The .nyc TLD Creating space on the Internet for a more livable New York

Connecting.nyc Inc.'s presentation to the New York City Council's Technology in Government Committee Honorable Gale Brewer, Chair

October 17, 2008 By Thomas Lowenhaupt, Founder and Director

- Yorker, having lived in Queens and Manhattan. For the past 27 years I've lived in Jackson Heights with my wife, Patricia. My career for the past 30 years has been as a developer of state-of-art interactive technologies, developing projects for giants such as Citicorp and Verizon's predecessor organizations. But I've mostly worked for smaller organizations. Beginning in 1992 I served for 14 years as a member of Queens Community Board 3, holding several positions including vice chair and chair of its Technology Committee. My education includes a B.A. from Queens College with a focus on government studies, and a masters from NYU's Interactive Telecommunications Program. Since 2005 I have been engaged full time advocating for the acquisition and development of the .nyc TLD.
- I'd like to begin by offering my thanks to the committee's chair Gale Brewer for
 introducing and providing this opportunity to comment on Resolution 1495. And I
 would like to thank the co-sponsors, Council members Leroy Comrie, Robert
 Jackson, Letitia James, John Liu, Annabel Palma, Larry Seabrook and Thomas
 White Jr.
- I am joined at the table by Michael Palage, our ICANN advisor. Michael is an
 attorney, an expert on Internet's domain name system, and a former board
 member of ICANN, the organization with the responsibility for issuing the .nyc

TLD. Michael will comment on the ICANN application process. And I'm joined by Hannah Kopelman, a technology advocate and artist and head of our Resident Advisory Network. Hannah will comment on the ways the public can participate in our decision making processes.

- My presentation will touch on 5 areas:
 - First: What's a TLD and why is it important to New Yorkers and New York City?
 - Second: I'll review the origin of our organization and what we've done to date.
 - Third: What still needs to be done
 - Fourth: How city government can help
 - Finally: Some closing remarks
- · First, What's a TLD and why is it important?
 - The .nyc TLD (or top level domain) is like .com, .org, or .gov but just for New York City.
 - Upon acquiring .nyc we will have the ability to issue the entire set of 2nd level domain names under .nyc. Familiar second level domain names in the .com world are aol, yahoo, amazon, google.com, etc.
 - Why is it important that New York City get a TLD?
 - The first thing we get with a TLD are good domain names. Good domain names are those that are short, descriptive, and memorable. Coke.com. IBM.com. In New York City, short is especially important in the realm of retail, where stores need to identify themselves using the available signage above their establishments. Joes-Bar.nyc might fit on that sign above the store while Joes-bar-in-New-York-City.com doesn't. So good domain names are short, descriptive, and memorable.
 - Our effort originated in Jackson Heights where most of the residents are immigrants or young adults just starting out in the business world. Neither of these groups were around in1995 when the good .com names were available. Today, there are no good domain names left in the .com TLD. None. 80,000,000 .com names have been issued.

- When we receive the rights to .nyc we will have a full set of domain names. Good domain names for small businesses. Joe-theplumber.nyc. Juliaswritings.nyc, Igors-bright-idea.nyc, juanscars.nyc.
- The second thing that comes with domain names is identity. Every one of these good domain names will say "made in" or "from" New York City.
- Portals are a third benefit. Names such as schools.nyc and hospitals.nyc will organize our resources for residents. And for tourist and business visitors there will be portals such as hotels.nyc, and tours.nyc.
- Perhaps more important is the role .nyc can play in enabling residents to connect with one another. A city's traditional role is that of a meeting place where ideas and goods are shared and exchanged. With the globalization that was enabled in large part by the .com Internet, our city no longer benefits from proximity as it once did. And there is no New York City on the Internet.
- There are other benefits such as a more intuitive internet, and being more findable in search engines. These benefits are discussed in detail on our website.
- Next, a review of Connecting nyc Inc.'s origins and those things we've done to date to make .nyc a reality.
 - I set our official birth date of our effort as April 19, 2001 the date Queens Community Board 3 passed the Internet Empowerment Resolution, calling for .nyc's acquisition. After its passage in 2001, our council members, congress member, and borough president took steps to make the Resolution a reality. City Hall also took notice. But the 9/11 tragedy took .nyc off the front burner as we addressed far more vital matters.
 - In 2003, when the ICANN issued a Request for Proposals for a "proof of concept" for new TLDs, I initiated an effort to encourage City Hall to submit an application. But more pressing matters faced the city and the opportunity passed.
 - In 2005 I was contacted by the developers of the .berlin TLD who
 encouraged me to again pursue the effort. My initial inclination
 was to encourage an existing organization to do so and I contacted
 several. But after some discussions and recalling my failure to
 ignite interest in 2003, and more importantly, having examined the

