PUBLIC COMMENTS DATA ANALYSIS

Years 2010-2012

1) Overview

After one full year of experience with the Public Comments enhancements introduced as part of the ATRT Recommendations, Staff has undertaken an analysis to determine what can be learned based upon actual community usage and participation patterns.

The study period selected was all <u>Closed</u> Public Comments Forums from 1 January 2010 through 31 December 2012 (3 years[1]). The preference for using Closed vs. Open Forums was to coincide with the way that data is presented on ICANN.org's Public Comments Archive pages.

There were **212** individual Public Comments solicitations for which the following data was captured:
- Title
- Comment Open Date
- Comment Close Date *(Note: if the period was officially extended, the later Comment Close Date was captured)*
- Number of Comments[2]
- Translated (Yes or No) into languages other than English
- Staff Member Responsible

Beginning with 1 January 2012, the following additional data were captured:
- Reply Open Date
- Reply Close Date *(Note: if the period was officially extended, that later Reply Close Date was captured)*
- Number of Replies

The data collection process involved harvesting information from each of the Public Comments Forums archived on ICANN.org and building an Excel workbook for subsequent analysis. Once the data was available in spreadsheet form, various statistical calculations and other summarizations were prepared along with graphs/charts that would serve to highlight trends and patterns. Sections 3 and 4 of this report present various findings that may be useful as input to those who will continue working toward improving the Public Comments capability within ICANN. A final Section 5 summarizes those findings that relate specifically to the ATRT Recommendations discussed briefly in Section 2 immediately below.

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[1] *The first quarter of 2013 was not included because a significant percentage of those topics had not yet reached closure at the time of this analysis.*
[2] *Although spam has not been a major problem within ICANN Public Comments, the analysis did make an effort to identify any obvious spurious entries and exclude them from the raw data counts.*

2) Public Comments ATRT Recommendations

There were four specific ATRT Recommendations pertaining to Public Comments:

Rec #15: Incorporate Prioritization and Stratification based on community input and consultation with Staff.

Rec #16: Create distinct Comment and Reply cycles that allow community respondents to address and rebut arguments raised.

Rec #17: Establish fixed duration Timelines to provide adequate opportunity for considered and timely comments and replies.

Rec #21: Introduce forecasts of Upcoming public comments topics to facilitate community planning & participation.

Staff developed a program to implement the above recommendations in two phases as shown in the table below:

Implementation Phases	Recs	Effective Date
Phase I included ICANN.org website design improvements to streamline presentation and navigation; Staff templates for consistency; and Upcoming topics forecasting.	#21	1 Jul 2011
Phase II included the introduction of Comment-Reply cycles, Stratification (i.e., categories), and minimum fixed duration timelines of 21 days each for initial comments and replies.	#15, #16, & #17	1 Jan 2012

Throughout the foregoing Sections, reference will be made to statistics, charts, and findings that do not pertain specifically to one or more of the above ATRT Recommendations. Whenever a particular result does appear to have been influenced or impacted by the implementation of ATRT recommended improvements, it will be separately highlighted. For a summary of findings that bear directly upon specific ATRT Recommendations, please see Section 5.
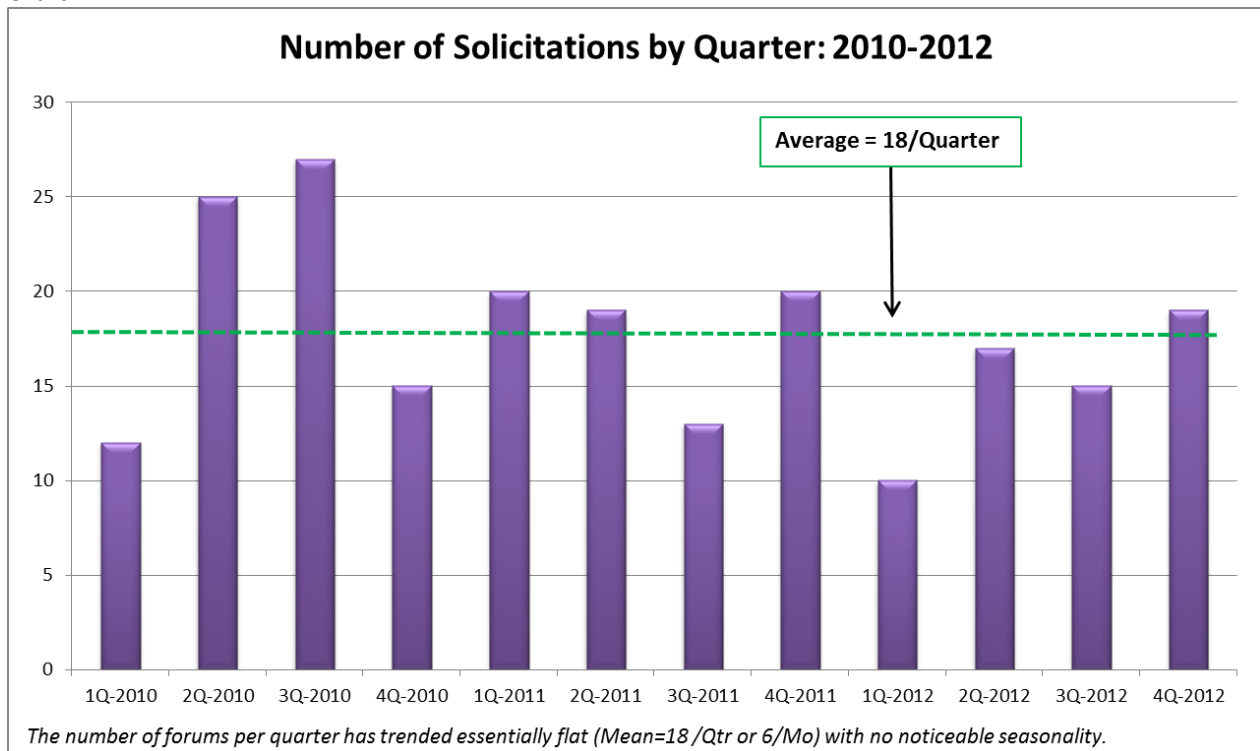
3) Findings Related to Public Comments Solicitations/Forums

There were 212 Public Comments Forums (Jan 2010-Dec 2012) included as part of this data analysis. This Section summarizes those findings that relate to the solicitations and forums[3]; whereas, Section 4 will focus on the comments and replies to Forum topics.

