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December 13, 2010

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VIA FIRST CLASS MAIL

Honorable Betty Ann Kane
Chairman
District of Columbia Public Service Commission
1333 H Street, NW
West Tower, 7th Floor
Washington, DC 20005

Don Gray
Telecommunications Specialist
Nebraska Public Service Commission
1200 N Street
Lincoln, NE 68508

Re: Further Reply in Opposition to Telcordia's Request that NANC Resolve
Dispute Concerning Necessity of Adding Certain URI Codes for the
Completion of Calls

Dear Chairman Kane and Mr. Gray:

Neustar would like to thank you and the NANC for the time and attention
you have given to the resolution of this issue.

On September 10, 2010, Telcordia submitted a letter that purported to clarify
some issues in the record.¹ Far from clarifying any issues, though,
Telcordia's letter only served to obfuscate and distort the issues, while
revealing Telcordia's fundamental misapprehension about the nature of the
NPAC URI fields. In addition, there were some points raised during the
NANC's October 22, 2010 meeting to which Neustar would like to
respond.²

¹ Letter from John T. Nakahata, Counsel to Telcordia Technologies, Inc. to the Honorable
Betty Anne Kane, Chair, North American Numbering Council and Don Gray, NANC Dispute
Resolution Team, September 10, 2010 available at [http://www.nanc-
chair.org/docs/mtg_docs/Telcordia_Letter_091010.pdf](http://www.nanc-chair.org/docs/mtg_docs/Telcordia_Letter_091010.pdf). (*Telcordia Letter*).

² Neustar is also submitting a separate analysis of the draft proposals that have been
submitted to resolve the Telcordia dispute.

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I. CARRIERS WANT URIS IN THE NPAC AS AN IP ROUTING OPTION

Telcordia conjures up an argument regarding carrier assertions that is, in reality, little more than a “red herring.” Without attribution, Telcordia claims that “[s]ome carriers assert that IP to IP routing needs the URI fields in Change Order 429, 430, and 435” and then suggests these carriers are mistaken because IP to IP routing is already taking place without the NPAC.³ Telcordia’s letter overstates the carriers’ argument and misses the point these carriers were trying to make. From Neustar’s review of the record, it is clear the carriers were simply saying that IP routing information is necessary for the routing of IP to IP calls within the meaning of Section 52.12(f) of the Commission’s rules.⁴ These carriers view the NPAC URIs as a potentially efficient means of obtaining IP routing information, without which they may be forced to transcode IP originated calls to TDM for routing to IP capable terminating carriers.⁵ It is indisputable that carriers need to have IP routing information in order to route traffic on an IP to IP basis.

Telcordia continues by asserting that “[a]dding ENUM data to the NPAC is not more efficient” because it adds another source of URI data and may be

³ *Id.* at 1.

⁴ *See, e.g.*, Letter from Karen Reidy, Vice President, Regulatory Affairs, COMPTTEL, to the Honorable Betty Ann Kane, Chair, North American Numbering Council and Don Gray at 2 (August 14, 2009) (*COMPTTEL Aug. 14, 2009 Letter*) (“The rule requires only that information itself – not the inclusion of the information in the NPAC - be necessary to route the call. In particular, the NPAC does not have to be the sole viable means to provide the data”). *See also* Comments of XO Communications, LLC, WC Docket No. 09-109 at 2 (September 8, 2009) (*XO Comments*) and the Reply Comments of PAETEC, WC Docket No. 09-109 at 2 (September 29, 2009) (*PAETEC Reply*) (“IP routing information is necessary to route IP-based communications efficiently between and among providers whose networks are IP based”) and Reply Comments of tw telecom, WC Docket No. 09-109 at 9 (September 29, 2009) (*TWTC Reply*) (“Telcordia’s interpretation of the term “necessary” in Section 52.25(f) is unreasonably crabbed . . . [t]he purpose of the term ‘necessary’ was not to exclude from the NPAC alternative ways to route “telephone calls” that are currently being routed via third party databases.”). *See* Attachment A (Collecting Comments and Reply Comments filed before the FCC).

⁵ *See TWTC Reply* at 5. (“By incorporating the IP Voice, MMS, and SMS URIs in the database already used for routing circuit-switched telephone calls, IP voice and text messaging traffic can be transmitted more efficiently and with fewer routing errors.”)



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in conflict with other databases, such as “CC1 ENUM, Cable Labs, private ENUM services, etc.”⁶ Again, Telcordia proves too much. If there are multiple ENUM databases in operation today, as Telcordia asserts, the potential for conflict exists regardless of whether URIs are placed in the NPAC. In fact, the industry is already addressing the conflict issue. Most local ENUM servers used in carrier networks today are designed with the capability to resolve conflicts that might arise if a telephone number appears in multiple ENUM registries.

It is for the users of these databases, not a commercially-motivated vendor such as Telcordia, to determine whether a particular routing approach is more efficient. In this dispute resolution proceeding and a related proceeding at the FCC, AT&T, PAETEC, Qwest, Sprint, T-Mobile, TW Telecom, Verizon, XO – all fierce competitors in the marketplace – as well as carrier trade associations such as COMPTTEL and CTIA, have all strongly supported the addition of URIs to the NPAC.⁷ Clearly, these carriers do not believe that there is an efficiency concern.⁸ In fact, several indicated that they want URIs in the NPAC specifically because they want to have additional IP routing options available to them.⁹

⁶ *Id.* Of course, two of the ENUM databases cited by Telcordia, CC1 ENUM and Cable Labs, are not even operational yet, and may not be for some time to come, if at all. Any discussion of conflict with these databases is extremely speculative.

⁷ See, e.g., Joint Comments of Sprint, T-Mobile, Verizon, Qwest Communications, AT&T, CTIA, and XO Communications on the NANC Telcordia Dispute Resolution Interim Report at 1 (July 30, 2010) (*Joint Comments*); *COMPTTEL Aug. 14, 2009 Letter* at 1; Letter from Karen Reidy, Vice President, Regulatory Affairs, COMPTTEL, to Honorable Betty Ann Kane, Chair, North American Numbering Council and Don Gray at 1-2 (July 30, 2010) (*COMPTTEL July 30, 2010 Letter*); *XO Comments* at 2-3; *PAETEC Reply* at 1-2; *TWTC Reply* at 7-10.