nature of the operation of a TLD, I concluded that a not-for-profit corporation, broadly representative of our diverse city, and committed to the operation of the TLD in the public interest, was the best approach. And in 2006 we initiated steps to create Connecting nyc Inc. as a New York State not-for-profit.

Connecting nyc Inc. seeks a more city-friendly Internet, where a
carefully planned and managed TLD will make it easier for both
residents and visitors to locate city resources within a safe
environment.

Part 3 - What we've done

- We created a not for profit corporation to acquire and develop the nyc TLD. Our not-for-profit status arises by virtue of our long-term role as educator of the public about .nyc and the multiple roles it can play in our city's growth and development. That educational role will be small at the outset but sustained for the long term as we train and educate New Yorkers about the role and possibilities of a TLD. Our application for IRS 501(c)(3) status is pending.
- We've developed several online resources
 - We have a website at <u>www.connectingnyc.org</u>, that includes a petition feature. If you've not had the opportunity to sign it, please do so.
 - We have a wiki with over 100 pages of ideas and resources on how to the .nyc TLD can become a reality that serves the public interest of New York and New Yorkers. It works much like Wikipedia and enables the public to participate in our deliberations.
 - And in December 2007, we started a blog. To my mind it's the most engaging part of our online efforts.

Locally,

- We've met, in person, with over 85 organizations to explain our proposal. Chambers of Commerce, Civic organizations, Kiwanis Cubs, community boards, government departments...
- We've made presentations at conferences such as the Grassroots Media Conference and New Media Day at LaGuardia community College.
- We've attended dozens of civic events to explain our effort, answer questions, and seek suggestions.

- In January we initiated The Civic Project to identify the names of neighborhoods and civic organizations so that we might set them aside to be made available when we begin to issue .nyc domain names.
- We've met with our local city and state elected officials, with members of the city council, DoITT, three of the Borough Presidents, and we've reached out to NYC&Company.
- In June, during Internet Week, we handed out flyers in front of the Municipal Building asking city employees to provide their ideas on domain names we might set aside to aide the operation of local government.
- We reached out globally to work with and learn from other cities
 - We've developed the Paris Understanding, an emerging agreement on sharing best practices by developers of dotCity domains for Paris, Barcelona, Berlin and New York City.
 - We're working with ICANN to create, on their website, a place where their experiences with governance, particularly multistakeholderism, will be organized for use by the developers of city TLDs.
 - We've attended ICANN related meetings in Prague, Paris, Puerto Rico, Los Angeles, and Washington D.C. to familiarize the ICANN community about the needs of cities and the role of TLDs in facilitating local communication.
 - And we've met with the U.S. Department of Commerce to apprise them of the importance of a city domain to good city governance and the creation of a more livable city.
 - Finally, we recently began a round of meetings for our Civic Names Project that will take us to the city's 59 community boards.

Fourth - What remains to be done

- We need to develop an application that convinces ICANN that we are capable of operating the .nye TLD, with the technical, management, and financial wherewithal to do so.
- We need to convince ICANN that we have the support of the city and community of New York.
- The most challenging task that I've faced, that we face, has been creating a governance structure for our organization. As we've met with dozens of organizations and hundreds of people over the past few years, a consistent issue I've raised is governance, how do people think myc oversight should be organized and if they'd like to participate.
- Today we have four members on our board of directors and I believe a fifth coming on board soon. These are all individual members who are

- enthusiastic about our effort, technologically adept, and who have committed time to devote to the effort.
- But there's a more important membership cadre that we seek to include in our governance structure, existing institutions. For example, last year we discussed with Queens Borough President Helen Marshall about her interest in serving on our board. She suggestion that all of the Borough Presidents be represented in ex-officio capacities. We are working to implement that now. We would also like to have a representative of the city council on our board. As well, several city entities that will have a special connection with domain names should also be represented in our governance processes: NYC&Company, DoITT, Consumer Affairs, and Small Business Services, mimimally. Finally, the chambers of commerce should be represented and civil society.

