



December 22, 2015

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 encourage greater visibility for and opportunity for input from smaller carriers 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 direct the North American Portability Management, LLC (“NAPM”) to adopt a more inclusive and transparent decision-making process as the LNPA transition moves forward.

As NTCA and several other parties have 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

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); Comments of the Open Technology Institute at New America (“OTI”), WC Docket No. 07-149, WC Docket No. 09-109, CC Docket No. 95-116 (fil. May 21, 2015); Comments of the Competitive Carriers Association (“CCA”), WC Docket No. 07-149, WC Docket No. 09-109, CC Docket No. 95-116 (fil. May 21, 2015); Comments of John Staurulakis, Inc., WC Docket No. 07-149, WC Docket No. 09-109, CC

circumstances, providing 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 Number Portability Administration Center (“NPAC”) interface post-transition. These carriers, operating with small staffs and limited resources, are also interested in the testing processes that will take place to ensure that the transition is as seamless as possible. Finally, NTCA members are depending on prior reassurances that the current NPAC interface functionality will remain substantially similar to the functionally as it exists today. An inclusive process that provides greater visibility into the actual workings of the NAPM and the progress of the transition could help to allay concerns with respect to these issues.

Unfortunately, the LNPA transition thus far has been marked by limited transparency and little opportunity for meaningful input from small and rural carriers. As a recent letter from the LNP Alliance and other interested stakeholders correctly notes,⁴ certain decisions have already been made by NAPM without any small carrier input. For example, recent NAPM updates have reported a number of action items addressed and closed by the Transition Oversight Manager (“TOM”) since the beginning of September 2015.⁵ These actions were taken up and addressed without any input from smaller carrier representatives. While these actions may have been merely perfunctory in nature, the full impact—or even subject matter—of these decisions has yet to be publicly released, highlighting the critical role that greater transparency could play in allaying concerns.

To be sure, the NAPM has provided updates of its actions and progress on the transition,⁶ and NAPM has also created the Transition Outreach and Education Plan (“TOEP”).⁷ However, much

Docket No. 95-116 (fil. May 21, 2015); Comments of the LNP Alliance, WC Docket No. 07-149, WC Docket No. 09-109, CC Docket No. 95-116 (fil. May 21, 2015).

⁴ *Ex Parte* Letter from Jerry James, David Malfara, James Falvey, *et al.* LNP Alliance, TexusTel, Public Knowledge, FISPA, Open Technology Institute, and Common Cause to Marlene H. Dortch, Secretary, Commission, CC Docket No. 99-200, WC Docket No. 13-97, WC Docket No. 04-36, WC Docket No. 07-243 (fil. Oct. 29, 2015).

⁵ NAPM September 2015 Monthly Update, Letter from Todd D. Daubert, Counsel for NAPM, LLC to Marlene H. Dortch, Secretary, Federal Communications Commission, CC Docket No. 95-116, WC Docket Nos. 09-109 and 07-149 (fil. Sep. 30, 2015), p. 2; NAPM October 2015 Monthly Update, Letter from Todd D. Daubert, Counsel for NAPM, LLC to Marlene H. Dortch, Secretary, Federal Communications Commission, CC Docket No. 95-116, WC Docket Nos. 09-109 and 07-149 (fil. Oct. 29, 2015), p. 2; NAPM November 2015 Monthly Update, Letter from Todd D. Daubert, Counsel for NAPM, LLC to Marlene H. Dortch, Secretary, Federal Communications Commission, CC Docket No. 95-116, WC Docket Nos. 09-109 and 07-149 (fil. Nov. 30, 2015), p. 2.

⁶ *Id.*

⁷ NAPM, Letter from Todd D. Daubert, Counsel for NAPM, LLC to Marlene H. Dortch, Secretary, Federal Communications Commission, CC Docket No. 95-116, WC Docket Nos. 09-109 and 07-149 (fil. Oct. 29, 2015) (attaching the TOEP).

like the Transition Oversight Plan released in April 2015,⁸ these updates have provided interested stakeholders with little, if anything, in terms of meaningful details. In addition, a December 9, 2015 webinar moderated by the TOM remained at an extremely “high level” and failed to provide answers to many of the concerns that small and rural carriers have previously expressed.