⁸ Significantly, contrary to Telcordia’s citation of a five year old letter from the Chair of the CC1 ENUM LLC as evidence of an efficiency concern, the two principal members of the CC1 ENUM LLC, AT&T and Verizon, support the addition of IP routing information to the NPAC. See *Joint Comments*.

⁹ See *XO Comments at 2* (“Telcordia’s argument that the Commission should preclude [the NPAC] from containing any IP routing information could impede the development of competition . . . Carriers should be able to decide which IP routing option is the most efficient solution; therefore, XO opposes Telcordia’s efforts to reduce the IP routing options for carriers.”) and *PAETEC Reply at 2* (“[I]ncluding IP routing information in the NPAC – a database available on an equal basis to all service providers – will enhance marketplace competition.”). See Attachment A.

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Indeed, it is understandable why carriers would want additional IP routing options when considered in light of the complex and problematic processes currently required to successfully route IP to IP calls. Although during the October 22, 2010 NANC meeting, Don Gray suggested that URIs in the NPAC were not necessary because calls are being made today without them, the reality is that this is not always the case. While some IP to IP routing takes place today, most of it is still at a nascent stage. Many carriers today are exchanging Excel spreadsheets with their peering/interconnection partners. Although this inefficient process may be fine for a handful of peering/interconnection partners, it does not scale well to a broad market. Other carriers are connecting through peering “fabrics” that force them to use another entity’s network and database, a competitive disadvantage that the NPAC is designed to prevent. Many IP voice calls, though, are simply transcoded to TDM, routed to the terminating network and then converted back to IP. The transcoding process degrades the quality of voice calls.

Moreover, the record is clear that certain SMS and MMS calls are not being completed today without the use of the NPAC. While everyone is familiar with SMS messaging using a mobile telephone, it is significantly more difficult to send an SMS message from a wireless phone to a landline phone or between two landline phones. This is because, when routing an SMS message, SMS message aggregators look at NPAC data indicating whether a telephone number is associated with wireless or wireline service. If the NPAC data indicates the former, the message is routed through; if the latter, the message is stopped. The SMS URI allows aggregators to take the next step and determine whether a wireline telephone number is associated with an SMS capable device. If so, the SMS call – which otherwise would have been dropped – can be routed through.

Thus, contrary to Telcordia’s baseless protestations, it is clear from the record that the information contained in the URIs at issue here is necessary to facilitate reliable and efficient all-IP routing of some IP Voice, SMS, and MMS calls.

II. URIS IN THE NPAC DO NOT THREATEN NETWORK SECURITY

Using the tactic of creating fear through misinformation, Telcordia wrongly asserts that Change Orders 429, 430 and 435 create potential network security vulnerabilities because a provider “wishing to use the URI fields in

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the NPAC database would have to load its border gateway information into the NPAC where it would be accessible to all entities with NPAC User Agreements, not just trusted entities with interconnection agreements with the provider.”¹⁰ This statement, however, represents a remarkable and fundamental misunderstanding of what a URI is and of how flexibly URIs can be used.¹¹

Contrary to Telcordia’s statement, a URI need not be equivalent to “border gateway information.” A provider can provision a URI that is as explicit or as opaque as their deployment requires. A URI is only a pointer, one that can indicate a resource on the Internet either directly or in a manner that requires the performance of authorization checks. For example, the URI for the Session Initiation Protocol (SIP) might be provisioned as an explicit pointer to a border gateway or it might be provisioned as an opaque pointer to a proxy, which only allows the request through to the explicit URI after challenging the request (with a SIP 407 response) and authorizing the requester. This is directly analogous to how the NPAC SS7 DPC/SSN fields work today.¹²

Moreover, even if Telcordia were correct – and it is not – that the URIs create potential network security vulnerabilities, providers would not put their network at risk if they believe there is a security issue. Yet it is the providers who are asking for the opportunity to use the NPAC as a source for obtaining IP routing information. Like the efficiency argument discussed earlier, the views of the providers should be given more weight than that of a self-interested third party.

¹⁰ *Telcordia Letter* at 2 (emphasis removed).

¹¹ Telcordia’s misunderstanding is further demonstrated when it asserts that “URIs are internet [sic] based gateways subject to various attacks.” (*Telcordia Letter* at 2). This sentence, at best, confuses the indicator of a resource (a URI) with the resources that it indicates (a border gateway or other resource).

¹² The information is sent to all carriers and service bureaus, but only companies with prior arrangements can access the services identified by those addresses. URIs in the NPAC simply do not create a security issue.

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III. URIS IN THE NPAC WILL BENEFIT CONSUMERS, NOT INCREASE COSTS

In addition to the issues surrounding the functioning of the URIs, Telcordia attempts in its letter to make the very speculative case that “adding URI fields [to the NPAC] will potentially increase costs and negatively impact consumers.” Telcordia well knows that under the fixed rate NPAC pricing that replaced the prior transaction-based pricing in 2009, activating these URIs in the NPAC will not cause any provider’s NPAC costs to increase.¹³ Nevertheless, because Telcordia knows that the current pricing mechanism will not lead to any increases, it creatively and deceptively invents the possibility of an increase in the future by stretching and twisting a statement that former Neustar Chairman and CEO, Jeffery Ganek, made to analysts.¹⁴

In its misleading discussion of Neustar’s pricing practices, however, Telcordia completely ignores the portion of Mr. Ganek’s statement that said “to fit the needs of how the customers use the NPAC.”¹⁵ Neustar does not set NPAC pricing in a vacuum but rather as the result of arms-length business negotiations with its customers. The most recent change to fixed-rate pricing occurred, as all NPAC price changes do, through negotiations with the group of service providers that comprise the NAPM LLC.