How Can the City Help Us

- The ICANN, the organization responsible for issuing the .nyc TLD, requires that a city-TLD applicant provide evidence of approval by its city. If we are to move forward in an expeditious manner, we require a clear indication of support from the city council. As well, to avoid possible confusion, we require a similar indication of support from the office of the mayor.
- The ICANN will soon issue the draft RFP indicating among other things, the fee that must accompany our application. We expect that it will be in the six figure range. Council and mayoral approval of our effort will assist us in meeting our funding needs.
- Our application will also require approval of the U.S. Department of Commerce. City support of our effort will enable us to begin taking steps to secure Commerce's OK of our effort.
- Finally, governance. As I mentioned, there are a number of city entities that we would like to have involved in our governance processes. We have postponed making certain decisions until we have a broader and more diverse governance structure. With the council's approval of our effort, we would speak from strength in encouraging the chambers of commerce and entities representing the libraries and other civil society members to participate in our governance processes.

Closing remarks

- In closing I'd like to address two frequently asked questions.
- The first question I'm asked is "Is there money in it?"
- Once the ICANN made its June 25th decision that cities can have TLDs, money became a frequently asked question. My answer is that there's big money or there's enough money.

- BIG MONEY If we were to give the .nyc TLD to an avaricious developer, without any limitations on its use, there'd be a quick fortune to be made modeling the TLD as real estate! How much am I bid for TimesSquare.nyc? What's the bid for CentralPark.nyc? Such an auction would probably raise considerable bank account for an individual of firm, and I've no doubt that a community benefits package would offer to put some of it back into our neighborhoods. The down side of this is we'd sell our city's soul, and have little control over our future. And when a digitally organized .Berlin or .Paris present themselves as livable cities where people happily visit and businesses fruitfully operate, we'll be at a disadvantage. And we'll have missed a huge opportunity (probably the only one) to plan our city's place in the digital world.
- ENOUGH MONEY We can allocate names to those who need or will
 best develop them city government, civic organizations, small
 businesses, to help boost our tourism resources, to build the .nyc brand.
 AFTER we've used the TLD to help create a more livable city, .nyc
 domain names will be highly desirable with their sale generating excess
 financial resources that we'll dedicate to our education efforts aimed at
 reducing the digital divide.
- The second frequently asked question is: "Why wouldn't NYC&Company or DoITT take this on?"
 - First, it's a totally different line of business. Most basically, operating a TLD involves the highly technical operation of a domain name registry that must always work, that must comply with evolving global Internet standards, and that must network with various root servers around the globe.
 - As well, it is imperative that the registry operator coordinate with ICANN and other Internet governance entities; establish standards and processes for determining who gets which name; that it educates the New York City community on the effective use of nyc domain names to support business, community, and the city's global brand.
 - There are many different needs that can be met by the .nyc TLD. For example, of the millions of possible .nyc domain names, NYC&Company, will be interested in developing various "tourist names" hotels.nyc, tours.nyc, visit.nyc and the like, names that promote the city's brand. It is unlikely that its priority would be assuring that civic names are equitably distributed, that Joseph Smith the 3rd gets his josephsmiththe3rd.nyc domain name in a

timely manner. And that Mr. Smith uses it within the standards established by the community.

- As well, I don't see a city agency being eager to make decisions on sensitive names, e.g., the-mayor-sucks.nyc. We selected our not-for-profit model after seeing the success of the governance model created for cable TV's public access channels in the early 1980s. In that instance, one not-for-profit per borough was created MNN, QPTV... This arms-length governance removed city government from a censors role, and, in case a bare breast might be seen on the channels, distanced council members and the mayor from irate citizens.
- Most important a dedicated entity such as Connecting nyc Inc. can support the multitude of roles the TLD must play in promoting tourism AND small businesses, civic organizations, city government, neighborhoods, individuals, and making nyc a medium for addressing the issues and opportunities that face our city.
- NYC&Company, the Police Department, Consumer Affairs, DoITT, Small Business Services and for-profit companies could operate the .nyc TLD. But we've established a broad view of the .nyc TLDs role as supporting the entire New York City community. And, with 10 years involvement with its development, and important connections with New York City and the global Internet community, Connecting.nyc inc. brings the expertise and focus to develop the city's TLD in an effective manner.
- Thank you.

