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By electronic filing via [DNStransition@ntia.doc.gov](mailto:DNStransition@ntia.doc.gov)

Ms. Fiona Alexander  
Office of International Affairs  
National Telecommunications and Information Administration  
U.S. Department of Commerce  
1401 Constitution Avenue, NW  
Washington DC 20230

Re: *Assessment of the Transition of the Technical Coordination and  
Management of the Internet's Domain Name and Addressing System  
Docket No. 090420688-9689-01*

Dear Ms. Alexander:

I am a member of the Business Constituency of ICANN's Generic Names Supporting Organization (GNSO) and am submitting these comments in accordance with the Federal Register Notice of April 24, 2009 regarding the above-referenced proceeding. Should you have any questions or require further information, please contact me by telephone at 651-647-6109 or by email at [mike@haven2.com](mailto:mike@haven2.com).

**Is ICANN ready to exit the MOU and associated JPA?**

I would like to suggest that you apply a commonly-used project management tool called "readiness assessment" to the current situation to determine how to proceed. I am only familiar with a small portion of ICANN and can't provide definitive answers to any of the questions which you posed in your request for comment – but I feel confident that a rigorous readiness assessment would provide very useful information for your deliberations.

I need to make a disclaimer. The goal of a good readiness assessment isn't to offer a critique. Instead the goal is simply to determine if the organization is ready for the task at hand and, if not, to determine what is required to get ready

for success. I agree with others that say that ultimately ICANN should be set on its own two feet – the question I’d like you to consider is whether we’re ready to do it right now.

What follows is my informal readiness assessment of ICANN, from the perspective of a small cog in the ICANN/GNSO machine. Think of me as part of the bottom of the bottom-up process.

## **Assessment**

**I think that ICANN has some big issues that need to be resolved before it is ready to take on sole responsibility for the functions that you outsource to us today. It’s my opinion that ICANN’s state of readiness is too low to terminate the JPA at this time.**

### **Examples of issues that need to be addressed**

#### **1) Is ICANN “operationally” ready?**

- **Perceived need for change in current practices**

The answer to this question depends on who you ask, and thus there is a readiness issue. There are very strong opinions that range from “the current JPA arrangement is preferred” to “ending the JPA is already too-long delayed.” Using an old strategy cliché, we need to agree on which way West is before we begin this journey and not having broad agreement reduces our readiness to proceed.

- **Relative complexity of operation**

ICANN has grown rapidly during our short existence. While we’re not a large organization by most standards, we do operate in large number of dimensions on a world-wide stage. We often note that we’re pioneers as an international “bottom-up, multi-stakeholder” organization – which adds a degree of risk to an already complex operation. This learning is far from complete, so this moderately-complex organization is still experiencing rapid change, often in uncharted territory.

- **Relative need/perceived benefits**

Interestingly, many would say that the benefits of ending the JPA have not been described in a compelling way, while a number of very strong arguments have been made for continuing and refining the agreement. I will let others make the case on both sides, but observe that there is a readiness issue if the “pain for change” isn’t well understood or broadly shared across the organization and its stakeholders.

#### **2) Is ICANN “organizationally” ready?**

- **Administration**

For such a young organization, ICANN has assembled a capable administrative team. Unfortunately the leader of that team, Paul Twomey the CEO, has announced his intention not to renew his contract, which expires in July of this year. Thus, ICANN

would be embarking on the transition out of the JPA with a new or interim leader. This is a significant readiness issue that, if it were addressed, would be very helpful before starting such a fundamental change in the organization.

- **Policy**

The policy work of ICANN is performed by two groups of people – the very able ICANN policy staff and volunteers from the stakeholder communities. One thing we often observe in working-groups is that the pool of talent is very thin (we see a lot of the same faces around the table). There are a number of causes – a long learning curve, the expense of participating in ICANN, difficult and often frustrating processes and complex issues to name a few. But the upshot is that the policy-making staff and volunteers are stretched and there's little room for the additional work that will inevitably result as ICANN adjusts to a post-JPA environment. It would be helpful if we could develop a little more "bench strength" before taking on the transition.

- **Stakeholder communities**

Here too is a significant readiness issue. The stakeholder communities of ICANN (Supporting Organizations and Advisory Committees) are still finding their feet. There is a long way to go before these very young communities can be described as robust. Roles, responsibilities, processes and culture are all very much in flux. It would greatly improve the odds of success if these communities were allowed a few more years to mature and settle before being cut loose to fend for themselves on a worldwide stage.

- **Other projects under way**

While I've alluded to this above, it needs to be stated directly. There is a lot of change going on right now in ICANN, and the added burden of transitioning out of the JPA may just be the straw that breaks the camel's back. I am a lowly cog in the ICANN machine and I can testify that the workload (just within the GNSO) is overwhelming. I think we could use some time to get ahead of all this work, and learn how to do it better, before taking on the challenges of complete independence.

### 3) Does ICANN have readiness issues due to "organizational climate"?

- **Discipline in the organization**

"Discipline" in this context means how closely the organization hews to its stated processes and my perception (admittedly, from the bottom looking up) is that the current situation is a mixed bag. I see a great deal of positive change at the top levels of the organization with the implementation of much-improved strategy, budgeting and management processes. But the "product" of ICANN is policy, and much of that policy is made outside that managerial realm. To stick with the GNSO (the part of ICANN I understand the best), we have a long way to go before I would be comfortable telling you that we are disciplined in the way that we operate. We have a number of reforms under way, but it's too early to tell how successful they are going to be. Here again, a little more time (and perhaps some assistance) would be helpful.

- **Decision making process**

You hear a lot about the decision-making process in ICANN, much of it negative. I would just like to highlight several things. First, there isn't one decision-making process, there are at least half a dozen. They're all new, they're all evolving and many of them are driven by volunteers from around the world. Second, these processes (each unique) often are not well documented which adds risk that the processes aren't repeatable and opens them up to our usual frequent challenges. These challenges are often delivered at high volume, partly because that's often the only way frustrated people think they will be heard. It would be nice if these processes could become more repeatable, more consistent and better managed before we venture out on our own.

- **Communications and inter-group relations**

ICANN strikes a newcomer like me (I've only been actively involved since early 2006) as a bewildering and angry place. There are grudges that go back to the very early days when the organization was formed and there appear to be precious few people who are actively trying to reconcile those issues in preparation for moving on. Indeed, much of the culture of ICANN seems to be driven from the anger and conflict between stakeholders rather than broadly-shared values and culture. This makes us vulnerable and is an issue that I think should be addressed before we move on to the next stage.

## **Conclusion**

There's more to readiness-assessment than what I've described here – indeed this could be considered an example of the kind of comments that should be gathered from lots of ICANN stakeholders. Once you've gathered those opinions you will have to decide for yourselves how to proceed. But if I were you, I'd move cautiously on terminating the JPA.