The current NPAC contract that includes the fixed-rate pricing runs into June of 2015, almost five years from now. Even Telcordia acknowledges that no pricing change can occur without the consent of the NAPM LLC.¹⁶ Implicit in Telcordia’s argument, then, is that the service providers in the NAPM LLC – many of which are also members of the NANC – would conspire to allow Neustar to increase its prices in order to raise their own costs, thereby harming the providers and their consumers. Like much of its

¹³ Telcordia clearly does know this well. It filed a petition at the FCC asking that the fixed-rate pricing amendment be rejected. *See* Petition of Telcordia Technologies, Inc. to Reform or Strike Amendment 70, to Institute a Competitive Bidding for Number Portability Administration, and to End the NAPM LLC’s Interim Role in Number Portability Administration Contract Management, WC Docket Nos. 07-149, 09-109 at 23-25, 40-43 (filed May 20, 2009).

¹⁴ *Telcordia Letter* at 3.

¹⁵ *Id.* (emphasis added).

¹⁶ *Id.*

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letter, Telcordia's reasoning strains credulity and has no basis in fact. The NANC should dismiss this contrived argument about possible pricing changes in the future, and instead consider today's existing price structure.

Far from harming consumers, service providers that use URIs in the NPAC will be able to provide consumers with a higher quality of existing services and also develop new and innovative services. The NANC and its subgroups have been examining the subject of URIs in the NPAC for more than six years. The only harm to consumers would be from further delay.

IV. ONE DEFINITION OF "TELEPHONE CALLS" WILL AVOID CONFUSION

In its letter, Telcordia renews its assertion that the NANC should ignore the repeated and consistent interpretations of the phrase "telephone call" that have been delivered by numerous State and Federal courts and the FCC. There is simply no reason to dismiss these carefully-reasoned conclusions of multiple judicial and administrative bodies that have considered the very question of what should be considered a "telephone call."¹⁷ Notwithstanding its failure to justify this suggestion or to articulate any basis for its own, severely constrained definition of "telephone call," Telcordia's most significant error comes in its misunderstanding of the purpose of the local number portability rules. Telcordia's allusions to the "intentionally broader" purpose of the TCPA and the need to limit the definition of "telephone call" to "the scope of meaning that best effectuates the purpose in the relevant context" demonstrate the unduly confined and static interpretation of LNP espoused by Telcordia.

As previously explained on the record by Neustar and numerous other commenters, the FCC has concluded that "Congress's intent is that number portability be a 'dynamic concept'" and "the [Communications] Act provides ample authority for the logical extension of porting obligations due to technological changes in how

¹⁷ See, generally, Letter from the Connecticut Department of Public Utility Control, Kimberley J. Santopietro, Executive Secretary, to the Honorable Betty Ann Kane and Don Gray (Aug. 16, 2010)(*CTDPUC Letter*) and Letter from Elia Germani, Chairman, Rhode Island Public Utilities Commission to the Honorable Betty Ann Kane (September 10, 2010)(*RI PUC Comments*).

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telephone service is provided to end-user customers.”¹⁸ The *Interconnected VoIP LNP Order* made clear that it was the consumer benefits of LNP that were paramount, not any distinctions between regulatory or technical classifications. As pointed out by various industry members, Telcordia’s definition of “telephone call” is also inconsistent with the NAPM agreement and with the fact that the NPAC database has included fields related to the provision of information services since its inception.¹⁹ Telcordia ignores these facts and seeks to freeze the NPAC database in an earlier technological era, in contravention of the FCC’s espoused policies in favor of promoting innovation, competition, and consumer convenience.

V. CONCLUSION

URIs in the NPAC will facilitate efficient IP to IP communications which should lower costs and improve quality while enabling the development of new and innovative services. Because the URIs described in Change Orders 429, 430 and 435 are necessary for the routing of telephone calls to the appropriate telecommunications carriers, the NANC should act expeditiously to dismiss Telcordia’s petition.

Sincerely,

/s/ Thomas J. Navin

Thomas J. Navin

¹⁸ See *Telephone Number Requirements for IP-Enabled Services Providers*, WC Docket No. 07-243, *Report and Order, Declaratory Ruling, Order on Remand, and Notice of Proposed Rulemaking*, 22 FCC Rcd 19531, 19544 ¶ 23 (2007) (“*Interconnected VoIP LNP Order*”).

¹⁹ See, e.g., Letter from Anna Miller, T-Mobile USA Inc., to the Honorable Betty Ann Kane, Don Gray, and Thomas M. Koutsky, North American Numbering Council at 2 (Aug. 17, 2009) (*T-Mobile Letter*); *Joint Comments* at 4-5.

Attachment A:

Comments of COMPTEL

Comments of Sprint Nextel Corporation

Comments of XO Communications

Reply Comments of PAETEC Communications, Inc.

Reply Comments of T-Mobile USA, Inc.

Reply Comments of tw telecom inc.

FCC WC Docket No. 09-109



September 8, 2009

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street S.W.
Washington, D.C. 20554

Re: Comments of COMPTEL; WC Docket No. 09-109

Dear Ms. Dortch:

COMPTEL respectfully submits these comments, pursuant to the Federal Communications Commission's ("Commission") *Public Notice* released on August 6, 2009 (DA 09-1762), in the above-referenced docket. In its Petition Telcordia asks the Commission to direct the NAPM to refrain from executing the provision of Amendment 70 which allows Neustar to implement Uniform Resource Indicator (URI) fields for Voice, Multimedia Messaging Service, and Short Messaging Service to the Number Portability Administrative Center (NPAC) database, pending further review by this Commission, noting that this issue is subject to a separate letter filed by Telcordia with the Commission.¹ In filings with the Commission and the NANC, Telcordia disputes whether the inclusion of these URI fields in the NPAC comports with Rule 52.25(f),² which states that "[t]he information contained in the regional databases shall be limited to the information necessary to route telephone calls to the appropriate telecommunications carriers...."³

As discussed in the filing COMPTEL submitted to the NANC, attached for incorporation in the above-referenced docket, the inclusion of these URI fields in the NPAC is consistent with Rule 52.25(f) and, consequently, the Commission should deny Telcordia's request to direct the NAPM to refrain from including these URI fields in the NPAC.

¹ Telcordia Petition at iv.

² Letter of John T. Nakahata, Counsel to Telcordia Technologies, Inc. to Thomas M. Koutsky, Chairman, North American Numbering Council, Re: Request that NANC Resolve Dispute Concerning Necessity of Adding Certain URI Codes for the Completion of Telephone Calls, p. 12 dated May 26, 2009 ("Telcordia NANC Dispute").

