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**REDACTED – FOR PUBLIC INSPECTION**

August 21, 2014

**Via Electronic Submission**

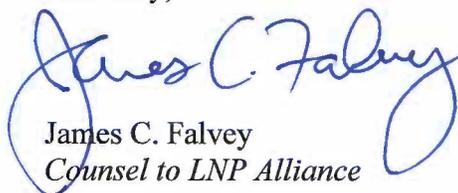
Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, SW  
Room TW-A325  
Washington, DC 20554

Re: WC Docket No. 09-109  
CC Docket No. 95-116

Dear Secretary Dortch:

Enclosed please find the **REDACTED VERSION – FOR PUBLIC INSPECTION** of Reply Comments of the LNP Alliance for filing with the Commission in the above-referenced matter.

Sincerely,



James C. Falvey  
*Counsel to LNP Alliance*

JCF/ljk

Encl.

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554**

In the Matter of:

Petition of Telcordia Technologies, Inc. to Reform or Strike Amendment 70, to Institute a Competitive Bidding for Number Portability Administration, and to End the LLC's Interim Role in Number Portability Administration Contract Management

Telephone Number Portability

WC Docket No. 09-109

CC Docket No. 95-116

**REPLY COMMENTS OF THE LNP ALLIANCE**

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Dated: August 21, 2014

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**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554**

In the Matter of:

Petition of Telcordia Technologies, Inc. to Reform Amendment 57 and to Order a Competitive Bidding Process for Number Portability Administration

WC Docket No. 07-149

Petition of Telcordia Technologies, Inc. to Reform or Strike Amendment 70, to Institute a Competitive Bidding for Number Portability Administration, and to End the LLC's Interim Role in Number Portability Administration Contract Management

WC Docket No. 09-109

Telephone Number Portability

CC Docket No. 95-116

**REPLY COMMENTS OF THE LNP ALLIANCE**

The LNP Alliance (“LNP Alliance” or “Alliance”), a consortium of small and medium (“S/M”) providers,<sup>1</sup> hereby submits these reply comments on behalf of its members in response to the comments filed in this proceeding on July 25, 2014.

**I. INTRODUCTION AND SUMMARY**

The comments filed by Telcordia, Neustar, and others reinforce the principal points made in the LNP Alliance comments that: 1) Telcordia does not meet the neutrality requirements established by the Commission’s rules and in the North American Portability Management LLC (“NAPM”) Request for Proposal (“RFP”) in light of Telcordia’s dominant presence in the market

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<sup>1</sup> The LNP Alliance is a consortium of small and medium (“S/M”) providers that currently consists of Comspan Communications, Inc., Telnet Worldwide, Inc., the Northwest Telecommunications Association (“NwTA”), and the Michigan Internet and Telecommunications Alliance (“MITA”). The LNP Alliance is focused on ensuring that the LNPA selection process takes into account the concerns of its S/M provider members and other similarly situated providers.

for Local Service Management System (“LSMS”) and Service Order Administration (“SOA”) software and related products, as well as its corporate relationship with wireless equipment manufacturer and managed services provider Ericsson; and 2) the current process rests on shifting sands due to the fact that the Respondents were asked to bid prior to the establishment by industry task forces of clear requirements for the NPAC’s role during and after the transition of the Public Switched Telephone Network (“PSTN”) from TDM-based circuit switched technology to IP-based packet switched technology (“IP Transition”). The Commission should also examine Telcordia’s intentions with respect to offering ENUM registry services. The Commission should ensure that if Telcordia becomes the LNPA it does not offer such services, which would present a prime opportunity for Telcordia to cross-subsidize its ENUM registry services through its LNPA NPAC resources.

The LNP Alliance continues to urge the Commission—with the July 31, 2015 Neustar contract expiration now less than a year away—to give Neustar the option to extend that contract at current pricing by two years in order to allow time for Telcordia to address its neutrality issues and for industry task forces to establish clear requirements for the NPAC in a post-IP Transition environment. The contract could then be rebid with a much clearer understanding as to the RFP’s post-IP Transition requirements.

