

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of
Third Local Number Portability Administrator
Selection Process
WC Docket No. 23-337

ORDER

Adopted: February 6, 2024

Released: February 6, 2024

By the Chief, Wireline Competition Bureau:

1. In this Order, the Wireline Competition Bureau (Bureau) adopts the process for selecting 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). As a complement to this action and to ensure the continued and efficient provision of LNPA services for consumers, the Bureau approves the contract extension under which iconectiv will remain the LNPA during the selection process.

I. BACKGROUND

2. 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).1 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.”2 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.3

3. Pursuant to Commission directive and subject to Commission oversight, North American Portability Management, LLC (NAPM) contracts with the LNPA for LNPA services, and provides continuing management and oversight of the numbering administration process. NAPM is 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.4 NAPM has served in this role since the inception of the

1 47 U.S.C. § 251(e)(1).

2 Id.

3 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 platforms that host a national information database and serve as the central coordination point of local number portability (LNP) activity. Id. at 3085, para. 6.

4 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, 8430, paras. 44-46, 62 (2016) (LNPA Approval Order). With regard to NAPM’s

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LNPA⁵ 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.⁶

4. In this Order, we establish the requirements and procedures for the selection of the next LNPA. The Commission selected iconectiv (previously known as Telcordia Technologies, Inc. d/b/a iconectiv)⁷ to serve as the LNPA in 2015, and iconectiv began operating as the LNPA after a transition process away from the previous administrator was completed in May 2018.⁸ 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.⁹ To ensure continuity of numbering administration during the selection process and transition to the next LNPA,¹⁰ NAPM and iconectiv have proposed a contract amendment that extends 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.¹¹

5. On October 10, 2023, the Bureau opened this proceeding to seek comment on the process to select the next LNPA so as to ensure that the LNPA and the NPAC continues to function as an efficient and secure database and in a manner that is consistent with the Commission's rules and the evolving communications industry.¹² The Bureau also sought comment on the related proposed contract extension.¹³

II. SELECTION PROCESS

6. Pursuant to our authority in section 251(e)(1) of the Act, we adopt the selection process described in the *Notice*.¹⁴ We find that doing so will allow for a thorough, comprehensive selection

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membership requirements, *see* NAPM, Membership, <https://napmlc.org/membership/> (last visited Feb. 5, 2024). 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 Feb. 5, 2024).

⁵ *See LNPA Approval Order*, 31 FCC Rcd at 8424, para. 46.

⁶ *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*).

⁷ Telcordia Technologies, Inc. was subsequently converted to a limited liability company under the name iconectiv, LLC.

⁸ 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>.

⁹ NAPM's contract with iconectiv is in the form of seven different Master Services Agreements (MSA), one for each of seven regions. *LNPA Approval Order* 31 FCC Rcd at 8407, n.4. For convenience, we refer to these seven MSAs collectively as a single contract.

¹⁰ For convenience, we will refer to this as selecting and potentially transitioning to the "next" LNPA, despite the possibility that the process might result in the selection of iconectiv, which is also the current LNPA.

¹¹ Letter from Todd D. Daubert, 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). The proposed extension and other amendments that, among other things, amend the term of the contract are referred to herein as "the extension."

¹² *Third Local Number Portability Administrator Selection Process*, WC Docket No. 23-337, Public Notice DA 23-940 (WCB Oct. 10, 2023) (*Notice*).

¹³ *Id.* at 5-6.

process for the next LNPA. As part of that process, we conclude that NAPM, an organization with significant experience in LNPA selection recommendation, management, and oversight matters and subject to full Commission oversight,¹⁵ should develop selection criteria and contractual documents governing the LNPA selection process 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 by NAPM. When directed, NAPM must provide to Bureau representatives any information submitted by any party in the selection process.¹⁶

7. *Process Steps.* The process that we adopt consists of the following phases and steps, which are described in detail in the *Notice*:¹⁷

- Request for Information (RFI) and Request for Qualifications (RFQ)¹⁸ Development, Response, and Evaluation Phase
 - *Development and Issuance of RFI and RFQ*
 - *Response period for RFI and RFQ*
 - *Evaluation of RFQ responses*
- Request for Proposal (RFP)¹⁹ Development, Response, and NAPM Evaluation Phase
 - *Development of RFP*
 - *Comment period on RFP*
 - *Finalization of RFP*
 - *Response period for RFP*
 - *NAPM evaluation of RFP responses and submission of recommendation to the Commission*
- Commission LNPA Selection Phase
 - *Comment period on NAPM recommendation*
 - *Commission evaluation of record*
 - *Further Commission analysis of NAPM's recommendation*

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¹⁴ The Commission has delegated authority to oversee the LNPA contract, or other issues related thereto, to the Wireline Competition Bureau, with support from the Office of General Counsel. *LNPA Approval Order*, 31 FCC Rcd at 8431, para. 63; 47 CFR §§ 0.91 and 0.291.