A. Solicitations Published

Chart 1 below shows the number of solicitations by quarter during the three year horizon. A trend line was fit to the data (not shown) and, based upon the statistics calculated, an inference can be drawn that the number of forums launched in each quarter has not shown any marked increase or decrease from 2010-2012. In other words, the number of topics that ICANN introduces to the community for public comment has been relatively consistent over the time horizon and, barring any change in those dynamics, would be predicted to continue in the range of 18 per quarter (or 6 per month) on average.

Chart 1.

Number of Solicitations by Quarter: 2010-2012

Average = 18/Quarter

The number of forums per quarter has trended essentially flat (Mean=18 /Qtr or 6/Mo) with no noticeable seasonality.

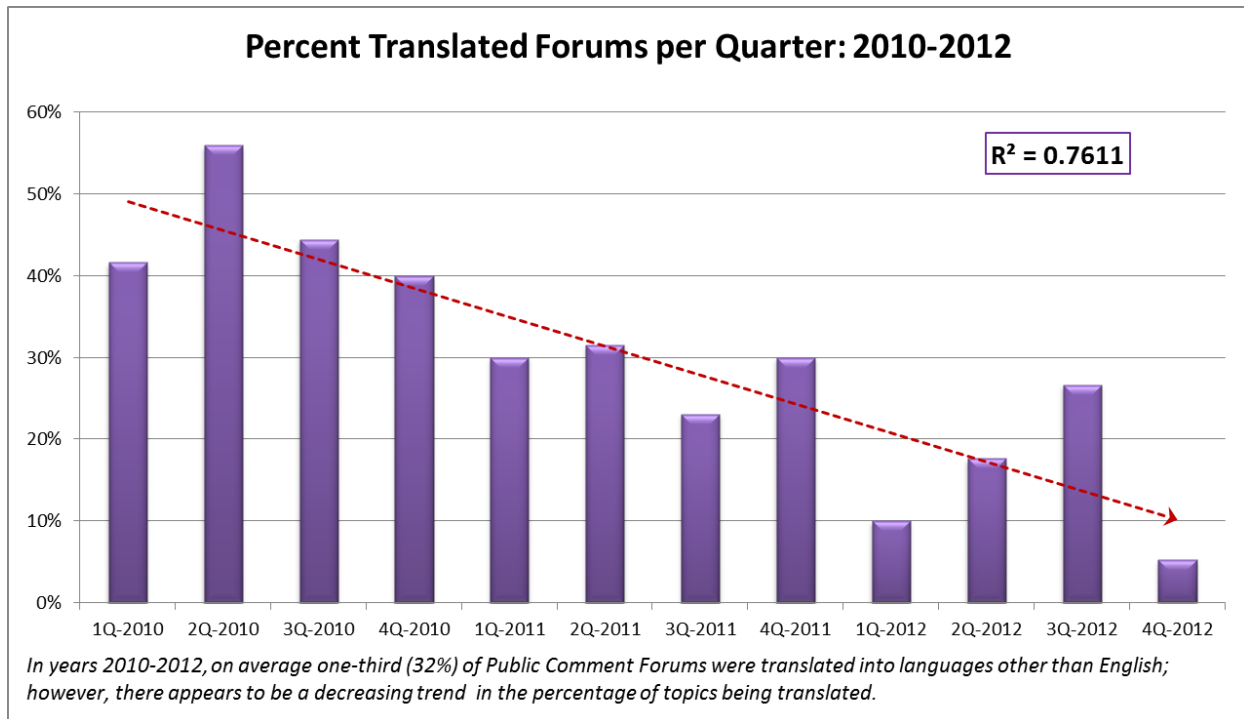[3] *The terms solicitation and forum will be used interchangeably throughout this report, depending upon context.*

B. Solicitations Translated

One of the data elements captured for each solicitation was whether or not translation services were utilized. For this purpose, a solicitation was scored "Yes" for translations if there was evidence that any portion of the materials presented was made available in a language other than English. There was no minimum requirement for number of languages selected or extent/type of material translated. Even if just one reference document was available in another language (e.g., French, Spanish), it was counted as having utilized translation services.

Chart 2 below shows that there has been a relatively steady and statistically significant decline in the use of translations for Public Comments from 2010-2012.

Chart 2.

Percent Translated Forums per Quarter: 2010-2012

$R^2 = 0.7611$

In years 2010-2012, on average one-third (32%) of Public Comment Forums were translated into languages other than English; however, there appears to be a decreasing trend in the percentage of topics being translated.

C. Public Comments Forum Length

Based upon the published Open and Close Dates (extended dates were always used where applicable), it was possible to determine the average (mean) length of time that Public Comments Forums remain open for community participation.