## **II. THE COMMENTS CONFIRM THAT TELCORDIA DOES NOT MEET THE COMMISSION’S AND THE RFP’S NEUTRALITY REQUIREMENTS**

### **A. The Comments Reinforce that Telcordia Cannot Meet the Neutrality Requirements Due to Its Dominance in LSMS/SOA Software**

The LNP Alliance cautioned in its comments that if Telcordia became the LNPA while also supplying the LSMS/SOA systems that service providers utilize to access the NPAC, Telcordia would be in a unique position to provide favorable treatment or preferred information

flow to its own systems. Instead of eliminating concerns about Telcordia's current NPAC-gatekeeper role as the leading provider of LSMS/SOA systems, Telcordia's comments, if anything, emphasize that role:

Currently, Telcordia is the leading provider of local number portability products and services to U.S. service providers, offering both of the major industry Local Number Portability functions—Service Order Activation (SOA) (*which allows carriers to interact with the NPAC to port numbers*) and Local Service Management System (LSMS) (*which enables carriers to receive broadcasts from the NPAC and deliver the numbers to carriers' number portability databases*). Indeed, through these systems, Telcordia systems process about 95 percent of all U.S. wireless number porting transactions, and 80 percent of number portability transactions involving fixed-access lines. And because Telcordia systems handle wireless pre-porting, SOA and LSMS transactions, and 100 percent of toll-free number ports, Telcordia has processed more portability-related transactions than the NPAC itself.<sup>2</sup>

Telcordia is the dominant provider of software systems controlling the manner in which port requests flow to and from the NPAC and the manner in which the NPAC broadcasts information out to carriers. Indeed, Telcordia's reach in the area of call routing databases is not limited to LSMS/SOA systems. Telcordia also operates the essential Local Exchange Routing Guide ("LERG") database and the Business Integrated Routing & Rating Database System ("BIRRD") database, both of which are critical to the routing of telecommunications traffic.

As discussed in further detail in the LNP Alliance Comments, if Telcordia were selected as the LNPA, it would be in a unique position to leverage its bottleneck NPAC monopoly to protect and expand its dominant presence in the market for LSMS and SOA systems.

Telcordia's comments only reinforce its dominance in this area. This calls into question Telcordia's impartiality,<sup>3</sup> its independence,<sup>4</sup> and whether it would be subject to undue influence

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<sup>2</sup> Comments of Telcordia Technologies, Inc., d/b/a iconectiv, CC Docket No. 95-116; WC Docket No. 09-109, at 8 (July 25, 2014)(citations omitted) (emphasis added) ("Telcordia Comments").

<sup>3</sup> 47 C.F.R. § 52.12(a)(1).

<sup>4</sup> 47 C.F.R. § 52.21(k).

from internal pressures to expand its LSMS/SOA market share.<sup>5</sup> Telcordia’s comments are strong evidence that Telcordia is likely to “unduly favor one telecommunications technology over another,” by favoring its own LSMS/SOA interfaces, outputs, and inputs.<sup>6</sup> As previously indicated, the Commission should not consider Telcordia as the LNPA absent, *inter alia*, divestment of those LSMS and SOA services, as well as its LERG and BIRRDS services, from the Telcordia entity that will act as the LNPA.<sup>7</sup> The LNP Alliance recommended that Ericsson could spin off Telcordia, while retaining these other services with the parent company Ericsson.<sup>8</sup>

**B. The Comments Reinforce that Telcordia Cannot Meet the Neutrality Requirements Because It is the Wholly Owned Subsidiary of Ericsson**

The LNP Alliance indicated in its comments that Telcordia cannot meet the Commission’s neutrality requirements because of its relationship with its parent company, Ericsson, in light of Ericsson’s dependence on the wireless industry. The comments only serve to confirm the fact that Ericsson is so closely tied to the wireless industry that Telcordia is clearly “aligned with a particular industry segment” and, therefore, at least in its current corporate structure, not sufficiently neutral to serve as the LNPA.<sup>9</sup> Not surprisingly, CTIA – The Wireless Association® (“CTIA”), filed Reply Comments urging the Commission to “promptly conclude” the selection process by selecting wireless managed services vendor Telcordia.<sup>10</sup>

The LNP Alliance drew attention to the fact that Sprint had outsourced its network operations to Ericsson.<sup>11</sup> Neustar’s comments also raise significant cause for concern that Ericsson is so deeply embedded in the operations of a number of wireless carriers that it could

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<sup>5</sup> 47 C.F.R. § 52.21(a)(1)(iii).

<sup>6</sup> 47 C.F.R. § 52.9(a)(3).

<sup>7</sup> See Comments of LNP Alliance, WC Docket No. 07-149, CC Docket No. 95-116; WC Docket No. 09-109, at 16–17 (July 25, 2014)(“LNP Alliance Comments”).

