

Consideration of CPE Guidelines Must Be Extended to a Period at Least Equal to the Minimum Standard Comment and Reply Period

ICANN recently posted Guidelines created by the EIU for use in performing CPE evaluations. The original comment period of two weeks was extended for a week based upon public request. While we appreciate that ICANN is trying to maintain project schedules, this issue requires a full community comment and reply period as part of the basic precepts of the bottom-up model and transparency.

Therefore, ICANN should:

1. Publish comments as they are received rather than forwarding them only to the EIU for their considerations.
2. Conduct a proper comment period with the opportunity to reply. The comment period should be extended with a 21-day reply period.

We make this request for the following reasons:

1. The publication of new guidelines and the request for comment is sure to ignite proposals to change the well-settled Guidebook criteria for the CPE.
2. Many commenters (acting in their own interests) will try to change the existing criteria. Arguments that failed to carry the day during the Guidebook development will be resurrected.
3. The most efficient way to understand the arguments made in the comment period is to allow counter-balancing in a reply period. Otherwise, it will be left to the EIU to research the legislative history in order to fully consider the comments.
4. Allowing the EIU to keep the comments secret and then publish a revised set of guidelines violates ICANN's principles of transparency and accountability because the public will not be able to compare the comments made to the reaction by ICANN and the EIU.
5. ICANN established the requirement for reply periods as part of the comment process and this principle should not be abandoned for this issue.
6. Even though we are very anxious to keep application processing on track, we don't think the twin objectives of transparency and accountability should be sacrificed on this important issue, as it hasn't been on similar recent process issues.
7. The 21-day comment and reply periods are still short: the minimum acceptable period according to ICANN rules.