The following Chart 3 illustrates that, prior to the effective implementation of Comment-Reply Cycles starting in 2Q 2012 (ATRT Rec #16), the average length of time for Public Comments periods was 40 calendar days. Once Reply Cycles were formally introduced, the overall length of solicitations experienced a two week step increase. The reason appears to be that, although the
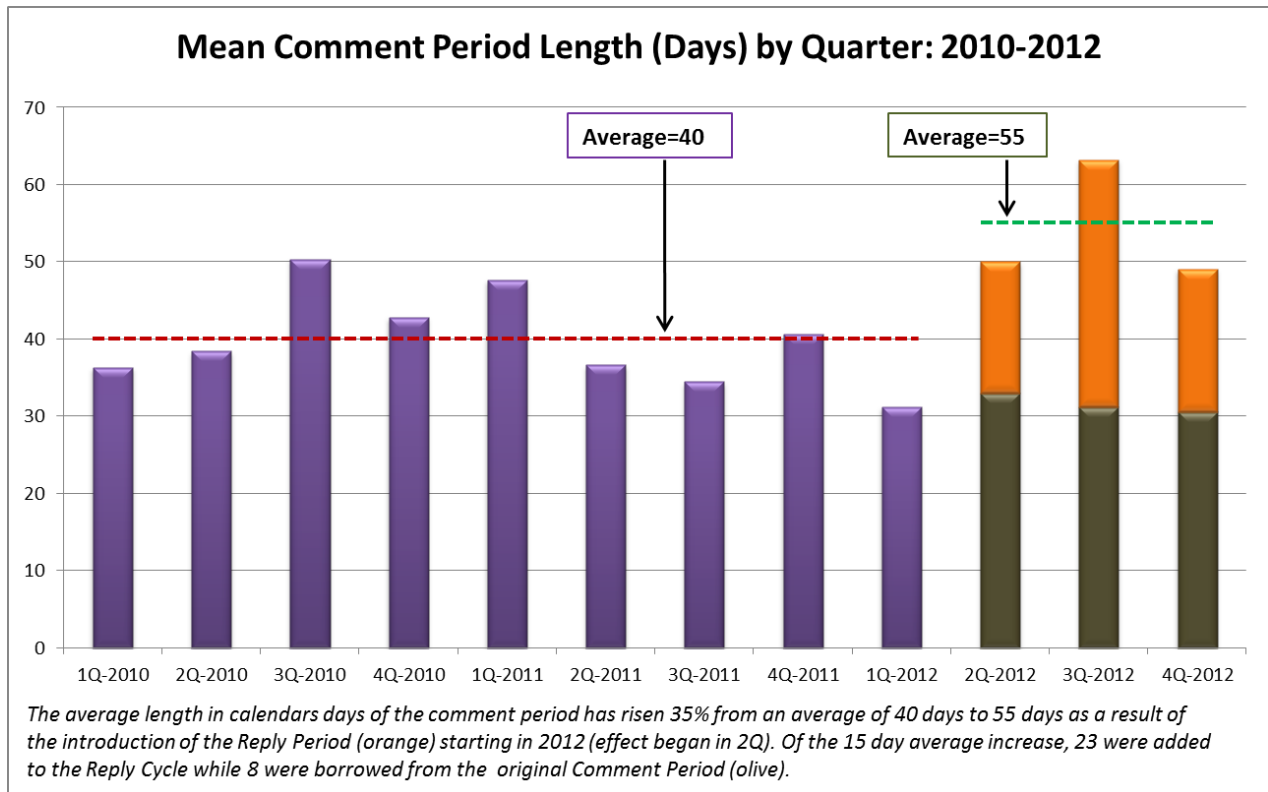
original Comment Period was shortened by 8 days (olive bars), the Reply Cycle (orange stacks) averaged 23 days[4] thus lengthening the entire period by 15 days.

Chart 3.

Mean Comment Period Length (Days) by Quarter: 2010-2012

The average length in calendars days of the comment period has risen 35% from an average of 40 days to 55 days as a result of the introduction of the Reply Period (orange) starting in 2012 (effect began in 2Q). Of the 15 day average increase, 23 were added to the Reply Cycle while 8 were borrowed from the original Comment Period (olive).

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[4] *The minimum was established at 21 days; however, the average Reply Cycle extended slightly to 23 days.*

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4) Findings Related to Comments and Replies

This Section summarizes findings that relate to ICANN community comments and replies rather than the solicitations themselves.

A. Most Popular Solicitation Topics (Total Comments Received)

The top ten most popular Public Comments topics during the years 2010-2012 are shown in Table 1 below, sorted in descending order by total number of submitted posts:

Table 1.

Public Comments Solicitation Title	Close Date	Comments
Report of Possible Process Options for Further Consideration of the ICM Application for the .XXX sTLD	10-May-10	13250
Revised Proposed Registry Agreement for .XXX sTLD and Due Diligence Documentation	23-Sep-10	719
Phased Allocation Program in .JOBS	15-Jul-10	316
New gTLD Program – Draft Expressions of Interest/Pre-Registrations Model	27-Jan-10	277
Proposal for Renewal of the .NET Registry Agreement	10-May-11	186
Proposed Final New gTLD Applicant Guidebook	15-Jan-11	177
New gTLD Program - Draft Applicant Guidebook, Version 4 and Explanatory Memoranda	21-Jul-10	164
New gTLD Applicant Guidebook – April 2011 Discussion Draft	15-May-11	107
Special Trademarks Issues Report	26-Jan-10	71
.com Registry Agreement Renewal	26-Apr-12	39

B. Least Popular Solicitation Topics (Total Comments = 0)

At the opposite end of the sort array, there were 18 Public Comments topics for which there were no comments or replies submitted (8% of the study sample) – sorted in chronological order by Close Date (see Table 2).

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Table 2.

Public Comments Solicitation Title	Close Date	Comments
One & Two-Character .CAT Domains	17-Jan-10	0
RSSAC Review – Draft Working Group Report	5-Jun-10	0
GNSO Council Operations Work Team and Constituency and Stakeholder Group Operations Work Team Recommendations	18-Jul-10	0
Transparency and Accountability Wiki Project -- ICANN Board Resolutions - Draft - 2009	26-Jul-10	0
Public Participation Committee Webinar Information	3-Nov-10	0
Proposed Changes to the ICANN Bylaws Article XI: Advisory Committees Relating to the Charter and Membership of the Security and Stability Advisory Committee (SSAC)	2-Dec-10	0
Proposed Bylaws Amendment to Create a Non-Voting Chair-Elect to the Nominating Committee	10-Dec-10	0
Interim Paper Inclusion of IDN ccTLDs in the ccNSO	21-Jan-11	0
Permanent Charter of GNSO's Commercial Stakeholder Group Completed – Public Comment Invited	23-Jan-11	0
Proposed ICANN Meeting Dates 2014 - 2016	8-Mar-11	0
ccNSO DRDWG Final Report	15-Mar-11	0
Proposed Changes to Section 5.0 of the GNSO Council Operating Procedures	26-Mar-11	0
Proposed Revisions to Chapters 3 and 4 of the GNSO Council Operating Procedures Relating to Proxy Voting	9-Aug-11	0
IDN ccPDP WG 2 – Draft Final Report	15-Dec-11	0
Inter-Registrar Transfer Policy Part B – Recommendation #8 and #9 Part 2 – Staff Proposals	31-Dec-11	0
Global Policy Proposal Recovered IPv4 Address Space	4-Apr-12	0
WHOIS Technical Requirements Survey - Draft	20-Jun-12	0
ICANN's FY 13 Security, Stability and Resiliency Framework	2-Jul-12	0

C. Public Comments Participation Levels (Total Comments)

In order to compute a statistically representative number of comments that reflects the Public Comments experience from 2010-2012, it is important to recognize that there have been a few topics which generated an extraordinary volume of submissions (e.g., over 13K to the 2010 ICM application for .XXX). In this data set, if we were to calculate the simple average of all comments received across the 212 Public Comments topics, it would equal 80 (!); however, that figure is grossly misleading because it is heavily influenced by outlier volumes such as the 13,250 shown in Table 1.