¹⁵ *LNPA Approval Order*, 31 FCC Rcd at 8423-24, 8430, paras. 44-46, 62.

¹⁶ No party objected to the involvement of NAPM in the selection process. NetNumber objects to particular statements in NAPM's reply comments that we discuss below, but does not appear to object to NAPM's involvement as a general matter. See Letter from Steven A. Augustino, Counsel to NetNumber, Inc., to Marlene Dortch, Secretary, FCC, WC Docket No. 23-337 (filed Dec. 8, 2023) (NetNumber Ex Parte).

¹⁷ This process is a streamlined version of the informal adjudicatory process, upheld by the United States Court of Appeals for the D.C. Circuit, that the Commission used during the last LNPA selection proceeding. *Neustar v. FCC*. 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." *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. Neither of the former is applicable to the selection of the LNPA.

¹⁸ The RFI will be intended to gather information primarily about potential beneficial changes that parties believe could be brought to LNPA operations. The RFQ 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. See *Notice* at 3.

¹⁹ The Request for Proposal will be the set of documents seeking formal bids from entities seeking to serve as the LNPA. See *Notice* at 3.

- *Release of an order on NAPM's recommendation*
- *NAPM negotiates contract with the LNPA selectee and files it with the FCC*
- *Issue order approving the contract*

8. We also adopt the caveats regarding potentially truncating this process that we proposed in the *Notice*. First, 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 if only one eligible party responds to the RFQ to express interest in serving as the LNPA and demonstrate their qualifications to serve as the LNPA.²⁰ Similarly, even if the Bureau issues the RFP, it is possible that only one eligible party will ultimately respond. In both cases, at the direction and oversight of the Bureau, NAPM will immediately begin negotiating the LNPA contract with the single responding party. After NAPM and the responding party complete negotiations, the Bureau will seek comment on NAPM's recommendation and the contract, and will ultimately issue an Order appointing the party as the LNPA.²¹ No commenter objected to this approach.

9. We decline to adopt NetNumber's proposal that we seek public comment on RFQ submissions as part of evaluating such submissions.²² At this time, we expect the identity of RFQ respondents, as well as the contents of their submissions, to be highly confidential due to their sensitive business nature. As a result, we believe that there would be limited value to conducting a comment process given the restrictions on access to such information²³ and would add additional time and complexity to the RFQ evaluation process. We note that parties will have a full opportunity to provide relevant information regarding NAPM's recommended selection prior to the Commission approving or rejecting the recommendation.

10. No other party suggested adding or eliminating specific steps in our proposed selection process, and CTIA and USTelecom explicitly support the process as proposed.²⁴ We did, however, receive comments suggesting how various steps of the process should be conducted, such as NetNumber's suggestion that in reviewing RFI responses, "[t]he Commission should examine each proposed improvement with a goal of improving the users' ability to efficiently and meaningfully utilize LNPA data."²⁵ We agree. The Bureau can examine proposed improvements or requirements in the RFQ and RFP phases.²⁶ For example, while the primary function of the NPAC is to serve as the central coordination point of local number portability (LNP) activity, we can consider improvements in the form of additions or changes to NPAC data products that are made available to non-service providers on a limited use case basis (some known as "ancillary services")²⁷ at the appropriate time during the selection

²⁰ *Notice* at 4. In order to ensure a fully transparent process, we adopt our related proposal, unopposed by any commenter, that no party, including iconectiv, will be eligible to submit a proposal in response to the RFP if that party did not submit a response to the RFQ by the relevant deadline. *Id.* at 3.

²¹ *Id.* at 4.

²² NetNumber Comments at 3-4.

²³ See *Third Local Number Portability Administrator Selection Process*, WC Docket No. 23-337, Protective Order, 5, para. 7 (WCB Oct. 10, 2023) (*Protective Order*) (limiting access to highly confidential information to outside counsel of record, outside consultants, their employees and employees of their outside firms, and support personnel).

