation. *Id.* at Attach. A ¶¶ 5.e, 5.k & 6.

⁵² *LNPA Selection Process Order*, DA 11-883, 26 FCC Rcd. 6839, 6846.

⁵³ *Id.* at 6844.

IX. THE COMMISSION SHOULD ENSURE THAT ALL DOCUMENTS REFERENCED IN THE RFP, VQS, AND TECHNICAL REQUIREMENTS DOCUMENT ARE READILY AVAILABLE TO ALL BIDDERS THROUGH LINKS ON THE FCC OR NAPM WEBSITE.

Current versions of all documents referenced in the procurement documents should be made readily available to potential bidders in one central location, such as the FCC or NAPM website. As drafted, the RFP and other procurement documents refer in several places to other documents. For example, Section 11.3 refers to SOWs 48, 53, 62, 70 and 79, and Sections 12.3, 15.7, 15.8, and Exhibit M of the Master Agreement.⁵⁴ While some of these documents, such as Amendment 70, are available via the SEC's online EDGAR database, bidders should not be obligated to conduct a detailed search of Neustar's SEC filings in order to locate the relevant documents. What is more, even if bidders were to find the documents in this manner, nothing ensures that they will be reviewing the currently effective or up-to-date document.

To ensure that necessary and updated information is available to all bidders, all referenced information should be posted to the NAPM's website for this solicitation, or to the FCC's website. Similarly, to the extent that there are SOWs, Master Agreement, or other contractual specifications with respect to the LEAP System discussed in RFP Section 11.2, the IVR system discussed in RFP Section 6.9, the Intermodal Ported Number ID Service discussed in RFP Section 11.1, or the GEP, which is referenced throughout RFP Section 11.3, those documents should be made available to all Respondents in a central and accessible repository. Providing this information will not only allow bidders to compete fairly with the incumbent, which has ready access to all of these documents already, but will also allow bidders to ensure

⁵⁴ These references are in Section 11.3, Items 5, 6, 7, 8, 9, 10, 14, 18, 19, 20, 21, 22, and 23. None of these documents are provided on the NAPM LLC website, notwithstanding RFP Section 3.2, stating that technical reference documents are located there.

that their proposals minimize potential compatibility and start-up issues.⁵⁵ All of this information—redacted as necessary to protect any proprietary information—should be made available to bidders through the FCC or NAPM LLC websites.

X. THE COMMISSION HAS FULL LEGAL AUTHORITY TO DIRECT CHANGES IN THE NPAC PROCUREMENT DOCUMENTS TO ENSURE ROBUST COMPETITION AND PROTECT THE PUBLIC INTEREST.

The Commission has full authority to direct changes in the NPAC procurement documents prior to authorizing their release. In its May 2011 order regarding the procurement process, the Bureau underscored this point, stating “[a]s noted in our order, the Commission or the Bureau, acting on delegated authority, must review and approve the procurement process, including the procurement documents, and make a final decision about the contract award. In addition, once the LNPA contract is in place, the Commission or the Bureau will retain ultimate oversight and control over the contract.”⁵⁶ If the Commission lacked authority to direct changes in the procurement documents, its review and approval of the procurement documents would have been unnecessary, except as a courtesy. The May 2011 Order, however, makes clear that the Bureau’s review and approval is more than just a mere courtesy: it is an ironclad requirement.

That is because, as Telcordia has previously demonstrated, the NPAC contract is a governmental contract in support of the FCC’s number portability program.⁵⁷ The Commission’s authority over the LNPA contract is in this respect the same as its authority over other programs supported with public funds, including the Telephone Relay Service (“TRS”)

⁵⁵ See, e.g., Idaho PUC Comments at 2-3 (urging bid evaluators to ameliorate potential risks of transitioning some or all NPAC regions to a new LNPA); PK Comments (same).

⁵⁶ *LNPA Selection Process Order*, DA 11-883, 26 FCC Rcd. 6839, 6843 ¶ 19 (2011).

⁵⁷ See, e.g., Reply Comments of Telcordia Technologies, Inc., WC Docket Nos. 07-149 & 09-109 (filed Sept. 29, 2009).

Fund and the Universal Service Fund (“USF”). All of these programs are administered by a third-party administrator: for local number portability, Neustar; for TRS, Rolka Loube Saltzer Associates (“RLSA”); and for USF, the Universal Service Administrative Company (“USAC”). Moreover, carriers are required to file Form 499-A and to pay LNP, NANPA, TRS, and USF fees by FCC rules, subject to FCC forfeitures for non-payment. Each of these third-party administrators bills its users (telecommunications providers and interconnected VoIP providers) for contributions, just as Neustar does, using data collected through the FCC’s mandatory Form 499-A data collection, collects the money, and disburses it. The only difference is that, in the case of LNP, the Administrator is the beneficiary entitled to receipt of, not just to hold, the funds.

