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May 2, 2014

EX PARTE

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: *Telephone Number Portability, et al.*, CC Docket No. 95-116, WC Docket Nos. 07-149 & 09-109

Dear Ms. Dortch:

On April 30, 2014, Richard Jacowleff and Joel Zamlong of Telcordia Technologies, Inc., d/b/a iconectiv ("Telcordia"), Mark Davis of this firm, and I, on behalf of Telcordia, met with Julie Veach, Lisa Gelb, Randy Clarke, Ann Stevens, Sanford Williams, and Jamie Susskind of the Wireline Competition Bureau and Diane Griffin Holland, Jim Bird, Michele Ellison, and Maureen Duignan of the Office of General Counsel.

During the meeting, we discussed the importance of expeditiously concluding the selection process for the next Local Number Portability administrator ("LNPA") and of issuing an order that removes all uncertainties and allows the selected vendor to conclude a contract and meet the implementation date. Telcordia emphasized that in order to allow the selected LNPA vendor to swiftly conclude a contract and meet a definitive implementation date, the order should be absolutely clear on both *who* is empowered to negotiate the LNPA contract and *when* the negotiation should occur. Telcordia further emphasized that if a new LNPA is chosen, the Commission should oversee the transition process to ensure that the incumbent offers reasonable prices for transition services and to prevent the incumbent from attempting to lengthen the transition.

Telcordia stressed that delaying a decision will also cause significant harm to Telcordia or any bidder other than the incumbent. The Bureau has been very clear that it expected all parties to complete the selection process in time for July 2015 implementation.[1] The RFP

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[1] *See, e.g.*, Letter from Julie Veach, Chief, Wireline Competition Bureau, FCC, to the Honorable Betty Ann Kane, Chair, NANC, at 3, WC Docket No. 09-109, CC Docket No. 95-116 (filed Feb. 11, 2014) ("We remain committed to ensuring that the process is both fair and efficient, and that 'a new contract will be in place when the existing contract expires.' Thus,

contemplates a fixed-price contract that does not begin to pay until the new system is in place and operationally providing number portability administration. A non-incumbent bidder who has committed to the RFP timeline, despite the delay in a decision to date, bears the costs of delays, while it has no impact on the incumbent. In order to meet the July 2015 implementation, Telcordia started investing in the project in 2013. The longer the decision is delayed, the greater the impact becomes on Telcordia or any non-incumbent's business case as the time period for which it incurs costs without any compensation continues to expand. Unnecessary delays are thus extremely prejudicial to a non-incumbent bidder—while benefiting the incumbent, who continues to get paid under the old contract during the delay.

Telcordia reiterated its position that there is no reason to deviate from the Commission-ordered selection process. Telcordia noted that the Commission has no legal obligation to put the recommendation of the North American Numbering Committee ("NANC") out for public notice and comment because the selection of the next LNPA is an informal adjudication,[2] and there is no such thing as a mandatory notice-and-comment informal adjudication.[3] As already discussed in prior letters, the selection recommendation process itself was developed with notice and comment, as were the terms of the Request for Proposals, Vendor Qualification Statement and Technical Requirements Document ("Procurement Documents"). Further, as Telcordia has previously pointed out, treating the LNPA as a rulemaking would be inconsistent with the appointment of other numbering administrators under Section 251(e).[4] Any effort to misconstrue it as such would only further delay the process at least six to eight months. Such a lengthy delay would almost certainly require the Commission to delay the start date of the contract and extend Neustar's incumbent contract under which it receives nearly $500 million per year. That result is not in the best interests of carriers or consumers because Neustar's current contract is the result of a sole-source award, and its prices do not reflect the forces of competition. Additionally, Telcordia reiterated that no additional round of best and "final" offers ("BAFOs") should be sought for the reasons explained previously by Telcordia in its prior filings.[5] As explained in prior filings, neither Neustar nor any other bidder had any reasonable expectation that there would be another round of BAFOs.

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any additional modifications to the timeline must be consistent with those goals.") (citation omitted).

2 *See* Letter from John Nakahata and Mark Davis, Counsel to Telcordia, to Marlene Dortch, Secretary, FCC, CC Docket No. 95-116, WC Docket Nos. 07-149 & 09-109 (filed Apr. 15, 2014); Letter from John Nakahata, Counsel to Telcordia, to Marlene Dortch, Secretary, FCC, CC Docket No. 95-116, WC Docket Nos. 07-149 & 09-109 (filed Apr. 28, 2014) ("Telcordia April 28 Ex Parte").

3 *See Conference Group LLC v. FCC*, 720 F.3d 957, 964-65 (D.C. Cir. 2013).

4 *See* Telcordia April 28 Ex Parte at 3.

5 *See* Letter from John Nakahata and Madeleine Findley, Counsel to Telcordia, to Julie Veach, Chief, Wireline Competition Bureau, FCC, and Jonathan Sallet, General Counsel, FCC, CC Docket No. 05-116, WC Docket Nos. 07-149 & 09-109 (filed Feb. 6, 2014).

It is time to bring this selection process to a conclusion. The Commission now has a solid record upon which to make its selection.

Sincerely,

John T. Nakahata

Counsel for Telcordia Technologies, Inc., d/b/a/ iconectiv

cc: Julie Veach
Lisa Gelb
Randy Clarke
Ann Stevens
Sanford Williams
Jamie Susskind
Diane Griffin Holland
Jim Bird
Michele Ellison
Maureen Duignan