Policy Process Steering Committee (PPSC) Policy Development Process (PDP) Work Team (WT)
TRANSCRIPTION
Thursday 15 April 2010 at 13:30 UTC

Note: The following is the output of transcribing from an audio recording of the Policy Process Steering Committee Policy Development Process (PDP) Work Team (WT) meeting on Thursday 15 April 2010 at 13:30 UTC Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting but should not be treated as an authoritative record. The audio is also available at:
http://audio.icann.org/gnso/gnso-ppsc-pdp-20100415.mp3
On page:
http://gnso.icann.org/calendar/#feb
(transcripts and recordings are found on the calendar page)

Participants on the Call:
Jeff Neuman - Registry Stakeholder Group - Work Team Chair
James Bladel – Registrar Stakeholder Group
Tatiana Khramtsova – Registrar Stakeholder Group
Paul Diaz - Registrar Stakeholder Group
Avri Doria - Non Commercial Stakeholder Group
Alex Gakuru - Non Commercial Stakeholder Group
Wolf Knoben – ISCPC
David Maher – Registry Stakeholder Group
Alan Greenberg - ALAC

ICANN Staff:
Margie Milam
Liz Gasster
Glen de Saint Gery
Gisella Gruber-White
Marika Konings

Absent apologies:
none

Coordinator: This conference is now being recorded.

Gisella Gruber-White: Thank you. Good morning, good afternoon to everyone on today
                  PPSC/PDP Call on Thursday the 15th of April. We have Jeff Neuman, Alex
                  Gakuru, Tatiana Khramtsova, Alan Greenberg, James Bladel, Paul Diaz.
                  From staff we have Marika Konings, Glen de Saint Gery, Margie Milam, Liz
                  Gasster, and myself Gisella Gruber-White. I have not noted apologies from

anyone. And if I could just please remind everyone to state their name before speaking. Thank you. Over to you, Jeff.

Woman: Just a note. Wolf-Ulrich Knoben did indicate that he would be a few minutes late.

Gisella Gruber-White: Thank you.

Man: And, welcome back too Gisella.

Gisella Gruber-White: Thank you.

Jeff Neuman: Hope you enjoyed your vacation. This is Jeff Neuman. And, I've noticed that Avri has just joined the, at least Adobe, so I'm sure she'll join the call in a couple of minutes.

Well thank you everyone for showing up. I was unable to make it last week. I think it was the first meeting I had to miss in 28 or 29 tries. So, I thank James for filling in for me. I apologize that there was a lack of attendance last week, and I know that that is a constant issue that we have. So, I will be -- in accordance to the call -- sending a note to the Council and to the liaison of the PPSC, which I'm not even sure at this point who it still is.

Avri Doria: I don't think you have one.

Jeff Neuman: What's that? I'm sorry.

Avri Doria: Hi. This is Avri. I don't think there's a liaison between the Steering Committee and the Council. I don't think those were ever set up.

Jeff Neuman: Yes. So, I will - actually, if that's - I'll look back in the records to make sure that's the case. And if it is, then I will ask for the Council to appoint the liaison. I think that's probably a good idea so that we can at least get one to the

PPSC, but I'm not sure one's necessarily needed for the work team, unless anyone has a differing opinion.

Although, I will note that we do technically have a few people, or at least one person who's on the Council that's on this work team, but he has not shown up for a work team call in a long time; at least no calls this year. So, we we'll see if we can work that out with Council.

With that said, there are a - what I want to do is defiantly have the call now, and then move on with - we have a lot of issues that we need to address, and I had an ambitious agenda for last week that we were not able to get to, and I'm not sure we'll finish up the agenda this week of all the topics on there. But, I think we can make some good progress. And so if anyone's got any questions, let me know. Marika, you have a comment?

Marika Konings: Yes. This is Marika. Just for the record, and I already noted it before the recording started. Initially, I'd indicated that the deadline for publication of documents for the Brussels meeting is the 4th of June, but is actually the 31st of May. I was counting 15 days, but it's actually 15 business days, so we actually have a few days left to get something out for community consideration at Brussels.

Jeff Neuman: Thanks for the wonderful news, Marika.

Marika Konings: You're welcome.

Jeff Neuman: And, welcome back from vacation to you.

Marika Konings: Fine.

Jeff Neuman: So now that you're well rested, we can get ready to do some - a lot of work and get ready to get some documents out.

Okay with that said, what I want to cover today is I want to finish up the last outstanding issue of translations, and then jump into the voting thresholds. And, I will note that ICANN staff sent out a - or Margie sent out a memo yesterday I think it was -- although I may be getting my days mixed up -- that talks about the current thresholds and some of the issues that are outstanding between the - what's in the registry and registrar agreements, and what's currently defined in the bicameral nature of the GNSO in the bylaws. And so, there's kind of a disconnect right now and we need to figure out what if anything this team's going to recommend on that disconnect.

So with that said, let's jump into the translation issues, and just as a reminder of what we talked about on a call - two weeks ago on our call, which I think we made a good amount of progress on foreign translation. We talked about different time periods - we talked about basically using the languages that ICANN generally uses now. We talked about some instances of where we thought foreign translation should be required, and I think one instance where we said it should be provide but was not necessarily a must.

So with that said, the one issue that came up during the call that we had to push aside a little bit was how do we ensure that when you do have a foreign translation, or if it takes a little extra time for the translation, is there anything we could put into the rules that would minimize the impact of the timelines?

In other words, so let's say we have - I'll take one of the first ones on here, which is let's say the Executive Summary of our report. You know obviously, it'll take some time after the English version is done to translate that into other languages. So, how do we make sure that we have enough time to translate the Executive Summary and then to get comments in those other languages and to translate those back into English?

Recognizing that to date, this hasn't been such a huge issue, as far as you know, we've had documents translated, but -- and I'll let ICANN staff jump in

if I'm mischaracterizing this -- but I don't believe there have been too many comments that have come back in languages other than English.

So Alan, you have a comment?

Alan Greenberg: Yes. I don't have an answer to what is right, but I can give you an example of what ICANN has done in the past that doesn't work. There have been a lot of cases where the translation came out you know, two weeks or three weeks, or something like that after the English one. A second comment period was started, or a second duration of the comment period was started to give the people who are reading that language - the translated versions a reasonable window.

But the formal comment period still ends on time. And as a result, a group such as At Large, but there are certainly others who are trying to consolidate input from a number of different people -- and they can't get their input until all the languages are done -- end up being in a position where they can't really comment. You know, At Large has you know unilaterally said - simply defined the end of the comment as the end of the comment period for the last language translation that was produced.

But very often - some reason, things like that have been produced anyway, you know ignoring that on the assumption there won't really be a lot of comments coming in on the other languages. And you know, sometimes they were half-heartedly folded in at that point. So if you're going to delay something in one language, you can't pretend that the really important comments are the one coming in in English and end that period earlier.

Jeff Neuman: So what - taking that, is there -- and this is a really tough issue -- is there any recommendations that you could put forward, or that you think - so, we know that - what doesn't work, and we could certainly take note of that, but how do we make it work?

Alan Greenberg: Oh, I think the comment period for the whole thing cannot end until the last one ends. And unfortunately, we're very often - when the comment period starts, we don't have a clue when the translation versions will be out.

Jeff Neuman: So, are you basically saying 20 - would it be the full 20 days from the last - from the date of the last translation?

Alan Greenberg: Well certainly, whatever the minimum is that we decide is required.

Jeff Neuman: Okay. Let me jump to Avri and then to James.

Avri Doria: Yes. Hi. I think that as soon as we believe -- and I think we've gotten that -- the translations to languages other than English -- and I'm not sure if that's foreign or not -- but translation to languages other than English need to be done - they need to be included properly. And, we may even want to consider some of the rules that say nothing goes out for public comment until everything goes out for public comment, and nothing ends for public comment until everything ends.

And yes, that's a wider range of time, but at a certain point when you're giving languages other than English their full due, their full due is again you know, you start with everything and you end with everything. Thanks.

Jeff Neuman: Okay. Thanks Avri. Let me go to James. And so I notice that Alex agrees with Avri's statement. Let me go to James, and then Marika, and then Alan.

James Bladel: Hi, Jeff. James speaking here, and I'm going to go ahead and put the alternative idea out on the table, which is that we have an earlier cutoff for comments received in non-English languages with the recognition that there is a translation time from the comment closure deadline that needs to be accounted for in receiving those comments.

And, I think that - while I think some might say that's discriminatory against other languages, I think it helps keep the process moving and it essentially puts the choice into the commenter of you know, you can choose English and have this as a cutoff date, or you can choose a language other than English and have an earlier cutoff date. But, it essentially leaves that at their discretion.

