



WILTSHIRE  
& GRANNIS LLP

January 23, 2014

**VIA ECFS**

Jonathan Sallet, Esq.  
Acting General Counsel  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: *Telephone Number Portability, et al.*, CC Docket No. 95-116, WC Docket Nos. 07-149 & 09-109; Letter of Aaron Panner, Counsel to Neustar, filed January 15, 2014.

Dear Mr. Sallet:

On January 15, 2014, Mr. Aaron Panner, on behalf of Neustar, filed an ex parte letter in the above-referenced proceedings. Mr. Panner redacted the entire content of the letter. It is difficult to believe that all of the content of the letter is entitled to confidential treatment under 47 C.F.R. §§ 0.457 and 0.459. For example, the addressee cannot possibly be confidential. Moreover, because this is filed in open dockets, by designating the entire letter as confidential, Neustar has deprived other interested parties of the opportunity to review and comment on the letter or to be apprised of its general subject matter.

We ask that Neustar be instructed to re-file the letter in a manner consistent with the FCC's rules, designating as confidential only those parts of the letter that are entitled to confidential treatment as trade secrets.

We also ask that the Commission enter a protective order permitting counsel for other interested parties to review Neustar's unredacted filing, with appropriate confidentiality protections. Neustar's filing is extremely irregular, given that the Commission is currently conducting a procurement for one or more LNPA vendors. If what Neustar has done is to unilaterally seek to alter the terms of its Best and Final Offer, that would be improper and should be disregarded entirely. As the courts have confirmed, "Once bidders have submitted their BAFOs, the government may seek 'clarification' of a bid, but cannot engage in 'discussion' with a particular bidder." *Data Gen. Corp. v. Johnson*, 78 F.3d 1556, 1561 (Fed. Cir. 1996). "The rule is designed to prevent a bidder from gaining an unfair advantage over its competitors by making its bid more favorable to the government in a context where the other bidders have no opportunity to do so." *Id.* Moreover, if bidding is going to be re-opened, it is the Commission (or its Bureaus acting on delegated authority) that should make that determination; it would be highly improper were Neustar to attempt to force the Commission to do so by unilaterally submitting amendments to its Best and Final Offer. Counsel for Telcordia needs to be able to review Neustar's unredacted filing in order to be able to determine whether Neustar's submission is improper, and to be able to present arguments to the Commission accordingly.

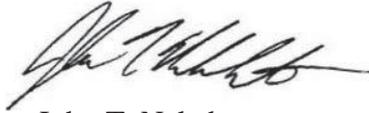
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We urge the Commission to restore transparency, and to ensure that this procurement is concluded in an open, transparent and fair manner.

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Nakahata".

John T. Nakahata

Madeleine Findley

*Counsel to Telcordia Technologies, d/b/a iConectiv*

cc: Diane Griffin Holland  
Maureen Duignan  
Lisa Gelb  
Ann Stevens  
Sanford Williams  
Aaron Panner