²⁴ CTIA/USTelecom Comments at 4-5.

²⁵ NetNumber Comments at 2.

²⁶ See, e.g., Tel-Lingua Comments at 6, 8-10, 12; Tel-Switch Comments at 5-6; Telnix Reply at 2-4 (advocating for the next LNPA to use open source software for the NPAC to, among other things, potentially shorten any subsequent LNPA transition period).

²⁷ For a description of these products and use cases, including data provided to Providers of Telecom-Related Services, see iconectiv, Permitted Use, <https://numberportability.com/about/permitted-use> (last Feb. 5, 2024).

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process.²⁸ To aid our consideration, we invite parties to expand upon these suggestions, as well as requests for how the NPAC should be operated in the future, in response to the RFI (to inform the RFP), and in response to the draft RFP.²⁹

11. *Applicability of RFP Responses.* We stated in the *Notice* that, should iconectiv's response to the RFP contain more favorable rates, terms, or conditions than those in iconectiv's proposed contract extension, iconectiv will be bound by its commitments in the RFP for the period to which the proposed extension applies.³⁰ We clarify that iconectiv's, or any party's, RFP response/offer will apply solely to the years that are explicitly stated in their RFP response/offer and will not retroactively apply to years not explicitly stated in such responses/offers.³¹

12. *Timing.* In the *Notice*, we also provided estimates of the time it may take to conduct the various steps in the selection process as a guide for parties to better understand the process and invited comment on such estimates, which we noted may vary depending on circumstances.³² We have taken the comments that we received in this regard under advisement.³³ We also provided these estimates to explain the length of the proposed contract extension. We discuss comments about our estimated time periods with respect to the length of the contract extension below.

13. *Commission Oversight.* As proposed, to carry out its duty under section 251(e) of the Act to designate numbering administrators, 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.³⁴

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Commenters suggest, for example, additional detail in data provided for Telephone Consumers Protection Act compliance purposes. (Tel-Switch Comments at 4).

²⁸ Somos requests that the Commission "clarify that any member of the NAPM, or any affiliate of a member, is ineligible to bid on the LNPA contract unless the NAPM member is recused from any participation in the bidding process." Somos Comments at 4. We decline to adopt the blanket clarification requested by Somos. While we anticipate that we would address any specific concerns about a bidder's neutrality on a case-by-case basis, we observe that, as discussed above, by definition, a NAPM member must either be a telecommunications carrier or interconnected VoIP provider and therefore would be ineligible to serve as the LNPA and likely have a conflict of interest barring simultaneous participation in NAPM's role in the LNPA selection process. *See* NAPM, Membership, <https://napmlc.org/membership/>.

²⁹ NetNumber raises concerns regarding certain statements made by NAPM in its Reply that NetNumber interprets as intending to provide an undue incumbent preference to iconectiv. NetNumber Ex Parte at 1-2. While we decline to characterize the intent of NAPM's statements, we affirm that we are committed to an open and fair selection process and will exercise our own independent judgment pursuant to our oversight authority, as discussed herein. NetNumber will have a chance to file a response to the RFI (and RFQ) and comment both on the RFP (should NetNumber believe its design unreasonably favors iconectiv) and NAPM's recommended LNPA when the Commission seeks comment on such recommendation. We encourage NetNumber and any other party to file responses/comments on such matters.

³⁰ *Notice* at 5.

³¹ iconectiv Comments at 1-2.

³² *Notice* at n.14 and 4.

³³ *See, e.g.,* NetNumber Comments at 4 (suggesting that more than three months may be necessary to respond to the RFP). Although some parties state that they believe that the process, overall, is too long, none raised issues with the expected length of any particular part of the process other than the potential transition to a different LNPA at the end of such process, which we discuss in Section III, below. *See, e.g.,* David R. Hughes & Lisa Poulter Comments at 1, Somos Comments at 4-6, Tel-Lingua Comments at 4-6; Telynx Reply at 2.

³⁴ *Notice* at 4-5; 47 U.S.C. § 251(e). Telynx states that NAPM should be able to operate "independently" and with "autonomy." Telynx Reply Comments at 4. We decline to take any steps in that regard. To the extent that Telynx seeks greater independence for the NAPM with respect to the contractual selection process, we note that Telynx proposes no specific modifications to the roles of the Commission, Bureau, and NAPM with regard to that process.