Now I'd like Michael Palage to say a few words.

Finally, Hannah Kopelman.

NAME.SPACE pioneer of Top Level Domains on the Internet Since 1996 http://namespace.org

Subject: The .NYC Top Level Domain Prior Rights

October 17, 2008

Dear Councilwoman Brewer, Members of the City Council,

I am pleased to hear that the City supports the .NYC domain. The .NYC Top Level Domain was first created by my company NAME.SPACE in 1996 and is part of our pending application before ICANN. Please see the details below.

I would like to opportunity to speak before the Council at the meeting on October 17, 2008 and present the my testimony to this fact, and to submit my written text on therecord.

The positive economic impact of the .NYC domain would have been realized years ago had the efforts of NAME.SPACE to bring on new TLDs not been blocked by big business interests. It is my hope that NAME.SPACE will this time be supported by the City so that the economic benefits of not only the .NYC domain, but hundreds of other TLDs that NAME.SPACE originated and published more than 10 years ago, will make their positive impact on NYC's economy.

By not recognizing NAME.SPACE TLDs ICANN has hurt New York City by not allowing one of its cutting-edge startup enterprises to grow to its full potential and create jobs in New York City and enable commerce and opportunities for New Yorkers who also contribute to the growth of our economy. NAME.SPACE has the potential to become a billion dollar company that would generate millions of dollars that would flow into the New York City economy. Had ICANN recognized NAME.SPACE in 2000, the positive economic impact would have already begun and the .NYC domain would already be widely in use and generating benefits for New York City and New Yorkers.

I thank you for your leadership on this and other technical issues in your role on the City Council.

Sincerely,
Paul Garrin
Founder NAME.SPACE
http://namespace.org

PlanFor.NYC

The Internet Top Level Domain (TLD) .NYC is 12 years old

.NYC was created by NAME.SPACE
and first published on the Internet in 1996,
and has been in continuous use in commerce
since its date of inception by its originator, NAME.SPACE
NAME.SPACE has sought global recognition for .NYC for over a decade

NAME.SPACE is a New York based small business established in 1996 with a mission to publish and operate a new set of Top Level Domains (TLDs) on the Internet. In the early days of the commercial Internet (1995) Paul Garrin discovered the open source protocols of the Internet available for download and study. Understanding that the DNS (Domain Name System) was an essential service that helped people find their way online, and with his creative background in the arts and media, Paul began experimenting with setting up domain name servers with partners all over the world that ran a new set of TLDs including .ART, .NYC, .MUSIC, .LOVE, .SPACE, .SHOP and a growing list of other useful generic terms that were suggested by people all over the world in response to a survey published on the NAME.SPACE website. He knew back then that it was not only possible to support large numbers of TLDs, but that a growing number of users on the Internet will demand more precise and expressive ways to publish their content online, beyond the limited set of possibilities under .COM and the set of legacy domains of the early Internet. Besides the innovative thinking for creating more TLDs, NAME.SPACE, created the first fully automated self-service domain name registry with features that set the path for the rest of the industry. At that time domain names cost \$100 each to register, and the process was done in bureaucratic time via email. Activation sometimes took weeks and the choice was limited to one provider, who had a monopoly on domain registrations for the limited choice of .COM, .NET and .ORG. The NAME.SPACE registry generated domains in real time, and updated its global servers with the new data also in real time. A new domain name registration was available for use in 90 seconds on the NAME.SPACE system, and it only cost \$30, not \$100. NAME.SPACE was the first to offer URL forwarding, domain address editor, and a smart "whois" or "sWhois" search that could look up any TLD or IP address in the world from a single form (the first of its kind).

