



# PUBLIC NOTICE

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## NOTICE CONCERNING *EX PARTE* STATUS OF COMMUNICATIONS WITH RESPECT TO THE LOCAL NUMBER PORTABILITY ADMINISTRATOR SELECTION PROCEEDING

WC Docket Nos. 07-149, 09-109, CC Docket No. 95-116

On March 26, 2015, the Federal Communications Commission (FCC or Commission) adopted an order accepting a recommendation from the North American Numbering Council, in coordination with the North American Portability Management, LLC (NAPM), to select Telcordia d/b/a iconectiv (Telcordia) as the next Local Number Portability Administrator (LNPA), subject to certain conditions and conditioned upon Commission approval of the contract between the NAPM and Telcordia.<sup>1</sup> This Public Notice is intended to set forth the Commission's *ex parte* rules, as applied to presentations about the LNPA contract negotiations and the transition to a new LNPA.

In the *LNPA Selection Order*, the Commission tasks multiple parties with roles that will establish a process and schedule to ensure the effective, seamless, and timely transition of the LNPA. Specifically, the Commission directed the NAPM (i) to negotiate a new contract with Telcordia for a database that is secure and reliable; (ii) to conduct outreach, education, and testing initiatives with stakeholders; (iii) to cooperate with other relevant federal agencies; (iv) to develop a Transition Oversight Plan; and (v) to ensure that the transition to a new LNPA is overseen by experienced third parties.<sup>2</sup> The *LNPA Selection Order* also directed the NAPM to work closely with the Wireline Competition Bureau, in consultation with the Public Safety and Homeland Security Bureau, to ensure that the contract adequately addresses public safety, law enforcement, and national security matters.<sup>3</sup>

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<sup>1</sup> *In the Matter of Implementation of Telcordia Technologies, Inc. Petition to Reform Amendment 57 and to Order a Competitive Bidding Process for Number Portability Administration; 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; Telephone Number Portability*, WC Docket Nos. 07-149, 09-109, CC Docket 95-116, Order, 30 FCC Rcd 3082 (*LNPA Selection Order*). Specifically, the Commission conditioned its selection of Telcordia as the LNPA on the satisfactory negotiation of contract terms consistent with the Commission's requirements regarding neutrality and security issues, an approved Code of Conduct, and Ericsson's transfer of its voting stock in Telcordia to a voting trust. *Id.* at paras. 82-118, 160-88, 193.

<sup>2</sup> *LNPA Selection Order* at paras. 158, 193-95. The NAPM selected Price Waterhouse Coopers (PwC) as the Transition Oversight Manager (TOM). As such, PwC is considered to be a subgroup of the NAPM LLC. We find that, in this phase of the proceeding, the NAPM and the TOM are serving as consultants to Commission staff and should be considered "decision makers" for the purposes of our *ex parte* rules. *LNPA Selection Order* at paras. 158-59. Accordingly, communications to and from the NAPM and the TOM are exempted from the *ex parte* rules as set forth in this Public Notice.

<sup>3</sup> *LNPA Selection Order* at paras. 194-95.

To accomplish these directives, the NAPM, and Commission staff, must communicate and meet with numerous stakeholders, including Telcordia, Neustar, service providers and law enforcement personnel that use the LNP database, and representatives of other federal agencies. Given the critical public safety and national security issues and the importance of a seamless and timely transition, the Bureau finds that it is in the public interest that the communications and meetings on contract negotiations between NAPM and Telcordia, issues around the transition of the LNPA and related stakeholder outreach, education, and database testing described above be conducted as efficiently and expeditiously as possible. Accordingly, by this Public Notice, pursuant to section 1.1200(a) of the Commission's rules, 47 C.F.R. § 1.1200(a), we modify the applicability of the Commission's *ex parte* rules to treat as exempt presentations any presentations made between or among the referenced decision makers and stakeholders during communications on the subjects described above. We emphasize, however, that only information that is placed in the record may be relied upon in any decision in this proceeding. Furthermore, we note that NAPM's monthly status reports will be filed in the record and posted on NAPM's website.

Parties should also be aware that, to the extent that they make presentations to (i) Commission decision makers, (ii) the NAPM, or (iii) the TOM beyond the subjects specified above, the Commission's filing requirements for "permit-but-disclose" proceedings under section 1.1206 apply.<sup>4</sup>

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<sup>4</sup> 47 C.F.R. §§ 1.1206; *see also supra* note 2.