

**Vertical Integration PDP Working Group
TRANSCRIPTION
Monday 12 July 2010 at 17:00 UTC**

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<http://audio.icann.org/gnso/gnso-vi-pdp-20100712.mp3>

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Participants on the Call:

Contracted Parties House

Registrars Stakeholder Group

Jeff Eckhaus
Statton Hammock
Volker Greimann
Eric Brunner-Williams
Amadeu Abril
Jothan Frakes
Thomas Barrett
Krista Papac
Paul Diaz

gTLD Registries Stakeholder Group

Brian Cute
Ken Stubbs
Kathy Kleiman
Tim Ruiz
Keith Drazek
Jeff Neuman

Non Contracted Parties House

- Commercial Stakeholders Group

Berry Cob -CBUC
Mikey O'Connor – CBUC- Co-Chair
Michael Palage - CBUC
Scott Austin IPC
Ronald N. Andruff – CBUC
Jon Nevett – CBUC
Kristina Rosette – IPC

- Non-Commercial Stakeholder Group

Avri Doria

Internet Service Providers and Connectivity Providers Constituency

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Individuals

Roberto Gaetano - Co-Chair
Phil Buckingham
Richard Tindal
Fasail Shah
Katrin Ohlmer

ALAC/At Large

Cheryl Langdon-Orr
Sebastien Bachellot
Alan Greenberg
Siva Muthusamy

Staff:

Margie Milam
Glen de Saint Gery
Gisella Gruber-White
Marika Konings
David Giza
Liz Gasster
Mike Zupke

Apologies:

Anthony Van Couvering - Individual
Kristina Rosette – IPC
Vika Mpisane
Baudoin Schombe

Coordinator: Excuse me everyone this is the operator. Just need to inform all participants that today's conference call is being recorded. If you have any objections you may disconnect at this time. And ma'am you may begin.

Mikey O'Connor: Thanks a lot. Welcome all this afternoon this evening to the Monday morning VI call, two hours long today and a fairly straightforward agenda, basically four topics, the four main chunks of stuff that we've been working on the last week or so and a fair amount of time devoted to each.

I was sort of hoping to see new - a new draft on the compliance one. Does anybody know the status on that particular piece?

Brian Cute: I just sent it to the list. Sorry for the delay but it should...

Mikey O'Connor: Oh okay.

Brian Cute: ...be there.

Mikey O'Connor: Thanks Brian.

Brian Cute: Yes.

Mikey O'Connor: Okay. Well then I think we've got a full agenda and we'll get started. Glen why don't you go ahead and call the roll and then we'll get underway.

Glen Desaintgery: I'll do that for you Mikey. Good morning, good afternoon, good evening everyone. This is the Vertical Integration call on Monday. And we are have on the call Siva Muthusamy, Baudoin Schombe I think we're still trying to get our call out to him. Cheryl Langdon-Orr, Mikey O'Connor, Jeff Neuman, Eric Brunner-Williams, Roberto Gaetano, Sebastian Bachollet, Jeff Eckhaus, Krista Papac, Michael Palage, Avri Doria, Keith Drazek, Tim Ruiz, Faisal Shah, Ron Andruff, Paul Diaz, Berry Cobb, and Amadeu Abril, Jon Nevett, Brian Cute, Kathy Kleiman, (Jackson Ulna), Kathy - sorry Kathy's twice on the phone. Statton Hammock, Alan Greenberg, Phil Buckingham.

And for staff we have Liz Gasster, Marika Konings, Mike Zupke, Gisella Gruber-White, Glen Desaintgery. And I think that's all. Have I missed anybody?

Margie Milam: Margie Milam.

Glen Desaintgery: Margie Milam. Sorry Margie, yes indeed. Thank you Mikey over to you. And please for the purpose of transcription would you remember to say your name each time before you speak. Thank you.

Mikey O'Connor: Thanks Glen. Welcome all. This is Mikey O'Connor and we'll get right at it. We've taken care of condolences to Marika, so all that important business is out of the way.

And on to spending the next 25 minutes, so just past the bottom of the hour talking about exception process.

Margie has shared that with you. And presumably you can all run it your selves, yes.

Does anybody from the folks that worked on that want to take us through things that have changed and then we'll have a - build a queue and have a conversation about it?

Alan Greenberg: Mikey it's Alan Greenberg. Was that document distributed in the last couple of hours or earlier?

Mikey O'Connor: This is the one I think that came out from Avri last Friday.

Alan Greenberg: Okay then I have it.

Mikey O'Connor: Yes.

Man: Actually I think it was Sunday.

Mikey O'Connor: Or Sunday, I don't know. It all kind of blurs together.

Avri Doria: This is Avri. I guess I'm the only one of the three of us on at the moment.

Tim Ruiz: Well Tim is on.

Avri Doria: Of Tim is on, okay. Tim did you want to speak to it?

Tim Ruiz: I - not really but I will. Yes I think what we - well we passed around, you know, a few drafts, really not that many. But I think the goal was just to try to come to - it's something that, you know, that we felt that from what we heard in discussions or wherever that, you know, the majority had agreed on.