As a small startup, NAME.SPACE confronted incredible barriers to entry to bring its domains to the greater market of the entire Internet. Because TLDs must be "synced" with a master database called the ROOT, and because the master ROOT file, the ROOT.ZONE was controlled and operated by the company who held the monopoly on domains, Network Solutions, Inc. (NSI), NAME.SPACE had to file an antitrust suit (NAME.SPACE v. Network Solutions see http://namespace.org/law) on March 20, 1997 when NSI refused to include NAME.SPACE TLDs into the ROOT.ZONE. The lawsuit, litigated in the Southern District of NY court, was modeled after the successful MCI v. ATT that broke up the ATT phone monopoly in the US and brought a competitive long distance marketplace and lower prices to consumers. NAME.SPACE charged that a small group of corporate and government insiders acted in concert to refuse to deal or allow access to the essential facility, the ROOT.ZONE, to its competition. Unless NAME.SPACE TLDs were included into the NSI controlled ROOT.ZONE, the data source that all ISPs in the world agree is the master TLD reference, NAME.SPACE TLDs would remain inaccessable to the entire Internet and could not grow its business to its full potential. In 2000 the US Court of Appeals, 2nd Circuit NY upheld the NAME.SPACE antitrust claims, but granted NSI IMMUNITY as a US Government contractor in an unprecedented decision.

While NAME.SPACE posed its antitrust challenge to Network Solutions, anticipating a win under the law (the case was a winner to start with and adding TLDs to a text file is a lot cheaper than it cost ATT and MCI to patch their networks together physically) the U.S. Department of Commerce National Telecommunications and Infrastructure Agency (NTIA) took over the contract between NSI and the National Science Foundation and amended it to include a requirement that NSI receive a written directive from the NTIA before amending or changing the contents of the ROOT.ZONE file. This chain of command was not in the original contract that was in place when NAME.SPACE sued NSI. Within weeks of the contract amendment, and in the face of Internet community working groups (IFWP) set up to structure the commercial landscape of the DNS (of which PG was a stakeholder and participant), the NTIA hired a contractor, a newly-incorporated California non-profit organization called the Internet Corporation for Assigned Names and Numbers (ICANN). ICANN was set up by the Department of Commerce to have the "look and feel" of an international quasi-governmental entity, and to create the contracts and legal frameworks for domain registry (TLD) operators, registrars (second-level domain resellers), and the various country and International TLDs and operators to operate under. ICANN was also tasked with expanding the TLD space by bringing on more TLDs and new operators to compete in the marketplace.

All the while since it started up in 1996 NAME.SPACE was in business, with a growing number of members who were registering under the new NAME.SPACE TLDs, supporting the proof of concept and desirability of new TLDs, anticipating eventual recognition and inclusion of NAME.SPACE TLDs into the ROOT. Although NAME.SPACE members were highly enthusiastic about having TLDs like .NYC, or .ART and the like, many in the mainstream, ICANN itself, and the intellectual property lobby all were against the idea of bringing on a large number of new TLDs. NAME, SPACE was harrassed, coerced, extorted, and shouted down, told from a very vocal minority that having all those new TLDs could not or should not be done, that it would be chaos and that it would break the Internet. All of this of course was untrue, and nothing but mud in the waters, smoke and mirrors, to confuse the non-technical consumers and incite fear, just to keep the attention away from the minor detail that adding TLDs to the root is a simple "copy and paste and save" operation. If everyone knew what the ROOT.ZONE LOOKED LIKE, they would know how little it would cost in real terms to add TLDs to the ROOT. The fact that the DNS was designed to scale at all levels including from the ROOT was confirmed to me in 1998 by the DARPA scientist who invented the DNS, Dr. Paul Mockapetris. Dr. Mockapetris declined NAME.SPACE's request to be an expert witness as to the scalability of the DNS and the ROOT, because he wanted to "stay out of the politics". His testimony at our preliminary injunction hearing in 1998 before the formation of ICANN would have put the judge's technical fears at ease and NAME.SPACE would have been successful in opening up the TLD market on the Internet before ICANN was even formed. It was especially this uncertainty of the technical consequences of including (only 540 or so) new NAME.SPACE TLDs to the root that made the techno-illiterate judge shy away from what otherwise a slam-dunk win for NAME.SPACE under the existing antitrust laws given landmark precedents including MCI v. ATT. Now after a decade of insisting that large numbers of TLDs are a detriment and a threat, ICANN announced at their 2008 meeting that it's a good idea to have lots of TLDs, and of course nothing will break by adding thousands, even millions of TLDs, even TLDs in Chinese and Arabic are ok too.