And then I think what may happen is there will be more - a reduced burden on translations services of ICANN, and more translation occurring in the community.

Jeff Neuman: I'd say James just to clarify. When you say an earlier cut, you mean less time to respond in other languages?

James Bladel: So for example, there would be two cutoff dates for a comment period. One would be for you know - English comments would go until let's say the 20th of the month, but non-English comments would (be) received until the 15th, and that would allow an additional five days of additional time to of course have to translate the non-English comments. So that when the comment period closes, there are only the English comments and the translations of the non-English comments.

Jeff Neuman: Okay. So, you're saying it's the same start time for comments, so you wouldn't start the comment period (running) until you have those translations, but just provide a few days less for non-English to respond.

James Bladel: Right. And, I think what that does is it gives the folks who wish to comment in other languages the choice. If they feel that that's plenty of time for them to submit a comment to - in their own language then they can. If they need the extra time, then I think that you know, that's just a recognition that - then the translation efforts fall back to the community as opposed to something that has to be done by ICANN staff.

Jeff Neuman: Okay. Let me jump to Marika and then back to Alan, and then see if we could summarize where we are.

Marika Konings: Yes. This is Marika. Coming back to Avri's suggestion, I think you know in the ideal world I think that would be a really good solution where you ended - wait until you have all the documents, then put them out and start all the public comment periods at the same time.

But, I think looking at the practical situation where we're currently in, with basically working groups working towards the deadline that is there to have stuff out before ICANN meetings and use that opportunity to discuss with the ICANN communities or in documents, but we need to - we would need to take into account that would even reduce the time even more that a working group has to you know, produce something in between meetings.

That's a - you know, a practical consequence of - if that kind of recommendation would be followed to have a - you know, wait until everything is ready for translation and then put it out would even give - either give people less time or it just means that you know, you might have to wait longer until you can discuss it at a public meeting.

Jeff Neuman: Okay.

Marika Konings: One other note. As I was looking back at our notes, where you know we did discuss the different elements that would need to be translated, and as well we also noted that comments should be received in other languages. But of course, tied in with that would be as well if - I guess if you solicit comments in other languages, you would also have to that announcement out in different languages, which will also take some time of course to translate and back again. And so, additional time delays that might exist in getting public comment periods up and running.

Jeff Neuman: Let me - Marika, let me tackle that last issue. Or I'm sorry, let us tackle that - hold on to that last issue that you just said about the announcement until after - we'll come back to that one. But, let me go to Alan and then Avri.

Alan Greenberg: Yes, I have a couple of things. I don't support Avri's statement of holding all the documents until you have all the translations. You know, in parallel with the issue of languages, we also are at a position where we tend to be overwhelmed by comments and rarely do we have enough time comment. So, wouldn't shorten one period you know because we can't do them all for an equally long period. We should get information out there as soon as possible. We're still dealing with a situation where the majority of people are reading these things in English.

In terms of James' comment, I think he's making an assumption that because someone is reading Spanish copy - Spanish version, they're response is going to be in Spanish, and that's not necessarily the case. In many cases, we're looking at you want to make the document available to a wide community, but somebody else may well be consolidating the input and responding in English. So, I don't think you can simply blindly assume that on is equivalent to the other.

And lastly in terms of what we translate, I would strongly suggest we not cast things in concrete in our documents. One of the problems that we've had over the period, and it's not consistent, is that we spend a huge amount of money and time on translation and we get very little back on it. I think ICANN is going to have to - you know, ICANN does not have an infinite budget for translation, and the demands are only going to keep on going up. I think we're going to have to be rather cynical I think the term, and look at how things are used.

And if we're doing translations that are not being used, they're not being downloaded, we're getting no comments back, we're going to have to rethink

this. And, I think we're going to have to tailor what we translate based on exactly what it is and what the community that we believe is interested is.

Jeff Neuman: Okay. Well Alan, that's generated a lot of hands.

Alan Greenberg: Then I've done my job.

Jeff Neuman: So, I'm going to go to Avri and then Marika, is your hand still up, or is that...

Marika Konings: I put it up again.

Jeff Neuman: Oh, okay. Sorry. So, let me go to Avri and then jump back to Margie, Marika, and then James. Avri.

Avri Doria: Yes. Hi. First I guess going to one of Marika's comments. Yes, we certainly do have to be realistic, but I think we should be designing a PDP for the best case that we want to achieve, and not basically you know, accommodating ourselves to what the current reality in translation is because, we're still finding our way in translation.

                 And, I realize that it does lengthen the overall schedule somewhat. I mean, I deal with this all the time in my work world, where things are supposed to come out in (fixed line) which is - so you schedule that out and you go, "Oh. That means we have less time to work," or the work schedule shifts, and you build that in. So, if you try to impose that notion on our current schedule and way of working, it looks impossible.

                 If indeed this becomes the way we model the schedules in the future, then it becomes much more practical. And as time goes on, we do get more experience with the rhythm of and the timing that it takes things. We get better at doing the translations. We get better at having translations started earlier.

In fact one of the things we've often found is that you know, you spend a lot of time between your next to the last draft and last draft changing words. There are ways when you've got translation staffs working to basically get those things to basically dovetail with each other so things end much closer.

The English is always available to people. It's always there. The people that are watching always have that and so they always have the advantage of being in the dominant language.

I totally agree with Alan when he said we have to watch how this develops. If a particular language is never being downloaded and you never get comments in it, certainly then you know, you start to - you come back, you reevaluate, and you sort of say, "You know, nobody ever downloads the French so why bother? Because everybody that speaks French speaks English," you know, I mean - very hypothetical, and - well, they actually just don't want to, but - again, very hypothetical.

So you know, you certainly go back and adjust things. But you know, I think it can be done. And if we're billing ourselves as an international organization, moving forward you know, I don't think we should discount the difficulty of learning how to do it. Thanks.

Jeff Neuman: Okay. Let me jump to Margie.

Margie Milam: Sure. I wanted to echo Alan's comments about the cost issue. I mean, that's certainly something that we're grappling with at ICANN, how to manage the translation costs. And, in moving you know, to approving new budgets and all, one of the things that we're trying to do is reach out to the various supporting organizations and advisory groups to find out you know, what kind of cots that they you know, have, or have need for for the year.

You know, this is just something that we probably need to you know, think about a methodology for estimating what translations cost. You know,

obviously you know, translations are expensive, they are on a per word basis, and there may be smart ways of managing the translation process that we can consider. Like you know, maybe you can translate the Executive Summary and something else. You don't translate all the Appendices.

You know, there's just - you know, there's a lot of additional thoughts that can be given to you know - to managing that type of expense, and really breaking down what types of documents should be translated.

So, I think that's basically what I wanted to point out.

Jeff Neuman: Okay. Let me go to James.

James Bladel: Hey, Jeff. Thanks. This is James beeping in. Going back a little ways, I just wanted to point out for clarification for Alan's comment that I wasn't assuming any language linkage between what the document was published in versus what the comment was received in, so that the report could be printed in English, translated into French, and the comments be coming in Spanish. I was being completely open-minded about what we were putting out there as far as languages and the languages that we would be receiving. Thanks.

Jeff Neuman: Okay. So, let me jump back to Marika and then I'll go to Paul.

Marika Konings: This is Marika. I mean, unless you're ready to really - you know, in the content of our discussion (now) for this work team, but one of the options that could be explored as well is actually look at the demand side. And for example when we put out something, actually put a - you know, a button there and say, "Would you like to have - see the document in translation? If so, send us an email."

So, we can actually make an assessment as well of which documents people are looking for. Are they looking for the Executive Summaries? Are they looking for full reports? Or, have a better idea of you know, what is really

needed and demanded. Also, linking it to the budget implication. Because you know, wasting our - spending money on translations that are not read by anyone I don't think is a very good use of money. If you see that certain documents or certain languages are really high in demand, you know maybe we should translate more documents in that language or you know, lack - if there is no demand for a certain language.

I don't know if a system like that could help as well in making that determination of what should, what shouldn't, what's nice to have in this context.

Jeff Neuman: So Marika, is it - or would it be too much work -- and you let me know at ICANN staff level -- but would it be too much work to look at maybe some of the documents in the last year that have been translated, what language - whether or not it was a PDP, anything that solicited comments essentially, what languages they were translated into, when they were provided in relation to the English version, and if, and whether, and what languages comments were received. Is that too hard to do? Is that something...