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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.³⁵ 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.

III. CONTRACT EXTENSION

14. To enable the next LNPA selection process that we adopt here, we approve the extension proposed by NAPM and iconectiv, subject to a condition described below.³⁶ With this extension, the current contract, rather than expiring May 25, 2025, would be extended until May 2031, with two potential additional option years, along with additional contractual amendments that were the product of a negotiation process.³⁷ Based on our past experience, we believe that an extension of this length is reasonable and prudent, particularly in light of its public interest benefits. CTIA and USTelecom, trade associations representing a substantial number of the service providers that are NPAC users and that help support the LNPA's operations through contributions, support the extension as proposed.³⁸

15. The selection process that we adopt above may span up to five years and allows for a three-year transition period if a new LNPA is selected. Consequently, we find it is necessary and in the public interest that the contract extension term be long enough to ensure the continued functioning of the LNPA without potential for interruption during the selection process.³⁹ As explained in the *Notice*, the streamlined selection process we adopt is modeled after the previous process, which took more than five years to complete.⁴⁰ While it is true that the Commission has experience conducting a selection process that may result in a change of the LNPA,⁴¹ our experience has also taught us that it is crucial to a comprehensive selection to diligently conduct critical steps of the selection process, such as seeking and reviewing responses to the RFI and RFQ. Considering the responses to the RFI and RFQ and developing an RFP will be a lengthy process, particularly if the RFP incorporates the operational and product improvements and any other modifications suggested by some commenters.⁴² Moreover, we cannot significantly reduce the response time for potential bidders (in fact, one commenter suggests a longer response time⁴³) without eliminating potential competitive options for the LNPA. While this process

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Further, we decline to deviate from the Commission's prior directive that the contractual selection remain subject to Commission oversight. *See LNPA Approval Order*, paras. 45-46, 62. To the extent that Telnix's request concerns matters outside of the contract extension and next LNPA selection process, it is beyond the scope of this Order.

³⁵ *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.

³⁶ We do so pursuant to delegated oversight authority to review "material changes" to the contract. *See LNPA Approval Order*, 31 FCC Rcd at 8423-24, para. 45.

³⁷ 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.

³⁸ CTIA/USTelecom Comments at 2-3.

³⁹ CTIA and USTelecom recognize the potential length of this process and support an extension long enough to allow for it. *See* Letter from Diana Eisner, Vice President Policy & Advocacy, USTelecom—The Broadband Association and Amy E. Bender, Vice President, Regulatory Affairs, CTIA, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 23-337 (filed Dec. 20, 2023).

⁴⁰ *Notice* at 2-3, 5 n.21.

⁴¹ *See* Somos Comments at 5.

⁴² *See, e.g.,* NetNumber Comments at 3-4; SCJ Ventures Comments at 1-2; Tel-Switch Comments at 4-6; Tel-Lingua Comments at 6, 8-10.

⁴³ NetNumber Comments at 4.

might not be the first time that multiple bids have been considered after the LNPA has been operational, the current selection process could result in more than two bidders, which would add an element of complexity not present in the last selection process.

16. In addition to this five-year period to select and approve the contract for the new LNPA, we believe it is reasonable for the extension to allow for a three-year transition period should a transition to an entity other than iconectiv be required. The previous transition period between the 2016 *LNPA Approval Order* and the May 25, 2018 final cutover date required an extraordinary commitment of resources that began in mid-2015, in accordance with the *LNPA Selection Order*.⁴⁴ Further, that transition period was motivated by significant annual cost savings in transitioning LNPA services from the previous administrator to iconectiv.⁴⁵ In light of these considerations, we believe it prudent to allow for up to a three-year transition period from the date of our order approving the new contract.

17. There are multiple public interest benefits to the extension. The most critical is certainty that LNPA services will continue to be provided without potential for interruption for the length of the selection and any potential transition process. In addition, the additional years of the contract (after it would have expired in May 2025) will be offered at a substantial cost savings as compared to the current LNPA contract, providing for an average mid-seven-figure annual fee reduction for the additional years of the contract.⁴⁶ Although the service providers that bear these costs will be the initial direct beneficiaries, we expect some portion of the savings could be passed on to their customers. Under the negotiated contract extension terms, iconectiv is also required to make significant investments to modernize its data centers.⁴⁷ These investments will enhance the reliability of the NPAC, which has been identified as critical infrastructure.⁴⁸ iconectiv will also be obligated to provide a \$120,000 administrative fee to NAPM that would be used to offset NAPM's expenses.⁴⁹ 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, which may improve the diversity of NAPM and its ability to manage the LNPA contract.