So if you look at the third paragraph I guess kind of where that starts that there seemed to be a general acceptance of the need for a process that would allow the applicants to request exceptions and be considered on a case by case basis and that.

While there's a lot of various ideas about what should fall into that that they're - we tried to include about six different bullet points of things that we thought we heard there was some sort of agreement with.

Now that may not be true but at least just from our perception I guess this is - these are the six bullets that we felt there was some kind of agreement on.

And then it just goes on that if, you know, that this work would continue on, you know, past I would imagine, the final report or whatever of this working group and whether it's this working group or a follow-up process that discussions would continue on the details of the exception policy.

And some of the things that would need to be figured out yet are listed at the end of the document for example where the registry, you know, exceptions regarding where the registry can find affiliated registrars to offer its TLD where the TLD considers primarily to the specific language group and where the registry cannot find unaffiliated registrars who will offer that TLD in that particular language.

And then defining criteria related to now let's see yes, you can define criteria related to the purpose of its GTLD at conditions for accredited registrar participation but not able to discriminate or restrict accredited register access.

So that's an issue that's come up continually as, you know, under what conditions should registrars have access or should equal access be applied. And so that would be a matter for discussion.

And there's probably others as well. I think in the six bullets that we listed previously as far as areas of agreement, several of those still have different - several aspects of them that would need to be hammered out such as, you know, the group that would actually do the evaluating of these requests and those kinds of things.

So I hope that helps, just tried to briefly summarize the main points of the document without reading the whole thing.

Mikey O'Connor: Thanks Tim. I think that helps a lot. Here's my thought for today. And that is given that we're so close to the end I'd like you each to sort of mentally categorize yourselves in one of several categories, either yes I can live with this document, no, I really can't live with this document or I might be able to live with this document if there were changes.

And what I would ask is that the people in that I can't live with it group wait till the end of this discussion to put yourself in the queue and that we listen to people who could live with it if there was a change.

What I'd really like to do is see if we can tune a document that we could then put out for a consensus pull over the next couple of days.

I'd rather not debate the merits of the whole idea. We've debated that I think enough on the list. And so what I'm really looking for right now is tweaks that would make this document work for people who are otherwise on the fence.

So with that Jeff you're in the queue. Go ahead Jeff Neuman.

Jeff Neuman: Yes thank you Mikey.

Amadeu Abril: This is Amadeu at an airport. I don't have Internet access. Can you put me in the queue please?

Mikey O'Connor: Sure Amadeu right?

Scott Austin: Scott Austin phoning in.

Mikey O'Connor: Pardon me?

Scott Austin: Scott Austin phoning in.

Mikey O'Connor: Oh okay. Do you want in the queue or are you just letting us know that you're on the line?

Scott Austin: Just letting you know I'm here. Thanks.

Mikey O'Connor: Okay.

Scott Austin: Sorry.

Mikey O'Connor: Okay.

Scott Austin: Bye.

Mikey O'Connor: Okay anybody else who's not on Adobe that would like to get in the queue before I turn it back to Jeff? Okay Jeff go ahead.

Jeff Neuman: Thanks. This is Jeff Neuman. I think, you know, I think I posted it on the chat and I just wanted to kind of raise it.

It depends, my view personally, is it depends on what these are exceptions to. I think a number of people have raised it as far as what is the baseline.

I think it's important right? If the baseline were RAC then I think some may have issues with this (and that was) so far enough right, in that if RACs still the - if RAC were the baseline and registrars would not even be able to enter into the registry business at least, you know, I'll let other people jump in. I know people jumping in on me on that.

But they won't be allowed into the registry business. And so, you know, there's no exception that deals with that in this exception policy.

And for example can a registrar say hey, I want an exception to be a registry in the first place even if they agree not to distribute in their own TLD?

So I think that is actually an issue. I know Tim says, you know, Tim thinks it's an exception to the RAC. I think others may find it acceptable if there was an exception to the JN2.

But, you know, I saw the emails earlier from Statton and from Eckhaus and others. You know, it's hard to say you're good with exceptions if you don't know where - what they're exceptions to.

(Sean): Yes this is (Sean) Mikey. Just to, you know, I don't know about Avri and I guess (Anthony) couldn't be on the call, but my original purpose for suggesting this last week was because we couldn't find consensus on a baseline. I mean that's the whole point.

There is no consensus on a baseline then there's not likely to be. The - so what are those narrow few exceptions that we could agree on that come through?

We don't agree on an SRSU. We don't agree on registrars who just want to be a registry because it sounds like, you know, there would be an economically good thing for their company to do or whatever.

But there are some cases where it may be, you know, some situation where, you know, there's a language group that has been getting addressed. And, you know, the only way to do that is make some sort of exception and its narrow.

You know, it's those kinds of, you know, are there anything - is there anything like that we can come to agreement on?

Maybe there's not but that was the point of the exception process not that, you know, that there'd be some agreement on a base line proposal before we get to it. Otherwise what's the point because, you know, there's no - there's not going to be any agreement on that.

So I'm not saying we can get to one I'm just saying that that was the point that yes, my goal, my obvious preference would be that RAC be the baseline.

