



PUBLIC NOTICE

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WIRELINE COMPETITION BUREAU OPENS PROCEEDING AND SEEKS COMMENT ON THE SELECTION PROCESS FOR THE LOCAL NUMBER PORTABILITY ADMINISTRATOR

WC Docket No. 23-337

Comments Due: October 31, 2023

Reply Comments Due: November 14, 2023

By this Public Notice, the Wireline Competition Bureau (Bureau) opens a new proceeding to select the entity that will serve as the Local Number Portability Administrator (LNPA) at the conclusion of the contract with the present LNPA, iconectiv, LLC (iconectiv), and seeks comment on the Bureau's proposed selection process.¹ In addition, the Bureau seeks comment on a potential extension of the contract under which iconectiv would remain the LNPA during the selection process.

I. BACKGROUND

The Federal Communications Commission (Commission) is responsible for the administration of telephone numbers, pursuant to section 251(e)(1) of the Communications Act of 1934, as amended (Act).² Congress directed the Commission to "create or designate one or more impartial entities to administer telecommunications numbering and to make such numbers available on an equitable basis."³ One of the Commission's numbering administration functions involves local number portability, which promotes consumer choice and competition by allowing consumers to keep their phone numbers when they switch providers, a process referred to as porting. The LNPA plays an important role in this process by managing the system, known as the Number Portability Administration Center/Service Management System (NPAC/SMS), that makes such porting possible.⁴

Pursuant to Commission directive, North American Portability Management, LLC (NAPM), an industry consortium generally open to all wireline (including interconnected Voice over Internet Protocol) and Commercial Mobile Radio Service providers that currently port numbers or state that they intend to port numbers within six months of admission, contracts with the LNPA for LNPA services, and provides

¹ Third Local Number Portability Administrator Selection Process, WC Docket No. 23-337.

² 47 U.S.C. § 251(e)(1).

³ *Id.*

⁴ *Telcordia Technologies, Inc. Petition to Reform Amendment 57 and to Order a Competitive Bidding Process for Number Portability Administration et al.*, Order, 30 FCC Rcd 3082, 3085, paras. 1, 6 (2015) (*LNPA Selection Order*), *aff'd sub nom, Neustar Inc. v. FCC*, 857 F.3d 886 (D.C. Cir. 2017) (*Neustar v. FCC*). The NPAC/SMS (typically referred to simply as the NPAC) consists of hardware and software platform(s) that hosts a national information database and serves as the central coordination point of local number portability (LNP) activity. *Id.* at 3085, para. 6.

continuing management and oversight of the numbering administration process.⁵ NAPM has served in this role since the inception of the LNPA⁶ and was the originator of all procurement documents (all subject to Commission approval), as well as the initial evaluator of competing bids, in the last selection process.⁷

The current contract between NAPM and iconectiv is set to expire on May 25, 2025, if NAPM elects the second of two one-year contract extension options available to it. The Commission selected iconectiv (previously known as Telcordia Technologies, Inc. d/b/a iconectiv)⁸ to serve as the LNPA in 2015, and the transition process was completed in May 2018.⁹ In order to ensure that the LNPA continues to function as an efficient and secure database and in a manner that is consistent with the evolving communications industry, the Bureau opens this proceeding to seek comment on the process to select the next LNPA administrator. In order to ensure continuity of numbering administration during the selection process and transition to the next LNPA administrator, NAPM and iconectiv have proposed an extension of their current contract until May 2031, with two potential additional option years, along with a number of contractual amendments that would apply during the extension period and that were the product of negotiations between iconectiv and the NAPM.¹⁰ As explained below, we seek comment on the appropriate selection process and on the extension of the present LNPA contract held by iconectiv.

II. SELECTION PROCESS

We propose to use the process discussed in this section for selecting the entity that will serve as the LNPA at the conclusion of the iconectiv contract.¹¹ This proposed process is a streamlined version of the informal adjudicatory process upheld by the United States Court of Appeals for the D.C. Circuit during the last selection proceeding.¹² As the D.C. Circuit concluded regarding that last selection proceeding, “agencies may use informal adjudications when they are not statutorily required to engage in the notice and comment process or to hold proceedings on the record,” neither of which is applicable to the selection of the LNPA.¹³ The last proceeding regarding the bidding for and selection of a new LNPA

⁵ *LNPA Selection Order*, 30 FCC Rcd at 3164-65, paras. 193-95; *Telcordia Technologies, Inc. Petition to Reform Amendment 57 and to Order a Competitive Bidding Process for Number Portability Administration et al.*, Order, 31 FCC Rcd 8406, 8423-24, paras. 45-46 (2016) (*LNPA Approval Order*). With regard to NAPM’s membership requirements, see NAPM, Membership, <https://napmlc.org/membership/> (last visited Sept. 29, 2023). We note that the NPAC’s processes and procedures (which will likely form the basis for the Request for Proposal (discussed below)), have been subject to input from a wide variety of stakeholders for a number of years. See NPAC, *NPIF – Number Portability Industry Forum*, <https://workinggroup.numberportability.com/> (last visited Sept. 29, 2023).