Marika Konings: This will - I mean it will take some time to figure that out. I know from one example we did for the IRTP I think probably we did on the initiation of that PDP. We did run a little experiment there where I think we opened the public comment periods at the same time. And the translations, I think we had the Executive Summary, the issuance report, and the content of the announcement as well, and we did open it at the same time. But actually there, we didn't receive any comments in any of the other languages. But I mean, it's a relatively you know, maybe small issue, not like in new gTLDs.

But, I can definitely check and maybe check as well if there's any data on like you know, number of downloads of translated documents. You know, that might give an idea as well of you know, whether certain documents are downloaded in many languages. We do have some data as well on how many subscribers we have to the different language versions of the policy

update for example, to give an idea as well of where there is demand or interest in translated versions. So, I'll have a look at that and see what I can find.

Jeff Neuman: Yes, I'm not - so, that'll be great. I mean, I think - I'm not sure if that will tell us anything. I mean, Avri's got some comments on the chat you know, basically saying you know, until we start doing more things out in the international community with - you know, especially things like IDNs, looking at past examples may not be indicative of the future. But maybe if you look at things like IDN, I'm not sure what has gone out for IDN comments in the last year that have also been translated to different languages. But looking at those, that might help us.

And maybe just in an effort to move forward, but I do want to hear from Alex and Alan - Paul -- sorry -- in an effort to move forward, you know, we just may provide some data that we've collected, provide the options that we've talked about, and then put that out for comment to get other people to weigh in on - including things like the budgetary impact and you know, what we've learned from the past if anything.

So, let me go to - so, if you - if ICANN staff, if you guys could look at that, that may be helpful for us.

Paul.

Paul Diaz: Thanks, Jeff. You already got one of the things I was going to ask for. Data would be very useful. Recognizing Avri's point though that the data will change over time, one would expect. And while I'm sympathetic to Avri's position, I mean ICANN is an international organization, and you know there should be all reasonable efforts to be as inclusive as possible.

I certainly hear the other points being made about you know, use of limited resources and how those resources are currently being consumed - used,

and hopefully you know, drawing more people in. But is that really the case. Let's wait to see.

Ultimately, I don't want to forget what Alan said, and will highlight it again. I think the best thing for us to do now is not to set anything in concrete. To maintain the flexibility. I mean didn't we agree early on in this process that this - that there will be subsequent reviews of PDPs - the outcomes and whatnot. There should be a subsequent review of the work of this particular group down the road. And you know, if it's in a two year or three year timeframe, that would probably be ideal for you know, a good time to take a temperature gauge of what's - how are we doing with translation? How are we doing with supportive languages? How much is it being used? Is everybody - is English truly the lingua franca?

You know, that term is going to become misnomer if in fact English is the international language. Maybe it really doesn't matter down the road, but let's not try to make that call today, because we don't know what things - how quickly it may change. Even translations. You know, there may be significant gains in automated translation. Maybe it'll work a lot better in the near term than it does today.

We don't know, so I strongly support Alan's idea of let's not try to really nail this down today. Let's give our self enough flexibility that we can adapt to the market needs in the reasonable term, you know a year or two, at most three down the road.

Jeff Neuman: Okay. I think that does make a lot of sense. Avri also has agreed with that, and let me go to Alex.

Alex Gakuru: Yes. Alex speaking. Yes, my recommendation or suggestion is probably we adopt a (fixed out) translation adoption or maybe expansion that will include broader aspects and a submission deadline integration with the current state. As we look at the current state and maybe look at you know, that historical data.

However of course, the future will be different. We define our destination - what is our ideal situation where we'd want to see - we'd want all of them translated but in view of the fact it's constrained, then we'd recommend that maybe (unintelligible) we talked about it last the Executive Summary, then we want to include more as time goes on.

But however of course, we can't do all of this instantly, and we don't want to again have it cast in stone, then we can recommend that maybe (a fixed out introduction), and maybe have some sort of a scenario where we think by X - by so many - the cost evaluation, then we probably could have everything translated.

Maybe (adding) the automatic translation and other technology they have coming so that we have - with including other languages but at the same time, we are not abandoning ICANN with an (available) budget at the moment. But maybe with time, it can be included in the budget, and depending on the demand. Thanks.

Jeff Neuman: Okay, thanks Alex. Let me go to Alan to kind of wrap this up on comments. Alan.

Alan Greenberg: Okay. First of all, I was mildly amused of the statement is English the lingua franca. The fact that we have to use non-English words to describe that concept is perhaps telling.

I think - you know if you think about what level of document we're writing, and the relative permanence, periodic reviews notwithstanding, I think all we can do is put a motherhood statement in. I don't - I think we're wasting time trying to talk about the details and the timing and what languages and how we measure clicks. I think we need a statement of target that documents should be available in all reasonable languages that people have - that there's a demand that people read them in.

And again, a motherhood statement of time periods that people have to read and to comment things and leave it at that, because the rest of it is operational. It's going to vary over time. It's going to vary depending on what PDP we're talking about. And, I don't think we should be spending a lot of time trying to identify what the parameters are today or even how you get from today to tomorrow. I think we should be - have a target of what we want and the intention is documents be available in the languages that people need to effectively use them and to be able to ensure the PDP process is a good one. And, I'll leave it at that.

Jeff Neuman: All right. I think that's a really good suggestion. ICANN staff, do you - Marika, you're able to document that?

Marika Konings: Yes.

Jeff Neuman: And, I would also though just for the sake of you know, maybe there are people out there that have better ideas than we do, maybe pose it as a question in this first - in the draft that - in the draft report that goes out, because you know there may be some good ideas out there that we just haven't thought of. So to maybe frame it in terms of a question to solicit comments on.

Alan Greenberg: Phrase that question only in another language, though.

Jeff Neuman: But, it has to be in a separate language apart from whatever language the document's in. So, if that's part is translated into Spanish, then the question needs to be in French. French document...

Alan Greenberg: That's great.

Jeff Neuman: Yes, if it's a French document it has to be in Hebrew, and we'll kind of screw everybody up.

Alan Greenberg: Make sure the minutes show this was all a joke.

Jeff Neuman: All right. Okay, so let's - I thank everyone for this discussion, and I think we
                   have made a lot of progress on where we've come - talking about a foreign -
                   sorry, the translations, not foreign but translations.

                   So, I want to then jump to - completely switching gears and I'll wait for Marika
                   to get the document up -- there we go -- to voting thresholds. And this has
                   come up a number of times in a number of different issues. And, there really
                   aren't that many that are currently in the bylaws and then also that we've put
                   forth in our paper. I think there's only one additional threshold.

                   So with that said, let me go to - and then we'll get to the memo as well after
                   we've tackled these specific thresholds. So, the first voting threshold was -
                   that we talked about was raising an issue. Remember now on the bylaws,
                   there's only initiating a PDP. We've separated that out into two different
                   functions. One is raising an issue and the second one is initiating the PDP
                   itself. And then of course, there's one on voting on the charter.

                   So with raising an issue, we talk about - again, this is only the Council
                   initiating it because other groups have different rules that we talked about in
                   initiating a - or raising an issue. So, if it's an issue that's raised by or through
                   the GNSO Council, what it requires right now is 25% of the members of the
                   Council of house, or a majority of one house.

                   The one thing that's not addressed - and I guess that maybe Avri you can
                   help me out on this. Because this may be only my confusion. But when we
                   talk about a house, do we talk about the person who's from the nominating
                   committee getting to vote and how they count within each house?

Avri Doria: Yes. I mean houses are defined as being the two stakeholder groups plus the
                   one voting (non-common appointee). So therefore, it's 7 and 13. Seven in
                   one house, 13 in another. So, I think whenever you're talking about these,

and you're talking about houses and voting -- and I think that is clear elsewhere in the document you know, and I claim other things aren't quite as clear -- that house consists of the two stakeholders plus the one voting NCA.

Jeff Neuman: So just - just so you know, on that interpretation the contracted party's house has determined for issues like election of a Board member - in a Board election or election of the Chair or Vice-Chair, that even that that one person does not get a vote.

Avri Doria: Really?

Jeff Neuman: Yes.

Avri Doria: Wow. I would think that would be against the rules. That's cool. How do we challenge that?

Jeff Neuman: Well, the rationale was that since this contracted party is only made up of two groups, we wanted to make sure that at least one person from each house - or at least one person - all right how do I say this the right way -- that one house plus one person in the - sorry. That one stakeholder group plus one person from the other stakeholder group agrees before we, you know, support it.

Avri Doria: Yes.

Jeff Neuman: So, that may just be a unique thing within our...

Avri Doria: I think that's awful.