<sup>8</sup> *Id.*

<sup>9</sup> 47 C.F.R. § 52.12(a)(1).

<sup>10</sup> Reply Comments of CTIA – The Wireless Association and the United States Telecom Association, CC Docket No. 95-116; WC Docket No. 09-109, at 13 (August 8, 2014).

<sup>11</sup> LNP Alliance Comments at 10.

not possibly serve as a neutral LNPA.<sup>12</sup> Neustar points to Ericsson's significant managed services arrangements with T-Mobile and Clearwire, as well as similar potential deals with AT&T and Verizon.<sup>13</sup> At a minimum, the Clearwire arrangement, if still in effect, includes responsibility for number resource administration, analysis, and regulatory support.<sup>14</sup>

If the Commission continues to consider the Telcordia bid, it should ensure that all Ericsson managed services agreements are made available in this proceeding to provide all parties with a complete understanding of Ericsson's reach within these companies, particularly as it pertains to number porting and number administration. Ericsson's deep operating relationship with major wireless providers raises serious conflict of interests in violation of the Commission's neutrality rules. If Ericsson, as an operator, became embroiled in a number porting dispute with another carrier, it raises the prospect that Telcordia, as the LNPA, could be in a position of becoming aligned with or adverse to its parent company Ericsson in the context of such a dispute. Whether Telcordia would be on the same or opposite side as its parent company in the dispute, the conflict is clear, and additional information about Ericsson's agreements is required in order to understand the extent to which Ericsson/Telcordia would face neutrality issues under the Commission's rules.<sup>15</sup>

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<sup>12</sup> See Comments of Neustar, Inc., CC Docket No. 95-116; WC Docket No. 09-109, at 14-23 (July 25, 2014) ("Neustar Comments").

<sup>13</sup> *Id.* at 17-18. Although the AT&T and Verizon agreements are only potential deals at this time, there is reason to expect that carriers will have every reason to expand their contacts with Ericsson if Telcordia is selected as the LNPA. Carriers would want to curry favor with Ericsson as the parent company of the LNPA, particularly if Ericsson intends to continue to take positions on critical IP Transition and other industry issues. See LNP Alliance Comments at 13.

<sup>14</sup> See Neustar Comments at 17.

<sup>15</sup> See, e.g., 47 C.F.R. § 52.12(a)(1); 47 C.F.R. § 52.21(k); 47 C.F.R. § 52.21(a)(1)(iii); and 47 C.F.R. § 52.9(a)(3).



Transition, IP-based world. Because there has not been clarity to date in this RFP process as to the NPAC requirements in a post-IP Transition environment, it seems likely that the parties' differing perceptions of the NPAC's post-IP Transition role may have led to divergent bids that are not fairly comparable.

**A. Neustar May Well be Incorporating ENUM Services Into the NPAC**

Neustar has stated in its comments that, "Today, supported by Neustar as the LNPA, service providers have already begun trialing solutions that rely on the NPAC to provide this [ENUM services] function, using proven interfaces to carrier networks *and at no additional cost.*"<sup>21</sup> Neustar adds that "Neustar has further committed to continued investment in the NPAC and surrounding services to ensure continued, neutrally administered number management in an IP environment."<sup>22</sup> It appears that Neustar may have built the cost of the IP Transition into its bid to provide LNPA services, while Telcordia may have omitted those costs altogether.

**B. Telcordia Intends to Offers Separate ENUM Registry Services and Does Not Appear to Have Incorporated Such Services Into the NPAC**

By contrast, Telcordia appears to have omitted those IP Transition costs from its bid. Telcordia's bid may be relying upon an expected reduction in NPAC transaction counts when competing external registries, likely including Telcordia's, come online, allowing for a reduction in the cost of LNPA services over time. Since the RFP specifies that there can be no minimums or caps on the volume of transactions handled each year by the LNPA,<sup>23</sup> each Respondent, using its own vision of LNPA duties in an all-IP world, may have used widely disparate transaction volume numbers in order to compute annual LNPA operating costs. This seems all the more

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<sup>21</sup> Neustar Comments at 90 (emphasis added).