To highlight this phenomenon visually, Chart 4 (below) is a frequency histogram which shows, in increments of 10, the percentage of Forums (blue) and Comments (red) within each band. For example, the 2nd grouping of bars signifies that 64% of the Forums (136 out of 212) received
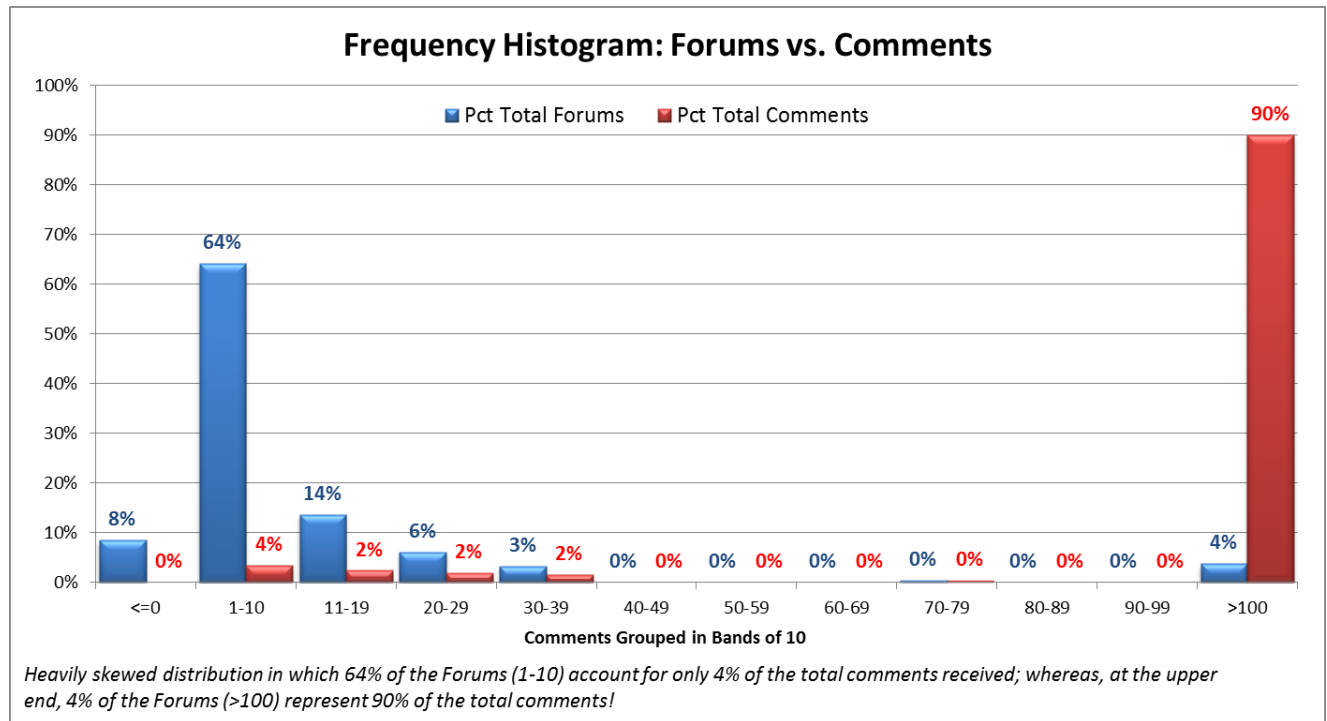
1-10 comments, but those Forums accounted for less than 4% of the total comments submitted (591 out of 16,873). Similarly, at the upper tail, 4% of the Forums (8 out of 212) were responsible for 90% of the total comments received from 2010-2012! Given this heavily skewed and lopsided distribution, it would be inappropriate to allow a small number of outliers to significantly influence any representation as to the typical number of Public Comments experienced. As can be interpreted directly from Chart 4, the majority of Forums (over 60%) receive between 1 and 10 comments.

Chart 4.

Heavily skewed distribution in which 64% of the Forums (1-10) account for only 4% of the total comments received; whereas, at the upper end, 4% of the Forums (>100) represent 90% of the total comments!

Recognizing that simple averages (means) are inappropriate for such a skewed distribution, the preferred measure of central tendency to apply is the <u>median</u>, that is, the mid-point where 50% of the results occur above and below the statistic.