18. We acknowledge that iconectiv also benefits from the extension.⁵⁰ iconectiv is provided contractual certainty during the selection process, although such certainty is not designed to last longer than the necessary period to transition to a different LNPA. The proposed extension also makes changes favorable to iconectiv primarily regarding: performance security (bonds), audit procedures for pricing of ancillary services, service level requirements, and the "Gateway Evaluation Process" (similar to service level requirements, but measured over a longer period of time).⁵¹ No party has objected to any specific

⁴⁴ See *LNPA Selection Order*, 30 FCC Rcd at 3150-51, paras. 158-59; Letter from Todd D. Daubert, Counsel to the NAPM LLC, to Marlene H. Dortch, Secretary, FCC, WC Docket Nos. 07-149 and 09-109, CC Docket No. 95-116 (filed June 1, 2015).

⁴⁵ With regard to previous potential cost savings, *compare* Letter from John T. Nakahata, Counsel to Telcordia Technologies, Inc. d/b/a iconectiv, to Marlene H. Dortch, Secretary, FCC, CC Docket No. 95-116, WC Docket Nos. 07-149, 09-109, at 3 (Mar. 25, 2015) (less than \$1 billion for contract, or \$143 million per year) *with* NeuStar, Inc. Form 10-K at 8 (Feb. 29, 2016) (\$496 million in 2015).

⁴⁶ NAPM Draft Contract Extension Filing at 1. Service providers fund these fees. See 47 CFR § 52.32.

⁴⁷ NAPM Draft Contract Extension Filing at 1.

⁴⁸ *LNPA Selection Order*, 30 FCC Rcd at 3134-35, para. 122 (referring to the NPAC as critical infrastructure).

⁴⁹ NAPM Draft Contract Extension Filing at 1.

⁵⁰ NAPM Reply at 2.

⁵¹ NAPM Draft Contract Extension Filing at 1.

benefits to iconectiv other than the length of the extension,⁵² although Somos generally argues that the extension should be “under the same basic terms and conditions of the original contract.”⁵³ Without reaching the question of what constitutes the same basic terms and conditions, we note that the public interest benefits of the extension, such as the lower pricing and the obligation to modernize the data centers, are significant and appropriate for an extension long enough to enable even the shortest of selection processes. It is therefore not unreasonable for iconectiv, in turn, to receive benefits beyond mere contractual certainty.

19. Based on the considerations discussed above regarding the necessary length of the selection process and prudent allowance for any potential transition process, we reject claims that the length of the extension is unreasonable. Without providing specific suggestions for changes, Somos argues that the length is excessive because the Commission has already “laid the groundwork” for a competitive selection process such as the one we adopt herein, claiming that we can eliminate procedural steps.⁵⁴ Telnyx makes a similar argument regarding past industry experience.⁵⁵ Neither Somos nor Telnyx, however, identify any particular steps that could be eliminated or explain how any steps that we undertake could be shortened or by how long. Another commenter asserts that the selection process is too long without any analysis of how it could be made shorter, particularly without sacrificing the specific objectives of each step of the process.⁵⁶

20. Although Tel-Lingua does not explicitly oppose the length of the extension, Tel-Lingua does argue that the length of the potential transition to a new LNPA, one of the bases for the need extension, should not be assumed to be three years. Specifically, Tel-Lingua argues that the complexity of the previous transition was based on the need for service providers to move the circuits directly connecting their networks to Neustar’s NPAC servers to iconectiv’s servers.⁵⁷ Tel-Lingua argues that this process would be easier and quicker for any future transition to a new LNPA due to the efficiencies of Internet Protocol circuits.⁵⁸ Even if moving such circuits is now less difficult, that process was not the gating factor for the length of the previous transition period. Rather, factors such as the need for platform requirements to be developed, software to be written, data centers to be established, users to be onboarded, and substantial testing to be conducted determined the time needed to complete the transition.⁵⁹

21. We next decline to impose certain conditions before approving the extension. Some parties suggest the Bureau should address a question about iconectiv’s neutrality.⁶⁰ In particular,

⁵² Due to the commercial sensitivity of the contract, details of these additional benefits of the extension are subject to the Protective Order in this proceeding. *Protective Order*; NAPM Draft Contract Extension Filing at 2-3. Parties were afforded the opportunity to obtain such information pursuant to the terms of the Protective Order.