⁶ See *LNPA Approval Order*, 31 FCC Rcd at 8424, para. 46.

⁷ *LNPA Selection Order*, 30 FCC Rcd at 3086-90, paras. 9-12; *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, 26 FCC Rcd 6839, 6843, 6846-47, para. 17, Att. A (WCB 2011) (*2011 LNPA Selection Process Order*).

⁸ Telcordia Technologies, Inc. was subsequently converted to a limited liability company under the name iconectiv, LLC.

⁹ Press Release, FCC, FCC Announces Successful Transition to New Administrator for Number Porting System (May 29, 2018) (*LNPA Transition Announcement*), <https://docs.fcc.gov/public/attachments/DOC-351062A1.pdf>.

¹⁰ Letter from Todd D. Dauber, Counsel to North American Portability Management LLC, to Marlene Dortch, Secretary, FCC, WC Docket No. 23-337 (filed Oct. 10, 2023) (NAPM Draft Contract Extension Filing).

¹¹ For convenience, we will refer to this as selecting the “next” LNPA, despite the possibility that the process might result in the selection of iconectiv, which is also the current LNPA.

¹² *Neustar v. FCC*.

¹³ *Id.*, 857 F.3d at 893 (internal quotation marks omitted) (“[T]he FCC may, in keeping with the statute, choose to use informal adjudication to select an administrator”. *Id.* at 894.).

was a matter of first impression, which warranted additional procedural steps to ensure adequate consideration by the Commission. Based on experience gained from that process, we believe that a more streamlined version is now warranted.

As described below, we propose that NAPM, an organization with significant experience in LNPA selection recommendation, management, and oversight matters, initially develop selection criteria and contractual documents for consideration by the Bureau. The Bureau will play an active role during these development processes. Ultimately, all selection documents must be approved by the Bureau prior to release. When requested, NAPM must provide to Bureau representatives any information submitted by any party in the selection process.

RFI and RFQ Development, Response, and Evaluation Phase. We propose that NAPM submit two initial documents to the Bureau for its review within three months after release of an order establishing the LNPA selection process.¹⁴ The first document will be a draft Request for Information (RFI), intended to gather information primarily about potential beneficial changes that parties believe could be brought to LNPA operations – in particular, operations of the Number Portability Administration Center (NPAC), which is the LNP database. Responses to the RFI will inform development of the Request for Proposal (RFP) that NAPM will issue seeking formal bids from entities seeking to serve as the LNPA. The second document will be a draft Request for Qualifications (RFQ), which will seek expressions of interest in serving as the LNPA, and will collect basic qualification information for NAPM and the Bureau to consider in determining whether a party expressing interest is facially qualified to serve as the LNPA. We anticipate that the RFQ will require a basic showing regarding the party's willingness to accept key contractual terms such as security requirements, as well as demonstrations of its financial stability and neutrality. Acceptance of the RFQ by NAPM will permit such party to advance to the step of the selection process in which it will respond to the RFP.¹⁵ No party, including iconectiv, that did not submit a response to the RFQ by the relevant deadline will be eligible to submit a proposal in response to the RFP. After receiving and reviewing NAPM's draft RFI and RFQ, the Bureau will then direct NAPM to release the RFI and RFQ and issue a public notice that sets a deadline of one-to-two months to respond to the RFI and RFQ.¹⁶

Prior to the due date for responses to the RFQ (and potentially through the due date for responses to the RFP), the Bureau may conduct, or direct NAPM to conduct, information sessions for potential respondents to the RFQ and RFP, which may include demonstrations of NPAC functionality, subject to potential confidentiality protections. We propose to direct iconectiv to participate in any such sessions.

After reviewing the responses to the RFI and RFQ, NAPM will file with the Bureau recommendations regarding responses to the RFQ (along with all RFQ responses), which the Bureau will consider.¹⁷ Within four months of receiving the recommendations, the Bureau will direct NAPM to notify any parties that expressed interest that they have been determined either to be facially qualified or not facially qualified (and not permitted to participate further in the selection process).

¹⁴ All time periods included in this discussion are estimates that may vary depending on circumstances, and are provided as a guide for parties to better understand the process, as well as to explain the potential need for the proposed contract extension discussed below.

