



Federal Communications Commission
Washington, D.C. 20554

July 9, 2015

BY ELECTRONIC MAIL AND FIRST CLASS MAIL

DA 15-799

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

Dear Mr. Daubert:

I write to you in your capacity as Counsel to the North American Number Portability Management LLC (NAPM) to respond to your letter, dated June 23, 2015. As noted in your letter, the Federal Communications Commission (Commission) has directed the NAPM to take all necessary steps to ensure that the transition to a new Local Number Portability Administrator (LNPA) is overseen by a neutral third-party manager (Transition Oversight Manager) with experience in communications infrastructure, project management, and change management.¹ The need for a Transition Oversight Manager is to ensure the effective, seamless, and timely transition of the administration of the number portability database, the Number Portability Administration Center (NPAC), which is critical to the nation's communications infrastructure.

You note in your letter that to comply with the Commission's directive, the NAPM employed a Request for Proposal process and is finalizing the contract with the proposed Transition Oversight Manager.² The purpose of your letter is to confirm that the NAPM is authorized to enter into a statement of work with the current LNPA and to bill the costs of the Transition Oversight Manager to, and recover the costs from, current NPAC users, employing the existing framework for recovery of shared costs.³

¹ *Petition of Telcordia Technologies Inc. to Reform or Strike Amendment 70, to Institute Competitive Bidding for Number Portability Administration et al.*, WC Docket No. 07-149 et al., Order, 30 FCC Rcd 3082, 3150, para. 158 (2015).

² Letter from Todd D. Daubert, Counsel to NAPM, to Marlene H. Dortch, Secretary, FCC, CC Docket No. 95-116, WC Docket Nos. 07-149, 09-109, at 1 (filed June 23, 2015).

³ *Id.*

Consistent with the Communications Act of 1934, as amended (Act), and Commission precedent,⁴ the Wireline Competition Bureau concludes that the direct costs⁵ associated with the Transition Oversight Manager contract are shared costs, those that are to be borne by the industry as a whole. For this reason, we confirm that the NAPM may enter into a statement of work (provisionally, SOW #98) with the current LNPA and may bill the costs of the Transition Oversight Manager to, and recover the costs from, current NPAC users. All Transition Oversight Manager contract fees should be assessed to NPAC users in the same manner as all other shared costs are assessed today.

I greatly appreciate your prompt attention to this important matter, and value our shared commitment to an LNPA selection process that is open, transparent, and equitable for all parties.

Sincerely,

Matthew S. DelNero
Chief
Wireline Competition Bureau

⁴ See section 251(e)(2) of the Act, which requires that the “cost of establishing telecommunications numbering administration arrangements and number portability ... be borne by all telecommunications carriers on a competitively neutral basis as determined by the Commission,” 47 U.S.C. § 251(e)(2). See also *Telephone Number Portability*, CC Docket 95-116, Third Report and Order, 13 FCC Rcd 11701, 11738-39 (1998) (adopting the Commission’s tentative definition of shared costs as costs incurred by the industry as a whole).

⁵ In this context, the direct costs are the fees to be paid directly to the Transition Oversight Manager for its services pursuant to the contract negotiated between the NAPM and the Transition Oversight Manager.