

November 30, 2012

Ex Parte

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

RE: Petition of Telcordia Technologies, Inc. to Reform Amendment 57 and to Order a Competitive Bidding Process for Number Portability Administration, and 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 Nos. 07-149, 09-109

Telephone Number Portability, WC Docket No. 95-116

Dear Ms. Dortch:

Telcordia Technologies, Inc. (“Telcordia”) hereby submits this *ex parte* letter to address certain misapprehensions regarding its proposed revisions to the Code of Conduct in the draft Local Number Portability Administrator (“LNPA”) Request for Proposal (“RFP”).¹ Telcordia’s proposal has two components: all Respondents would be required to: 1) commit to a set of universal neutrality principles; and 2) submit an auditable set of Proposed Safeguards that would ensure the neutrality of the LNPA. Each Respondent must satisfy *both* steps as part of an acceptable bid.

In proposing a revision to the Neutrality Review of the RFP, Telcordia seeks to enhance the FCC’s and the NANC’s ability to encourage bidders to compete while ensuring—and verifying—that all prospective LNPAs would satisfy neutrality. It is no surprise that Neustar would tout the Code of Conduct as a “success”: the Code was created—and subsequently modified—specifically for it. Each Respondent should have the opportunity that Neustar had: to commit to being neutral and to propose a set of safeguards that will ensure that it is and remains so.² This should be a simple matter for Neustar: it merely needs to propose the Neustar Code of Conduct as part of its response.

¹ See *Ex parte* Letter of John Nakahata, Counsel to Telcordia Technologies, Inc., to Marlene H. Dortch, Secretary, FCC, Docket Nos. 95-116, 07-149 & 09-109 (Nov. 16, 2012).

² See Letter from Alan C. Hasselwander, Chair, North American Numbering Council, to Lawrence E. Strickling, Chair, Common Carrier Bureau, FCC, CC Docket No. 92-237 (Mar. 31, 1999), Attachments (proposals from the CIS unit of Lockheed Martin IMS (which

In suggesting a set of Universal Neutrality Code of Conduct provisions, Telcordia separated the existing Neustar Code of Conduct into universal neutrality principles (issues that should be applicable to all bidders) and the Neustar-specific structural safeguards (issues better-suited for bidders to address in bidder-specific Proposed Safeguards). The proposed Universal Neutrality Code of Conduct Provisions place the neutrality requirements on the LNPA, because it is the accountable party under the Master Agreements. Neustar objects to these provisions because they do not include certain corporate structural safeguards from the Neustar Code of Conduct. But that is no surprise: structural safeguards are better addressed in the Respondent-specific Proposed Safeguards.

To see why, we need look no further than the Neustar Code of Conduct. The Neustar Code includes structural safeguards placing certain prohibitions on “any shareholder of the LNPA,” because Neustar’s then-owner, Warburg Pincus, also owned and/or controlled telecommunications carriers. Neustar notes that it is now an independent entity and implies that these safeguards are no longer necessary for its circumstances. Under Telcordia’s proposal, Neustar would be free to propose appropriate revisions to the Neustar Code of Conduct in the Proposed Safeguards portion of its RFP response. Other Respondents, including Telcordia, have different ownership structures, business relationships, and corporate circumstances than Neustar.

Telcordia seeks in its Proposals to ensure that the RFP documents, including the neutrality provisions, are as fair, transparent, and pro-competitive as possible. This is important because, contrary to Neustar’s assertion, the record does not reflect “unanimous support” for the draft documents – Comcast has raised concerns about the bid structure,³ and Neustar itself has requested changes.⁴ Telcordia shares Neustar’s desire that the RFP documents be issued expeditiously but believes that the changes Telcordia has proposed will increase competition and promote transparency and fairness.

became Neustar), Lockheed Martin, and Warburg Pincus for a framework of safeguards that would ensure Neustar’s neutrality after the sale to Warburg Pincus, and written correspondence responding to inquiries from the NANC itself) (“NANC Recommendation”); *see also 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, 19,794-95 ¶¶ 9-16 (1999) (discussing NANC Recommendation and attached supporting correspondence between NANC, its Issue Management Group, Lockheed Martin, CIS (which became Neustar), and Warburg Pincus).

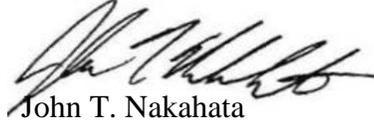
³ See Comments of Comcast Corp., Docket Nos. 95-115, 07-149 & 09-109, 2-5 (filed Sept. 13, 2012).

⁴ See Comments of Neustar, Inc. Docket Nos. 95-116, 07-149 & 09-109 at 5-20 (filed Sept. 13, 2012) (urging the FCC to change definitions of certain terms, add additional certification requirements, and limit LNPA qualifications, among others). Indeed, notwithstanding Neustar’s statement in its November 21 *ex parte* letter, Telcordia’s Universal Neutrality Code of Conduct provision number 4 (employee financial interests) reflects the standard Neustar itself has been applying.

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A copy of this letter is being filed in the above-captioned docket.

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Nakahata". The signature is fluid and cursive, with the first name "John" being the most prominent.

John T. Nakahata

Counsel to Telcordia Technologies, Inc.

cc: Neil Dellar
William Dever
Maureen Duignan
Lisa Gelb
Diane Griffin Holland
Marilyn Jones
Sean Lev
Travis Litman
Christopher Sova
Ann Stevens
Suzanne Tetreault
Julie Veach
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