Man: Yes.

Jeff Neuman: But if you think about it though, it makes sense right. If you're...

Avri Doria: No, it doesn't. Sorry. It does not makes sense, and I think it goes totally against everything that was decided in terms of the bi-cameral structure and the bi-cameral houses, and I think some things raise an incredible (stink) about.

Jeff Neuman: Yes. Somebody's got a comment. Who's that?

Man: Yes. (Unintelligible) speaking. Right. I would agree here to Avri totally. So, I'm really surprised that it's going this way. So, we are not producing the (uncontracted) party house anyway. So, what you could do I think in this case - in such a case is that you - that a - I think a minimum of members to be - to vote for in favor from the other stakeholder group, that could be something.

But, you could not limit -- I think so -- the numbers of - the voting numbers or reduce the voting numbers because of the result you would like to have to achieve. That's - I wouldn't agree to do so.

Jeff Neuman: And, it may be that -- and I'm trying to remember back -- it may be that we decided within our house it needs to be - to vote for a Board candidate that it needs to be 60%, which basically includes at least one member from both houses. Because, I don't think there are any rules internally with election of a Board member or election of a Chair within our...

Man: Yes.

Jeff Neuman: That could be it. That could be what we've done.

Man: For example, this was - or, you should have it this way. That's to say okay, it may (move) one member of the other house should also be in favor. If you like to do so you could do so, I think so.

Jeff Neuman: All right. Let me go to Avri and then Margie.

Avri Doria: Yes. I do believe that you know, setting just a threshold, if that is a goal, it is something to discuss, and setting them. And certainly I think you're right. At the moment, the - and in fact, I'll defiantly bring this up in the (GCON) group. But at the moment, yes. It's up to the house, even though houses are only supposed to be counting sections. It's up to the house to determine their procedures. And you know, on the votes - how they're going to do it.

                But the fact that the (STA) has a vote in the house is - I believe bylaw (set). And you know, if it's not tight enough in the bylaws, then definitely there's something that needs to be fixed. Because...

((Crosstalk))

Avri Doria: ...certainly the intent.

Jeff Neuman: Okay and it may be that we just created a higher threshold in our house when selecting a Board member or Chair, because to us that's really important and it forces the groups to work together. It forces the registries and registrars to have to jointly select someone as opposed to each lobbying the non-com appointee to break the tie. That's just not - at least with respect to those issues, we felt that strongly about it that we created the higher threshold in there.

                Now, that may by again not applicable here to any of our voting thresholds, but it was something I thought I should bring up. Margie.

Margie Milam: I think you may have already addressed it. I mean, my understanding was the same as Avri's that the NCA would have a vote in that situation. And, I believe we had talked to Chuck about it you know, as you guys were getting ready for that. But, it sounds like you guys did it in a different way with higher thresholds, and that's - you know, that's - I don't really have a comment on that.

Jeff Neuman: All right. Okay, Alan.

Alan Greenberg: Yes. I'll just reiterate that that one certainly could not disenfranchise the NCA in a particular house, but for any decision that is purely within the house, and which means explicitly not one mentioned in PDPs or bylaws or something, that you can set whatever threshold you want for that decision. That is generally agreeable without disenfranchising the NCA, of course.

Jeff Neuman: Okay. All right, so let's talk then about - so in rising an - going back to raising an issue if 25% of the members of the Council of each house, or a majority of one house. So, anybody with any questions on that? And, that would include the NCA vote, obviously. So, 25% of - like the contracted party's house would be -- help me with my math here -- that's probably two out of seven, or maybe - yes, two out of seven people voting, I think.

Alan Greenberg: Remember. This was a follow-on to a - what, I think if 33% of the entire Council votes in the previous version.

Jeff Neuman: Right.

Alan Greenberg: That was the level of threshold that we were trying to map to.

Jeff Neuman: So when a majority of one house -- right -- so at the contracted party side, if the registries want an issue raised and we get the NCA appointee to go along, and nobody else wants it raised up.

Alan Greenberg: Yes.

Jeff Neuman: Is that okay?

Avri Doria: Yes.

Alan Greenberg: Yes.

Jeff Neuman: Everyone good with that?

Avri Doria: Yes.

Jeff Neuman: So...

Man: Yes.

Avri Doria: Can I comment on another - on the first thing?

Jeff Neuman: Or, does the majority of one house mean that it has to be at least two stakeholder groups? That's another way you could change - I mean, if we wanted a change. I mean, I personally think it's a waste of Council resources if - or, it's a waste of a lot of people's time and resources if it's just one stakeholder group, and they manage to convince a non - an NCA, and then all the sudden you've got to go through - an ICANN staff has to go through all - everything they have to go through.

                 When we talked about all of these things that we need to improve, the raising an issue and what goes into doing it, and having more information up front - I want people before they say yes to really think about it in light of everything we've recommended, right. We've recommended all this diligence being done up front. And in spite of all of that being done, all the diligence - maybe the workshops that are held, everything being done. Only one stakeholder group and then an NCA appointee wants it done, and therefore it is done.

                 So, I'm going to go to - again, I'm not - I just want people to think about it. Personally, I don't - I'm not taking it - it makes out like I am just trying to play Devil's advocate. So, let me go to Avri, James, and Alan.

Avri Doria: Okay. Yes, I have two issues. First one is 25% of the members of Council. The notion of the members of Council when we're in bi-cameral is difficult.

So, I think we have to get specific language that says 25% of each house. Because otherwise, there's always this ambiguity of what the 25% - we don't count in a unified council anymore.

Unless here we're saying yes on some occasions we still do count in a unified council, which I don't think we want to say. Maybe we do. So, that's just one point in terms of - and, that's more of a - you know, a (unintelligible) point doesn't work.

In terms of the majority of one house. In terms of why that is specifically important, is because raising an issue is one of the places where you avoid (carrying as) a majority. Where if something is that important to one stakeholder group, that the issue be reviewed to determine where there is really an issue there, and whether it go further. I think that is a necessity. I - you know, raising issues - now whether it gets done, when it gets done, when - after there's an issue, you know report and everything else, where it falls on the priority of things being worked, et cetera is a different issue.

But, to gauge the importance of an issue, to get that issue described and get all the information put together, that the staff does so well in putting together an issues reports, that someone answers the question of is it in scope? Is it not in scope? And, all those questions that get answered there. I think it's critical that it be able to be done with majority of a house. And so, I think that one remains critical. Thanks.

Jeff Neuman: Okay. Thanks Avri. James.

James Bladel: Hi. And, I think Avri and I are thinking along the same lines here, where the raising of an issue probably should - we should maintain a relatively low threshold for that. When we get into Item 2 however, I'm probably going to - you'll see a lot of your concerns reflected in my comment there, so I'll just lower my hand for now and then save that for Item 2. But, I think Avri and I are saying the same thing, is that the initial gate should be relatively low.

Jeff Neuman: Okay. Alan.

Alan Greenberg: Yes, two things. First of all, the wording I think is bad when it says members of Council of each house. And, I think that was just poorly worded. I think the intent always was 25% of both houses. As the sentence as written right now really doesn't parse very well.

In terms of a 33%, in terms of the majority of a single house, that is - exact - the analog that was used in the previous version. The previous version said - if I remember correctly, it said 33% of Council. You could get 33% of Council by having all members of one house, which was six of one constituency group as it were, which was six -- sorry. Six votes. Nine votes. I'm getting confused now.

Jeff Neuman: It's (unintelligible). I think...

Alan Greenberg: Six votes I think, plus one NCA would also give you 33%. So you know, the numbers were carefully crafted to try to emulate the previous voting scheme without inventing new concepts.

Jeff Neuman: Okay. Margie.

Margie Milam: Yes, I just wanted to comment on Alan's point about both versus each. We did not use the word each - both intentionally, because for us both meant the house voting you know, together as opposed to the separate houses. So, that's why we threw in the word each. Maybe it's not in the right place, but - and I know we'll have push back from the legal department if we try to insert the word both to that - in place of that.

((Crosstalk))

Margie Milam: You know.

Alan Greenberg: Yes. I was commenting on the clause saying members of the Council of each house, which I'm not sure how to parse that.

Margie Milam: Yes. Right. And, we were trying to preserve you know, that there is no entire Council vote. It's the concept that Avri was talking about. It's each house is doing their own voting.

Jeff Neuman: Okay. So, it sounds like everyone's in agreement. Keep this the way it is. Does anyone disagree with keeping Number 1 the way it is?

