

7 February 2007Thomas Koutsky
Chairman North American Numbering Council
Via e-mail

Dear Chairman Koutsky:

In light of the NANC's oversight role of the NPAC LLC, ordered by the FCC in FCC-97-289 which states that the Commission adopts "the NANC's recommendation that it provide ongoing general oversight of number portability administration, including oversight of the individual LLCs, subject to Commission review."¹ Telcordia requests that time be set aside during the LLC portion of the upcoming NANC meeting to discuss the reasonableness, fairness, and lawfulness of new terms and conditions in the extension provision of the new NPAC contract. Although Telcordia is a User of the NPAC and has executed User Agreements in each NPAC region, we never received notification of these amendments from NeuStar, as the NPAC vendor, even though these amendment(s) clearly constitute a material change to the User Agreements and the Master Agreements, which are incorporated by reference.

Specifically, the extension clause of the NPAC contract now provides in part that increased pricing will be triggered by the "Customer, or any of the Subscribing Customers . . . issuing a request for information (RFI), a request for quotation (RFQ), a request for proposals (RFP) or other similar request for the provision of NPAC/SMS-type services in any United States Service Area . . . advocating, endorsing, adopting, or approving the development, implementation or use of an alternate TN-level routing administration capability; or accepting or approving a proposal or offer, whether solicited or unsolicited, to provide NPAC/SMS-type services in any United States Service Area² These terms and conditions appear anti-competitive on their face. This procurement language prohibits Subscribing Customers, who were not consulted, and others, from even advocating alternative solutions, such as a TN level routing database solution where such a solution could be interpreted to be an ENUM or other next generation TN level routing solution. Moreover, this language seems to contradict what the industry was told by the former LLC Chair when, at the May 17, 2005 NANC meeting when according to the minutes Mr. Don Gray of NARUC asked Ms. Karen Mulberry (then co-chair of the NAPM LLC now a NeuStar employee)

¹ In the Matter of Telephone Number Portability, CC Docket No. 95-116 SECOND REPORT AND ORDER FCC 97-289, Adopted: August 14, 1997, Released: August 18, 1997 ¶114.

² AMENDMENT TO CONTRACTOR SERVICES AGREEMENT FOR NUMBER PORTABILITY ADMINISTRATION CENTER / SERVICE MANAGEMENT SYSTEM EXTENSION AND MODIFICATION pp. 6-7 as posted on Securities and Exchange Commission website at <http://www.sec.gov/Archives/edgar/data/1265888/000095013306004150/w25369exv99w1.htm>

“to confirm that when a new contract period is about to begin, the NAPM LLC will put forth an RFP and go through a competitive process and that at the current time . . . Ms. Mulberry agreed.³” Unless this amendment is changed, there will be a deterrent to competition in the number portability administration until at least 2015 and the entire industry will potentially be pushed into a numbering solution using legacy technology for next generation and ENUM based routing instead of a competitive ENUM marketplace solutions.

Telcordia requests that the topic be added to the NAPM LLC agenda item and that the NANC either re-constitute the Legal Experts WG or constitute an IMG for a full and detailed review of the Terms and Conditions and to recommend that the FCC overrule the NAPC contract extension and the new terms and conditions or in the alternative, minimally overruling those terms and conditions which are beyond the scope of the NPAC and anti-competitive in nature.

If you have any questions about this issue or would like to discuss it further, please don't hesitate to contact me.

Very truly yours,



Thomas W. Mazzone
Vice President – Industry Relations
InfoSphere Information Services

Att. AMENDMENT TO CONTRACTOR SERVICES AGREEMENT FOR NUMBER PORTABILITY ADMINISTRATION CENTER / SERVICE MANAGEMENT SYSTEM EXTENSION AND MODIFICATION as posted at SEC Website.

3 North American Numbering Council Meeting Minutes, May 17, 2005 (Final) p. 6, as posted at FCC Website http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-260511A1.doc