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December 14, 2012

Ex Parte Filing

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Room TW-A325
Washington, D.C. 20554

Re: CC Docket No. 95-116; WC Docket No. 07-149; WC Docket No. 09-109

Dear Ms. Dortch:

On December 13, 2012, on behalf of Neustar, Inc., I spoke briefly with Neil Dellar of the Commission's Office of General Counsel, to discuss the issues raised in the December 12, 2012, submission of Ericsson, Inc. In that submission, Ericsson argues that although "the neutrality provisions of the LNPA RFP . . . should apply to the LNPA (the prime contractor)," a bidder should be permitted to "include in its Proposed Safeguards a process for monitoring any subcontracts to ensure their neutrality in the performance of the contract." I argued that Ericsson's request that the Commission reverse the judgment of the industry – and contradict its own rules – by exempting sub-contractors from compliance with neutrality requirements should be rejected as unlawful and bad policy.

Under the proposed RFP Documents, a bidder must establish that the Primary Vendor and all Sub-Contractors that the Primary Vendor will engage or include in providing NPAC services must "at all times be 'Neutral Third Parties,'" as that term is defined in the RFP Documents. *See* Vendor Qualification Statement § 3.4; *see also* 2015 LNPA RFP § 4.2. As Neustar has explained previously – without contradiction by Ericsson – the requirement that sub-contractors involved in the provision of NPAC services comply with applicable neutrality requirements is well established in the numbering-administration context and is consistent with

Marlene H. Dortch, Secretary
December 14, 2012
Page 2

general contracting principles.¹ In particular, under the Commission's rules applicable to the NANPA and the PA, "[a]ny subcontractor that performs," for example, "NANP administration . . . must also meet the neutrality criteria described" in the Commission's rules. 47 C.F.R. § 52.12(a)(2). The Commission reiterated this requirement in its own recent RFP soliciting bids for the NANPA contract. Furthermore, this requirement is essential to address the concerns to which those criteria are directed. In the absence of such a requirement, a contractor could circumvent the neutrality rules by assigning all or a significant portion of NPAC administration to a non-neutral subcontractor – which would compromise the core requirement of impartiality in number administration. A subcontractor that is subject to undue influence is just as able to skew performance in a manner that advantages particular entities as the primary vendor.

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If you have any questions concerning this matter, please contact me at (202) 326-7921.

Sincerely,



Aaron M. Panner
Counsel for Neustar, Inc.

cc: Neil Dellar
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¹ Letter of Aaron M. Panner to Marlene H. Dortch, Secretary, Docket Nos. 95-116, 07-149 & 09-109, at 4-5 (Sept. 11, 2012).