Chart 5 below shows the median number of comments by quarter over the study period. For this purpose, comments and replies were summed together without distinction in determining overall participation rates.
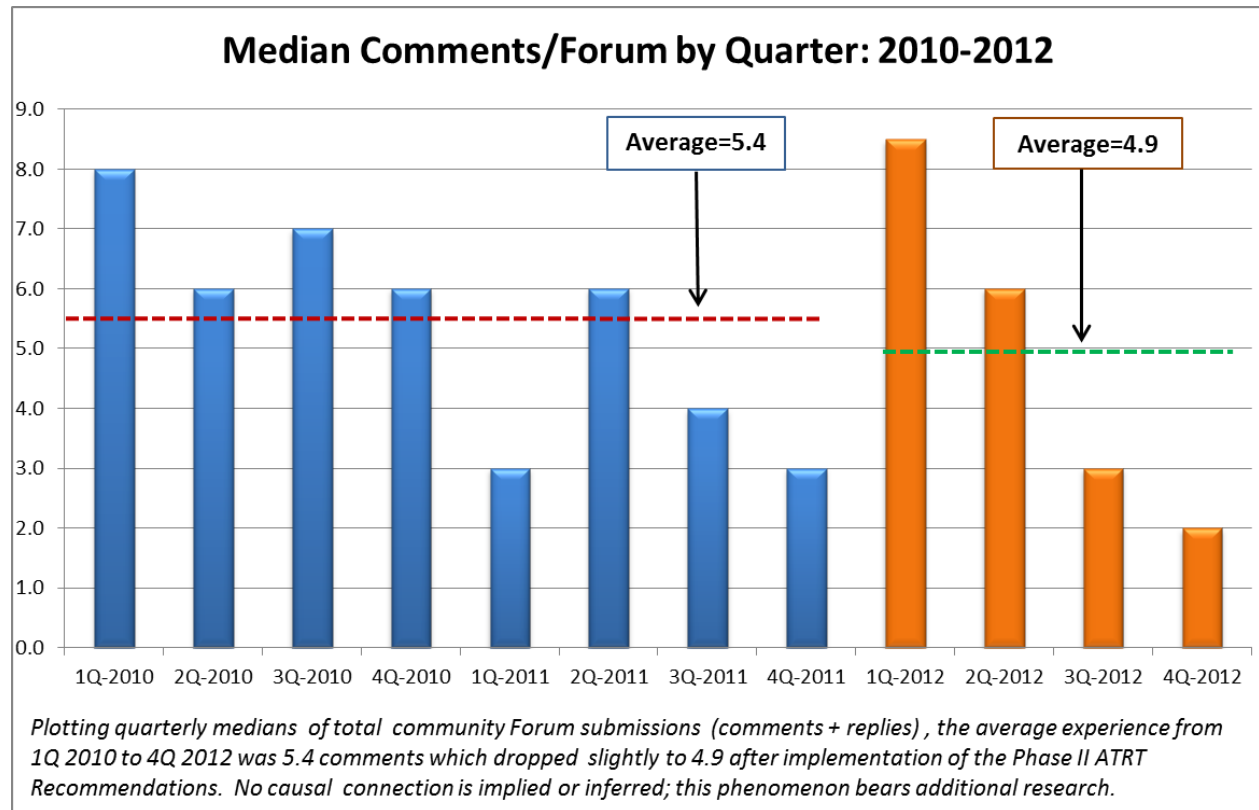
The graphic illustrates that, during the period from 1Q 2010 through 4Q 2011, the average number of comments (using medians[5]) per Forum was 5.4 and, after the introduction of the ATRT recommendations, that number dropped very slightly to 4.9. There is no evidence available that would warrant an inference or causal connection that this minor decrease is related to the implementation of the ATRT recommendations. In fact, the 1Q of 2012 has the distinction of having the highest recorded number of median total comments (8.5) in the three year period.

Chart 5.

Median Comments/Forum by Quarter: 2010-2012

Plotting quarterly medians of total community Forum submissions (comments + replies), the average experience from 1Q 2010 to 4Q 2012 was 5.4 comments which dropped slightly to 4.9 after implementation of the Phase II ATRT Recommendations. No causal connection is implied or inferred; this phenomenon bears additional research.

While examining the overall participation experience, this next graphic (Chart 6) illustrates that, overall, 30% of all solicitations from 2010-2012 received less than or equal to 2 comments and, although not displayed in the chart, 8% (or 18 Forums) experienced zero submissions. There was no fundamental change in this data before (29%) or after (31%) the implementation of the ATRT Recommendations in 1Q 2012.
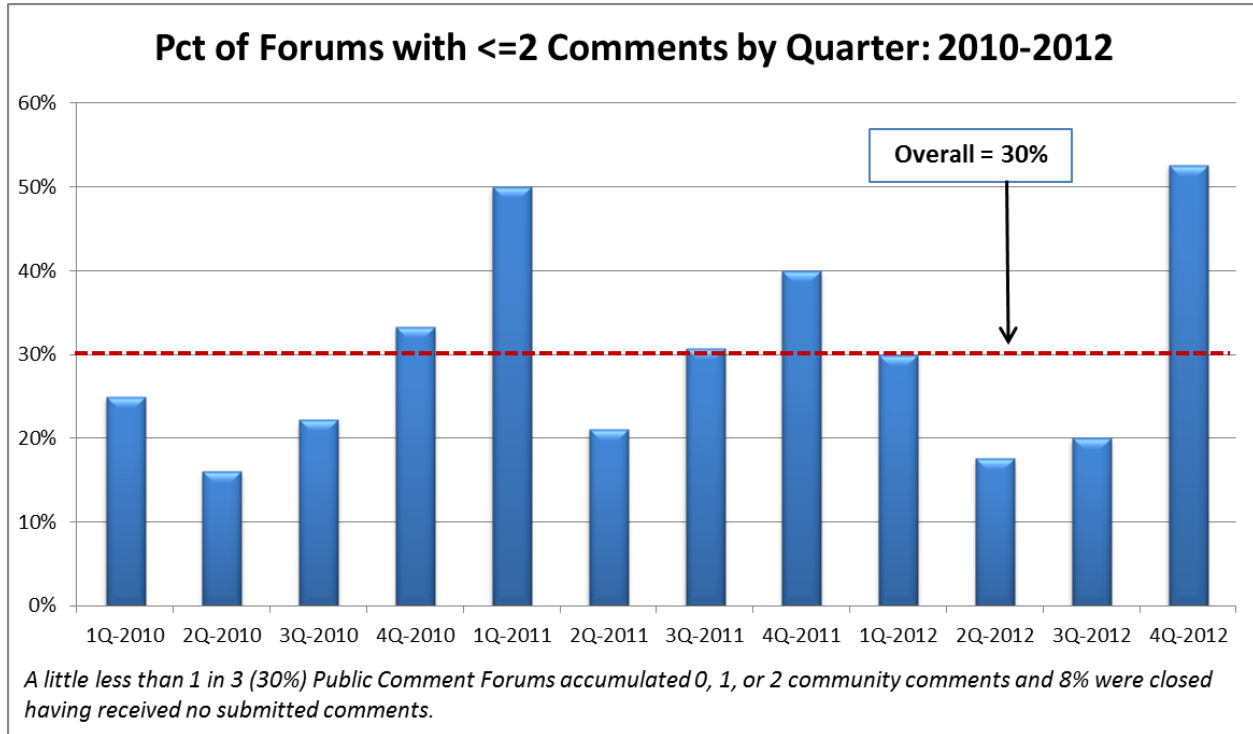
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[5] *Technically, it is not normally legitimate to average medians; however, in this instance, it is useful as a quick test to determine whether or not participation levels changed markedly pre- and post-implementation of the ATRT Recommendations. In this instance, there is no compelling evidence of any material change in the response rates.*

Chart 6.