³ 47 CFR 52.25(f).

Respectfully submitted,

/s/

Karen Reidy

Attachment

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
The Petition of Telcordia Technologies, Inc.))	WC Docket No. 09-109
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))	
<u>Administration Contract Management</u>))	

COMMENTS OF SPRINT NEXTEL CORPORATION

Sprint Nextel Corporation (“Sprint”) respectfully submits comments in regards to the Telcordia Technologies, Inc. (“Telcordia’s”) petition to reform or strike Amendment 70 to the contract between the North American Portability Management, LLC (“NAPM LLC”) and NeuStar, Inc, (“NeuStar”), the current Local Number Portability Administrator (“LNPA”), to institute competitive bidding for number portability administration, and to end the NAPM LLC’s role in number portability administration contract management.¹

Sprint commends Telcordia’s for its interest in number portability administration; indeed, Telcordia has played an important role in enhancing competition in this space and that this competition is benefiting the telecommunications industry and ultimately the American consumer. Nevertheless, Sprint urges the Federal Communications Commission (“Commission or FCC”) to deny Telcordia’s petition.

¹ See Petition of Telcordia Technologies, Inc. to Reform or Strike Amendment 70, to Institute a Competitive Bidding for Number Portability Administration, and to End the NAPM LLC’s Interim Role in Number Portability Administration Contract Management (filed May 20, 2009).

I. THE COMMISSION SHOULD NOT REFORM OR STRIKE AMENDMENT 70

Telcordia asks that the Commission strike or reform the provisions of Amendment 70, which allow NeuStar to implement Uniform Resource Indicator (URI) fields for Voice, Multimedia Messaging Service (“MMS”), and Short Messaging Service (“SMS”) to the Number Portability Administration Center (“NPAC”) database. Sprint believes such action would be inappropriate for two reasons.

First, the URI fields serve an important purpose and are within the scope of the existing number portability administration contract; as such, it is appropriate to include these URI fields in the Number Portability Administration Center (“NPAC”) database. The NPAC database is designed to synchronize and provision portability and pooled telephone number data for current and future services. More specifically, the NPAC perform four functions: rating, routing, billing and network maintenance. The URI fields will be used to synchronize porting data for the routing of Voice, MMS and SMS services. The Internet addresses and naming protocols associated with URIs are considered call routing information because they are associated with a telephone number. Sprint participated in lengthy, often heated industry debate concerning in what database these fields should be housed. Ultimately, Sprint felt comfortable that the NPAC database was the most logical and efficient place to house these URI fields.

Second, the NAPM LLC’s decision to adopt Amendment 70 concerning these URI fields and associated change orders was done so following the appropriate industry consensus and supermajority procedures. NeuStar, Inc. (the “Administrator”) advised the NAPM LLC on September 8, 2008, that the Administrator wanted to discuss a restructuring of pricing terms in the Master Agreements. As with all unsolicited offers,

whether from the Administrator or potential vendors, the NAPM LLC immediately referred the matter to the Vendor Proposal Advisory Committee (the “VPAC”), a standing subcommittee of the NAPM LLC, and the VPAC recommended the commencement of discussions with the Administrator to ascertain whether substantial reductions in NPAC/SMS pricing could be obtained. Acting upon the recommendation, the NAPM LLC constituted another sub team comprised of all industry segments represented as Members of the NAPM LLC to attend discussion with the Administrator. Pursuant to Section 15.1 of the Master Agreements (as amended by Amendment no. 57 in all United States Service Areas) the commencement of those discussions and the content of those discussions were prohibited from disclosure as Confidential Information while the negotiations were taking place. Those discussions culminated in the January 28, 2009 adoption by the NAPM LLC of Amendment No. 70 and the immediate notification of the NANC and the FCC. In short, the NAPM LLC acted within its authority, charter and organization scope.

II. THE COMMISSION SHOULD NOT REFORM OR END THE NAPM LLC’S ROLE IN NUMBER PORTABILITY CONTRACT MANAGEMENT

Sprint is a committed, active member of the NAPM LLC and maintains that the NAPM LLC serves an important, vital function in number portability contract management. The NAPM LLC has successfully managed the administration of the NPAC through many changes in the telecommunications industry including wireless porting and innovative, data-centric technologies and incredible and ever-increasing porting volumes. The NAPM LLC – relying on the professional, collective judgment of members from all sectors of the telecom industry – has overseen these changes while also developing innovative performance-based metrics designed to improve stability and

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Administration Contract Management)	
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COMMENTS OF XO COMMUNICATIONS, LLC

XO Communications, LLC (“XO”) hereby submits these comments in opposition to the Petition¹ of Telcordia Technologies, Inc. (“Telcordia”) in the above-referenced proceeding. XO opposes Telcordia’s request to overturn the portability contract between the industry and third party administrator, Neustar, Inc.

XO is a facilities-based provider of innovative telecommunications, broadband, and information services, such as Voice over Internet Protocol, data and Internet access, network transport, hosting, fixed wireless access, and managed services to businesses, enterprise, and carrier customers nationwide. XO’s network includes over an 18,000 route mile intercity network, more than 3000 fiber-fed buildings, and wireless spectrum in 81 markets.

¹ 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 Management, filed May 20, 2009.

As a member of the North American Portability Management, LLC (“NAPM LLC”), XO supports the NAPM LLC’s decisions regarding Amendments 70 and 72. Those decisions benefit the industry by lowering the costs of number portability while introducing needed new functionality. Thus, the Commission should not intervene to overturn these Amendments or the Master Agreement as a whole.

In addition, as a competitive carrier, XO believes that competition is enhanced by having the Number Portability Administration Center (the “NPAC”) – a database available on an equal basis to all service providers – as an IP routing option for carriers. Telcordia’s argument that the Commission should preclude this open database from containing any IP routing information could impede the development of competition.