¹⁵ NAPM conducted a pre-qualification process in the last LNPA selection process. *See NAPM LLC Announces Request for Information From Vendors on Upcoming Request for Proposals for LNP Database Platforms and Services*, WC Docket Nos. 09-109, 07-149, CC Docket No. 95-116, Public Notice, 25 FCC Red 13379 (2010).

¹⁶ Considering the period for comments and reply comments in response to this Public Notice, as well as other expected procedural steps conducted prior to this deadline, we expect parties potentially interested in serving as the LNPA will have at least six months, if not materially longer, to develop the business plans necessary to determine if they are interested in serving as the LNPA.

¹⁷ All filings referenced in this Public Notice would be made in WC Docket No. 23-337. As appropriate, there may be confidential and redacted versions of filings.

RFP Development, Response, and NAPM Evaluation Phase. The next phase of the selection process will be devoted to the development, consideration, and release of a Request For Proposal, including all potential exhibits, appendices, technical requirements documents, or any other attachments, seeking bids from eligible parties, and submission of RFP responses. We expect this to be a complex process that will involve a significant commitment of resources from the Commission, as well as NAPM. The Bureau will make the RFP available for public comment with any necessary redactions relating to information that is sensitive from either a commercial or security perspective (which will be available to interested parties under a Protective Order adopted concurrently with this Notice). The Bureau will then work with NAPM to further develop the RFP and will announce its final release. We anticipate the response deadline to the RFP will be three months after release, depending on the complexity of the final version of the RFP.

Following receipt of responses to the RFP, NAPM will evaluate the responses and will file a recommendation for the next LNPA with the Commission along with all material from all RFP respondents not already shared with the Bureau. The Bureau will then seek public comment on NAPM's recommendation.

Commission LNPA Selection Phase. Following the comment period regarding NAPM's recommendation, Commission evaluation of the record, and final evaluation of NAPM's recommendation, the Commission will issue an order selecting the next LNPA. The length of this period may depend on the complexity of competing bids and unforeseeable issues. The Commission's order on the LNPA selection will include a directive to NAPM to negotiate a contract with the LNPA selectee. NAPM will file the negotiated contract and the Commission will issue an order either approving the contract or requiring changes to it.

In light of the significant commitment of resources from both the Commission and NAPM to conduct the RFP phase of the selection process, the Bureau will not conduct the RFP phase of the selection process if only one eligible party responds to the RFQ. Similarly, it is possible that only one eligible party will respond to the RFP. In both cases, at the direction and oversight of the Bureau, NAPM will immediately begin negotiating the LNPA contract with the single responding party. Assuming NAPM can successfully conclude contract negotiations, NAPM will file a formal recommendation that the Commission approve the selection of the interested party as the LNPA, as well as the negotiated contract. The Commission will seek comment on this recommendation and contract, and issue an order on such recommendation and contract. If there is only one candidate from which to select, we believe it will be administratively efficient to consider the selection and the contract simultaneously.

Should a party other than iconectiv be selected as the new LNPA, we expect there to be a substantial transition period lasting no less than the 24 months required by the previous transition period, and perhaps as long as 36 months.¹⁸

The Commission will continue to maintain ultimate oversight and control over the current and any new LNPA contract, including any necessary transition to a new LNPA. The Commission's work on this matter prior to the final selection of the LNPA will be conducted by the Bureau pursuant to its existing delegated authority.¹⁹ The Bureau will consult with other agency staff, including the Public Safety and Homeland Security Bureau and the Office of General Counsel, as necessary throughout the process.

We seek comment on the selection and contract approval procedure described above, including the anticipated timeframes, and whether there are steps we could take to further streamline the process.

¹⁸ The transition from the previous LNPA to iconectiv took roughly two years. *See LNPA Transition Announcement.*

¹⁹ *See* 47 CFR §§ 0.91 and 0.291. The Bureau acted on similar delegated authority in the most recent LNPA selection process. *See LNPA Selection Order*, 30 FCC Rcd at 3164, para. 193.

III. PROPOSED CONTRACT EXTENSION

As a complement to the selection process we adopt, NAPM and the current LNPA have proposed an extension of their current contract until May 2031, with two potential additional option years, along with a number of contractual amendments that were the product of a negotiation process.²⁰ Based on past experience, we estimate that the proposed selection process described above (or any similar selection process) would last a lengthy period of time, and would extend past the May 25, 2025 expiration date of the current LNPA contract.²¹ Moreover, any transition to an LNPA other than iconectiv would further extend the period by additional years. We do not, however, intend for the extension to shield iconectiv from the result of commitments it may make as a result of the competitive RFP process. To accomplish this, we will ensure that the RFP is designed so that, should iconectiv's response to the RFP contain more favorable rates, terms, or conditions than those of the proposed extension for the period to which the proposed extension applies, iconectiv will be bound by its commitments in the RFP.

