

August 12, 2014

Ex Parte

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
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 August 8, 2014, Rear Adm. Jamie Barnett (ret.) of Venable LLP and I, on behalf of Telcordia Technologies, Inc., d/b/a iconectiv (“Telcordia”), spoke with Allan Manuel of the Public Safety and Homeland Security Bureau, and Neil Dellar of the Office of the General Counsel. Subsequently, I also spoke with Michele Ellison, Deputy General Counsel, Lisa Gelb, Deputy Chief of the Wireline Competition Bureau, and Randy Clarke, Chief of the Competition Policy Division, Wireline Competition Bureau. In each of these conversations, we stated that while we appreciated the Bureaus working out an initial set of procedures with which to allow the bidding parties to review national security redacted materials, we were extremely concerned with the manner in which Neustar had proceeded with respect to its comments, and how that was now interplaying with the document review process. Unlike the national security redactions from the parties’ bid materials, which were discussed with FCC staff and which were only redacted with the consent and agreement of the FCC staff, Neustar apparently prepared its comments and then redacted the final fourteen pages, unilaterally asserting national security concerns. Apparently, Neustar did not obtain staff’s consent to redacting this part of their comments from even the Highly Confidential version subject to the Revised Protective Order.¹

However, now, because of Neustar’s unilateral actions, only those few counsel for Telcordia with Top Secret clearances may view the unilaterally redacted portions of Neustar’s comments. In other words, Neustar could have had any of the hundreds of lawyers and support staff in the five law firms it has now engaged work on drafting these sections of its comments, irrespective of whether those counsel and support staff have security clearances. But Telcordia

¹ See *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, DA 14-881, WC Docket No. 09-109 & CC Docket No. 95-116* (rel. June 25, 2014).

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can only review these comments in the SCIF, and even then only using Top Secret cleared personnel.

Moreover, Neustar's unilateral designation of national security redactions is even more problematic because Neustar itself seems to feel perfectly free to discuss these matters with the Washington Post.² A matter cannot be so sensitive as to merit redaction in its entirety and be a matter that can also be appropriately discussed with the Post.

Please contact me if you have any questions.

Sincerely,



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

cc: Allan Manuel
Neil Dellar
Michele Ellison
Lisa Gelb
Randy Clarke

² See Ellen Nakashima, *Neustar, Telcordia Battle over FCC Contract to Play Traffic Cop for Phone Calls, Texts*, WASH. POST, (Aug. 9, 2014), http://www.washingtonpost.com/world/national-security/neustar-telcordia-battle-over-fcc-contract-to-play-traffic-cop-for-phone-calls-texts/2014/08/09/778edea-1e7b-11e4-ae54-0cfe1f974f8a_story.html (last visited Aug. 12, 2014).