



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

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Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 14-794

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COMMISSION SEEKS COMMENT ON THE NORTH AMERICAN NUMBERING COUNCIL RECOMMENDATION OF A VENDOR TO SERVE AS LOCAL NUMBER PORTABILITY ADMINISTRATOR

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

Comment Date: July 10, 2014

Reply Date: July 25, 2014

On April 24, 2014, the North American Numbering Council (NANC), a federal advisory committee, submitted its recommendation regarding the vendor to serve as the next local number portability administrator (LNPA).¹ The existing LNPA contract expires on June 30, 2015. The NANC recommended the selection of Telcordia Technologies, Inc. d/b/a/ iconectiv (Telcordia), as the sole LNPA. The NANC members unanimously reached this recommendation, with one abstention vote, in a closed meeting on March 26, 2014. The NANC submitted its recommendation pursuant to direction from the Wireline Competition Bureau (Bureau) that the NANC recommend one or more independent, non-governmental entities to serve as the next LNPA.²

The NANC forwarded, along with its vendor recommendation, reports from the NANC's LNPA Selection Working Group (SWG) and the North American Portability Management LLC's (NAPM's) Future of the Number Portability Administration Center (FoNPAC).³ Specifically, the NANC's recommendation addressed the following: (1) how the LNPA should be selected, including the methodology and criteria that should be used; (2) the cost differential between vendor national proposals; (3) transition costs and risks; and (4) which bidder should be selected as the LNPA. The NANC also forwarded investigative reports prepared by the NAPM and the SWG that responded to a February 11, 2014, directive from the Bureau that the NANC include in its vendor recommendation an evaluation of filings in the record that questioned the fairness of the process. The NANC's vendor recommendation

¹ Letter from Betty Ann Kane, Chairman, North American Numbering Council, to Julie A. Veach, Chief, Wireline Competition Bureau, Federal Communications Commission, WC Docket No. 09-109, CC Docket 95-116 (dated Apr. 24, 2014 and filed Apr. 25, 2014) (NANC Apr. 24 *Ex Parte* Letter).

² *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*, WC Docket No. 09-109, CC Docket No. 95-116, Order and Request for Comment, 26 FCC Rcd 3685 (2011).

³ The NAPM is an industry consortium, and the FoNPAC is a NAPM subcommittee charged with overseeing the vendor selection process on behalf of the NAPM.

and the accompanying reports were submitted as confidential information, subject to protection under section 0.459 of the Commission's rules.⁴ In addition to these materials, the Bureau requested that the NAPM's FoNPAC file the bid documents submitted by the vendors and transcripts of meetings between the FoNPAC and the vendors. Finally, as part of the bidding process, the vendors submitted opinion letters addressing the vendors' compliance with the requirements for neutral administration of the local number portability database. These materials, which include technical, pricing, and other proprietary information, were submitted as confidential information, subject to protection under section 0.459.⁵

We seek comment on the materials referenced above, in particular on the NANC's recommendation to select Telcordia as the next LNPA. Copies of these materials are available pursuant to a Protective Order released simultaneously with this Public Notice.⁶ The bids, including information regarding compliance with neutral administration requirements, are available at the offices of the attorneys of record of the vendors, which will be identified when the vendors make their submission of confidential information pursuant to the Protective Order to the Commission. The NANC recommendation, the SWG and FoNPAC reports on the vendor recommendation and on the selection process, and the transcripts of meetings between the FoNPAC and the vendors, are available at the offices of the NAPM counsel, Dentons US LLP, 1301 K Street, NW, Suite 600, East Tower, Washington, DC 20005-3363. Commission representatives have directed all parties to make the foregoing materials available in the precise form in which they were submitted. Commenters are reminded that if they wish to include confidential information in their comments, they must follow the procedures described in the Protective Order. The record generated by this Public Notice will be taken into account as the full Commission considers this matter, including resolving the procedural arguments raised in the record to date and ultimately identifying the vendor that will serve as the LNPA in a cost-effective, neutral and secure fashion.

Filing Instructions. Pursuant to sections 1.415 and 1.419 of the Commission's rules,⁷ interested parties may file comments and reply comments on or before the date indicated above. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS), or by filing paper copies.⁸

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

⁴ 47 C.F.R. § 0.459.

⁵ *Id.*

⁶ 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*, WC Docket No.09-109, CC Docket No. 95-116, Second Level Protective Order, DA 14-796 (Wireline Comp. Bur. rel. June 9, 2014) (Protective Order).

⁷ 47 C.F.R. §§ 1.415, 1.419.

⁸ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- All hand-delivered or messenger-delivered paper filings for the Commission’s Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

Ex Parte Presentations. This proceeding shall continue to be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.⁹ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

For further information, contact Sanford Williams, Assistant Chief, Competition Policy Division, Wireline Competition Bureau at (202) 418-1508 or sanford.williams@fcc.gov.

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⁹ 47 C.F.R. §§ 1.1200 *et seq.*