Pct of Forums with <=2 Comments by Quarter: 2010-2012

Overall = 30%

A little less than 1 in 3 (30%) Public Comment Forums accumulated 0, 1, or 2 community comments and 8% were closed having received no submitted comments.

D. Reply Cycles (ATRT Recommendation #16)

In capturing data relating to Reply Cycles, it may be helpful to recall the official rules related to comments and replies. Quoting from the ICANN.org Public Comments home page:

"Each public comment topic (opened from 1 January 2012) is subject to a Comment and a Reply period as follows:

- *The official minimum Comment period is 21 days.*
- *The official minimum Reply period is 21 days.*
- *If no substantive comments are received during the Comment period, then there will be no Reply period.*
- *During the Reply period, participants should address previous comments submitted; new posts concerning the topic should not be introduced. When constructing Replies, contributors are asked to cite the original poster's name, comment date, and any particular text that is pertinent."*

It is important to note that, in the first two months of 2012, most Forums that closed were started in 2011; therefore, they did not have any Reply Cycle information. Practically, the Reply Cycle data became reliable starting in March 2012.

During the data capture effort, it was observed that a sizable quantity of email submissions appeared, on the surface, not to be replies to previously posted comments. In order to evaluate
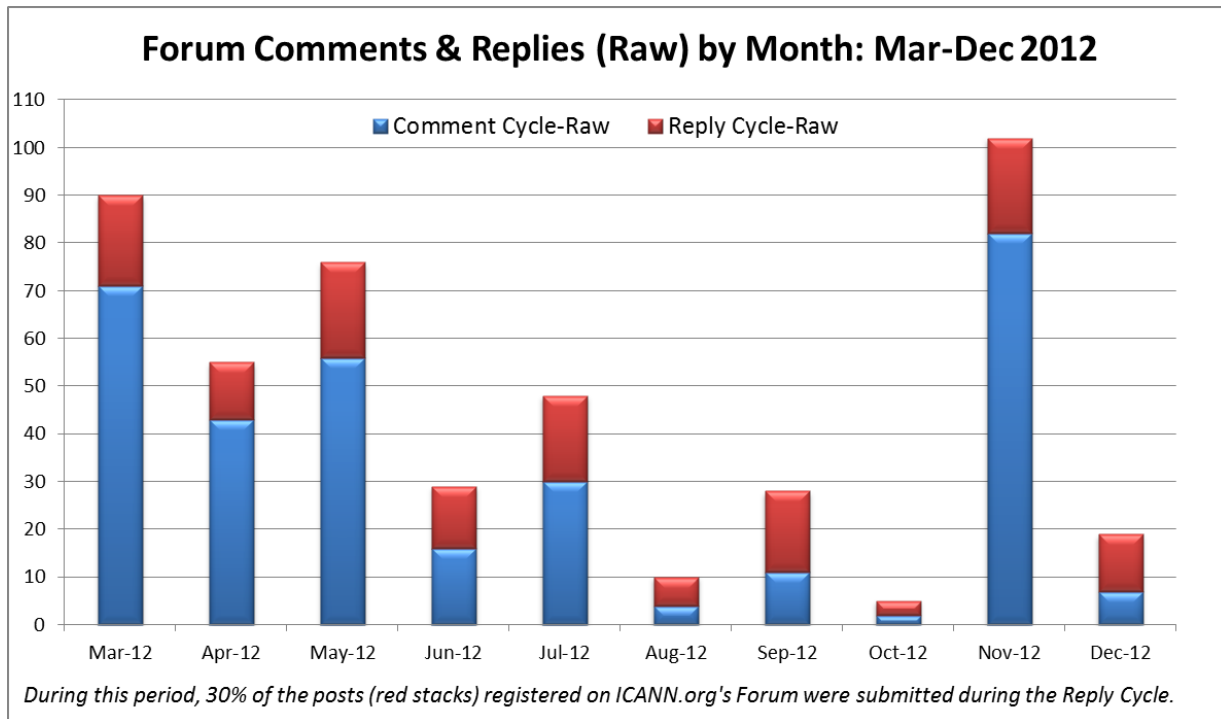
this hypothesis, a separate manual effort was launched to examine the content of every individual email posted during the officially scheduled Reply Cycles from March-December 2012.

This first Chart 7 shows the actual (raw) quantities of Comments and Replies received by month prior to any data cleanup. The red stacks appear to be substantial, especially compared to the blue comments bars; moreover, in the aggregate, they represent 30% of the total submissions. Because this information is being displayed monthly, the reader may be interested to know that the average[6] number of Replies per Forum (unadjusted) was **2.5** from Mar-Dec 2012.

Chart 7.

During this period, 30% of the posts (red stacks) registered on ICANN.org's Forum were submitted during the Reply Cycle.

Once the Replies were analyzed individually, a revised accounting became available. Chart 8 below shows the aftermath of the data cleanup effort through which it was uncovered that just over 70% of the original emails recorded during the scheduled Reply Cycle were determined NOT to be actual replies to any previous submission; rather, they were most typically original comments forwarded after the initial Comment Cycle had ended[7]. In other words, it appears as though some contributors utilized the Reply Cycle as an effective extension of the original comment period.