Telcordia suggests that IP routing information in the NPAC is not “necessary” because IP calls can be routed using the legacy circuit-switched PSTN or because providers can subscribe to an ENUM routing database such as the CC1 ENUM database run by Telcordia. However, it is much more efficient for XO, which runs an IP network, to exchange traffic at an IP level rather than being forced to transcode transmissions from IP to TDM to send to another network, only to have the transmission possibly transcoded back to IP for termination. Carriers should be able to decide which IP routing option is the most efficient solution; therefore, XO opposes Telcordia’s efforts to reduce the IP routing options for carriers.

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of

Petition of Telcordia Technologies, Inc. to Reform or Strike Amendment 70, to Institute a Competitive Bidding for Number Portability Administration, and to End the NAPM LLC's Interim Role in Number Portability Administration Contract Management

WCB Docket No. 09-109

**REPLY COMMENTS OF
PAETEC COMMUNICATIONS, INC.**

PAETEC Communications, Inc. ("PAETEC"), by undersigned counsel, hereby submits these reply comments in opposition to the Petition of Telcordia Technologies, Inc. ("Telcordia") in the above-referenced proceeding.¹ PAETEC is a competitive local exchange carrier offering voice and data services to business-class customers in 42 states and the District of Columbia, encompassing 80 of the 100 largest metropolitan areas throughout the United States. PAETEC has a broadband network spanning over 19,000 local route miles, with 120 switching facilities that support traditional voice and Internet Protocol ("IP") capabilities.

PAETEC agrees with the comments of XO Communications ("XO") and COMPTTEL that IP routing information should be included in the Number Portability Administration Center ("NPAC") as provided for in Amendments 70 and 72 to NPAC

¹ *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 Management*, filed May 20, 2009.

contracts.² As both XO and COMPTTEL point out, IP routing information is necessary to route IP-based communications efficiently between and among providers whose networks are IP based.

PAETEC also agrees with XO that including IP routing information in the NPAC -- a database available on an equal basis to all service providers -- will enhance marketplace competition.³

Finally, PAETEC agrees that grant of the Telcordia petition could increase the cost of number portability to all carriers and slow the roll-out of new IP-based services that will benefit consumers and spur the demand for broadband.⁴

For these reasons, PAETEC urges the Commission to reject the Telcordia petition.

Respectfully submitted,

/s/ Ronald W. Del Sesto, Jr.

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Counsel for PAETEC Communications, Inc.

Dated: September 29, 2009

² See *Comments of XO Communications, LLC*, WCB Docket 09-109, filed September 8, 2009 (“*XO Comments*”) at 2; and *Comments of COMPTTEL*, WCB Docket 09-109, filed September 8, 2009 at 1.

³ *XO Comments* at 2.

⁴ *XO Comments* at 3.

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Number Portability Administration,)	
and to End the NAPM LLC's Interim)	
Role in Number Portability)	
Administration Contract Management)	

**T-MOBILE USA, INC.
REPLY TO OPPOSITIONS**

T-Mobile USA, Inc. (“T-Mobile”) adds its voice to the overwhelming opposition to the above-captioned Petition filed by Telcordia Technologies, Inc. (“Telcordia”), which asks the Commission to end the role of the North American Portability Management LLC (“NAPM”) and NeuStar, Inc. (“NeuStar”) in administering the Number Portability Administration Center’s (“NPAC”) database and objects to Amendments 70 and 72 to the contract between the NAPM and NeuStar that reduce prices and help the industry use the database in a manner that recognizes its full potential for increased technological innovation.¹

Telcordia has not shown that NAPM failed to appropriately oversee NeuStar or acted contrary to the Commission's vision for local number portability (“LNP”) administration.² In fact, NAPM allowed Telcordia and others to submit competing proposals to run the number portability database. When it did not receive a proposal offering better service at

¹ Local Number Portability Porting Interval and Validation Requirements, Report *and Order and Further Notice of Proposed Rulemaking* (rel. May 13, 2009) (“*Porting Interval Order*” or “*Porting Interval Further Notice*”).

² See AT&T Inc. Comments at 1.

a lower price, NAPM chose to retain NeuStar’s supervisory authority.³ Telcordia apparently was unhappy with this result, and now is asking the Commission to reject, through regulatory fiat, a properly-negotiated commercial contract. But, as NeuStar points out, “Telcordia has failed to identify any marketplace failure that warrants government intervention.”⁴ NAPM has performed its role as directed by the Commission, and NeuStar has administered the LNP database in a manner that benefits the industry and consumers. Accordingly, there is no justification for the Commission to change or end the NAPM’s role in number portability contract management.

Telcordia objects to Amendment 70, which adopts a fixed price mechanism for using the NPAC database. As NeuStar explains, while the per-transaction cost of using the NPAC database has decreased nearly 60 percent over the last decade, the volume of transactions has increased significantly, causing overall NPAC costs to increase and creating a hesitation to introduce new functionality.⁵ Everyone commenting on Amendment 70 agrees that using a fixed price methodology rather than a transaction-based pricing methodology to lower costs benefits consumers and serves the public interest.⁶

³ After the NAPM completed its business/cost and feasibility analyses of Telcordia’s unsolicited proposals, including a multi-vendor peering proposal, it directed Telcordia to go to the industry technical experts to identify the technical requirements. Telcordia subsequently took its proposal to the Local Number Portability Administration Working Group (“LNPAWG”), and NANC Change Order 437, NPAC Peering Model was accepted. The LNPAWG has been working on NANC Change Order 437 to determine the NPAC Functional Requirement Specification and Interoperability Interface Specification requirements for a multiple vendor peering model.

⁴ NeuStar Comments at 3.

⁵ *Id.* at 13.

⁶ *See, e.g.*, Verizon Comments at 3, saying, “The fixed-price provision of Amendment 70 provides certainty to providers that have been forced to pay ever-increasing annual payments of NPAC fees. These efforts by the LLC have directly benefited all providers that use the NPAC database, including those providers that have chosen not to become members of the LLC.”

