



Public Comment on Proposed Bylaws Updates to Limit Access to Accountability Mechanisms

Introduction

The Internet Infrastructure Coalition (i2Coalition) appreciates the opportunity to comment on the Proposed Bylaws Updates to Limit Access to Accountability Mechanisms.

The i2Coalition's diverse membership represents both large and small Internet infrastructure providers such as web hosting companies, software services providers, data centers, registrars, and registries. The i2Coalition has several key goals within ICANN, but chief among them is continuing to build a voice for technical operators of the Internet ecosystem—particularly web hosts, data centers, and cloud infrastructure providers—and ensuring that accountability and transparency are paramount. The i2Coalition brings unique representation to ICANN, as it is made up of companies representing the broad ecosystem of Internet infrastructure companies.

Our comments focus on our opposition to the Proposed Bylaws Updates to Limit Access to Accountability Mechanisms.

While i2C recognizes Recommendation 7 originated in the Cross-Community Working Group on New gTLD Auction Proceeds (CCWG), we are concerned the current proposal goes beyond the letter of the recommendation and the intent of the CCWG. Further, we are concerned about codifying a new mechanism for limiting access to accountability mechanisms that would bypass the Bylaws amendment procedures in circumstances to be defined in the future. We understand that there is a desire from the Board, and some in the community, to be able to allocate new gTLD auction proceeds on programs that lie outside the scope of the Fundamental Bylaws. If the goal is strictly

to limit access to accountability mechanisms for programs funded through auction proceeds, such an exemption should be limited to those decisions and no others. Community support could be gauged on the community's willingness to accept this specific exemption in a narrow, one-off manner.

The proposed complex structure would not treat exempting auction proceeds grant awards from the accountability mechanisms as a one-off. This structure would instead create a new route to more easily providing such exemptions in the future. Such blanket changes and novel complex mechanisms are a potential overreach of the existing bylaws, and of the accountability work resulting from the IANA transition.

As such, we do not support this proposed bylaws update and do not see the proposed mechanism as appropriate or in line with the organization's community commitments. The CCWG's Recommendation 7 specifically recommends "an amendment to the Fundamental Bylaws to eliminate the opportunity to use the Request for Reconsideration and Independent Review Panel to challenge grant decisions." I2C does not believe the proposed Bylaws amendment is an appropriate method for implementing the CCWG's Recommendation 7, but would instead support a more narrowly scoped amendment, limited to restricting access to the Accountability Mechanisms for decisions made as part of ICANN's Grant Program.

Thank you for the opportunity to comment. We look forward to following this topic closely as it evolves.