

January 27, 2010

Peter Dengate Thrush, Chair of the Board of Directors,  
Rod Beckstrom, CEO  
ICANN  
via email

Re: EOI and the .nyc TLD

Dear Messrs. Thrush and Beckstrom;

My comments today mirror those we submitted on November 27, 2009 and focus on process and the impact EoI will have on the .nyc TLD.

**First, on process.** As I'm submitting these comments late in the day on January 27, they join 275 others for the ICANN Board's consideration. The Affirmation of Commitments (AoC) states:

“To ensure that its decisions are in the public interest, and not just the interests of a particular set of stakeholders, ICANN commits to perform and publish analyses of the positive and negative effects of its decisions on the public, including any financial impact on the public, and the positive or negative impact (if any) on the systemic security, stability and resiliency of the DNS.”

It's my understanding that the Board expects to make a decision on the EoI at its February 4, 2010 meeting. Having read perhaps a dozen of the comments proffered, and being fairly well versed in the complexities of the issues, I find it difficult to imagine how the spirit of the AoC can be achieved in that time frame.

**Second, on the substance of the EoI.** A Step-by-Step process was presented last year that sought to differentiate between different classes of TLDs and enable non-contentious TLDs, such as geographic TLDs, to be handled in a more expeditious manner.

Perhaps the board in its February 4 considerations could simplify the EoI (or more broadly the New TLD) process by sorting out the non-contentious TLD applications and enabling them to proceed.

In so doing the ICANN could meet its AoC agreement: “to perform and publish analyses of the positive and negative effects of its decisions on the public, including any financial impact on the public, and the positive or negative impact (if any) on the systemic security, stability and resiliency of the DNS.” That would be real progress.

Additionally, by moving the non-contentious geographic TLDs ahead (and perhaps the cultural and linguistic), the ICANN would avoid the problems raised by lumping them with the contentious. Here I repeat my November 27 question:

- I am often consulted by cities with an interest in TLDs. Recently I was contacted by a city representative to discuss the EoI process. She advised that it was extremely unlikely that her city would be able to participate in the EoI if it required a filing fee. And further, that decision-making in her city was such that, barring a finalized New TLD Guidebook and a believable filing deadline, her city was unlikely to respond to an ambiguous EoI process.
  
- In the final moments of our discussion she asked about the consequence of an “other-than-city-entity” filing under the EoI for her city's TLD. Would her city's opportunity to file during the initial round then be controlled by that entity? I said I'd pass on the question to ICANN.

I do so once again.

In closing I note that taking One Small Step ahead with non-controversial TLDs would be a One Giant Step for ICANN and the Internet community.

Sincerely,

Thomas Lowenhaupt, Chair  
Connecting.nyc Inc.  
New York City