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[6] *In this instance, computing an average vs. median is appropriate because there were no significant outliers in the distribution of Replies from Mar-Dec 2012.*
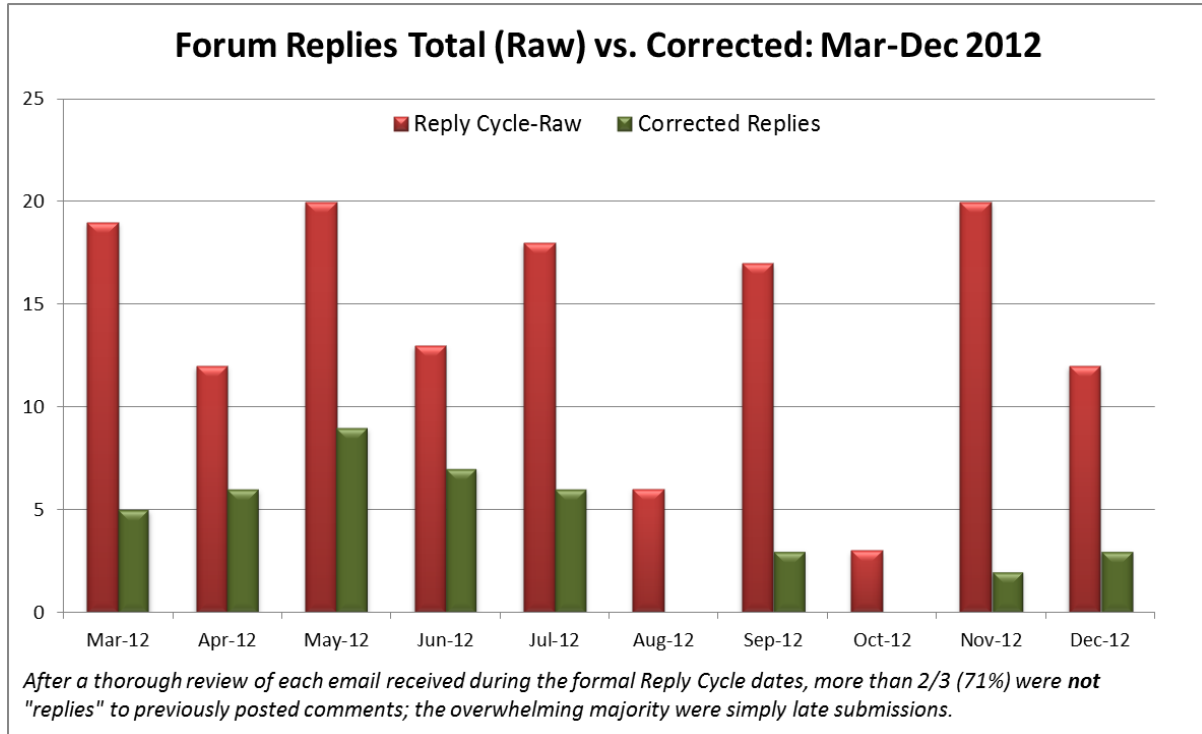[7] *These numbers were added back to the original comments totals for subsequent analysis.*

Chart 8.

Forum Replies Total (Raw) vs. Corrected: Mar-Dec 2012

*After a thorough review of each email received during the formal Reply Cycle dates, more than 2/3 (71%) were **not** "replies" to previously posted comments; the overwhelming majority were simply late submissions.*
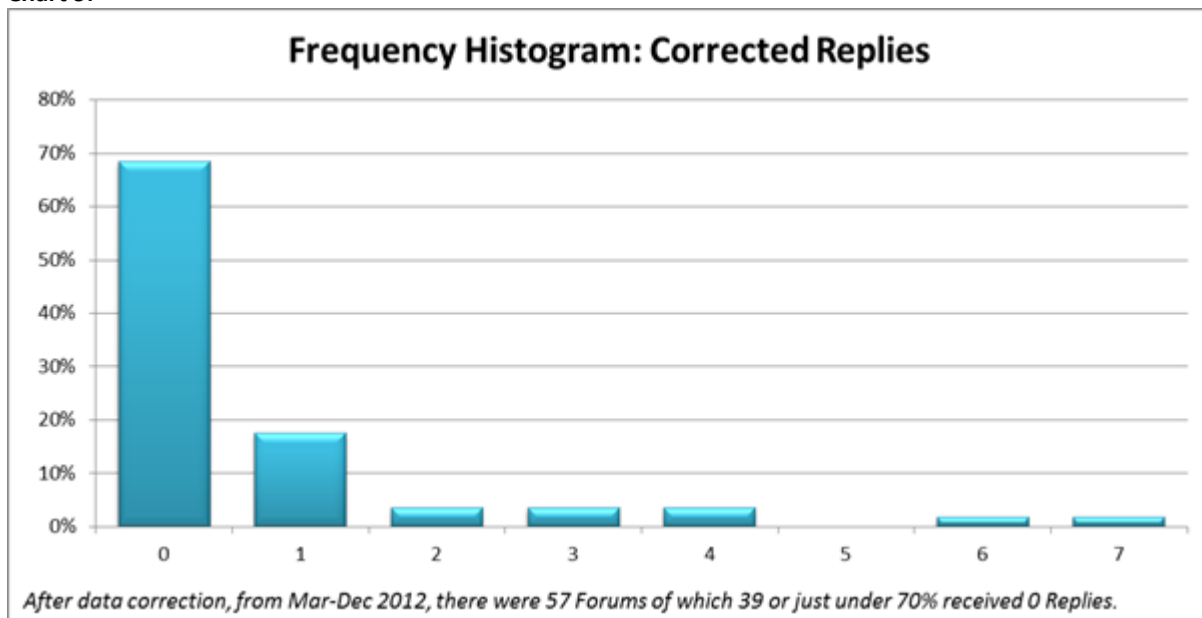
To provide an indication as to the level of participation in Reply Cycles, the following frequency histogram (Chart 9) shows that just under 70% of all solicitations received zero Replies.
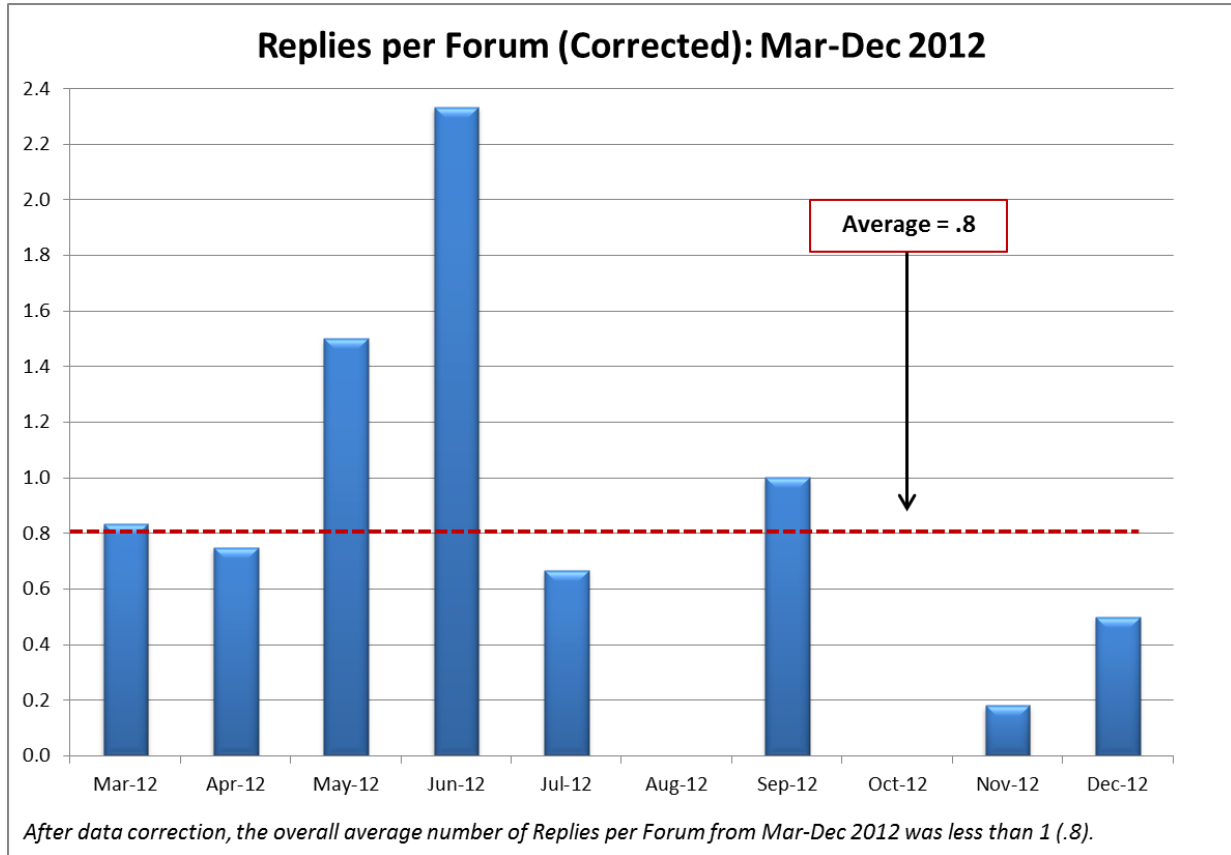
Chart 9.