Telcordia also objects to Amendment 72, which allows NeuStar to add three new Uniform Resource Indicator (“URI”) fields in the NPAC database. NPAC uses these URI fields to synchronize porting data for the routing of voice, Multimedia Messaging Service, and Short Messaging Service services. Telcordia’s objection is unfounded because, as Sprint Nextel Corporation (“Sprint”) points out, the URI fields serve an important purpose and are within the scope of the existing number portability administration contract.⁷

In sum, XO Communications LLC (“XO”) is correct that Amendments 70 and 72 benefit the industry “by lowering the costs of number portability while introducing needed new functionality” – expanding IP routing – that will help advance the goals of our nation’s broadband strategy.⁸ Furthermore, as Verizon notes, “[t]he terms at issue [in the NeuStar contract] were negotiated at arms length by sophisticated parties and are included in a private commercial agreement. That Telcordia may disagree with the negotiated contract terms does not mean that the Commission should interject itself into what is at most a commercial dispute.”⁹

⁷ Sprint Comments at 2-3.

⁸ XO Comments at 2-3. XO explains, “Resolution of this dispute as Telcordia requests could increase the costs of number portability to all carriers and slow the roll-out of new IP-based services that will benefit consumers and spur the competition envisioned by the Telecommunications Act of 1996. The Commission is currently developing a national broadband strategy to drive the expansion of broadband throughout the country. In this vein, the Commission should be looking for ways to expand IP routing and the deployment of new IP services.”

⁹ Verizon Comments at 1. *See also* Qwest Comments at 1 (“Not only does [the Petition] seek to embroil the Commission in what is essentially a commercial dispute involving vendors but it is premature and moot.”).

For the foregoing reasons, T-Mobile urges the Commission to deny Telcordia's
Petition.

Respectfully submitted,

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September 29, 2009

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

In the Matter of)
)
)
)
Petition of Telcordia Technologies, Inc. to Reform)
or Strike Amendment 70, to Institute Competitive) WC Dkt. No. 09-109
Bidding For Number Administration, and to End)
the NAPM LLC's Interim Role in Number)
Portability Administration Contract Management)

REPLY COMMENTS OF TW TELECOM

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September 29, 2009

**Before the
Federal Communications Commission
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REPLY COMMENTS OF TW TELECOM

tw telecom inc. ("TWTC"), through its undersigned counsel, hereby submits these reply comments in response to the *Petition*¹ filed by Telcordia in the above-referenced proceeding.²

TWTC files these limited reply comments to address Telcordia's contention that the Uniform Resource Identifier ("URI") fields necessary for the routing of IP-IP voice calls ("IP Voice"), multimedia messaging service ("MMS") and short messaging service ("SMS") transmissions should not be incorporated into the Number Portability Administration Center ("NPAC") database. Telcordia has attacked the incorporation of the URI fields on three fronts:

¹ See Petition of Telcordia Technologies, Inc. to Reform or Strike Amendment 70, to Institute Competitive Bidding For Number Administration, and to End the NAPM LLC's Interim Role in Number Portability Administration Contract Management, WC Dkt. No. 09-109 (filed June 24, 2009) ("*Petition*").

² See *Wireline Competition Bureau Seeks Comment on Telcordia Petition 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 Management*, Public Notice, WC Dkt. No. 09-109, DA-09-1762 (rel. Aug. 6, 2009).

by filing (a) a dispute with the North American Numbering Council (“NANC”)³, (b) a request for an “interim standstill” (“standstill request”) with the FCC⁴ and (c) the instant *Petition*.

To begin with, the FCC should not rule on either the standstill request or the *Petition* at this time. It should instead wait until after the NANC has submitted its recommended decision regarding the dispute Telcordia brought before the NANC and the Wireline Competition Bureau (“Bureau”) has ruled on that recommended decision. The FCC would benefit from the NANC’s input because many of Telcordia’s arguments against inclusion of the URI fields in the database turn on whether the Local Number Portability Working Group (“LNPA-WG”), which operates under the auspices of NANC, properly followed its own internal processes in approving the fields. Moreover, if the Bureau rules in Telcordia’s favor in the NANC dispute, Telcordia’s standstill request and the portions of the *Petition* that pertain to inclusion of the URI fields will be moot. Sound administrative policy therefore supports holding the *Petition* or standstill request in abeyance until the Bureau has ruled on the NANC’s recommended decision.

In any event, there is no merit to Telcordia’s assertion that the IP Voice, MMS or SMS URI fields should not have been added to the NPAC database. As explained below and in the initial comments of Neustar, CompTel and Sprint, the inclusion of the three URI fields at issue in

³ See Letter from John T. Nakahata, Counsel, Telcordia Technologies, Inc., to Thomas M. Koutsky, Chairman, NANC, at 1 (May 26, 2009) (“*Telcordia Dispute*”) (“Pursuant to Section 52.26(b)(3)...Telcordia...brings before the North American Numbering Council...a dispute with respect to the decision by the North American Portability Management LLC...to adopt and execute Amendment 72 to the extent that it includes Change Orders NANC 429, 430 and 435...for the inclusion in the NPAC database and provision through that database of Uniform Resource Identifier...fields for Voice, Multimedia Messaging Service...and Short Messaging Service..., respectively.”).

⁴ See Letter from John T. Nakahata, Counsel, Telcordia Technologies, Inc., to Ms. Julie Veach, Acting Chief, Wireline Competition Bureau, FCC, WC Dkt. No. 07-149, at 1 (filed May 22, 2009) (“Telcordia Technologies, Inc....,hereby renews its request for an interim standstill order regarding the implementation of URI fields in the NPAC database pursuant to Change Orders NANC 429, 430 and 435.”).

the NPAC database is both lawful and increasingly necessary to ensure that calls are routed correctly and efficiently as networks continue to transition toward an all-IP environment.

Therefore, the FCC should deny both the standstill request and the *Petition*.

DISCUSSION

The FCC should not rule on the *Petition* or the standstill request at this time. It should instead wait until the Bureau has had a chance to rule on the NANC's recommended decision regarding the dispute Telcordia submitted to the NANC. Telcordia has been forum-shopping to obtain a ruling that would remove the URI fields from the NPAC database. It has filed the instant petition, a standstill request with the FCC, and a formal dispute request with the NANC. Telcordia has raised similar issues and made similar arguments in all of these contexts.

