



August 17, 2009

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RE: Telcordia Dispute Resolution

Dear Members of the NANC Telcordia Dispute Resolution Team:

T-Mobile USA, Inc. (“T-Mobile”) commends your team for working so quickly to establish a fair and equitable process for evaluation of the dispute by Telcordia Technologies, Inc. (“Telcordia”) of the lawfulness of Change Orders 429, 430, and 435. Contrary to Telcordia’s allegations, provisioning Uniform Resource Identifiers (“URIs”) for voice, Multimedia Messaging Services (“MMS”), and Short Messaging Services (“SMS”) associated with pooled and ported telephone numbers (“TNs”) is within the scope and permitted use of the Number Portability Administration Center (“NPAC”). Furthermore, the Local Number Portability Administration Working Group (“LNPAWG”) and North American Portability Management Limited Liability Company (“NAPM LLC”) followed the appropriate industry consensus and supermajority procedures to approve these Change Orders in full disclosure to the FCC and the North American Numbering Council (“NANC”). T-Mobile appreciates the opportunity to submit these written comments in opposition to Telcordia’s unfounded claims.

Background

T-Mobile has been an active member of the NANC for many years and is committed to its goals of number conservation and efficient porting and delivery of services to ported

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and pooled TNs for consumers. T-Mobile provides leadership to the LNPAWG for oversight of the NPAC on behalf of the industry, and the Numbering Oversight Working Group for oversight of number administration by the North American Numbering Plan Administrator and the Pooling Administrator (PA). T-Mobile is also an active member on the NAPM LLC. As such, T-Mobile has been involved in the years of vigorous debate, originally over NANC Change Order 400, and now over the NANC Change Orders 429 (Voice), 430 (MMS), and 435 (SMS) (collectively, the “NANC Change Orders”), which Telcordia disputes. It is with this vast experience and exposure to the issues associated with these Change Orders, that T-Mobile submits these comments.

NPAC Oversight Process and Scope

As a representative on the NANC, a facilitative leader of the LNPAWG, and member of the NAPM LLC, T-Mobile can attest that these organizations followed NANC Operating Principles and the appropriate industry consensus and supermajority procedures to approve the NANC Change Orders. In terms of process, the NAPM LLC has acted, and continues to act, lawfully and within its authority, charter, and organizational scope. The NAPM LLC has documented the primacy of the FCC and delegated NANC oversight and has explicitly acknowledged them in all of its contractual arrangements per Article 25.1 of the North American Portability Management (NAPM) Limited Liability Company Agreement (“NAPM Agreement”).

To enable consumers to change service providers and keep, *i.e.* “port,” their TNs and to support Thousands Block Number Pooling and preserve area codes, the scope of the NPAC encompasses four functions: routing, rating, billing, and network maintenance. Per the NAPM Agreement, these functions are defined as follows: (1) the need to access any part of the NPAC/SMS for (2) the purpose of routing, rating, billing calls, or performing network maintenance in connection with providing telecommunication services (3) because the rating, routing, billing or network maintenance is impacted by porting or pooling.

The NAPM Agreement defines “a call” as the transmission of information (video, pictures, audio/music, messages, text, data or a combination of these) by use of messages or transmission of provisioning data associated with information sessions, subscribers, and network equipment and devices (*e.g.*, discovery, connection, presence, location, authentication, billing usage, maintenance, and parameter negotiation). The term “routing” means transporting calls. For these purposes, Internet addresses and naming protocols (URLs, URIs, IP Addresses, etc.) are considered call routing information as long as they are associated with a telephone number. There is also a precedent for provisioning Ancillary Services in the NPAC. The NPAC includes data fields for related routing services like LIDB, CLASS, CNAM, and ISVM. Moreover, the provisioning of the NANC Change Orders in the NPAC is optional, *i.e.* these parameters are supported only if a carrier opts-in to send and receive this data.

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In addition, in FCC 07-188, the FCC noted it was the intent of Congress that consumers retain LNP benefits as technology advances:

Further, to ensure that consumers retain this [LNP] benefit as technology evolves, we [the FCC] continue to believe that Congress's intent is that number portability be a "dynamic concept" that accommodates such changes... Similarly, the Act provides ample authority for the logical extension of porting obligations due to technological changes in how telephone service is provided to end-user consumers.

As the foregoing makes clear, provisioning URIs for voice, Multimedia Messaging Services (MMS), and Short Messaging Services (SMS) associated with pooled and ported TNs is within the scope and permitted use of the NPAC.

Beneficial Consequences of Change Orders

Today, except for the NPAC, there is no industry-wide available mechanism for provisioning and synchronizing portability and pooled TNs data for current and future services. Service providers at the LNPAWG and NAPM LLC recognize the challenges associated with provisioning, updating, and synchronizing porting data for the efficient routing of IP-based voice, MMS, and SMS services. To have the optional capability of more efficient routing for these services, a majority of the LNPAWG service providers and a supermajority of the NAPM LLC members supported having these URI fields in the NPAC.

Access to Routing Data

At the heart of Telcordia's dispute is Telcordia's fear that if Neustar were allowed to include the optional URI parameter fields in the NPAC database, it could use what Telcordia describes as its "NPAC monopoly" to cross-subsidize entry into the ENUM services market. This fear is misplaced, however, because the NPAC data is accessible to all NPAC Users on a competitively neutral basis. In fact, the NPAC is the only database that provides timely and accurate portability and pooling updates for other routing databases on an equitable and industry-wide basis.

Furthermore, despite its contention that having URI fields in the NPAC will limit the ability of other providers to enter the ENUM services market, Telcordia was chosen by the CC1 ENUM LLC to be the sole provider of Service Provider ENUM, *i.e.* a single Tier 1 database with ENUM information for the United States' NPAs. Telcordia's ability to provide these services belies its claims that competition will be irreparably harmed if these Change Orders are implemented in the NPAC.

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Given that implementation of the new parameters is optional for Telcordia and all other vendors, Telcordia has failed to demonstrate any harm from adopting them. Moreover, these Change Orders received LNPAWG and NAPM LLC approval because they will provide the capability to improve the efficiency of routing to IP-based voice, MMS, and SMS services associated with ported and pooled TNs. Nondiscriminatory access to these parameters results in competition. Competition and efficient routing to pooled and ported TNs contribute to accurate service delivery and fewer customer complaints. Preventing the implementation of these parameters in the NPAC would undermine such competition and efficiency.

Telcordia's position on this issue is interesting given that it is the sole provider of the Local Exchange Routing Guide (the LERG) for the United States' NPAs in Country Code 1. All service providers are required to pay Telcordia to provision their data and then pay Telcordia again to receive the LERG reports to update and accurately route telecommunication services to non-ported and non-pooled TNs. And, when some service providers cannot afford to obtain the LERG updates on a timely basis, the result is call misrouting and customer complaints. In stark contrast to the NPAC process about which Telcordia is now complaining, there is no regulatory oversight over the management and cost of the LERG, no industry agreed upon service requirements, and no equitable access to this data by multiple vendors.

Conclusion

The LNPAWG recommended the NANC Change Orders and the NAPM LLC adopted them only after vigorous debate using well-established consensus and supermajority approval procedures. Delay in implementing these Change Orders would undermine the ability to efficiently provision URI data for routing of IP-based voice, MMS, and SMS services. For these reasons, T-Mobile urges your team to deny promptly Telcordia's request to intervene and remove the NANC Change Orders.

Please contact the undersigned (404-579-1852 or anna.miller@t-mobile.com) if you have any questions about this matter.

Respectfully submitted,

/s/

Anna Miller
Director, National Numbering Policy