Okay. It seems like no one disagrees with that, so we'll keep Number 1 the way it is. Question of the members of the Council. If we take out those words, so basically 25% of each house, then in theory each house could decide to vote on it however they wanted to vote on it? Is that what the members of the Council was trying to add to it, that it's really - it's 25% of those people that vote, not any of their house rules.

So, let's say the contracted parties wanted to say it's 25% of everybody that's present at a meeting of a joint meeting of the house. It's really - it's saying that the only people entitled to vote are those Council members. Is that kind of why there was that wording, Margie?

Margie Milam: I think so. I think that's what we were trying to get at was it was the members of the Council that are aligned to that house.

Jeff Neuman: Okay. So it may be confusingly worded, and maybe there's another way to do it. But, I think I see your point. Avri, you have a question?

Avri Doria: Yes. I have a question all of the sudden that occurs to me. And Margie, I think - I can't remember who follows what group from that, but I assume you've also been following all the gothic (administrations) we're going through in the GCOT about absentees, and substitutes, and proxies, and all that stuff.

Margie Milam: Actually, I haven't been.

Avri Doria: Oh, okay. Then you may want to take a look at it at some point. The question I'm asking, which you probably can't answer therefore, but maybe someone else can, is when you say 25% of the members, and if the Council rules and procedures have all these substitution mechanisms and they get approved, would that still be the same as members of Council? Or, would you need members of Council or their appropriately designated (blog) to make that work?

Margie Milam: Yes. Actually, I've seen those emails. I haven't delved into the details, so you know more than I do. But obviously, this was written before those rules were...

Avri Doria: Yes.

Margie Milam: ...you know, even considered. And so, I do think there's an ambiguity there that we might want to clear up.

Liz Gasster: And, I -- this is Liz -- I've been looking at the same emails, but yes - I don't feel prepared to respond. But, I think your caution about checking - about the implications - just what's being considered there is wise.

Avri Doria: Oh, yes. I mean, defiantly that's stuff is all in flux, and it makes me very, very scared when I listen to what we're doing. But yes, I think it would. Okay. Thanks.

Jeff Neuman: Okay. Alan.

Alan Greenberg: Yes. I'm reading what we have there. A change was made from the previous version of the bylaws, and I'm not sure we're thinking back to the discussions at the time it was deliberate. The previous version of the bylaws said things

like 33% of the members of Council present at the meeting. And along the way, we seemed to have lost -- maybe deliberately, but I'm not sure -- the present at the meeting, and we're simply counting out of the total number of members of the house. Maybe Margie remembers whether that's deliberate or not. I don't think it was.

Margie Milam: Yes. I can address how that came out. I mean, I think there was confusion as to what that meant, especially in light of the way that the Council was voting in the past and how you dealt with you know, members present, and absentee ballots and all that. And so, it was a decision to move things to the operating world in procedures. We were trying to keep these bylaws clean if you will, and leave it to the operating world in procedures, and hope that you know, the groups working on that would elaborate on those issues.

Alan Greenberg: I don't see how that applies here, because the words in the bylaw are very specific at this point. It doesn't leave the latitude for the rules of procedure to change the threshold that's specified in the bylaws right now.

Margie Milam: It doesn't say members present at the moment in the current bylaws, correct?

Alan Greenberg: No, it doesn't. And, I said that seems to have been lost deliberately or otherwise in...

((Crosstalk))

Margie Milam: ...that the operating rules and procedures would clarify what that means you know, when we're talking about members. I mean, we - this is all - you know, because you had to change, so if the group feels that it's not clear enough, we can certainly clarify it. But, I believe that was the intent. We could (remove) a lot of the - the procedural stuff you know, and how you count and all that into the operating rules and procedures, and not clutter up the bylaws with some of that language.

Alan Greenberg: I was just commenting that the threshold is indeed higher now than it was before, because we're counting members who are not present.

Jeff Neuman: Well, but Alan...

Alan Greenberg: Whether that matters or not, I'm not sure.

Jeff Neuman: But Alan, this is Jeff. Just let me interrupt. I think what we did - but what we do in the contracted party's house is when we vote, we don't necessarily vote - this is a little bit different, right. We don't necessarily vote at a Council meeting. We actually take the vote inside the house. And then if we get - if we meet the threshold, we just - what should happen is we just announce to the Council that we've met the threshold, as opposed to actually taking a vote at the Council meeting, which there's no need for that.

I mean in my opinion, why can't the vote be taken at a meeting of the house as opposed to at a meeting of the Council?

Alan Greenberg: Because, it's a meeting of Council members in these cases. Not the house. The house's Council - if those Council members are directed how to vote by the house, that's - or the - by the stakeholder group, that's a different issue.

Jeff Neuman: Yes...

((Crosstalk))

Alan Greenberg: And then again - we're perhaps wondering off. Since in fact for these things we do have delayed email voting, essentially everyone is always potentially present at every meeting for these kinds of votes. So, it may be mute.

Jeff Neuman: Well, that's - I mean, I think that's one thing we may want to discuss, is that if the house is making a determination, why does the determination need to be made at a Council meeting? Like, why is that so...

Alan Greenberg: Not all houses have directed votes.

Jeff Neuman: Well, that's right. That's right. So for that, that part of it - in other words, if when it comes time for a Council meeting, if the house has previously voted on the issue of raising, then I'm not sure why it needs to be done at a Council meeting. But if it hasn't, as you said not all houses have, then it can be done at a Council meeting. Maybe that's something we explore.

Alan Greenberg: Besides what you're voting on is not necessarily what was decided - what was discussed a week before in the house meeting, or in the stakeholder group meeting.

Jeff Neuman: Well, that's a separate issue, right. And, that's an issue I've - actually, and Avri knows I've raised this before many times, is that if there's any material change at the Council level, it shouldn't be voted on because that's not what the stakeholder groups have discussed. But, separate issue.

But, let me go to Avri and then Marika.

Avri Doria: Yes. Basically, I do believe that that's dealt with in terms of the absentee ballots. And just so you know, the GCOT has gone very strongly on the notion that the denominator is never changed, so it is always a vote of not those present, but a vote of the Council members, and that's why they're coming up with all the gothic - you know, what you do when somebody's not going to be there.

I think in terms of relying on all stakeholder groups using the directed vote is something that I don't think we want to use the PDP to go in that direction, because that direction is certainly not the way the non-contracted parties tend to look at the world, even if each of the you know, constituencies inside commercial is perhaps directing. I don't know. Certainly non-commercial does not direct votes, and I don't think they ever will, because that's just against

the principles we believe in. What it means to be a representative of a group, which I know is a different concept than you have, Jeff.

So, I think that it's the Council that is the managers. It's the Council that represents their stakeholder group - the Council members, by whatever mean that you know, stakeholder group determines. So, if they want to direct their vote and they want them to not vote and either abstain or call for a cancellation of the vote if things change, that's between them and their Council member. But, I do not believe that's something that we should put in the operating principles or in the PDP principals.

Jeff Neuman: Yes. So I actually agree with that, and I think it only came up in the sense of (unintelligible) out the words of members present. We make sure we keep that out I think is really the context I was kind of going for. And you're right, that's not - the rest of how it's done is not really an issue for this group. Marika.

Marika Konings: Yes, this is Marika. I mean to the question on those members present. If I remember the discussion correctly, I think the reason why that was removed is that with the introduction of absentee voting it's no longer relevant. Because if you allow absentee voting, it's basically of Council members, because everyone has the opportunity to count their vote, so you're no longer talking about members present during a meeting.

It's basically all Council members have the opportunity to vote, and it's of those votes that you determine whether you have the 25% of the members of each house, or a majority of one house.

Jeff Neuman: Right. Okay, so it sounds like we're good. Let's go to the second one, the initiating the PDP. So, now we'll go through our process. All the supposed diligence has been done. A lot of the pre-work, whether it's workshops or whether it's you know, apparently the issues report has been done, and everything else that we've recommended are good practices to do. So, now it

comes time for a Council vote on whether to initiate a PDP, meaning the creation of a working group, or at least -- sorry -- at least a creation of a drafting committee to draft a charter.

It take - according to the bylaws currently, more than 33% of the Council members of each house, or more than 66% vote of one house if within scope. And, I believe because there are four stakeholder groups currently, that the 66% at least - well, I shouldn't say this. I believe in both houses, that means at least one member of each stakeholder group has voted in favor of it. Does that make sense?

No, wait. I'm sorry. I'm wrong. If it's more than 66% of the vote of one house, that will mean that at least that both stakeholder groups plus the - well, it doesn't necessarily say plus or minus the non - the NCA, but at least one member of each house has voted for it. If it's more than 33% of the Council members of each house, then it could just be one stakeholder group in each house, without the NCA, I believe is 33%. So, let's talk about this standard.

