



September 10, 2010

Honorable Betty Ann Kane
Chairman, North American Numbering Council
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 Support of Telcordia's Request that NANC Resolve Dispute Concerning Necessity of Adding Certain URI Codes for the Completion of Telephone Calls

Dear Chairman Kane and Mr. Gray:

Telcordia thanks the Dispute Resolution Team and the NANC for the attention and care with which they have reviewed this dispute. As the supplemental comments filed at the end of July demonstrate, the parties involved have devoted significant time and consideration to their positions. Telcordia submits this letter to clarify two points on which the record may not be entirely clear.

IP-IP Routing Occurs Today Without NPAC URI Fields or Conversion to Circuit-Switched Forms. Some carriers assert that IP to IP routing needs the URI fields in Change Order 429, 430 and 435. This is not true. The industry standards for IP-to-IP-based interconnection call for the service provider originating the communication to perform port correction using readily available existing data that the NPAC already broadcasts to service-provider systems.¹ For all calls, SMS, or MMS messages in a ported or a pooled area, the

¹ See, e.g., Letter from John T. Nakahata, Counsel to Telcordia Technologies, Inc., to Thomas M. Koutsky, Chairman, North American Numbering Council, at 12-15 (May 26, 2009) ("Telcordia Dispute Resolution Request"); see also Letter from John T. Nakahata, Counsel to

originating carrier combines the NPAC-based data with local service provider data (such as information for the least cost routing, trunk selection for appropriate tandem etc.) to select the best route to the carrier serving the dialed telephone number or to the routing number for a ported/pooled telephone number.²

Adding ENUM data to the NPAC is not more efficient; in fact, it complicates the process because adding these URI fields to the NPAC creates another potential source of URI data that carriers may need to consider when making routing decisions.³ The disputed fields may become a source of potential conflict between databases if they contain URI information that differs from what is contained in other industry databases for that TN (*e.g.*, CC1 ENUM, Cable Labs ENUM, private ENUM services etc). Currently, no standard for resolving such conflicts or for determining which data to prioritize exists, notwithstanding the CC1 ENUM LLC's and ATIS PTSC's arguments to the LNPA WG that such data not be put in the NPAC.⁴

Additionally, because the disputed fields have been placed in the NPAC database on an **optional** basis, they will not necessarily be used by all IP service providers.⁵ In order to route IP to IP calls, carriers still need to combine the NPAC-based data with data from separate ENUM databases – unless NeuStar successfully leverages its NPAC monopoly to displace all other ENUM providers.⁶ Including URI data in the NPAC on an optional basis simply adds another potential source of URI data: it does nothing to simplify or eliminate sources of URI data.

In addition, the proponents of Change Orders 429, 430 and 435 ignore that these change orders create potential network security vulnerabilities. A provider wishing to use the URI fields in the NPAC database would have to load its border gateway information into the NPAC. Thus, their border gateway information becomes accessible to **all** entities with NPAC User Agreements, **not just trusted entities** with interconnection agreements with the provider. This could create a significant security problem for some service providers. URIs are internet based

Telcordia Technologies, Inc., to Betty Ann Kane, Don Gray, and Thomas M. Koutsky, NANC Dispute Resolution Team, at 17 (Aug. 31, 2009) (“Telcordia Dispute Resolution Response”).

² *Telcordia Dispute Resolution Request* at 12-15. If the query was not done by the originating carrier to determine the most favorable route (IP or PSTN), then the PSTN-based N-1 carrier must perform the query to determine the final route to the ported/pooled TN.

³ *Telcordia Dispute Resolution Response* at 16-17.

⁴ Letter from Karen N. Mulberry, Chair, CC1 ENUM LLC, to Gary Sacra and Paula Jordan, Co-Chairs,

LNPA WG, (March 28, 2005) (attached as exhibit F to *Telcordia Dispute Resolution Request*), embedded in LNPA WG April 2005 Minutes at 12, http://www.npac.com/cmas/co_docs/04-05_LNPA_Final_Minutes.lnp.zip (selected pages attached as Exhibit G to *Telcordia Dispute Resolution Request*).

⁵ *See, e.g., Telcordia Dispute Resolution Response* at 3.

⁶ *Id.*

gateways subject to various attacks. Not surprisingly, limiting such access is a key requirement in most Service Provider ENUM Requests For Proposal.

In short, IP providers *already* have standards-based procedures for routing calls to ported numbers both via IP and the PSTN with appropriate security mechanisms. The IP routing argument is a red herring.

Adding the URI Fields Will Potentially Increase Costs and Negatively Impact Consumers. NAPM and NeuStar argue that adding the URI fields will not impose any additional cost on carriers and, by extension, consumers. But this assumes that pricing remains permanently not based on transactions, an assumption that cannot support NANC decision-making. NeuStar, however, has already told Wall Street that it will seek to return to transaction-based pricing. In its most recent quarterly investor conference call, NeuStar's Chairman and Chief Executive Officer, Jeffrey E. Ganek, stated,

I think that there is a massive disruptive change occurring in the marketplace, as IP technology proliferates, that the volume of transactions that will be required by large volumes of IP traffic is great. And as that technology change takes over the existing voice volumes, you know what? **NeuStar will adjust the pricing structure**, as we have in the past, to fit the needs of how the customers use the NPAC. And you know what? **There could very well be a mix of fixed and per-transaction fees.**⁷

NeuStar hopes that by offering the fields to its customers as a “freebie” initially, it will lock them in so that they will have no option when it institutes a charge for those fields. The best way to protect consumers over the long term is to limit the NPAC to only those fields to which NPAC is essential, and to continue to place all other data in downstream databases. Although the NAPM LLC may claim carriers need not fear such a scenario because it simply would refuse such a contract change, no such assurance has been given to date. And NeuStar now has made its intentions clear.

NANC Should Interpret “Telephone Call” Without Reference to Different Statutes with Different Purposes. Telcordia's petition asks simply that the NANC interpret “telephone call” in accordance with § 52.25. As Telcordia has explained, the Commission's number portability regulations and the Telephone Consumer Protection Act (“TCPA”) are different rules and statutes with different meanings.⁸ Thus, what NANC decides is a “telephone call” for the purposes of local number portability database rules does not constrain the Commission's or the courts' ability to interpret “telephone call” to have a broader meaning under a completely different statute with a completely different—and intentionally broader consumer protection—purpose. In each instance, the words “telephone call” should be given the scope of meaning that best effectuates the purpose in the relevant context. In the case of number portability, the FCC

⁷ NeuStar Second Quarter Earnings Call, July 28, 2010, at 9-10 (emphasis added).

⁸ *Telcordia Dispute Resolution Response* at 14-15.

was limiting, not expanding, the scope of permissible data in the number portability database. In any case, not only is the addition of these fields not necessary for voice calls, SMS, or MMS, it also clearly extends the NPAC monopoly into the ENUM area with the resultant negative impact on service provider choice and their consumer end users.

* * *

Telcordia respectfully requests that the NANC resolve this dispute proceeding in favor of Telcordia, freeze the URI fields, and return the issue to the entire NANC for a full and careful consideration in keeping with the requirements of 47 C.F.R. § 52.25(f).

Sincerely,



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Counsel to Telcordia Technologies, Inc.

cc: All NANC Members
Sharon Gillett
Cathy Seidel
William Dever
Ann Stevens
Marilyn Jones
Deborah Blue
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