

June 23, 2014

Ex Parte

Marlene H. Dortch
Secretary
Federal Communications Commission
455 12th Street, S.W.
Washington, DC 20554

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

Dear Ms. Dortch:

We are a group of associations representing competitive local exchange carriers. The companies that make up our membership depend on local number portability (“LNP”) to compete in the telecommunications marketplace. Not only do our members use LNP to acquire customers, they also use the LNP database to manage their networks more efficiently, which enables them to provide better service to consumers. Because of the importance of LNP, earlier this year several of the undersigned associations sent letters to the Commission and to The Honorable Betty Anne Kane, Chair of the North American Numbering Council (“NANC”), seeking an open and transparent process for the selection of the vendor for the next LNP contract. Our hope had been to have the opportunity to review and comment on any analysis that had been done regarding the impact of the vendor selection on smaller carriers, particularly if a transition to a new vendor is contemplated. Unfortunately that opportunity was not provided to us prior to the NANC submitting its recommendation to the Commission.

With that background, we read with great interest the Public Notice released by the Commission on June 9 that seeks comment on the NANC’s recommendation of iconectiv to be the next LNPA, which raised some of our concerns. We hoped that this would have given us the opportunity to review the proposals, the evaluations, and the NANC recommendation so that we could see firsthand how the selection will affect our members. However, when we read the Protective Order that accompanied Public Notice, we quickly realized that we would be precluded from submitting meaningful comments because we and our members do not have the resources to retain outside counsel to review the documents. Even if we could retain such counsel, the inability of counsel to discuss the documents with company personnel renders the exercise meaningless.

We urge the Commission to revise the Protective Order so that all carriers can have the same access to the proposal, evaluation and recommendation documents that has been enjoyed by the larger carriers in this process by signing a non-disclosure agreement (NDA). Certainly the members of the NAPM LLC, the Selection Working Group and the NANC had access to these documents without the burdens of this protective order. We believe that carriers that have thus

far not been included in this process are entitled to no less than equal access to the documents so that we can make our own judgments on the recommendation. The only way for the Commission to obtain meaningful comments from smaller carriers is to permit such access.

We also note the letter recently submitted by USTelecom, CTIA and NCTA, whose largest members have been intimately involved in the LNP vendor selection process, urging that the Commission make its LNP vendor selection quickly. While we are not opposed to the Commission moving quickly, we believe that the Commission should only act after all entities that depend on LNP, not just the largest carriers, have an opportunity to review and understand the implications of the LNP selection and provide comments to the Commission. For example, in other Commission proceedings, large members of USTelecom and CTIA sought to shift the costs of LNP from today's competitively neutral mechanism to one that places a greater burden on smaller carriers. We would like to examine the LNP selection so that we can be assured that such a rate restructuring will not be a part of the pricing of the contract for the next LNPA.

In addition, we want to make sure that we receive at least the same services in the future as we receive today. For example, the current provider encourages the use of the NPAC as an ENUM routing database today at no additional cost to accommodate the IP routing of calls and to assist with the IP transition. We want to be assured that such services will continue to be available and at no additional cost from the next LNPA under the new contract.

Similarly, we are concerned that larger carriers may be better able to withstand a costly or disruptive transition to a new vendor. Problems with the initial implementation of LNP in the late 1990s caused many consumers to remain with or return to incumbent providers to avoid disruption of their telephone service. We do not want a repeat of that experience. For this reason, it is important for us, our members and the public to review and comment on any transition analysis that has been done as part of the selection process.

It is also necessary for our members to review the impartiality of any entity selected to the LNP vendor. This is particularly true given the recommendation of iconectiv as the next LNPA. It is our understanding that iconectiv is a wholly owned subsidiary of Ericsson, an equipment manufacturer with business ties to the wireless industry that also manages the network for at least one service provider. Neutrality, both real and perceived, is one of the cornerstones of the numbering system in the United States. Neutrality of the LNPA is required by the Communications Act, the Commission's rules, and the RFP because of the necessity for service providers to share confidential information with the LNP vendor and for service providers to believe that they have equal access to numbering resources. Service providers and consumers should have the opportunity to examine and comment on the neutrality of any proposed LNP vendor to help the Commission ensure that there is no bias in favor of any one service provider or segment of the telecommunications industry. If iconectiv is to be selected by the Commission it is important for service providers and consumers to understand and comment on the steps iconectiv intends to take to resolve any potential neutrality issues.

We urge the Commission to allow for thorough review of these issues before it makes a decision regarding the selection of an LNP vendor. Such a review necessarily requires that all carriers have the opportunity to examine documents that are relevant to the selection process without

having to undertake extraordinary expense or procedures. While we do not disagree with the need for the Commission to move quickly on this selection, we believe it is much more important for the Commission get the decision right after an open and transparent process.

Sincerely,

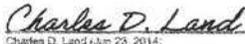

James R. Hollis (Jun 24, 2014)

FISPA

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Michigan Internet & Telecommunications
Alliance


Greg Pulsar (Jun 23, 2014)

North West Telecommunications
Association


Charles D. Land (Jun 23, 2014)

TEXALTEL

cc: Jonathan Sallet
Julie Veach
Sanford Williams
Daniel Alvarez
Rebekah Goodheart
Priscilla Argeris
Nicholas Degani
Amy Bender