⁵³ Letter from Aaron M. Panner, to Marlene Dortch, Secretary, FCC, WC Docket No. 23-337 (filed Dec. 15, 2023) (Somos December 2023 *Ex Parte*).

⁵⁴ Somos Comments at 5. In fact, the only specifics that Somos provides appear to relate to establishing the selection process, which we believe we have done in a prompt manner. *Id.*

⁵⁵ *See* Telnyx Reply at 2.

⁵⁶ David R. Hughes & Lisa Poulter Comments at 1.

⁵⁷ Tel-Lingua Comments at 4-6.

⁵⁸ *Id.*

⁵⁹ For a full description of the steps undertaken in the previous transition process, *see* Letter from Todd D. Daubert, Counsel to the NAPM LLC, to Marlene H. Dortch, Secretary, FCC, WC Docket Nos. 07-149 and 09-109, CC Docket No. 95-116 (filed Aug. 31, 2015).

⁶⁰ Somos Comments at 3; Letter from Aaron M. Panner, to Marlene Dortch, Secretary, FCC, WC Docket No. 23-337 (filed Jan. 11, 2024) (Somos January 2024 *Ex Parte*). In addition, Tel-Lingua and Tel-Switch also discussed

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iconectiv has requested the agency confirm that it continues to meet the LNPA neutrality requirements following the acquisition of Vonage Holdings Corp. (Vonage) by subsidiaries of Telefonaktiebolaget LM Ericsson (Ericsson), an 83% owner of iconectiv.⁶¹ The Commission has frequently explained that “secure and reliable operation of the NPAC is vital to the functioning of the Nation’s critical communications infrastructure, public safety, and the national security,”⁶² and the ability to port telephone numbers “has become an integral part of our lives,” with over 600,000 telephone number porting transactions per day.⁶³ Given that the current LNPA contract expires in less than 18 months, we believe that the next LNPA selection process must be initiated without undue delay to avoid any disruptions to these critical functions, and that an extension of the current contract for the period specified in this order is necessary to protect the integrity and functionality of LNPA operations during that selection process. We will therefore proceed simultaneously with the extension and selection process and with responding to iconectiv’s request. Significantly, under the current contract, “nothing . . . limits in any way the Commission’s ability to enforce its rules and orders,” and there remain multiple contractual remedies available both to the Commission and NAPM should we determine that iconectiv is no longer neutral.⁶⁴ As we have previously stated, the “Commission is committed to ensuring that the next LNPA complies with our neutrality criteria. As it has done in the past, the Commission will take steps necessary to ensure that the LNPA is neutral, and remains neutral throughout the term of its contract.”⁶⁵

22. We also reject a request by SCJVentures that we condition approval of the extension on permitting derivative use for a fee of certain NPAC data provided to non-service providers for use in fraud mitigation purposes so that SCJVentures can enter the market to compete with iconectiv in the provision of such services.⁶⁶ At this time, we do not have sufficient information to evaluate the merits of this proposal, particularly with respect to operational and security concerns, and do not believe that we should delay approving the extension and beginning the LNPA selection process to build the record

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iconectiv’s neutrality, although not explicitly proposing that resolving the matter be a condition for consenting to the extension. Tel-Lingua Comments at 12; Tel-Switch Comments at 3.

⁶¹ Notice at 6, n.27.

⁶² See *LNPA Selection Order*, 30 FCC Rcd at 3122, para. 82 (also stating that the LNPA must have the requisite operational experience to serve as the LNPA with respect to security and reliability).

⁶³ NPAC, Make the Right Call Every Time, <https://numberportability.com/portdata-comply-service> (last visited Feb. 5, 2024).

