

26 June 2012

Sébastien Bachollet,  
Chair ICANN Board Public Participation Committee

Dear Sébastien,

### **Public comment process**

As you will be aware, the public comment process was adjusted to implement Recommendations nr 15-17 of the Accountability and Transparency Review Team in January 2012. Accordingly each public comment topic is now subject to a Comment and Reply period, with a minimum duration for the Comment period of 21 days and a subsequent minimum Reply period of 21 days. If no substantive comments are received there will be no reply period (effectively closing the Public Comment period) and during the Reply Period, participants should address previous comments submitted and not introduce new posts.

We believe that this new process is not giving the ccNSO sufficient time to make a ccNSO agreed comment. Supporting Organisations and Advisory Committees, such as the ccNSO, have to coordinate their submissions within the constraints of their own procedures. In case of the ccNSO, preparing a full ccNSO submission will take at least 6 weeks, which includes drafting, ccNSO Council consultations and ccNSO membership consultations<sup>1</sup>. The Working Groups of the ccNSO have to go through a similar drafting and consultation process, before a submission on behalf of a Working Group can be made.

A recent example of the adverse impact of the revised public comment process is the current public comment process on the draft FY 2013 Operational Plan and Budget. As a result of the current procedure, the public comment period on ICANN Draft FY2013 Operating Plan and Budget opened on 1 May 2012 and would have been closed on 24 May 2012. Effectively, this resulted in a reduction of the public comment period from 31 days to 24 days, compared to last year's process. At the same time, the volume and complexity of the FY 2013 draft Ops plan and Budget has increased considerably. From a purely logistical point of view, it was impossible to coordinate a substantive submission from the ccNSO Strategic and Operational Planning Working Group. We were appreciative that the Comment Period was later extended to 8 June 2012.

Without going into the merits of "Comment" and "Response Comment" cycles, the ccNSO Council firmly believes that the revised, public comments time frame has the

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<sup>1</sup> <http://ccnso.icann.org/about/guidelines-ccnso-statements-procedures-jun11-en.pdf>

exact opposite effect of the intended purpose of the ATRT Recommendations “to provide adequate opportunity for meaningful and timely comment.”<sup>2</sup>”

Therefore, the ccNSO Council requests the PPC to review and reconsider the time frames of the current public comment process. For example, a short-term solution could be to allow a partial overlap of the Comment and Reply period. However, it is the view of the ccNSO Council this will only partly address the issue. For the long-term the timeframes of public comment periods and those of the SO’s and AC’s should be aligned in order to strengthen the multi-stakeholder model.

The ccNSO would appreciate a response of the Public Participation Committee on this concern in due course.

Kind regards,

Lesley Cowley, OBE  
Chair of the ccNSO.

cc:

Heather Dryden, Chair of GAC  
John Curran, Chair of the NRO  
Olivier MJ Crepin-Leblond, Chair of ALAC  
Stéphane Van Gelder, Chair of the GNSO  
Patrik Fältström, Chair of SSAC

Filiz Yilmaz, Senior Director Participation and Engagement  
David A. Olive Vice President, Policy Development Support

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<sup>2</sup> ATRT Recommendation 17.