<sup>22</sup> *Id.*

<sup>23</sup> See Wireline Competition Bureau Seeks Comment on Procurement Documents for the Local Number Portability (LNP) Administration Contract, Pleading Cycle Established, Public Notice, 27 FCC Red. 11,771, 11,832, 2012 WL 3348322 at 51 (2012)("RFP"). (stating, in part "The pricing model will be an annual fixed fee with no annual price escalators, no transaction volume floor, no transaction volume ceiling, and no recovery or reserve for any unpaid User invoices.")(emphasis added).

likely given that Telcordia, as discussed further below, has long professed its belief that, in a post-IP Transition world, the bulk of information necessary to identify a destination device (*i.e.*, a called party) and to convey information about its capabilities, should be provided not by the NPAC, but by external registry databases. Although the role and the costs of such registries, if any, has yet to be defined, Telcordia fully anticipates providing ENUM registry service in the near future.<sup>24</sup>

**C. Telcordia, as a Likely ENUM Registry Provider, Opposes the Commission’s Longstanding Policy of Public, Neutral Databases for IP Routing and, as Currently Structured, Is Not Sufficiently Neutral to Serve as the LNPA**

[BEGIN HIGHLY CONFIDENTIAL]



[REDACTED]. [END HIGHLY CONFIDENTIAL]

The Commission, when establishing the foundational precepts for number portability in the *First Number Portability Report and Order*, included in its key performance criteria that number portability methods “must not require telecommunications carriers to rely on databases, other network facilities, or services provided by other telecommunications carriers in order to

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<sup>24</sup> See, e.g., iconectiv White Paper, IP Inter-Carrier Routing, Capabilities To Support IP Services Interconnection (2014), submitted as Exhibit A to LNP Alliance Comments.

<sup>25</sup> [REDACTED].

route calls to the proper termination point . . . .”<sup>26</sup> The Commission also found that number portability methods must “not result in a carrier having a proprietary interest . . . .”<sup>27</sup> The Commission pointed to critical policy reasons for not making carriers dependent on portability services provided by their competitors, policy reasons that are equally critical in an all-IP environment:

Requiring carriers to rely on the networks of their competitors in order to route calls can have several undesirable effects. For example, dependence on the original service provider's network to provide services to a customer that has switched carriers contravenes the choice made by that customer to change service providers. In addition, such dependence creates the potential for call blocking by the original service provider and may make available to the original service provider proprietary customer information. . . . Finally, dependence on another carrier's network also reduces the new service provider's ability to control the routing of telephone calls to its customers, thus inhibiting its ability to control the costs of such routing. For these reasons, a long-term number portability method should not require dependency on another carrier's network.<sup>28</sup>

The Commission provided a further and equally compelling rationale for precluding proprietary portability services:

We believe that the requirement in the 1996 Act that the costs of number portability be borne on a competitively neutral basis precludes carrier ownership of the long-term method, and their collection of licensing or other fees for use of the method. In addition, it would be competitively unfair if a LEC providing portability were to benefit directly, through licensing fees or a proprietary interest, from its competitors' use of portability. We note that one of the first criteria required by the Illinois task force in selecting a number portability method was that it be non-proprietary.<sup>29</sup>

The Commission's policies precluding competitor and proprietary databases are worth revisiting here because Telcordia does not share the Commission's (and the 1996 Act's) vision that the NPAC should be the central repository for porting services. In 2009, when the NAPM

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<sup>26</sup> *Telephone Number Portability*, First Report & Order & Further Notice of Proposed Rulemaking, 11 FCC Rcd. 8352, 8378 (1996) (“Number Portability First Report and Order”).

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*, ¶ 53, at 8380.

<sup>29</sup> *Id.*, ¶ 57, at 8383.

proposed to add three Uniform Resource Identifier (“URI”) fields in the NPAC database for Voice, Multimedia Messaging Services (“MMS”), and Short Messaging Service (“SMS”), in order to ensure that the NPAC continued to have the capability to provide neutral, public porting capabilities post-IP Transition, it was Telcordia that vociferously objected to the additions. Telcordia’s rationale was that *private* proprietary databases could supplant the NPAC’s call routing functions: “The result is that today, the value-added service of determining the best route (in this case in IP-to-IP route) is done in a separate service provider database apart from the NPAC, and these calls are being completed. The new URI fields are in no way ‘necessary’ to the proper routing of these calls.”<sup>30</sup> At the time, Telcordia outlined its vision of the diminishing role of the NPAC: “if ENUM remains independent of the NPAC, ENUM will diminish the significance of the NPAC as more services migrate to IP and thus more traffic is exchanged IP-to-IP rather than IP-PSTN.”<sup>31</sup>

