



Federal Communications Commission  
Washington, D.C. 20554

DA 14-179

BY ELECTRONIC MAIL AND FIRST CLASS MAIL

February 11, 2014

The Honorable Betty Ann Kane  
Chair, North American Numbering Council  
Public Service Commission of the District of Columbia  
1333 H Street, N.W.  
Suite 200, West Tower  
Washington, DC 20005

Re: Ensuring a Fair and Impartial Selection Process for the Local Numbering Portability Administrator(s) (WC Docket No. 09-109, CC Docket No. 95-116)

Dear Chairman Kane:

I write to you in your capacity as Chair of the North American Numbering Council (NANC), to which the Wireline Competition Bureau (Bureau) of the Federal Communications Commission (Commission) has delegated authority and responsibility to implement the process for selecting one or more local numbering portability administrators (the LNPA) and to recommend the selection of a vendor or vendors to serve as the LNPA. We have received filings in the record of our proceeding that raise concerns over the fairness of this process thus far. I am confident that the NANC is fully committed to ensuring that its recommendation results from a fair and impartial process. Therefore, I am directing the NANC to include in its ultimate recommendation of a vendor or vendors its evaluation of the matters raised in these filings.

As you know, we are committed to a fair and impartial LNPA selection process. Our March 2011 Order stated that the Bureau would work to ensure “that the process runs efficiently and is impartial to all vendors and segments of the industry.”<sup>1</sup> The Bureau took these factors into consideration in the Order when it “delegate[d] authority to the North American Numbering Council (NANC), working in consultation with the North American Portability Management, LLC (NAPM), to implement a process for

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<sup>1</sup> *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*, Order and Request for Comment, WC Docket No. 09-109, CC Docket No. 95-116, 26 FCC Rcd 3685, 3687, para. 8 (2011) (Order). Section 251(e)(1) of the Communications Act requires the Commission to create or designate one or more impartial entities to administer telecommunications numbering. 47 U.S.C. § 251(e)(1).

selecting the next LNPA.”<sup>2</sup> The Bureau found that “the delegation to the NANC, with assistance from the NAPM, will allow the Commission and interested parties to get the benefit of the NANC’s and the NAPM’s significant experience with the LNP process.”<sup>3</sup> Under the delegation, the NANC/NAPM is required to evaluate the bids and submit a recommendation to the Bureau. In addition, the Bureau Order stated that the Bureau would work to ensure “that the process runs efficiently and is impartial to all vendors and segments of the industry.”<sup>4</sup> The Order directed the NANC, with assistance from the NAPM, to develop a selection process to facilitate competitive bids.<sup>5</sup> The Order also directed the NANC/NAPM to provide specific information to the Bureau to ensure efficiency and fairness.<sup>6</sup> Pursuant to that delegation, I am directing the NANC, with assistance from the NAPM, to review and evaluate all claims of potential unfairness. These claims include a suggestion that a bidder “has obtained confidential, non-public information about its competitive standing and price relative to the other bidders”<sup>7</sup> and an allegation that the LNPA selection “process utilized to date has been flawed.”<sup>8</sup> I also ask you to address whether there have been any attempts, outside of the ordinary process contemplated by the RFP, to influence NANC or NAPM representatives that have been involved in the selection process. As part of your recommendation regarding the selection of an LNPA, I am directing you to (1) include a detailed description of the steps taken to review these concerns regarding the process, and (2) submit findings as to whether the process was conducted in a fair and impartial manner, as contemplated by the March 2011 Order.

Parties have made various requests for the Commission to intervene in the process. The Commission has, for example, been asked to direct the FoNPAC to accept<sup>9</sup> or reject<sup>10</sup> additional proposals, and to meet with interested parties while the selection process is pending.<sup>11</sup> I am confident, however, that the selection process established through Bureau orders is the most appropriate means to address concerns about the process and determine whether the process has been conducted with integrity, fairness, and impartiality. Therefore, we will continue to use the process established by Bureau orders and rely on the NANC, working with the NAPM, to examine the conduct of all parties involved with the selection process, and inform the Commission of any and all irregularities or improprieties it identifies. As part of its final recommendations, we expect the NANC, working in conjunction with the NAPM, to

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<sup>2</sup> Order, 26 FCC Rcd at 3685, para. 1.

<sup>3</sup> *Id.* at 3687, para. 5.

<sup>4</sup> *Id.* at 3687, para. 8.

<sup>5</sup> *Id.* at 3687, para. 5.

<sup>6</sup> *Id.* at 3687, para. 8.

<sup>7</sup> See Letter from John T. Nakahata, Wiltshire & Grannis LLP, to Julie Veach, Chief, Wireline Competition Bureau, FCC and Jonathan Sallet, General Counsel, FCC, CC Docket No. 95-116; WC Docket No. 07-149; WC Docket No. 09-109 (Feb. 6, 2014) (Nakahata letter) at 1-2.

<sup>8</sup> See Letter from Aaron M. Panner, Kellogg, Huber, Hansen, Todd, Evans & Figel, P.L.L.C, to Julie Veach, Chief, Wireline Competition Bureau, FCC and Jonathan Sallet, General Counsel, FCC, CC Docket No. 95-116; WC Docket No. 07-149; WC Docket No. 09-109 (Feb. 3, 2014) (Panner letter) at 1.

<sup>9</sup> See Panner letter.

<sup>10</sup> See Nakahata letter.

<sup>11</sup> See Panner letter; see also Nakahata letter at 3 (arguing that any meeting with Neustar should include Telcordia).

document any such irregularities or improprieties by including relevant facts, explaining any actions taken or not taken, and, where appropriate, proposing resolutions or further action to address them as necessary. We fully expect the documentation and evaluation thereof to be comprehensive, detailed, demonstrably reliable, and based on verifiable information. The Commission, or the Bureau on delegated authority, will examine this documentation as part of its consideration of the final recommendation.

Finally, the FoNPAC has submitted a proposed revision to the timeline. The Bureau intends to approve that timeline. We will inform the FoNPAC of that approval two business days after the date of this letter, unless you advise us before then that you believe the directive set forth in this letter requires changes to the timeline. In that event, please submit a revised timeline that we will consider within two business days after you so notify us. We remain committed to ensuring that the process is both fair and efficient, and that “a new contract will be in place when the existing contract expires.”<sup>12</sup> Thus, any additional modifications to the timeline must be consistent with those goals.

I greatly appreciate your prompt attention to this important matter, and value our shared commitment to a process that is fair, impartial, and efficient.

Sincerely,

Julie A. Veach  
Chief, Wireline Competition Bureau

cc: Mr. Jonathan Sallet, General Counsel, FCC  
Mr. Timothy Decker, Co-Chair, NAPM LLC  
Mr. Tim Kagele, Co-Chair, NAPM LLC  
Mr. Cary Hinton, D.C. Public Service Commission

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<sup>12</sup> Order, 26 FCC Rcd at 3688, para. 8.