The proposed extension may offer a number of benefits to the industry. The first is certainty regarding the continued provision of LNPA services while a new selection process is conducted. The second is a reduction in iconectiv's fees. The proposed extension provides for an average mid-seven-figure annual fee reduction for the additional years of the contract.²² Further, iconectiv is required to make significant investments to modernize its data centers.²³ Finally, iconectiv is obligated to provide a \$120,000 administrative fee to NAPM that would be used to offset NAPM's expenses.²⁴ This reduction in NAPM's expenses would not only lower the third-party expenses of current NAPM members (who fund such expenses), but also the expenses of prospective members. We also note that while accepting lower fees, committing to a substantial data center modernization, and beginning to pay an administrative fee to NAPM, iconectiv may also benefit from the extension.²⁵ Due to the commercial sensitivity of the contract, details of these matters are subject to a Protective Order adopted concurrently with this Public Notice. Parties interested in accessing information redacted from the proposed extension are encouraged to review the Protective Order and follow the process described therein.

²⁰ NAPM Draft Contract Extension Filing at 1-2. The option years come in the form of two separate years in which the contract automatically renews unless either party elects to terminate the contract with the required minimum notice.

²¹ The previous selection process lasted more than five years. This did not include the transition period to iconectiv, which lasted nearly two years. *See LNPA Transition Announcement*. As we discuss above, we are allowing for up to a three-year transition period in this process.

²² NAPM Draft Contract Extension Filing at 1. Service providers fund these fees. *See* 47 CFR § 52.32.

²³ NAPM Draft Contract Extension Filing at 1.

²⁴ *Id.*

²⁵ *Id.*

In the *LNPA Approval Order*, the Commission required that any “material changes” to the LNPA contract be submitted to and approved in advance of their implementation.²⁶ Consistent with the Commission’s oversight of the administration process, we determine that an extension of the length proposed by NAPM and iconectiv is material and requires the explicit consent of the Bureau and seek comment on such proposed extension.

We seek comment on the foregoing proposal and assumptions.²⁷

IV. PROCEDURAL MATTERS

Ex Parte Presentations. This proceeding shall be treated as a “permit-but-disclose” proceeding pursuant to the Commission’s *ex parte* rules.²⁸ 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 (for example, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

Comment Filing Procedures. Interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <https://www.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing.

²⁶ *LNPA Approval Order*, 31 FCC Rcd at 8423-24, para. 45.

²⁷ We note that iconectiv’s request for the Wireline Competition Bureau to confirm that iconectiv continues to meet the LNPA neutrality requirements following the acquisition of Vonage Holdings Corp. by subsidiaries of Telefonaktiebolaget LM Ericsson (Ericsson), an 83% owner of iconectiv, remains pending, and nothing in this Public Notice should be construed to suggest that matter’s resolution. Letter from John Nakahata, Counsel for iconectiv, LLC, to Kris Monteith, Chief, Wireline Competition Bureau, FCC, WC Docket Nos. 95-116 et al. (filed Jan. 17, 2022).

²⁸ 47 CFR §§ 1.1200 *et seq.*

- Filings can be sent by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail.²⁹ All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street, NE, Washington, DC 20554.

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Contact Person. For further information about this proceeding, please contact Edward Krachmer, FCC Wireline Competition Bureau, Competition Policy Division, 45 L Street, N.E., Washington, DC 20554, 202-418-1525, Edward.Krachmer@fcc.gov.

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²⁹ Due to the COVID-19 pandemic, the Commission closed its hand-delivery filing location at FCC Headquarters effective March 19, 2020. See FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Filing, Public Notice, 35 FCC Rcd 2788 (2020). As a result, hand or messenger delivered filings in response to this Notice of Proposed Rulemaking will not be accepted. Parties are encouraged to take full advantage of the Commission's various electronic filing systems for filing applicable documents. Except when the filer requests that materials be withheld from public inspection, any document may be submitted electronically through the Commission's ECFS. See 47 CFR § 1.49(f)(3). Persons that need to submit confidential filings to the Commission should follow the instructions provided in the Commission's March 31, 2020 public notice regarding the procedures for submission of confidential materials. See *FCC Provides Further Instructions Regarding Submission of Confidential Materials*, Public Notice, 35 FCC Rcd 2973 (2020).