But the NANC process should proceed first. Indeed, the rule under which Telcordia filed its dispute request with the NANC states that parties should bring disputes involving numbering issues to the NANC, not the FCC.⁵ "If any party objects" to a decision of the NANC, as Telcordia did in this case, "the NANC shall issue a written report summarizing the positions of the parties and the basis for the recommendation adopted by the NANC."⁶ The report must then be forwarded to the Bureau and be made available for public comment. If the Bureau Chief does not act on the recommended decision within 90 days of the end of the comment cycle, the NANC recommendation will be adopted by the Bureau by default.⁷

The FCC should let this process run its course. Not only would the FCC benefit from the record developed at the NANC, but there are certain threshold issues raised in Telcordia's

⁵ See 47 C.F.R. § 52.26(b)(3).

⁶ See *id.*

⁷ See *id.*

dispute related to internal NANC procedures. NANC's decision on these matters will likely turn on the specific manner in which the URIs were adopted by the NAPM and LNPA-WG. The NANC is uniquely situated to provide an informed decision on these fact-intensive matters. For example, in the dispute it filed with the NANC, Telcordia argued that, while the change orders were approved by the NANC, "[n]o separate vote was taken with respect to Change Orders 429, 430, 431, 432 or 435....At this meeting a participant wanted to discuss the inclusion of the URI change orders and was told that the prioritization procedures did not permit such a vote."⁸ Because of purported procedural defects during the voting process, "a true consensus," which is required by the LNPA-WG rules for adoption of a change order, was never reached.⁹ Telcordia further alleges that "it does not appear from the LNPA minutes that the LNPA WG ever voted specifically and individually to provide the inclusion of the Voice and MMS URIs."¹⁰ Because these assertions bear directly on NANC procedures and turn on specific facts known best by NANC members, the NANC should have the first opportunity to pass on these matters.

Waiting for the NANC's recommended decision would also be sound administrative practice because it may obviate the need for the FCC to address aspects of the *Petition* or the standstill request. For example, if the Bureau rules in Telcordia's favor after reviewing the NANC's recommended decision, the FCC need not consider any other issues related to the inclusion of URI fields raised in the *Petition* or the standstill request.

In addition to being unripe for current consideration, Telcordia's arguments are substantively without merit. There can be no doubt that the inclusion of the IP Voice, MMS and

⁸ See *Telcordia Dispute* at 6.

⁹ See Letter from John T. Nakahata, *supra* note 4, at 3.

¹⁰ See *Telcordia Dispute* at 10.

SMS URIs in the NPAC database will benefit consumers and carriers by “enabling new IP services, increasing the efficiency of IP networks, and facilitating the transition to IP-based networks.”¹¹ Today, many (but not all)¹² of these services can be routed via the NPAC through the PSTN by converting from IP to TDM and then back again, but this process “creates network inefficiencies and the potential for diminished call quality.”¹³ By incorporating the IP Voice, MMS, and SMS URIs in the database already used for routing circuit-switched telephone calls, IP voice and text messaging traffic can be transmitted more efficiently and with fewer routing errors.¹⁴ There is no reason to handicap the development of new services by arbitrarily excluding crucial data fields from the NPAC.¹⁵ The inclusion of these data fields in the NPAC also advances the FCC’s stated policy objective to “ensure that consumers retain th[ese] [LNP-

¹¹ See Opposition of Neustar, Inc., WC Dkt. No. 09-109, at 16 (Sept. 8, 2009) (“*Neustar Opposition*”).

¹² See Letter from Thomas J. Navin, Counsel, Neustar, to Hon. Betty Ann Kane, Chairman, District of Columbia PSC, *et al.*, at 17 (Aug. 14, 2009) (“*Neustar Letter*”), attached to Letter from Thomas J. Navin, Counsel, Neustar, to Ms. Marlene H. Dortch, Secretary, FCC, WC Dkt. No. 09-109 (Aug. 14, 2009) (“In fact, many IP services do not function if transcoded to TDM, they must be transmitted in an IP format from origination to termination.”).

¹³ *Neustar Opposition* at n.43.

¹⁴ See *Neustar Letter* at 17 (“As the carriers point out, prohibiting such IP parameters because carriers could revert to the legacy network can lead to transcoding and other errors that will only increase in frequency as new IP services are deployed.”).

¹⁵ See Letter from Karen Reidy, Vice President, Regulatory Affairs, CompTel, to Hon. Betty Ann Kane, Chairman, District of Columbia PSC, *et al.*, 3 (Aug. 14, 2009) (“*CompTel Letter*”), attached to CompTel Comments, WC Dkt. No. 09-109 (Sept. 8, 2009) (“In fact, Crossfire Media recently estimated that 90% of interLATA PSTN and 60% of the intraLATA PSTN has been updated with Internet protocol (‘IP’) technology.”).

related] benefit[s] as technology evolves [because] Congress's intent is that number portability be a 'dynamic concept' that accommodates such changes.”¹⁶

Telcordia did not address these benefits in its *Petition*. It argued instead that the *process* by which the URIs were adopted was defective. Telcordia asserted that the change orders were incorporated into the NPAC database improperly because there was no express finding by the NANC or the FCC that these URIs are “necessary to route telephone calls to the appropriate telecommunications carrier[s]” under Section 52.25(f) of the Commission's rules.¹⁷ But Telcordia fails to demonstrate why either the NANC or the FCC must make this decision. As Neustar argued, in adopting the URIs at issue here, the LNPA-WG and NAPM LLC followed the same process that they have followed “for hundreds of change orders over more than a decade since the inception of the NPAC database.”¹⁸ Under that process, neither the full NANC nor the FCC is involved in determining whether data elements should be added to the NPAC. Instead, “the LNPA WG, on behalf of the NANC, considers the addition of [new data].... Then, those changes that the LNPA WG approves are forwarded to the NAPM LLC for its consideration.”¹⁹

Nor is there any requirement that the NAPM and LNPA-WG make a separate, explicit finding that the information at issue is “necessary to route telephone calls” before adopting additional fields for inclusion in the database. The NAPM and LNPA-WG have never made

¹⁶ *Telephone Number Requirements for IP-Enabled Services et al.*, Report and Order, Declaratory Ruling, Order on Remand and Notice of Proposed Rulemaking, 22 FCC Rcd 19531, ¶ 23 (2007) (“*VoIP Number Portability Order*”).