NAME.SPACE was pleased to hear that ICANN finally gets it, that lots of TLDs is a great thing. Unlike others whom can be referred to as "separatists" or "alternative roots", NAME.SPACE had always sought inclusion of its TLDs into the globally recognized ROOT operated by NSI, and never advocated anything that would break the "end to end principle" of the Internet, that all packets are transparently passed from any host to any host on the network.

NAME.SPACE has operated .NYC and other domains added over time since its inception, and has

sought inclusion into the global ROOT and participated in the processes set up by the NTIA and by ICANN so that everyone in the world can finally gain access to NAME.SPACE TLDs. In 2000 NAME.SPACE paid a \$50,000 application fee to ICANN with a listing of 118 of its most in demand TLDs including .NYC to pass the vetting process for inclusion into the ROOT. NAME.SPACE anticipated that ICANN would clear the NAME.SPACE application and recommend that NTIA direct Network Solutions to add the NAME.SPACE TLDs to the ROOT.ZONE. ICANN Chair Esther Dyson voted to approve NAME.SPACE's TLD application, but the majority of ICANN board members voted against NAME.SPACE.

It is worth noting that some ICANN board members recused themselves from the TLD selection process because they were associated with companies that were among the applicants for inclusion of their TLDs into the ROOT.ZONE. All of the applications by companies associated with the recused board members were accepted. Besides voting down NAME.SPACE's application for what ICANN Chair Vint Cerf described to the U.S. House Commerce Committee as "subjective" reasons, the ICANN board awarded recognition of TLDs .INFO, .MUSEUM and .PRO -- TLDs that NAME.SPACE invested in and originated pre-ICANN -- to NAME.SPACE's competitors (the ICANN board friends). In the spring of 2001, Paul Garrin attended and submitted written testimony to both the House and Senate Commerce Committee hearings on the ICANN process. Garrin's testimony was entered into the Congressional Record.

No action was taken by the Congress regarding the question of whether ICANN's application process was thwarting competition in the domain name market. After 9/11 occurred, Congress dropped the issue and ICANN dragged its feet to prevent additional TLDs from coming online, and granted access to a very few new domains including some that infringe upon NAME.SPACE's well-established prior rights. The ICANN selection criteria remain highly questionable. Until now, ICANN's focus was on the "worthiness" of a word or string to function as a TLD. No justifiable technical reasons exist to limit the TLD space to merely a few tightly controlled domains. Experts recommended to the Department of Commerce that new TLDs be generously added to the DNS in order to facilitate economic growth opportunities. After the 2000 TLD process, ICANN granted recognition to other TLDs, including JOBS and .TRAVEL, to newcomers who held no prior rights to said TLDs. These TLDs were first published by NAME.SPACE as early as 1996 (pre-dating ICANN by two years).

By not recognizing NAME.SPACE TLDs ICANN has hurt New York City by not allowing one of its cutting-edge startup enterprises to grow to its full potential, create jobs in New York City and enable commerce and opportunities for New Yorkers who also contribute to the growth of our economy. NAME.SPACE has the potential to become a billion dollar company that would generate millions of dollars that would flow into the New York City economy. Had ICANN recognized NAME.SPACE in 2000, the positive economic impact would have already begun and the .NYC domain would already be widely in use and generating benefits for New York City and New Yorkers.

The .NYC domain is intended by NAME.SPACE to serve New Yorkers and dedicated to a mission of social responsibility and civic purpose. NAME.SPACE intends to operate the .NYC domain as a means to create funds to bring positive social and ecological change to New York City. Funds raised by .NYC beyond its operating and management costs, will go into a fund for New Yorkers to help pay for or provide outright, communications and media services for New Yorkers, with a focus on education and the young including free child-friendly wireless broadband for all K through 12 students, and a one-laptop-per child program to help bridge the digital divide and promote our disadvantaged youth to a world class up to date technological education. NAME.SPACE's 2000 application to ICANN which includes the .NYC top level domain is still pending. In the next year, ICANN will process TLD

applications without the "worthiness" criterion. This time around, all TLD word strings are being treated as valid, with some currently unpublished caveats. NAME.SPACE will pursue its pending application before ICANN in the upcoming round, and pledges to operate .NYC with a civic purpose mission fined tuned through public interaction and discourse.

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