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## **New Questions ICANN Should Ask Public Interest Registry**

1. The parties have stated that the sale of PIR will allow PIR to provide “new products and services to .ORG registrants.” What new products and services has PIR contemplated providing that it has been unable to provide because of the need to support the Internet Society?
2. What commitments, if any, have PIR and Ethos made to re-invest profits in the operation of the .ORG registry itself, rather than “new products and services”?
3. Does PIR plan to charge varying rates for the registration of different domain names in .ORG, such as “registry premium domains”? Will PIR commit to uniform pricing for .ORG registrations, both new and renewal?
4. Ethos and PIR have stated that PIR will not increase .ORG registration and renewal fees “by more than 10% per year on average.” Please clarify whether the purpose of that qualification is to allow increases of greater than 10% in individual years and, if so, why Ethos and PIR believe this is necessary.
5. The parties have committed to change PIR’s status to a public benefit corporation before closing the sale. Pennsylvania requires that a public benefit corporation evaluate itself against a standard of conduct created by an unaffiliated third party. Which standard of conduct does PIR intend to adopt? If no such standard exists, please explain how you will address that.
6. What specific commitments to the public interest will be enshrined in PIR’s articles of incorporation and bylaws pursuant to its Benefit Corporation status before the sale closes?
7. When and how did Ethos Capital become aware that ICANN and PIR intended to enter a renewed Registry Agreement not containing price caps?
8. PIR stated that ISOC informed PIR in July 2019 that ISOC had received offers to buy PIR before that time. When did ISOC receive each of those offers? If offers were received prior to March 2019, how can you assure .ORG registrants that the potential sale of PIR did not influence the 2019 negotiations with ICANN over the removal of price caps?
9. The .ORG domain has suffered no public-facing downtime in 15 years. Will PIR commit to maintain or increase the current level of funding for the technical operation of the .ORG registry, including compensating for the loss of secondary DNS services currently provided by Packet Clearinghouse? If not, how does PIR plan to maintain this exemplary record of reliability?
10. Please respond to all of the questions from the .ORG community contained in Exhibit B of ICANN’s request of 9 December 2019.
11. The payments from PIR to ISOC have averaged approximately \$40 million per year during the past 6 years. If slightly less than half of that is used to service the \$360 million loan obligation mentioned in your response to ICANN’s letter of 9

- December 2019, then the ROI on the \$775 million capital investment by Ethos would be about 2.6%, which seems very low, being just above the current US federal discount rate. Does Ethos have plans to increase the revenue from .ORG to obtain a higher ROI? If so, what are those plans, and how are they consistent with the interests of current and new .ORG registrants?
12. One of the criteria that ICANN considered when the .ORG registry was reassigned to PIR was the level of support from the .ORG community for the reassignment. What efforts have you made to obtain the support of the .ORG community for the proposed change in the ownership of PIR? What evidence can you provide of such support?
  13. It is a matter of public record that many non-commercial organizations have expressed opposition to the proposed change in ownership of PIR. In that light, what are your plans to promote and attract registrations from the global non-commercial community?
  14. The Non-Commercial Stakeholders Group has requested that the .ORG Registry Agreement be modified to ensure that the future operation of the .ORG domain conforms to the criteria upon which the original award of .ORG was contingent. Would you agree to such changes before the sale closes? If yes, please propose changes to the Registry Agreement that would meet that goal.
  15. The Non-Commercial Stakeholders Group has stated that decisions about the future of .ORG should be made only after consulting with impacted registrants and the global non-commercial Internet community. Do you agree that such consultations should take place? If yes, please propose a process for conducting such consultations.
  16. Please provide further details concerning Allen Grogan and Fadi Chehade's involvement in the transaction, including when each began acting as an advisor to Ethos, the subjects on which each has provided advice, and any financial or beneficial interest each has in the transaction.
  17. Please explain in detail why any party to the proposed transaction might be harmed if the redacted portions of your reply to ICANN's 9 December 2019 letter are made public, and why the public interest in disclosing the redacted information would not outweigh the harm that may be caused by such disclosure.