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Questions Concerning the Proposal as a Whole

1) Completeness and clarity: Is the combined proposal complete? Each of the operational community proposals contains aspects to be completed in the future when the proposal is implemented. Is the combined proposal specified in sufficient detail such that it can be evaluated against the NTIA criteria?

Numbers: Complete; Protocol Parameters: Complete; Names community: INCOMPLETE due to its "dependencies" upon the final work product of WS-1 of CCWG-Accountability, which at this point appears to be unacceptable or inadequate in its present form as contained in the "2nd draft report" published for a comment period ending Sept 12, 2015.

2) Compatibility and interoperability: Do the operational community proposals work together in a single proposal? Do they suggest any incompatible arrangements where compatibility appears to be required? Is the handling of any conflicting overlaps between the functions resolved in a workable manner?

The numbers and protocols proposals work together as a single proposal, with ICANN as the IANA functions operator (IFO). The names proposal is incompatible and inconsistent and results in creating a second IFO (for the "Names community") called PTI, a to-be-created corporation. This is creating unnecessary complexity, incurring unnecessary costs (CWG-Stewardship has reportedly incurred millions of dollars in legal fees, with more to come), and deriving little, if any, net benefit for the names community or the global Internet community. All of this could have been handled internally to ICANN through new bylaws whereby the gTLDs and ccTLDs could comprise a CSC and provisions providing for the selection of a different IFO than ICANN should that need arise. The irony in all of this is that the IANA department within ICANN has always performed its job well as far as I have been able to determine. Certainly numbers and protocols think so. Unfortunately, as the ICG is well aware, CWG-stewardship or "names community" is a dysfunctional group (described by one ICG member, the esteemed Prof. Mueller, as "a collection of warring interests"), who wasted months trying to develop an overly complex "turnkey" proposal referred to as "Contract Co." only to jettison that concept for a "compromise" "hybrid" "solution" now called PTI. This is all indicative of what Nassim Taleb refers to as the "fragilista" who "make you engage in policies and actions, all artificial, in which the benefits are small and visible, and the side effects (are) potentially severe and invisible." Unfortunately this is also consistent with the tendency of many of ICANN's "names" stakeholders in ICANN policymaking processes to prefer complex dysfunctional solutions over simple functional solutions, in order to increase their "insider" knowledge and status, increase costs, and form barriers to any effective participation by "outsiders" from the global Internet community. Can we (ICANN and the global Internet community) live with this incompatibility and the potential "conflicting overlaps?" As far as the ICG proposal is concerned, I am confident the ICANN Board, management and staff, can jury-rig the "workarounds" necessary to "make it work."

3) Accountability: Do the operational community proposals together include appropriate and properly supported independent accountability mechanisms for running the IANA

functions? Are there any gaps in overall accountability under the single proposal?

Numbers and Protocols proposals have accountability built-in, consistent with years of experience working with ICANN as IFO. Names proposal? Unknown. CWG-Stewardship claims its new structures' accountability mechanisms will work. Time will tell. See also #6 below.

4) Workability: Do the results of any tests or evaluations of workability that were included in the operational community proposals conflict with each other or raise possible concerns when considered in combination?

I covered this in #2 above.

Questions Concerning NTIA Criteria

5) Do you believe the proposal supports and enhances the multistakeholder model? If yes, please explain why. If not, please explain why and what proposal modifications you believe are necessary.

For better or worse, I think the proposal is consistent with the multistakeholder model.

6) Do you believe the proposal maintains the security, stability, and resiliency of the DNS? If yes, please explain why. If not, please explain why and what proposal modifications you believe are necessary.