It is quite possible that the limited amount of information provided on the December 9 webinar and otherwise is due to the fact that a number of critical decisions with respect to the transition have not yet been made by NAPM. However, this captures the heart of rural carriers’ concerns. More specifically, it seems 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 limits visibility into those decisions or any chance to weigh in on them. (In this regard, the transition risks becoming a severe case of “we don’t know what we don’t know.”) Indeed, it may only be *after* such 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 and how the NPAC interface will function post-transition.

With respect to the process of making critical decisions that may affect small carriers, it is important that input and information regarding the LNPA transition be made as widely available as reasonably possible. Particularly for those small rural carriers that lack the staff or financial resources to join the NAPM and/or to send representatives to NAPM meetings, and given the operational significance of decisions made there, critical decisions related to the LNPA transition process should not be the sole province of those large enough to enable direct participation.

Beyond these process issues, NTCA is also concerned about “mission creep” in connection with the LNPA transition. Specifically, a process established for the very narrow purposes of managing the transition of the basic LNPA function from one entity to another cannot and must not become a vehicle for debates or decisions that have broader public policy implications. For example, a recent LNPA Alliance letter stated that “[w]e believe the IP-to-IP routing of all voice and data traffic must be included in this LNPA Transition project, since the industry’s transition to IP is already well underway.”⁹ On this point, NTCA disagrees with the LNPA Alliance. Issues related to IP-to-IP routing – and indeed any IP transition related issues – though critical, should ultimately be decided by the Commission, based upon a public record that includes notice-and-comment rulemaking and the expert input of industry working groups and standards bodies such as the North American Numbering Council (“NANC”), the Alliance for Telecommunications Industry Solutions (“ATIS”), and the Technological Advisory Committee (“TAC”). Allowing these important issues to be debated and decided under the guise of the LNPA transition – particularly considering the lack of visibility into the transition thus far – would undermine industry and consumer confidence in the process and potentially leave out important considerations with respect to those not part of the NAPM. Decisions with respect to such issues should therefore be “walled off” from the LNPA transition and dealt with and

⁸ As NTCA noted in comments on the Transition Oversight Plan in May, the plan at that time was notable for its lack of detail on important issues such as whether the NPAC interface would remain the same as it is today, the ability of small carriers to provide input on the transition, and testing procedures. *See*, NTCA May 21, 2015 comments.

⁹ *Ex Parte* Letter from James Falvey, LNP Alliance, to Matthew S. DelNero and H. Dortch, Secretary, Commission, CC Docket No. 95-116, WC Docket No. 07-149, WC Docket No. 09-109 (fil. Dec. 4, 2015), p. 2.

decided via proper administrative procedure in the form of Commission rulemaking proceedings, aided by the Commission's various advisory bodies such as the NANC and TAC.

NTCA therefore urges the Commission to take a more direct role in ensuring the transparency of the LNPA transition and the opportunity for all interested stakeholders to provide informed, meaningful input. The first order of business should be directing the NAPM to release publicly a greater amount of information related to the tasks before it and to give an opportunity for comment from interested stakeholders on the options it is considering for those tasks. Giving all parties affected by the LNPA transition sufficient information and a chance to comment on these issues is the best means for the Commission to ensure that the transition will be implemented in an equitable and effective way. The Commission should further make clear that the NAPM's charge is limited strictly to the administrative transition of LNPA functions and that issues that may implicate the IP transition or other public policy matters are the Commission's to decide.

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,

By: /s/ Michael R. Romano
Michael R. Romano
Senior Vice President – Policy
mromano@ntca.org

By: /s/ Brian J. Ford
Brian J. Ford
Regulatory Counsel
bford@ntca.org

4121 Wilson Blvd, 10th Floor
Arlington, VA 22203
(703) 351-2000

cc: Matthew DelNero