Ultimately, despite continuing opposition from Telcordia, the NANC concluded that “Telcordia’s request should be dismissed and the URI’s should be fully operational in the NPAC database.”<sup>32</sup> The NANC found that “[s]tatutory law and interpretations by the FCC and by courts make clear that the meaning ascribed to these terms by Telcordia are unduly narrow.”<sup>33</sup> The NANC concluded that “Telcordia’s argument is at odds with the FCC’s stated belief that

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<sup>30</sup> Letter from John Nakahata, Counsel for Telcordia Technologies, Inc., d/b/a/ iconectiv, to Julie Veach, Acting Chief, Wireline Competition Bureau, FCC (dated May 22, 2009) (“May 22, 2009 Letter”).

<sup>31</sup> 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 Management, WC Docket No. 07-149, at 42 (May 20, 2009)(“Telcordia Petition”).

<sup>32</sup> North American Numbering Council, *Report and Recommendation on Request of Telcordia Technologies, Inc. to Resolve Dispute Concerning NANC Change Orders 429, 430, and 435*, at 1, FCC.GOV, p. 1, [https://apps.fcc.gov/edocs\\_public/attachmatch/DOC-308243A3.pdf](https://apps.fcc.gov/edocs_public/attachmatch/DOC-308243A3.pdf) (last visited August 7, 2014) (“NANC Report and Rec.”).

<sup>33</sup> *Id.*



**D. The Commission Should Preclude Telcordia from Offering External ENUM Registry Services if Telcordia is Awarded the LNPA Contract**

[BEGIN HIGHLY CONFIDENTIAL]



[REDACTED] . [END HIGHLY CONFIDENTIAL]

However, the Commission should also focus on the potential for cross-subsidies between NPAC and external ENUM registry services. Telcordia has itself outlined the manner in which the LNPA could execute a successful “anticompetitive monopoly leveraging and cross-subsidization strategy with respect to the ENUM services market . . . .”<sup>37</sup> Telcordia described this anticompetitive strategy in its 2009 Petition to initiate this very competitive bidding process: “Amendment 70 permits Neustar to leverage its monopoly . . . into the ENUM services market. As the NPAC provider, Neustar has unique access to nearly every telephone number in the country—which is half of creating a national ENUM provisioning database.”<sup>38</sup> Telcordia complained that “no other competitor can integrate NPAC services and an ENUM provisioning database because Amendment 70 locks all other competitors out of the NPAC services market

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<sup>36</sup> [REDACTED]  
<sup>37</sup> May 22, 2009 Letter at 5.  
<sup>38</sup> Telcordia Petition at 41.

until at least 2016.”<sup>39</sup> Telcordia claimed that, “Neustar has a natural recoupment strategy for its cross-subsidies. As it leverages its NPAC monopoly to gain market power in ENUM services, Neustar will be able to raise prices for ENUM services in order to recoup its initial cross-subsidies.”<sup>40</sup>

Telcordia makes a compelling case that ENUM registry services are in fact essential to number portability in an all-IP world, that ENUM costs are significant, and that the LNPA could favor its own ENUM registry. The Commission should therefore ensure that the next LNPA is not also be a provider of ENUM registry services. Whether the LNPA is ultimately awarded to Neustar or Telcordia, the Commission should require that the LNPA shall solely perform NPAC functions, and exit closely related and integrated markets such as LSMS/SOA software and related services. It should also require the same of ENUM registry services, to the extent the new LNPA does not include those services as NPAC functions, subsumed in the Allocable Charges as defined in the Master Agreement.

**E. There Are a Growing Number of Critical Unmet Concerns That Require Additional Time to be Resolved Before the LNPA Bid is Awarded**

Time is running out to address with appropriate attention the myriad issues that must be addressed before the LNPA contract is awarded, and particularly if the contract is to be awarded to Telcordia. In a little over 11 months, Neustar will have no contractual obligations and will have to have completed the transition and completely extricated itself from LNP responsibilities.

In recent weeks, a number of members of Congress, as well as key federal and state government agencies have brought to the Commission’s attention a series of critical national security and public safety concerns that must be addressed, particularly if the Commission considers awarding the bid to Telcordia/Ericsson, a non-U.S. vendor. On July 30, 2014,

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<sup>39</sup> *Id.* at 42.