⁶⁴ See *LNPA Approval Order*, 31 FCC Rcd at 8418, para. 32. Somos raises a concern about iconectiv’s neutrality due to Vonage’s current role as a voting member on the North American Numbering Council (“NANC”) and Ericsson’s ownership of both Vonage and iconectiv. Somos December 2023 *Ex Parte* at 1; Somos January 2024 *Ex Parte* at 2. Somos argues that Vonage’s voting membership on the NANC is a conflict of interest because “[t]he NANC advises the Commission on all numbering administration matters, including the selection and ongoing performance management” of numbering administrators, including the LNPA. Somos January 2024 *Ex Parte* at 2 (stating that “[g]iven NANC’s critical role in overseeing and selecting numbering administrators, Somos submits that it is a conflict of interest for an entity that shares ownership with a numbering administrator to hold voting membership in the NANC”). We believe that Somos’s concern may be premature. As an initial matter, the selection process we adopt in this Order for the next LNPA does not include any review, determinations, or other involvement by the NANC, and no commenter argued that it should. Further, there are no other matters pertaining to local number portability administration or oversight of the LNPA currently pending before the NANC for a vote. Nevertheless, Vonage has been advised that it must disclose its common ownership with iconectiv at the first meeting of the current NANC charter that it attends. See *FCC Announces Meetings of the North American Numbering Council*, WC Docket No. 23-1, Public Notice, DA 24-50 (WCB Jan. 17, 2024). Should a matter involving or impacting iconectiv as the LNPA or another local number portability administration matter come before the NANC, Vonage shall be recused from deliberating or voting on such matters.

⁶⁵ *LNPA Selection Order*, 30 FCC Rcd at 3122, para. 164.

⁶⁶ SCJVentures Comments at 1-2.

required to do so. SCJVentures is welcome to raise this matter again in response to the RFI and draft RFP, and we will consider it at that time.⁶⁷

23. We do, however, issue a directive to NAPM regarding the proposed extension's contractual changes pertaining to audit procedures for pricing of NPAC services ancillary to porting.⁶⁸ As part of the Bureau's oversight role of the contract, we direct NAPM to notify Bureau staff in writing no less than 30 days before approving any increase in such pricing and withhold consent to a price increase until otherwise directed by the Bureau. This directive is necessary for the Bureau to ensure the protection of users of such NPAC data. Because the Bureau has the authority to direct NAPM to withhold approval pending approval from us,⁶⁹ we do not believe that this alters the terms of the proposed extension.⁷⁰

IV. ORDERING CLAUSES

24. Accordingly, IT IS ORDERED, pursuant to sections 1, 4(i), and 251(e) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), and 251(e), and pursuant to authority delegated under sections 0.91 and 0.291 of the Commission's rules, 47 CFR 0.91 and 0.291,⁷¹ that the Local Number Portability Administrator selection process described above is ADOPTED and approval is granted to North American Portability Management LLC to enter into proposed contractual amendments (including the extension contained therein) subject to the terms described herein.

25. IT IS FURTHER ORDERED, pursuant to sections 1, 4(i), 251(e) and 408 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 251(e), and 408, section 1.103 of the Commission's rules, 47 CFR § 1.103, and pursuant to authority delegated under sections 0.91 and 0.291 of the Commission's rules, 47 CFR §§ 0.91 and 0.291, that this action IS EFFECTIVE UPON RELEASE.

FEDERAL COMMUNICATIONS COMMISSION

Trent B. Harkrader
Chief
Wireline Competition Bureau

⁶⁷ We also decline to condition our consent to the proposed extension on requiring iconectiv to permit NPAC data to be used for robocall mitigation under a theory that it constitutes "Network Administ[r]ation and Maintenance." SCJVentures Comments at 2. The Commission is committed to combatting the scourge of robocalls. We note, however, that iconectiv has a wide variety of data products available to users based on the type of use cases such users are able to present. Based on the language of its request, SCJVentures appears to be seeking access to the broadest scope of data while another data product the use case for which SCJVentures might be able to make, would be sufficient. We are reluctant to issue the sort of declaration that SCJVentures envisions without gathering more facts, and will therefore not delay our consent to the proposed extension on doing so. This does not, however, prevent the Commission and Bureau from examining the matter further pursuant to its continuing oversight authority.

⁶⁸ See NAPM Draft Contract Extension Filing at 1 ("In return for these benefits to the industry, the Amendment would make certain changes that would benefit iconectiv regarding . . . audit procedures for pricing of NPAC services ancillary to porting.").

⁶⁹ See *LNPA Approval Order*, 31 FCC Rcd at 8423-24, para. 45.

⁷⁰ In addition, as part of our continuing contractual oversight, we plan expect to establish a process for monitoring iconectiv's progress in modernizing its data centers to ensure that the process is conducting expeditiously.

⁷¹ See 47 U.S.C. § 155(c).