EX PARTE RESPONSE COMMENTS OF THE NORTH AMERICAN PORTABILITY MANAGEMENT LLC TO ADDITIONAL EX PARTE COMMENTS OF TELCORDIA TECHNOLOGIES, INC.

The North American Portability Management LLC, a Delaware limited liability management company (the “NAPM LLC”), respectfully submits these Response Comments to oppose the Petition1 of Telcordia Technologies, Inc. (“Telcordia”), and, specifically, to respond to the recent additional Ex Parte of Telcordia filed on January 7, 2008 (the “Telcordia Additional Ex Parte”), in which Telcordia asserts that the Commission’s recently issued MDU Access Order2 somehow provides support for Telcordia’s request that the Commission exercise its extraordinary “plenary” authority both to eliminate certain provisions of Amendment No. 573

1. The Petition of Telcordia Technologies, Inc. to Reform Amendment No. 57 and to Order a Competitive Bidding Process for Number Portability Administration, filed June 13, 2007.


3. As summarized in the NAPM LLC’s initially filed Comments, filed with the Commission on August 22, 2007 (the “NAPM LLC Initial Comments”), Amendment No. 57 is an amendment to each of the seven Agreements for the Number Portability Administration Center/Service Management System (“Master Agreements”) in each of the seven United States former RBOC Service Areas. Each of the Master Agreements under Article 13 expressly authorizes the Customer, here the NAPM LLC, to negotiate to amend and to amend the Master Agreement to add additional services and to make enhancements to the NPAC/SMS. Article 13 sets forth a specific set of procedures for such amendments, including the embodiment of suggested changes in Statements of Work. Over time, a convention has developed to refer to Statements of Work that do not reflect a change to Users and End-Users as
that were negotiated at arms length and in good faith and to order now the commencement of a competitive public bidding process for telephone number portability services, even before the expiration of the term of the Master Agreements as they existed before Amendment No. 57. The NAPM LLC urges the Commission not to grant the relief sought by Telcordia in its Petition. Telcordia’s Additional Ex Parte does not provide any additional authority or basis to support Telcordia’s request for relief.

Contrary to Telcordia’s assertions and expressions of opinion in the Telcordia Additional Ex Parte, the MDU Access Order neither provides direct statutory or regulatory authority for the Commission to grant the relief sought by Telcordia in this number portability matter, nor does it provide applicable analogous authority or a persuasive rationale for the extraordinary relief sought by Telcordia in this particular matter. As the NAPM LLC asserted in the NAPM LLC Initial Comments, the relief sought by Telcordia is unnecessary and premature, is not in the public interest, and actually risks adversely affecting the consistent quality of service provided to telecommunications customers with respect to the implementation of telephone number portability and pooling in the seven separate United States former RBOC regions. Unlike the situation that was the subject of the MDU Access Order, this matter does not involve either direct contracts between operators and consumers nor does it implicate any of the unique issues surrounding aggregated consumer residences (that is Multiple Dwelling Units or “MDUs”), real estate developments and bulk billing arrangements.

Amendments. As of the date of the Petition, 57 Statements of Work and Amendments have been negotiated and agreed upon, some of which also include separate subsequent releases and versions. Statements of Work are sometimes referred to as SOWs.

5. See the summarized conclusions of the NAPM LLC set forth in the NAPM LLC Initial Comments, pages 2-9.
The **MDU Access Order** addressed only the implementation by the Commission of Section 628 of the Communications Act of 1934, as amended, which expressly prohibited certain unfair acts and methods of competition by cable operators. Further, the Commission issued the **MDU Access Order** after first refusing to grant the remedial relief sought, and then, only after a factual weighing of the benefits and harms in the unique and special environment of MDUs and bulk service cable franchises. *The MDU Access Order* is simply irrelevant to the issues before the Commission in this matter.

The NAPM LLC has never asserted that the Commission lacks the legal authority to intervene in this matter. Instead, the NAPM LLC merely believes that there is no reason or basis for that intervention by the Commission at this time.

**REQUEST FOR RELIEF**

For all the reasons set forth herein and in the NAPM LLC Initial Comments, Telcordia’s Petition is without merit and there is no reason that the relief requested by Telcordia should be granted. The NAPM LLC respectfully requests that the Commission deny the Petition in its entirety.

Respectfully Submitted

[Signature]

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