

February 12, 2001

To: Committee on Commerce, Science, and Transportation

From: Ray Fassett
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Re: Written Testimony

- **Subject: ICANN Governance**
Communications Subcommittee hearing on **Wednesday, February 14, at 9:30 a.m. in room 253 of the Russell Senate Office Building**. Members will examine the structure of ICANN, the organization in charge of creating and distributing Internet domain names, and the effort underway to expand available domain names. Senator Conrad Burns (R-MT), Chairman of the Communications Subcommittee, will preside. Witnesses will be announced at a later time.

To the Honorable Committee Members:

I wish to take the opportunity to thank your committee for reviewing ICANN governance. I desire to have this written testimony focus only upon such governance as it relates to the expansion of the Top Level Domain space, or new TLD's.

As your committee is probably aware, there is widespread opinion that the recent selection process was quite arbitrary in its selections and, perhaps, even unfair involving various conflicts of interest. I wish to only focus upon the former issue, rather than the latter at this point in time.

It is important, in moving forward, that the subjective nature in which TLD applications are accepted be removed and that the ICANN be clearly accountable for such removal.

This can be very easily accomplished (vs. the round of applications) by 1) mandating to the ICANN to define the technical criteria necessary for the applicant to achieve acceptance to the A-root zone and 2) mandating the ICANN to accept applications that meet such pre-defined criteria.

A by-product of these mandates would be that the ICANN would be furthered removed from a body that is governing policy (subject to Congressional review) to one that is applying its technical expertise.

I am a small business operator that has a desire to file with the ICANN in the second round of applications. I can raise the necessary funding to scale my existing internet infrastructure to meet the technical requirements for admittance to the A-root zone if the ICANN would define what these criteria are.

As long as arbitrary and subjective decision making on the part of the ICANN remain part of the application process, small businesses – such as mine – will be competitively disadvantaged in relation to larger corporations with the resources to withstand a “turned down” application only to file again in the next round (or the round after that).

My business can not move forward, for example, in scaling up its infrastructure for the second round of applications not knowing that, even if all technical criteria are met, my application could be subjectively turned down. Without mandating against this, small business will be largely removed from the application playing field. No bank would support my business expansion based upon “hope” of acceptance. Some feel the application process is this way by design, though I am not ready to fully draw this conclusion as yet.

I respectfully request your committee to stand behind small business by mandating the ICANN to clearly define technical criteria for admittance and to adhere to these criteria in their selection process.

Thank you for accepting my stated views on the subject matter and I sincerely appreciate your attention to my concerns.

Sincerely,

Ray Fassett

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