Start with in scope. I just did the in scope version. Let's tackle the out of scope separately. So, this is for in scope initiating a PDP. Let's go to James and Alan.

James Bladel: Hi, Jeff. James speaking, and I have two thoughts here, but I'll just give a quick one first and then put my hand back in the queue for later for the second one. And maybe it's just me not understanding this, but who - what is the process for determining whether or not something is or is not in scope, and which voting threshold applies? Is that just something that's handed down from ICANN legal, or is there any recourse of Council disagrees? I mean, what's the process for declaring whether or not what side of the line something falls upon?

Jeff Neuman: I'll let Margie tackle that question.

Margie Milam: Yes, and actually I mean, I have questions on what's meant really by the scope issue. When you look at the issues report, you know we talk about whether it's in GNSO scope to tackle the issue. You know, there's different questions of scope, and you know that's some of things we talk about with regard to consensus policies.

We've got scopes as in GNSO scopes, that it basically - it address you know gTLDs for example. Very broad within the mandate of the ICANN bylaws. But then, you've also got the consensus policy issue which is a much narrower you know aspect of scope, if you're trying to impose you know mandatory requirements on contracted parties.

So...

Jeff Neuman: But Margie, can I just jump in on that one just real quick? So, we actually did address that as a group in -- Marika, maybe you can help me -- it's either Stage 1 or Stage 2, and we actually decided as a group, our recommendation was for this purpose, in scope means that its within the scope of the GNSO and obviously within the scope of ICANN, and it does not take into consideration whether it's a in scope of a contracted party's contract. That it's purely in scope of the GNSO and ICANN.

((Crosstalk))

Margie Milam: Okay. Thanks for clarifying that.

Jeff Neuman: So, that - yes.

Margie Milam: Yes. Okay. So, it would be clarified in the issues report, because that's what - at least, that's what our practice has been in the past, that the issues report would talk about whether it's in scope for the GNSO.

Jeff Neuman: Right. And, I do think we also discussed a appeals process which we decided
                 one was not necessary. That if the issue was that important, you could get
                 the super majority vote as opposed to going through some drawn out appeals
                 process as to whether it's in scope. And again, the scope is the much larger
                 scope, so we've broadened the definition of scope, but did not apply - or did
                 not provide for an appeals mechanism.

                 So, let me go to Liz and then to Alan.

Liz Gasster: If Alan's comment is on this specifically, you should go to Alan first, because I
                 was going to pick up a different thread on this particular threshold.

Alan Greenberg: It is on the same thing.

Jeff Neuman: Okay. So, then why don't I go to Alan and then James, do you have your
                 hand raised on this topic, or...

James Bladel: Yes, for my second question I wanted to get to the back of the queue.

Jeff Neuman: Okay. So, I'll go to Alan, and then I'll go to Liz, and then James.

Alan Greenberg: Okay. In terms of within scope, certainly for the length of time that I've been
                 on Council, scope has always been GNSO scope. There have been people
                 on Council who thought it meant pick a fence, consensus policy scope. But
                 since the outcome of PDP is not necessarily effecting consensus policy at the
                 PDP level, it's always been GNSO scope, at least as far back as I've been
                 around. Although, there was some misunderstanding in some - in terms of
                 some people.

                 Regarding the earlier on the discussion on can you initiate a PDP without the
                 support of all stakeholder groups? And again, the numbers were debated
                 heavily in the group that came up with them to make sure - and the end result
                 was yes. If you're initiating a PDP that's going to impact registries and all the

registries vote against it, enough other people being interested can initiate a PDP, even if one stakeholder group is unanimously against it. And, that was quite deliberate. Done.

Jeff Neuman: Okay. So, let me go to Liz and then James.

Liz Gasster: So again, mine has to do with an issue in PDP but not scope. So, if James is talking about scope, he should go next.

James Bladel: Talking about scope. Could apply to either, but primarily I wanted to talk about the scope, so why don't you go ahead, Liz, and...

Liz Gasster: Well, mine is a little different, and I think it will probably elicit some discussion as well, which is you know right now in the bylaws, the staff in the issues report has to include a number of things, but one of the things that the issues report includes is a recommendation from the staff manager as to whether or not the Council should initiate a PDP for the particular issue.

And, my question is right now there's really no impact on the threshold when staff recommends that there's no - that we - that you not pursue a PDP versus when - you know, recommending that it is right for a PDP.

And my questions is whether that makes sense or not. What is the value you know, of a staff recommendation either way if there isn't a change to the threshold accordingly? You know, shouldn't the bar be higher if staff recommends that a PDP not be initiated or why ask staff whether a PDP should be initiated or not.

Jeff Neuman: So, let's tackle that issue. I'm going to write that one down, and we'll come back to that one. I still think...

((Crosstalk))

Liz Gasster: Yes. It's a different thread, but it's the same right here in initiating a PDP.

Jeff Neuman: Okay, so let me go to James first, and then I will come back to that question.

James Bladel: All right. Thanks, Jeff. This is James, and that's a good point Liz. You know, whether or not the Council will take that into consideration and whether that can trigger a different threshold.

Jeff really quickly, and I know I'm dancing into a mine field here a little bit. But you know, we're addressing a lot of issues right now, relative to prioritization and what we're also calling volunteer fatigue. And, I think that anyone who maybe is unconvinced just needs to look at our own group and the struggles we've had with attendance here lately to recognize that it's not a question of a new PDP being formed and no one shows up for it.

I think what we're seeing is the reverse where a new - the topic de jour is getting a lot of attention, and folks are abandoning other PDPs you know, midstream before they've completed their work.

And, I think that you know, part of what is to blame for that phenomenon is - or a contributing factor to that is the PDP threshold. I think that we can go a long way towards addressing volunteer fatigue and addressing the prioritization issue if we set the thresholds for initiating PDP, whether they're in scope or out of scope, if we set them higher.

And, I'm focused primarily now on the in scope ones, because they seem well to me. If an issue is important -- and this goes back to the appeals mechanism that you mentioned Jeff -- if an issue is important, it should enjoy broad support from both houses and within both houses.

And, I see I'm getting lots of red Xs with this, but I do feel strongly that getting a PDP is not the finish line. Getting a PDP starts these gears moving, and you know right now we're lacking the torque on the front end to actually keep

these gears running, because we're throwing more and more PDPs into the pipeline, and it just seems like we're operating on a queue here where the most recent one gets all the attention - volunteer attention and volunteer efforts.

And you know, I just feel that these thresholds, particularly the first one, 2A, we should consider raising that bar. You know, the issues report I think is right where it's at. It needs to be low and it needs to you know be open, and that's where we kind of have the brainstorming session if you will. But once we get into Stage 2, where we're initiating PDP, I think we need to have a greater degree of scrutiny on that.

So, there's my soapbox (off), so let the rock throwing commence.

Jeff Neuman: So, I'll start with Alan, and then I'm going to ask Avri to jump in the queue too, since she had a - she was the first one to put a big X. So, I want to hear from Alan and then I'm going to self-appoint Avri to speak as well. So, Alan.

Alan Greenberg: Okay. First of all on Liz's question on whether the staff recommendation not to initiate a PDP should change the thresholds. I haven't thought it through carefully. My gut tells me no. If the staff makes a strong argument why one should not initiate a PDP, that may sway votes, but I don't - my gut tells me it should not change the threshold.

In terms of James' statement that there should be a higher threshold, and particularly a larger buy in to initiate a PDP, I strongly disagree. The very fact that - and I'll - and since our Chair works for a registry I'll take registries. The very fact that all registries abhor the concept of us initiating a PDP on such and such, may well say why it's so important.

And, the fact that the whole stakeholder group is not supporting a PDP may in fact be a measure of its importance and we just can't say that everybody

has to agree that it's a good thing. You know, that we're all warm and fuzzy about it before we initiate it. It may be the exact opposite that's the situation.

Is anyone still here?

Jeff Neuman: Oh, I'm sorry. Could someone check my math. More than 66% of the non-contracted parties house, that would include at least one member from each of the two stakeholder groups for the (unintelligible)?

Woman: Yes.

Jeff Neuman: Yes. Okay.

Alan Greenberg: It's essentially saying either good - reasonable support on both houses or good support in one house.

Jeff Neuman: Okay. Let me...

((Crosstalk))

Alan Greenberg: Which maps to the 33% in the old bylaws.

Jeff Neuman: Right. So, let me go to Margie and then back to James.

