



Davis Wright Tremaine LLP

ROBERT CORN-REVERE
DIRECT (202) 508-6625
bobcornrevere@dwt.com

SUITE 450
1500 K STREET NW
WASHINGTON, D.C. 20005-1262

TEL (202) 508-6600
FAX (202) 508-6699
www.dwt.com

May 5, 2006

VIA FACSIMILE - (202) 482-2552

Andy McCready
United States Department of Commerce
1401 Constitution Avenue, N.W., Room 5898-C
Washington, DC 20230

**Re: CRRIF 06-068 & 06-127
Freedom of Information Act Appeal**

Dear Mr. McCready:

On December 2, 2005, ICM Registry lodged an administrative appeal of the National Telecommunications and Information Association's response to ICM Registry's request for records related to the Commerce Department's involvement in the approval process for a new ".xxx" domain by the Internet Corporation for Assigned Names and Numbers ("ICANN"). The Freedom of Information Act ("FOIA") under which ICM Registry filed the request requires a decision on such agency appeals within twenty business days. *See* 5 U.S.C. § 552 (a)(6)(A)(ii). As it now has been over five months since ICM Registry filed the appeal, your determination of the issues raised in the appeal is seriously delinquent.

As you know ICM Registry has supplemented its appeal to keep the matter before you up-to-date, and at the time the twenty-day time limit was set to expire entertained your request for a brief extension of time to resolve the appeal. However, months have passed without action by your office. While we have spoken from time to time during that period, during which you repeatedly indicated a decision was in the works, we have yet to see any hint of a resolution. Moreover, more recently we have not been able to get you on the phone, and our last several calls have gone unreturned. Your office has had more than enough time to decide this matter, and you have offered no explanation for the continuing delay we have experienced.

Accordingly, if we do not have a decision from your agency on the FOIA appeal by May 10, 2006, we will have no choice but to move forward with an appeal in court under 5 U.S.C. § 552(a)(6)(C), as provided in Section 4.10(e) of the Department of Commerce rules.

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While it is our hope to avoid litigation, your unexplained delay leaves us little choice. We are willing to discuss the matter if it can help expedite resolution of the appeal, and we welcome you to contact us in this regard, but failing that ICM will have no option but to seek judicial review of the initial determination and the failure to decide the administrative appeal. At that time, the extent to which the Department of Commerce has intervened in ICANN's domain name selection process for reasons of U.S. domestic policy, and to which the Department has illegitimately withheld public documents in order to conceal this fact, will become matters of public record.

Very truly yours,

Davis Wright Tremaine LLP

A handwritten signature in black ink, appearing to read 'Robert Corn-Revere', written in a cursive style.

Robert Corn-Revere
Counsel for ICM Registry