The fact that LNP is a governmental program is underscored by the positions United States has taken in *Lyttle v. AT&T* that the TRS Fund is a government program for the purposes of the False Claims Act.⁵⁸ In *Lyttle*, the government argued that AT&T’s requests for IP Relay compensation from the TRS Fund are actionable under the FCA because (1) the Fund Administrator is an agent of the government for purposes of collecting and distributing TRS Fund monies, and (2) the Administrator is a recipient of money that is provided by a Congressional levy and is used to advance the government’s important interest in making local number portability available to consumers in the United States.⁵⁹

Nothing about the LNPA contract demonstrates that it would be any less subject to a False Claims Act complaint in the context of payments for LNP database services than the TRS Fund. The LNPA acts as an agent of the United States for False Claims Act purposes because it

⁵⁸ See *U.S. ex rel. Lyttle v. AT&T*, No. 10-CV-1376 (W.D. Pa.).

⁵⁹ See, e.g., *United States ex rel. Lyttle v. AT&T Corp.*, No. 10-CV-1376 Memorandum in Opposition to Defendant AT&T Corp.’s Motion to Dismiss Complaint in Intervention of the United States, at 3 (W.D. Pa. May 31, 2012).

acts on the United States' behalf (principal) and is subject to Congressional and, via delegated authority, Commission control.⁶⁰ As in *Lyttle*, where the TRS Fund Administrator satisfies the elements of agency for purposes of collecting and disbursing TRS Funds, the LNPA likewise functions as an agent of the federal government for the purpose of collecting and disbursing LNP funds. It collects, through an assessment calculated on the basis of Form 499-A data, funds to support LNP services, and disburses and uses those funds for the purpose of providing NPAC services.⁶¹

Certainly it would be odd for the FCC to take the position that contributions to USF fell under FCA but contributions to LNP did not, given that both are paid pursuant to FCC rules and based on data mandatorily submitted on the same Form 499-A. As further demonstration that the LNPA is an agent of the federal government, courts have held that an entity acts on behalf of the federal government when it acts pursuant to federal law authorizing it to take that action.⁶² As in *Hendler*, Neustar was authorized to collect and disburse LNP funds by a series of Commission Orders appointing it as Administrator and authorizing it to act.⁶³ These Orders, like those authorizing the TRS Fund Administrator, were authorized by the Telecommunications Act of 1996,⁶⁴ and mandate that the Commission create rules governing local number portability. The Administrator has no independent legal right to the LNP funds, which all interstate telecommunications carriers and interconnected VoIP providers must contribute pursuant to

⁶⁰ See, e.g., Restatement (Third) of Agency § 1.01.

⁶¹ See 47 C.F.R. § 52.32.

⁶² See, e.g., *Hendler v. United States*, 952 F.2d 1364, 1378-79 (Fed. Cir. 1991) (holding that California officials acted on behalf of the United States for takings purposes in acting to clean up a “superfund” site).

⁶³ See, e.g., *LNP First Report & Order*, 11 FCC Rcd. at 8391 ¶ 92 (1996); *LNP Second Report & Order*, 12 FCC Rcd. at 12,287 ¶ 7 (1997); *Telephone Number Portability*, Third Report & Order, FCC 98-82, 13 FCC Rcd. at 11,705 ¶ 6 (1998).

⁶⁴ 47 U.S.C. §251(e).

federal law.⁶⁵ In collecting or paying LNP funds, the LNPA is acting on behalf of the federal government because federal law specifically authorizes its ability to act.

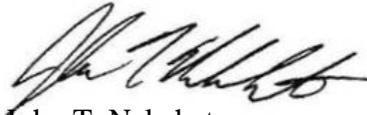
Accordingly, there can be no doubt that the Commission, and by delegation, the Bureau, has the authority to direct changes in the contract for its agent, the Local Number Portability Administrator. The Commission's authority to appoint the Administrator carries with it the ability to determine how, and under what terms, that Administrator is selected.

⁶⁵ 47 U.S.C. §251(e)(2); 47 C.F.R. §52.32.

XI. CONCLUSION

With the assistance of the FoNPAC and SWG, the Commission is about to launch the first competitive procurement for Local Number Portability Administrator(s) since 1997. The proposed RFP and other procurement documents are, with some modifications, a reasonable basis with which to proceed with the procurement. Telcordia looks forward to participating, but urges the Commission to make the changes set forth herein in order to have a fair and manageable process for ensuring neutrality, and to obtain the information that it needs to make an informed selection, including whether to continue to have a single number portability administrator, or to have more than one provider, filling this crucial function.

Respectfully submitted,



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