

July 11, 2014

VIA ECFS

Ms. Marlene H. 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:

Telcordia Technologies Inc., d/b/a iconectiv (“Telcordia”) hereby responds to Neustar, Inc.’s (“Neustar”) letter of July 8, 2014, objecting to confidentiality designations in documents Telcordia filed with the Commission on July 1, 2014.¹ Out of the thousands of pages Telcordia has submitted, Neustar objects that Telcordia “stamped eight documents with the labels ‘Entire Document Is Highly Confidential’ or ‘Entire Document Is Confidential’ without ‘distinguish[ing] among the Confidential Information, the Highly Confidential Information and the non-confidential information.’”² Telcordia has fully complied with the *Revised Protective Order*. Moreover, Telcordia proposed broad access to Highly Confidential documents to ensure that industry participants could have access to important bid-related information—which proposal was then incorporated into the Commission’s Protective Order. Neustar’s allegation that “Ericsson’s overly restrictive redactions impede the public’s ability to meaningfully participate in this important proceeding” is so baseless as to call into question whether Neustar actually reviewed the Highly Confidential versions of these documents prior to lodging its objections.

Neustar objects to Telcordia’s designation as Highly Confidential four matrices specified in the RFP with bid numbers supplied (T10330 through T10333). The *Revised Protective Order* defines “Highly Confidential Information” to include information “that is not otherwise available from publicly available sources; that the Submitting Party has kept strictly confidential; that is subject to protection under FOIA and the Commission’s implementing rules; that the Submitting Party claims constitutes some of its most sensitive business data which, if released to competitors or those with whom the Submitting Party does business, would allow those persons to gain a

¹ Ex Parte Letter from Aaron M. Panner, Counsel for Neustar, to Marlene Dortch, Secretary, FCC, CC Docket No. 95-116, WC Docket Nos. 07-149 & 09-109 (filed July 8, 2014) (“Neustar Letter”).

² *Id.* at 1 (modification in original).

significant advantage in the marketplace or in negotiations.”³ Appendix A includes a list of documents that a submitting party may mark as Highly Confidential, including those that “provide[] granular information about a Submitting Party’s current or future costs...[or] revenues.”⁴ The four matrices in question fall squarely within this definition.

As Neustar’s counsel must be aware because he has copies of the Highly Confidential versions of these documents, the RFP price proposal documents at issue are single page matrices that solely contain Telcordia’s initial bid numbers populated into the matrix specified in RFP Section 14.2 and 14.3, as applicable. They were marked as “Highly Confidential” because, other than the matrix column and row labels, which were already public in the RFP, the information contained therein is entirely Highly Confidential. Neustar cannot seriously quarrel with designating these documents “Highly Confidential” because it has done so itself in its own submissions by redacting each cell individually and leaving no substantive information for public perusal. Instead, Neustar seems to object to Telcordia’s decision to submit a placeholder form designating the document as Highly Confidential, instead of a spreadsheet from which each individual cell has been redacted. Its objection is, therefore, only to form and without any substance.

Second, Neustar’s objects to Telcordia’s classification of a Transaction Network Services (“TNS”) study as confidential in its entirety. In the first instance, as Neustar should have been aware from both the title of the electronic document as well as from reviewing the unredacted version, this study addresses the feasibility of selecting multiple LNPAs. Inasmuch as NANC has recommended the selection of a single LNPA, this document is not relevant to the issues now before the Commission, and redaction of this document in its entirety in no way impedes public participation in this proceeding. In any event, Telcordia redacted this document in its entirety because it had not obtained TNS’s consent to public release of its study, although Telcordia is currently seeking such consent. The *Revised Protective Order* defines “Confidential Information” as “information that is not otherwise available from publicly available sources and that is subject to protection under the Freedom of Information Act...and the Commission’s implementing rules.”⁵ The Commission’s implementing regulations specifically state that documents containing commercial information that are not routinely made available for public inspection are accepted “by the Commission on a confidential basis.”⁶ The TNS study was conducted by, written by, and copyrighted by TNS. Therefore, until TNS makes this study

³ *Petition of Telcordia Technologies, Inc. to Reform or Strike Amendment 70, to Institute Competitive Bidding for Number Portability Administration and to End the NAPM LLC’s Interim Role in Number Portability Administration Contract, Telephone Number Portability, Revised Protective Order at 2 ¶ 5, DA 14-881, WC Docket No. 09-109 & CC Docket No. 95-116 (rel. June 25, 2014) (“Protective Order”).*

⁴ *Id.* at 10, Appendix A.

⁵ *Protective Order at 2 ¶ 5.*

⁶ *See 47 C.F.R. § 0.457(d)(1) (citing 5 U.S.C. § 552(b)(4)).*

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publicly available, the document is confidential and should be entirely withheld from public inspection.

Third, with respect to business continuity plans (T00037-83; T00032-36; T00218-24), these documents were each redacted in their entirety for national security reasons with the Commission's approval, and should have been labelled as such. Accordingly, they are redacted from the Highly Confidential versions, as well as all other versions.⁷ Thus, while incorrectly labelled, these documents are properly redacted in their entirety.

Telcordia has complied with the *Revised Protective Order*. Neustar's objections are meritless.

Sincerely,



John T. Nakahata
*Counsel for Telcordia Technologies,
Inc., d/b/a/ iconectiv*

cc: Joel Rabinovitz
Aaron M. Panner
Nancy J. Victory

⁷ The only redactions made in the Highly Confidential versions of the documents are those made for national security reasons, with the consent of FCC staff.