<sup>40</sup> *Id.*

Congressman Peter T. King (R-NY) wrote to Chairman Wheeler, warning that “the FCC must take every measure to ensure that the cybersecurity implications of this decision are carefully studied by experts.”<sup>41</sup> He urged the Chairman to conduct a security review, and that “the FCC seek input from the Federal Bureau of Investigation (“FBI”), the Department of Homeland Security (“DHS”), and any other law enforcement or security agency deemed appropriate and consider any security vulnerabilities associated with a non-U.S. vendor.”<sup>42</sup>

On August 7, 2014, Congressmen Mike Rogers (R-MI) and Dutch Ruppersberger (D-MD), the Chairman and ranking Democrat of the House Intelligence Committee, sent a similar letter to Chairman Wheeler, urging appropriate caution and due diligence in the selection process:

We are concerned that the bidding and selection process will not adequately address the inherent national security issues involved in this database. We urge you to consult with federal agencies charged with protecting our national security, including the FBI, DHS, and DOD to determine how best to protect this infrastructure from both outsider and insider threats. We also recommend that you . . . incorporate security requirements into the RFP and award process for the contract.<sup>43</sup>

In order for the Commission to heed this Congressional advice, it will need to seek out the views of the Department of Homeland Security and the Department of Defense, among others. A two-year extension—as recommended by the LNP Alliance to address neutrality, antitrust, and IP Transition concerns—would permit the FCC adequate time to seek out the advice of all relevant parties, and to “incorporate security requirements into

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<sup>41</sup> Letter from Rep. Peter T. King, Member of Congress to The Honorable Tom Wheeler, Chairman, Federal Communications Commission (July 30, 2014) (“Rep. King Letter”), attached hereto in Exhibit A.

<sup>42</sup> *Id.*

<sup>43</sup> Letter from Rep. Mike J. Rogers and C.A. Dutch Ruppersberger to Chariman to The Honorable Tom Wheeler, Chairman, Federal Communications Commission (July 30, 2014) (“Rogers/Ruppersberger Letter”), attached hereto in Exhibit A.

the RFP.” Without additional time and at least another round of bidding, the FCC cannot address key security requirements in the RFP.

The FBI, DEA, and the United States Secret Service also filed Reply Comments on August 8, 2014 echoing these concerns: “Preventing unwarranted, and potentially harmful, visibility means that the FCC cannot allow an LNPA to have remote access outside the U.S. or through a foreign corporate-parent entity, and the LNPA vendor cannot track, log, or preserve the queries submitted by law enforcement agencies.”<sup>44</sup> These agencies also stated their requirements for, *inter alia*, identical query results over a secure, web-based service in real time; law enforcement user verification; law enforcement query system audits; and U.S. citizenship requirements for responsible system personnel.<sup>45</sup> These key concerns will also take time to address, time that would be afforded by a two-year extension of the Neustar contract.

Although these Federal Agency Reply Comments include feedback from the Secret Service, a law enforcement component of the Department of Homeland Security (“DHS”), they do *not* reflect any input from the DHS Office of Cybersecurity and Communications, or the DHS Office of Emergency Communications. Moreover, the leadership of the House Intelligence Committee on August 8 recommended input from the DOD, and there is no public record of such input since that time. Again, given the need for such critical input, a two-year extension is warranted.

In addition to national security concerns, several parties, including the Oklahoma Corporation Commission, have emphasized the importance of coordinating with public safety

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<sup>44</sup> Reply Comments of the Federal Bureau of Investigation, the Drug Enforcement Administration and the United States Secret Service, CC Docket No. 95-116; WC Docket No. 09-109, at 5 (Aug. 8, 2014) (“Federal Agency Reply Comments”).

<sup>45</sup> *Id.* at 3-6.

officials on critical 9-1-1 and related public safety activities, including ensuring the ability to efficiently and timely update Automatic Location Information (“ALI”) to ensure the proper routing and display of 9-1-1 calls to the Public Safety Answering Point (“PSAP”).<sup>46</sup> The Commission already needs more time to address the neutrality and IP Transition concerns raised by the LNP Alliance. The Commission, in lieu of terminating the current Neustar contract, should give Neustar the option of continuing to act as the LNPA under its current contract and at current pricing for an additional two years. A two-year extension on these terms would provide time to address neutrality and IP Transition issues, while also providing the necessary time to address in a systematic and thorough manner critical national security and public safety concerns expressed by members of Congress, as well as federal and state agencies.