Margie Milam: Yes. I wanted to agree with some of the things that James had been saying, and then in particular the issue of prioritization. And, I just don't know how - I mean, I really don't have a good answer for how it would affect our voting thresholds. But you know, at staff we're obviously you know, taxed with supporting you know the new PDPs as they come through, and yet there's just no consideration given to whether there even is enough support on the volunteer side, and also on the staff side to be able to support a new you know PDP.

Because you know, what James said is exactly right, and everyone's now focused on Vertical Integration, and that's going you know taking a tremendous amount of time and resources, and a lot of the other working groups just seem to lose interest and lose ability to get work done.

And, I don't know if it's possible to maybe try it when you're starting a PDP, perhaps prioritizing - you know, trying to help with a prioritization process. Like the high priority PDP, like for example Vertical Integration. Being a priority - a low priority, and it's so - you know, being dependant on that. I don't know. That might be too complex. But, I do have the same concerns that James has raised about you know, just managing and getting you know, effective work from the community.

Jeff Neuman: Okay. You know what. I just realized I had actually promised Avri to speak, so let me go to Avri and then I'll go to James and then Paul.

Avri Doria: Okay. Yes. Thank you. I hadn't put up my hand because you had said I was in the queue. So, but...

((Crosstalk))

Jeff Neuman: Yes. I - yes.

Avri Doria: Okay. Obviously, I show strong disagreement. First of all, I disagree with the reasons that we have fall off in PDP working groups, and I think it's more in the dynamic of what happens in the group. And, it's really something that we have to deal with in terms of how working groups work and how Chairs keep work moving.

What basically happens in the lifecycle of a working group is you have that initial part where everybody's putting in their contribution. It's active. Everything gets in motion. Everything essentially gets (dead). Then you move

to that second part where you're finding the consensus, where people get their backs up. Where they go to the wall.

And, where you get in that eternal loop that until somebody pounds the gavel you don't move beyond it. And, that's the place where programmatically Coordinators and Chairs of groups need to have a method for moving it forward.

It's not that people go to the cause of the day. It's that the other causes have slowed to a halt. There are three people that are arguing the whole time with nobody else being able to get anything in. It's in the dynamic of the group. It's not in the, "I only care about today's problems. I don't care about yesterday's problem," ideology. So, I think solving it with thresholds is the wrong hammer to use to wrench in this bolt.

So, that's one part of it. I think the prioritization of work is actually a very good thing. I think that you have a PDP and that you've approved it is good, but perhaps we do have to look at the fact that - and this PDP will not start for four months until we get something else off the table. So I think again, there are different tools we can use. Other than making it more difficult to get something on the docket, we can just say you're on the docket. But until you get X, Y, and Z off the table, this one's not going to start.

So, you basically haven't disallowed the work, haven't made it more difficult to get work in the queue, but the queue has got its own reasonable mechanisms for doing things.

Finally going back to Liz's suggestion, while there is a sort of a naive first touch that says, "Well, yes. We should take what the staff says seriously, and maybe one way to enforce that is to change the threshold." And certainly, we've run into the threshold when they say in scope, out of scope, so maybe there was logic in it.

But instead, I think people do listen to the staff. I think they do take it in. They decide that yes, from the staff's point of view this is not a good thing to do because they're too busy, or because of this or because of that. However, it really is up to the GNSO to decide whether policy ought to be done or not. Not whether there's sufficient workforce to get it done or what have you.

And, that changing the threshold based on staff's decision would effectively be giving them a vote in the policy status, because it would basically be allowing them to weight the vote differently by their opinion. And I think that as much as I respect what they contribute, read it, think about it, and then decide based on having read it, I do not believe they should be given an effective vote in whether something becomes a PDP or not. Thanks.

Jeff Neuman: What about Liz's statement on the chat which is just requiring a statement from Council as to why they are launching - notwithstanding the staff recommendations.

Avri Doria: I think it's always reasonable for comments to be addressed. And so, I think that - you know, now what we don't have in starting a PDP is a document that you know - and so, I'm not sure exactly where this goes. I certainly think that the issues should be resolved. And, I think for example in the Vertical Integration one, where the staff said, "Yes. It's in scope, but no way do we think you should you should do it for reasons X, Y, and Z." The Council did talk about those reasons quite extensively, and why they agreed or disagreed, and the vote came out the way it did, with actually probably a wider margin than anybody expected.

So, I think that people do pay attention. I think if we have a document you know - and in fact, didn't it even get stuck in the one whereas'? "Whereas we acknowledge that the staff had said, you know X, Y, and Z about doing this. We think - you know A, B, C.". And I think that the whereas' actually had that, and I think yes. It's probably good to show in the whereas clause that you have taken into account. But, I think in practice that's happened.

Jeff Neuman: Okay. Let me go to James and then Paul.

James Bladel: All right Jeff. Thanks. This is James speaking. And I think Avri, you know what we're - the stuff I hear is that the drop off in attendance and participation, and the gears grinding to a halt within PDPs is probably a combination of push and pull factors. Whether it's a dysfunction in the existing PDP driving volunteers away, or whether it's the excitement and allure of a new - shiny new PDP that's attracting folks and you know, causing them to reallocate their time and focus on that. It probably - then it's probably both of those phenomenon are going on.

But really, all I wanted to draw out here folks were - and, I'm sorry to have jumped onto a hand grenade here, but I wanted to draw two points. One is that there's a linkage between the low voting thresholds to initiate a PDP and our prioritization problem - prioritization/fatigue problem. And, we can decide whether that's causal or corollary, but I think that there is a clear link there.

And secondly, to state that I believe that the number of concurrent PDPs impacts the quality and the efficiency of each individual PDP -- I'd like to be able to say that there's this ever increasing you know, crowd of volunteers that are constantly getting involved, getting up to speed on the ICANN processes, and diving in and making a huge impact right out of the gate.

But the fact is that there's a learning curve associated with doing this kind of work. There's a historical context (of people who get) up to speed. I've been doing this now for about a year and a half, and I still feel like a new kid. So you know, I think that we need to recognize that one, it's the more PDPs we have active at any given moment is diminishing the quality of all of them. And, I think that the voting threshold to initiate them is an opportunity for us to control that process a little bit better.

If we're saying that we want to err on the side of being more open minded, you know that's - then we need to make our peace with the problems that that entails. But, I just - the (unintelligible) problems.

But anyway, I just wanted to get myself on the record here as saying that I think there's a linkage between these issues, and I think that we have an opportunity here to help alleviate some of them.

Jeff Neuman: Okay. And - all right, let me go to Paul and then to Alan.

Paul Diaz: Thanks, Jeff. I'm very sympathetic to what James has been arguing, with what Margie offered as well, just because you know I personally am involved in so many. There's fatigue just from the simple fact that there's so many different things to do and watch, and what not. So, I want to ask the group, and it may have to be a question that goes back to Council to get an update on this supposed prioritization initiative that's underway at the Council level. I don't know it's almost oxymoronic to call it a prioritization effort because it's been going on for at least six months, and we're still not sure where it stands, what's going on.

But you know, on our chat right now we've got different ideas. Liz's idea, and Alan's got a very important nuance to it, and all the rest. But, it still doesn't get us any closer to what would a prioritization process look like? And, if it simply means new PDP proposals get queued while we're waiting for the other ones, well what about ones that are getting minimal support, got initiated with the bare bones at Council level support, there's hardly any volunteer activity, et cetera. They're clogging up the pipeline for something that might be a lot more important.

Prioritization also should be if you've got a dog in the pipeline, take it out. You know, and I'll use my favorite example. Fast Flux was a ridiculous waste of time and resources, and it got in over the - you know, very loud opposition of staff and both contracted parties. You know and yet - so, I think there is

something to be said about - okay, if we don't want to lower the threshold, then you know I'm all for making the Councilors who vote for these things very accountable for their votes.

So that you know, when these things start dragging on interminably, you know or kind of wondering in the wilderness - and, I don't think the characterization of the working group dynamics that was offered earlier is really fair. Let's look at this particular working group. We've got a very, very capable Chair. We've got a core of dedicated participants. But you know, this group has like maybe three times the number of people here now signed up for it. How many of them ever attend? This is supposedly a very important topic for the work of ICANN and GNSO and the PDP process in general. And yet you know, where's the interest? Where's the participation?

I don't think this can be brushed off as - you know, there's - there are a couple of people dominating, or there's a ineffective Chair? There is a fatigue element. And you know I just go back to my initial request; what is the status of the prioritization effort at the Council level? You know, it seems what - they almost look like the US Congress. They're perfectly to keep approving new Bills, but they never want to sunset anything.