Frequency Histogram: Corrected Replies

After data correction, from Mar-Dec 2012, there were 57 Forums of which 39 or just under 70% received 0 Replies.

Post data cleanup, Chart 10 (below) shows that the average number of Replies per Forum was not 2.5 (the raw result); rather, it was closer to **1** (actual = .8) during the period Mar-Dec 2012. The aggregate number of Replies, after correction, represented **9%** of the total submissions versus 30% using the unadjusted figures.

Chart 10.

Replies per Forum (Corrected): Mar-Dec 2012

After data correction, the overall average number of Replies per Forum from Mar-Dec 2012 was less than 1 (.8).

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5) Overall Conclusions

The following paragraphs address each of the four ATRT Public Comments Recommendations and the extent to which any findings in this data analysis relate to the implemented improvements.

Recommendation #15: Stratification-Prioritization

No data was collected that would enable assessing the effectiveness of having introduced a categorization scheme for each Public Comments topic. Similarly, prioritization was handled by providing community members supplementary fields such as context, next steps, et al. Additional research would be needed to determine the benefit of these measures, possibly employing a survey instrument or focus group.

Recommendation #16: Comment-Reply Cycles

The median number of total comments posted was approximately **5** before and after the ATRT enhancements were implemented in 1Q 2012; therefore, there is no supporting quantitative evidence that community participation levels have been materially affected (see Section 4-C, Chart 5).

In terms of the Reply Cycle experience, after cleaning up the raw data to remove entries that did not meet the criteria (over 70%), the average number of replies to Public Comments solicitations between Mar-Dec 2012 was just under **1** (see Section 4-D, Chart 10); moreover, just under 70% of all solicitations received no qualified Replies (see Section 4-D, Chart 9) and 18% received one Reply.

This analysis identifies that the Reply Cycle protocol is not being utilized according to the published instructions and may be misconstrued by some community members. In addition, the low number of legitimate reply contributions, averaging less than 1 per Forum, suggests that a deeper investigation be commissioned to understand the behavior patterns and, ultimately, the extent to which the intended enhancement is achieving or can be amended to achieve its original goals.

Recommendation #17: Timelines

No data was collected to determine whether or not fixed minimum timeframes for Comment and Reply periods have impacted any dependent variables relating to Public Comments efficiency, effectiveness, or participation[8].

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[8] *Independent of this data analysis, Staff is aware that some community members have requested that the length of time for Comments (Avg=32 days) and Replies (Avg=23 days) be extended beyond the current levels.*

The analysis has determined that the overall length of solicitations has increased by 15 days (see Section 3-C, Chart 3) attributable to the addition of a Reply Cycle averaging 23 days while having only shortened the original average comment period (40 days) by 8 (23-8=15). There is no evidence, based upon the data analyzed from 2010-2012, that lengthening the entire period by just over two weeks has resulted in any measurable change to the response or participation rate.

Recommendation #21: Upcoming Topics

No data was available for analysis that would help assess the extent to which forecasting and publishing Upcoming Topics has been beneficial to community members.

The scheduled annual request for information was not released this past December 2012 according to Staff procedures; therefore, the information is now approaching a full year without having been refreshed.

To evaluate the value and benefit of this particular enhancement would require additional research, possibly incorporating a survey instrument or focus group.