No. Read Verisign's 10-Q, July 23, 2015 (p.29): "Under its new gTLD program, ICANN intends to recommend for delegation into the root zone a large number of new gTLDs potentially within a compressed timeframe. On October 23, 2013, NTIA began to authorize, and Verisign began effectuating, the delegation of the new gTLDs. In view of our role as the Root Zone Maintainer, and as a root operator, we face increased risks should ICANN's delegation of these new gTLDs, which represent unprecedented changes to the root zone in volume and frequency, cause security and stability problems within the DNS and/or for parties who rely on the DNS. Such risks include potential instability of the DNS including potential fragmentation of the DNS should ICANN's delegations create sufficient instability, and potential claims based on our role in the root zone provisioning and delegation process. These risks, alone or in the aggregate, have the potential to cause serious harm to our Registry Services business. Further, our business could also be harmed through security, stability and resiliency degradation if the delegation of new gTLDs into the root zone causes problems to certain components of the DNS ecosystem or other aspects of the global DNS, or other relying parties are negatively impacted as a result of domain name collisions, such as

exposure or other leakage of private or sensitive information. Additionally, DNS Security Extensions ("DNSSEC") enabled in the root zone and at other levels of the DNS require new preventative maintenance functions and operational practices that did not exist prior to the introduction of DNSSEC. Any failure by Verisign or the IANA functions operator to comply with stated practices, such as those outlined in relevant DNSSEC Practice Statements, introduces risk to DNSSEC relying parties and other Internet users and consumers of the DNS, which could have a material adverse impact on our business."

<http://files.shareholder.com/downloads/VRSN/368398346x0xS1014473-15-68/1014473/filing.pdf>

7) Do you believe the proposal meets the needs and expectations of the global customers and partners of the IANA services? If yes, please explain why. If not, please explain why and what proposal modifications you believe are necessary. Please indicate if you are a customer or partner of the IANA services.

Yes, unless one or more "customers and partners of the IANA services" state differently during this comment period.

8) Do you believe the proposal maintains the openness of the Internet? If yes, please explain why. If not, please explain why and what proposal modifications you believe are necessary.

Yes, subject to the reservations expressed in #1 and #6 above.

9) Do you have any concerns that the proposal is replacing NTIA's role with a government-led or inter-governmental organization solution? If yes, please explain why and what proposal modifications you believe are necessary. If not, please explain why.

No.

10) Do you believe that the implementation of the proposal will continue to uphold the NTIA criteria in the future? If yes, please explain why. If not, please explain why and what proposal modifications you believe are necessary.

I think all of this is probably just a temporary iteration, necessary in order to end US government "oversight." After this is finished and implemented, I don't think anybody will mention or even consider "NTIA criteria" in the future.

Questions Concerning ICG Report and Executive Summary

11) Do you believe the ICG report and executive summary accurately reflect all necessary aspects of the overall proposal? If not, please explain what modifications you believe are necessary.

No modifications necessary, provided the provisions for transfer of the IANA trademarks and domain names to the IETF Trust (see numbers proposal) is implemented in a way that ICANN may continue to use the IANA marks and domain names as a licensee so long as it or its controlled entity and affiliate, PTI, performs IANA functions.

General Questions

12) Do you have any general comments for the ICG about the proposal?

ICG should steer clear of the CCWG-Accountability proposal even though the "names proposal" has "dependencies" that might be affected. That CCWG-Accountability process looked like a "rush job" from my close observation, and now the ICANN Board is engaged and proposing changes. I haven't seen any Board specifics, but in any event, that is not within ICG's remit (be thankful). I also agree with the sentiments expressed by Brian Carpenter (Submission ID: 2) in regard to #3 and #6: #3--"I don't see any way that ICANN itself is held accountable for the consequences of its policy decisions (e.g. creating large numbers of unnecessary gTLDs for no discernible motive except money)."

#6--"I've been concerned since 1998 that unchecked expansion of the number of gTLDs will eventually take us into uncharted territory from a technical resilience point of view. I see no technical and operational feedback mechanism to protect us against this operational risk in the proposal."

Also, while I do not agree with some of the specifics, I am sympathetic to the frustration expressed in the comments submitted by Parminder Jeet Singh (Submission ID: 19).