And, I think prioritization has to include the capability of freezing or ending PDPs that are clogging up the pipeline, using up very limited resources.

Jeff Neuman: Okay. So, let's make sure that there's - that both views have been expressed on this topic. I'm going to go to in a second to Alan and Wolf. One thing I do want to also say with respect to this group -- and thank you for the compliment Paul -- you know, this group is a very - this issue is very long and drawn out, and there's a lot of sub-topics, and I think people have realized after they've signed up that it's going to be a lot of work and a lot of tedious sessions.

One thing I'd like to ask staff - ICANN staff to do is - you know, every time there's a presentation on policy work that's being done, there's maybe a bullet point averting to the PDP work team, whereas there's pages of slides on all the other exciting stuff that are done.

So, one thing I will ask staff to do is to - when they are presenting what's going on in the policy world, to maybe give this one a little bit higher profile. It may not be as sexy as new gTLDs, or the (Pedner), or some of the other ones. But, if you could help us out in doing some of your - when you do present those slides, I'd certainly appreciate it. And, that probably goes the same for the OSG team, too.

Anyway, let me go to Alan and then Wolf, and then try to close this meeting and - close this subject and close this meeting. So, Alan.

Alan Greenberg: Okay. A couple of things. I guess I would like to see a history of PDPs in the GNSO over the last seven years or whatever the period of time since the original policy was approved. My gut feeling is there aren't an awful lot of them. We're reacting to some extent to what's going on today, and what has been going on for the last year.

Probably half of the groups that we're talking about are not PDPs. This group is not a PDP. It was part of Council Reorganization. All the Whois discussions are not a PDP -- the Registrant Rights issues, the two different working groups on that. Not a PDP.

So, we just - we have an awful lot of things going on. Many of them are not PDPs, and yet they're drawing from the same group of people, and that is a problem which we have to address. And, I'm not sure we want to take on the role of being the Council Prioritization Group in parallel with rewriting PDP rules.

And lastly, yes there are a lot of people who don't attend who signed up initially. I may be the only one, but in some cases I'm grateful. You know, there are people who when they do attend end up being more disruptive than contributive, and not everyone who signs up is probably a really good functioning, productive member of a group, and part of that is self-selection.

And, attrition sometimes works to our benefit and not our harm. That's politically incorrect, I know. But nevertheless. Okay.

Jeff Neuman:	Well, and that may be an issue when we come out with our staff report and then have to submit things to the (unintelligible). But, I do - I think smaller group to think on these issues has - certainly has its value as you stated. Let me go to Wolf.

Wolf-Ulrich Knoben: Oh, yes. Wolf speaking. Thank you. Prioritization seems to be a big issue. And, I would like to just to say that the Council shall handle prioritization. I come from the next meeting on this, so they took - the working group for prioritization prepared the motives for prioritization. And what they are thinking is about not only PDPs but rather the (encountered) projects which will include PDPs.

And so, it is - in that plan, it is set for (seeing) that at least any face - at each face-to-face ICANN meeting, there shall be an update of the prioritization list done, but at least - that means it could be also in between, depending on the priority which is seen to new projects. So first time in Brussels, that is the plan. The Council shall make - shall go through a formal prioritization meeting. That means - it's not that easy just to vote on a list, but it's also to understand what is behind those different projects so that people like the Council members should know about those projects, and then could vote about the prioritization.

And then, this - it may be continued afterwards -- and as I mentioned, at each follow-up, face-to-face meeting. So, that's - at the time being, that's the draft.

The draft shall be put on the public comment list after then next Council meeting. That's on the agenda of the Council, and that's the timeline so far for prioritization.

Jeff Neuman: Okay. And, Avri just a question. Is one of the (unintelligible) working on prioritization, or is it just at the Council level?

Wolf-Ulrich Knoben: It's a working team, what we think. Sorry.

Jeff Neuman: So it's a working team of the Council right now that's working on a methodology on how to prioritize.

Wolf-Ulrich Knoben: Yes.

Jeff Neuman: Okay.

Wolf-Ulrich Knoben: Is methodology, so they come up with a result, and this methodology should be discussed and then be the basis for the Council - before the Council prioritization work.

Jeff Neuman: So, I think what - so just to try to sum up - I'm sorry, Avri. Do you want to add something to that?

                 Avri, you there?

                 Is anybody there?

((Crosstalk))

Wolf-Ulrich Knoben: Wolf's here, but not on the Adobe.

Man: Yes. Did the Adobe go away?

((Crosstalk))

Avri Doria: I wanted to ask a question about the prioritization. I've sort of mentioned two notions here while we were talking about having too many things going on at the same time, and I'm not disagreeing with that, I'm just sort of disagreeing that the tool that we want to apply to it is the wrong one.

So within the prioritization, would it be - I mean, I guess I'm trying to understand whether it worked in the way that a PDP would've been approved and how the Prioritization Group would look at it and say, "Okay, this needs to be done here. This needs to be done then," et cetera. And, would that work with a mechanism if we had a mechanism that said we understand the prioritization team may decide that there can only be you know, four regular PDPs and one emergency PDP at a time?

And thus whether approved or not, any others would have to wait in a queue until such time as something else was completed. Would that kind of notion work with what you've done in the prioritization working?

Wolf-Ulrich Knoben: Yes. It would work. By the way, it's not a team which is going to decided upon. It's a Council. So, the team is just coming up with a suggestion of the methodology. But, the Council has to vote on that. And after that is done, so we will have the first - a first prioritization list. And, it's clear that it must be updated from time to time because of - the world is changing and new PDPs coming up - may come up and so on.

So - and then, it's up to the Council again - it will be voted by the Council how - suggestion be done, how to prioritize in the new environment, and it's going to be voted by the Council. But, that's a work.

Jeff Neuman: So just to try to sum up and end this call, because I know we're over time now. So, there's a view by some on this call that keeping the threshold - the 33% of Council members of each house, or more than 66% vote of one

house if within scope. Some in this group feel that that's appropriate. That should be kept the same, while others feel like there is a strong relationship between this threshold and the prioritization of Council, and that give the - given what's kind of -- I'll try not to characterize it -- but essentially, that - you know, that because there's this strong relationship, there may - if there's not effective done on the prioritization, then some feel that this threshold may need to be raised.

What I'd like to do is I'd like to actually put that question out to the group, because I don't want to start on this topic - I don't want to rehash all of this again on the next call to make progress. So Marika, does that sound like a question you could put out on the list to get the sense of where most people come out on this?

Marika Konings: Yes. You want me to circulate it to the list, or do you want to send a note?

Jeff Neuman: Why don't you put it in the summary of the meeting, and then I'll send out the note based on that.

Marika Konings: You mean a summary of just the notes that I include in the document?

Jeff Neuman: Right.

Marika Konings: Okay.

Jeff Neuman: And on this call in particular, there were some really good suggestions on the chat, and we need to just make sure we capture that as well.

Marika Konings: Okay.

Jeff Neuman: So if you would - with that said, we will take over on next call on 2B, which is what if there's not a super majority, but hopefully - I'm sorry. What if it's not in scope. We'll take over from there, but hopefully not rehash the same

arguments, and maybe we can get some things done online on the list to see if anybody that wasn't on the call has an opinion, or if people who were on the call may do some more thinking about the issue. Okay.

Alan Greenberg: Jeff, could I get a quick comment in?

Jeff Neuman: Please.

Alan Greenberg: Yes. Two things. Number one, regarding limited resources. Staff resources are clearly limited. We shouldn't assume because it's been our recent experience that we only have a core group of 12 people to work on any PDP or working group. One of our challenges is to get more people involved, so adding a PDP does not necessarily draw more heavily on the existing group of volunteers. That's not easy to do, but we shouldn't assume that the two limitations that as volunteer and staff have the same dynamics.

The second comment. When we're talking about prioritization, I think we're going to have to be careful as we go forward to make sure that we don't have a moderately low threshold to initiate a PDP, but a much higher one to continue it. That is, we don't want a mode of operation where you may as well approve the PDP because we know we can kill it off once we get to the prioritization stage. You know, the thresholds were set low and we can debate over exactly where they should be set, but we're set low for a reason and we want to make sure that the prioritization phase does not end up over ruling them.

Jeff Neuman: Okay. And that - we'll have that same sort of discussion on the charter as well.

Alan Greenberg: Yes.

Jeff Neuman: Okay. Thank you everyone. I will talk to you. The next call is next week, this time.

Avri Doria: Bye-bye.

((Crosstalk))

Jeff Neuman: Thank you, everyone.

((Crosstalk))

END