



May 5, 2016

Ex Parte

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: *Telephone Number Portability, CC Docket 95-116; Telcordia Technologies, Inc. Petition to Reform Amendment 57 and to Order a Competitive Bidding Process for Number Portability Administration et al., WC Docket No. 07-149; 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, WC Docket 09-109*

NTCA–The Rural Broadband Association (“NTCA”)¹ hereby submits this *ex parte* letter to urge once again the need for greater transparency and increased opportunity for input from smaller carriers and other interested stakeholders in connection with the transition of the local number portability administrator (“LNPA”) responsibility from Neustar to Telcordia Technologies, Inc.² More specifically, NTCA herein encourages the Federal Communications Commission (“Commission”) to permit all users of the National Portability Administration Center (“NPAC”) to review and comment upon the iconectiv Master Service Agreement (“MSA”) currently on circulation for approval by the full Commission before it is approved.

As NTCA has previously stated,³ it is critical that the transition to a new LNPA be at every step as open and inclusive as possible. Rural carriers operate under unique circumstances, providing

¹ NTCA represents nearly 900 rural rate-of-return regulated telecommunications providers (“RLECs”). All of NTCA’s members are full service local exchange carriers and broadband providers, and many of its members provide wireless, cable, satellite, and long distance and other competitive services to their communities.

² Telcordia Technologies, Inc. Petition to Reform Amendment 57 and to Order a Competitive Bidding Process for Number Portability Administration, WC Docket No. 07-149, *et al.*, Order, FCC 15-35 (rel. Mar. 27, 2015) (“LNPA Selection Order”).

³ Comments of NTCA–The Rural Broadband Association, WC Docket No. 07-149, WC Docket No. 09-109, CC Docket No. 95-116 (fil. May 21, 2015); *Ex Parte* Letter from Michael R. Romano, Senior Vice President-Policy, NTCA, to Marlene H. Dortch, Secretary, Commission, CC Docket 95-116, WC Docket No. 07-149, WC Docket No. 09-109 (fil. Dec. 22, 2015).

voice, broadband, and other services to consumers in some of the most challenging to serve, sparsely-populated and high-cost rural areas of the nation. It is important to these carriers that there be a fair apportionment of costs and burdens associated with the LNPA transition and with the costs of utilizing the NPAC interface post-transition. It is also critical that the testing processes be robust and inclusive of small carriers to ensure that the transition is as seamless as possible. Finally, RLECs are depending on prior reassurances that the current NPAC interface functionality will remain substantially similar to the functionality as it exists today, such that the transition will not result in increased burdens or additional operating costs for those that use it.

Unfortunately, the LNPA transition thus far has been marked by limited transparency and little opportunity for meaningful input from small and rural carriers. To be clear, the Transition Oversight Manager (“TOM”) has conducted several webinars intended to provide information and answer questions. However, much of the detail provided has been high level and of limited value, providing visibility only into decisions that have already been made, steps that will be taken to carry out those decisions, and identification of open items that may be decided in the future. As to the latter, there is little indication that small carriers will have the opportunity to have their voices heard, absent joining the North American Portability Management, LLC (“NAPM”) at a cost of no less than \$34,000 per year.⁴

This lack of opportunity for meaningful input in advance of decisions being made extends as well to the iconectiv MSA currently on circulation. The first version of the MSA made available to carriers affected by the LNPA transition was heavily redacted and marked confidential, and while the most recent version contains more “public” information,⁵ it has already been placed on circulation without an opportunity for public comment. Small carriers with limited resources are not in a position to evaluate a hundreds of pages long document plus attachment as thoroughly as is necessary. This stands in contrast to the larger carriers that make up the NAPM, and have had several months to grasp the full extent and implications of the MSA.

To be clear, it may turn out that nothing stands out as objectionable or of material concern upon further review of the MSA. But the process here again highlights a concern NTCA has previously raised: that a number of critical decisions are being made – or will be made – *by NAPM members only*, in a closed process, in a manner that provides limited visibility into those decisions or any chance to weigh in on them. Small rural carriers lack the staff or financial resources to join the NAPM and/or to send representatives to NAPM meetings. Given the significance of decisions made by NAPM, insight into and in fact critical decisions related to the LNPA transition process should not be made solely by those large enough to afford direct participation. Unfortunately, the NAPM has already gone on record urging a quick approval of the MSA, in fact threatening that the cost savings to NPAC users that may result from the LNPA

⁴ A PowerPoint slide deck available on the NAPM website notes that membership costs include a one-time \$10,000 initial capital contribution and yearly capital calls of approximately \$34,000. Available at: <https://www.napmlc.org/pages/MembershipInfo.aspx>

⁵ *Ex parte* Letter from James C. Falvey, on behalf of the LNP Alliance, CC Docket No. 95-116; WC Docket Nos. 09-109 and 07-149 (fil. Apr. 27, 2017), p. 2.

Transition could be lost in part due to a delay.⁶ Yet, it is only through a transparent and inclusive process that allows for small carrier input – including time to review and comment on the MSA – that it is possible to determine whether such purported cost savings will ever accrue to small carriers. To repeat a point made earlier by NTCA, the transition is becoming a severe case of “we don’t know what we don’t know.” It may only be *after* critical issues are decided by the NAPM that carriers that are not members of NAPM will learn, for example, the testing procedures that will be used to ensure that the transition is indeed seamless, how the NPAC interface will function post-transition, and whether any cost savings actually materialize and accrue to small carrier NPAC users.

NTCA therefore urges the Commission to “pause” approval of the iconectiv MSA and allow additional time for small carriers and other stakeholders to review it and comment on its provisions. A short window should not delay the process enough to matter in terms of the cost savings to which NAPM refers, as much of the work of preparing for the testing and other transition related activities can continue. This short pause will, however, enable small carriers and other interested parties to review the MSA and discuss with the Commission any concerns they may have – and to the extent no such concerns are voiced, this could then allow the transition to continue apace.

Thank you for your attention to this correspondence. Pursuant to Section 1.1206 of the Commission’s rules, a copy of this letter is being filed via ECFS.

Respectfully Submitted,

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⁶ *Ex Parte* Letter from Todd D. Daubert, Counsel to the NAPM LLC to Marlene H. Dortch, Secretary, Commission, CC Docket 95-116, WC Docket No. 07-149, WC Docket No. 09-109 (fil. Apr. May 2, 2016), p .1 (“The cost of NPAC services to the industry under the New MSA will be significantly less than half of the cost of Neustar provided NPAC services, and it will reduce each year over the term of the New MSA. Accordingly, the cost of delay is significant, and the industry will lose out on tens of millions of dollars in savings for each month that transition is unnecessarily delayed.”). Of course, this warning in itself highlights one of the problems – it remains unclear what savings, if any, will accrue from this transition to anyone other than the largest users.