#### **IV. CONCLUSION**

Small and medium-sized carriers such as those that comprise the LNP Alliance will only be able to compete if the LNPA is truly neutral and is not permitted to impose discriminatory costs on small providers, as is the likely outcome if key NPAC functions are migrated to proprietary databases. Competitors, competition, and ultimately consumers will only benefit from a new LNPA administrator if high quality service and competitive pricing are accompanied by stringent attention to neutrality requirements. The LNP Alliance urges the Commission to give Neustar the option to extend the current Neustar contract by two years at current pricing and establish clear post-IP Transition requirements for the NPAC before re-bidding the LNPA contract. The LNP Alliance disagrees with Neustar that, in light of Telcordia’s glaring neutrality issues, the Commission is powerless to do anything other than award the full five-year contract

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<sup>46</sup> Reply Comments of the Public Utilities Division of the Oklahoma Corporation Commission, CC Docket No. 95-116; WC Docket No. 09-109, at 3 (Aug. 8, 2014).

to Neustar.<sup>47</sup> The Commission has ample authority under Section 251(e) to establish procedures to ensure that number portability for all calls, regardless of technology, remains available through a neutral, public, and cost-effective entity.

Respectfully Submitted,

/s/ James C. Falvey

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<sup>47</sup> See Neustar Comments at 2.

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COMMITTEE ON HOMELAND SECURITY  
CHAIRMAN, COUNTERTERRORISM AND INTELLIGENCE  
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PERMANENT SELECT COMMITTEE ON INTELLIGENCE  
FINANCIAL SERVICES COMMITTEE  
SUBCOMMITTEE ON CAPITAL MARKETS  
SUBCOMMITTEE ON OVERSIGHT & INVESTIGATIONS

July 30, 2014

The Honorable Tom Wheeler  
Federal Communications Commission  
445 12th St., S.W.  
Washington, D.C. 20554

Dear Chairman Wheeler:

I am writing to request that as the Federal Communications Commission (FCC) evaluate the North American Number Council's recommendation of a vendor for the Local Number Portability Administration (LNPA) service that an intensive review of the security implications be included.

As you well know, the LNPA database is an important tool for our Nation's law enforcement agencies. As this selection could have a serious impact on the security of the telecommunications infrastructure, the FCC must take every measure to ensure that the cyber security implications of this decision are carefully studied by experts.

As part of the security review, I request the FCC seek input from the Federal Bureau of Investigation (FBI), the Department of Homeland Security (DHS), and any other law enforcement or security agency deemed appropriate and consider any security vulnerabilities associated with a non-U.S. vendor.

Thank you for your consideration of this important security issue.

Sincerely,

PETER T. KING  
Member of Congress

Congress of the United States  
Washington, DC 20515

August 7, 2014

Chairman Tom Wheeler  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

Chairman Wheeler:

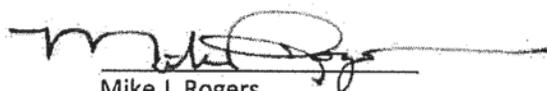
It is our understanding that the Federal Communications Commission will soon select the Administrator for the Local Number Portability Administration. We are writing to urge you to carefully consider the security implications of the Commission's selection.

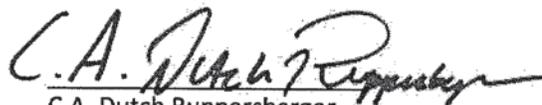
The Local Number Portability database is generally used when a customer switches carriers, but elects to retain their phone number. The information in the database is frequently updated and pushed out to more than 2,000 carriers across our country. Additionally, a separate service is used by the FBI and other law enforcement agencies during the initiation of an authorized investigation to determine which carrier is associated with a specific telephone number.

We are concerned that the bidding and selection process will not adequately address the inherent national security issues involved in this database. We urge you to consult with federal agencies charged with protecting our national security, including the FBI, DHS, and DOD to determine how best to protect this infrastructure from both outsider and insider threats. We also recommend that you to incorporate security requirements into the RFP and award process for the contract.

This letter is not intended to promote or advocate for any particular vendor, and we have no position on which vendor the Commission ultimately selects. Rather, we seek to ensure security considerations are adequately prioritized in any decision-making involving critical infrastructure.

Sincerely,

  
Mike J. Rogers  
Member of Congress

  
C.A. Dutch Ruppertsberger  
Member of Congress