¹⁷ *See Petition* at 41 (internal cites omitted).

¹⁸ *See Neustar Letter* at 3.

¹⁹ *See id.* at 6.

such a finding when voting on the hundreds of previous change orders. There is no reason to change the process now.

In any event, inclusion of the IP Voice, MMS and SMS URI fields into the database is consistent with the substantive terms of Section 52.25(f). Telcordia asserts that, under Section 52.25(f), only data fields necessary to properly route circuit-switched telephone calls may be included in the NPAC database.²⁰ But this conclusion is not supported by the language of Section 52.25(f) or FCC precedent. Telcordia's interpretation also runs counter to the Commission's intent to provide flexibility in the number administration process and to ensure the proper routing of voice and data from one service utilizing numbering resources to another.²¹

First, the meaning of the phrase "telephone calls" in Section 52.25(f) is much broader than a circuit-switched phone call and sweeps in all communications between services utilizing numbers. As Sprint explains, "the Internet addresses and naming protocols associated with URIs are considered call routing information because they are associated with a telephone number."²² This reading is supported by the FCC's statutory interpretation of "call." For example, the TCPA prohibits certain "telephone calls," including autodialed calls. As CompTel argues, the FCC found that, in the TCPA context, a "call" includes "both voice calls and text calls to wireless numbers, including, for example, short message service (SMS) calls, provided the call is

²⁰ See *Petition* at 41.

²¹ See *Neustar Letter* at 15 ("[I]t has always been recognized that the concept of number portability--via the NPAC database--encompasses more than the mere routing of telephone calls.... Thus, if the NPAC were limited solely to the information 'necessary' to route real-time voice transmissions as Telcordia argues, it would not contain nearly enough information to achieve its essential purpose--number portability.").

²² See Comments of Sprint Nextel, WC Dkt. No. 09-109, at 2 (Sept. 8, 2009).

made to a telephone number assigned to such service.”²³ The Ninth Circuit upheld this definition, noting that texts, like voice calls, can reasonably be understood to fall within the dictionary definition of “call,” namely, “to communicate with or try to get in communication with a person by telephone.”²⁴ There is no reason to adopt a different interpretation of “call” for purposes of Section 52.25(f).²⁵

Indeed, the FCC has always intended that the phrase “telephone calls” in Section 52.25(f) should be construed broadly to take into account the evolution of those communications services that utilize numbers. For example, many of the data elements in the NPAC database currently have little or nothing to do with the routing of circuit-switched voice telephone calls, but instead enable number portability to function or use numbering resources more generally.²⁶ Telcordia has not even attempted to argue that these fields were incorporated into the database in violation of Section 52.25(f).

In addition, numbering resources are being used for all manner of communications services including VoIP, texting, and e-fax services. The FCC has explicitly permitted companies, many of which are non-carriers, to obtain access to numbering resources to promote

²³ *CompTel Letter* at 3 (citing *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, Report and Order, 18 FCC Rcd 14014, ¶ 165 (2003)).

²⁴ *Id.* at 3-4 (citing *Satterfield v. Simon & Schuster, Inc.*, No. 07-16356, 7329, 7343-4 (9th Cir. June 19, 2009), available at <http://www.ca9.uscourts.gov/datastore/opinions/2009/06/19/07-16356.pdf>.)

²⁵ *Id.* at 3.

²⁶ See *Neustar Letter* at 15-16 (“For example..., the NPAC contains fields associated with CLASS, LIDB and CNAM services, among others, all of which enable number portability but would not meet Telcordia’s overly narrow definitions.”).

the growth of these new, innovative services.²⁷ The fields encompassed by the change orders at issue here will only assist in that effort.

Second, Telcordia's interpretation of the term "necessary" in Section 52.25(f) is unreasonably crabbed. Telcordia argues that, because "voice, MMS and SMS communications... are being completed today" through the use of third-party databases and not the NPAC, the IP Voice, MMS and SMS data fields are not "necessary" within the meaning of 52.25(f).²⁸ But as Neustar and CompTel explain, the purpose of the term "necessary" was not to exclude from the NPAC alternative ways to route "telephone calls" that are currently being routed via third-party databases.²⁹ In fact, the FCC did not want providers to have to rely on databases owned and controlled by their existing or potential competitors to route "telephone calls."³⁰ As networks increasingly transmit both TDM and IP traffic between devices utilizing phone number identifiers, the NPAC database must have the capability to route all such "telephone calls."

This is not to say that the "necessary" carve-out in Section 52.25(f) is meaningless.

Rather, by including that term in the rule, the FCC intended to exclude from the NPAC data that

²⁷ See *VoIP Number Portability Order* ¶ 17 ("Moreover..., by requiring interconnected VoIP providers and their numbering partners to ensure that users of interconnected VoIP services have the ability to port their telephone numbers when changing service providers to or from an interconnected VoIP provider, we benefit not only customers but the interconnected VoIP providers themselves.").

²⁸ See *Telcordia Dispute* at 12.

²⁹ See *CompTel Letter* at 2; *Neustar Letter* at 13-15.

³⁰ See *Telephone Number Portability*, First Report and Order and Further Notice of Proposed Rulemaking, 11 FCC Rcd 8352, ¶ 48 (1996) ("*Number Portability First Report & Order*") (holding that providers should not be required "to rely on databases, other network facilities or services provided by other telecommunications carriers in order to route calls to the proper termination point.").

either has nothing to do with call routing or number administration in general or that would vary on a local basis. For example, the FCC explicitly held that the information necessary to provide E911 services should be excluded from the NPAC.³¹ Because each locality might have its own E911 requirements, it did not make sense to house data related to E911 in a region-wide database.³² By contrast, the URI data fields at issue here are used to route traffic in the same way across the country and without regard to the identity of a particular service provider. Inclusion of the URI data fields for IP Voice, MMS and SMS is therefore appropriate.

CONCLUSION

For the foregoing reasons, Telcordia's *Petition* should be denied.

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³¹ See *Number Portability First Report & Order* ¶¶ 99-100.

³² See *id.*