I don't think we're going to come to consensus on that anymore that we would on anything else. But I still think that there is a possibility, in fact I'm almost confident that there's probably a few changes out there.

That's why they're called exceptions because they're the exception not the rule where, you know, it probably wouldn't bother any of us, you know, if there was some exception made in their regard given what they're trying to do.

You know, can we identify those and can we define them in some way that's acceptable to us all? I don't know. I guess that's what we're trying to find out.

Alan Greenberg: Mikey it's Alan. Could you put me in the queue?

Mikey O'Connor: Yes you're after Richard but Amadeu is next. Amadeu go ahead.

Amadeu Abril: Okay I was un-muting. Sorry for the awful noise but, you know, I'm in a café, in a beautiful cafe in the (Brock) airport so I will try to be short.

Now the question is somehow the point that I made last week and that Jeff just made now, it depends on the basic rule.

So my - (core) agrees with basic points of this exceptions with some language modifications.

Now depending on the basic rule we think we would need other exceptions depending on the basic rule being another one perhaps instead of more exceptions to the limits.

That is let's imagine that the basic rule is free trade, that is everybody can do whatever they want, then we don't need exceptions for that. We need perhaps some limits which is the contrary.

So yes, to the list. But it's not a complete yes to this complete list. And only this, the last part, this and only this depends on the basic rule.

Mikey O'Connor: Thanks Amadeu. Let's see Richard Tindal, you're next.

Richard Tindal: Thanks Mikey. This is Richard. So, you know, I think I kind of like this exceptions document. But I think the very first thing we have to resolve as people have been saying for a while is exceptions to what?

You know, it seems to me the only logical baseline that we have to define exceptions to is the Nairobi resolution. There isn't anything else in my mind that we could make exceptions to.

So, you know, I would propose that if we're going to talk about exceptions that we're talking about exceptions to the Nairobi resolution.

Mikey O'Connor: Thanks Richard. Let's see, I think Alan is next and then Jeff Neuman again.

Alan Greenberg: Okay.

Mikey O'Connor: Go ahead Alan.

Alan Greenberg: In answer to Jeff but there are other ones who said the same thing, I think the base is ultimately important. But I view the question you asked is can we accept this document for exceptions not necessarily saying these are the only exceptions.

So maybe we do indeed need another exception over and above these or can registrars be registries?

But I guess I would ask your original question of is are - what are things that people object to in this exception list assuming it may not be the sole ones?

And I think we may get closer to it quicker from that point of view without the secondary argument of is - are these the only exceptions we need?

Mikey O'Connor: Thanks Alan. Let's see, back to the queue. I guess Jeff Neuman's next.

Jeff Neuman: Thanks and just to respond I guess to Tim and others that made comments. You know, look, I think that the baseline is important in the sense that - well we don't know why it's important.

But if the baseline is Nairobi as Richard says or baseline is (tagged) before as Milton says on the chat, you know, I think that is crucial because if it is DAG 4 then I guess, you know, registries like affiliates are going to need an exception to have ownership up to whatever percent registrars own of them.

And, you know, registrar - registries like Neustar will need an exception for, you know, we're a public company. We don't know who our shareholders are up to 5%.

You know, so - well I don't have an issue with these exceptions here I just don't think they go far enough. And if they don't go far enough then you just can't support it.

So it's kind of hard. I understand what you're all saying about we can't agree on the baseline, but I think it's important because then more exceptions drafted depending on what the baseline is. Thanks.

Mikey O'Connor: Excuse me, thanks Jeffrey. Jeff Eckhaus you're next.

Jeff Eckhaus: Thanks. I have two points. One is I was making on the chat that I just wanted to make on the call here is that by putting in exceptions and saying our baseline is DAG 4 or the Nairobi resolution, what's that saying is to me that's sort of a silent endorsement of a more restrictive regime.

And that sort of - and that sends a message to the board I think unfairly saying that people want this restrictive regime and that's why we're putting exceptions to it.

You know, I don't know if the timing works but to me the exception and this process would happen after the board resolution and the final decision where we know what it is and not in advance of it. Because it's sort of signaling that were expecting a more restrictive resolution. So that was one point.

The other one is all about these exceptions in general. What we're saying is, you know, this - for example this specific language or those - that one for example, you know, it's sort of throws out what everyone, you know, I'm hearing every time when we talk about registrars and registries and co-ownership, you know, so everyone's throwing out there's going to be harms and, you know, the world will end and who knows what's going to happen.

But now it's saying hey, it won't happen as long as it's in another language. You know, that doesn't really make sense to me.

We're saying okay only English language registrars are the ones we have to worry about. If it's another language these consumer harms won't happen because we don't know about it because it's in -you know, maybe it's in a language. That doesn't really make sense to me.

And I just wanted to point that out and say we've got to think about the exceptions to what the harms are and are those still going to be in effect. That's all.

Mikey O'Connor: Thanks Jeff Eckhaus. Avri go ahead.

Avri Doria: Okay yes hi. I think I may on the baseline I'm definitely with those that opt for the Nairobi. And I understand what Jeff is saying about the de minimis. But while I was in work avoidance mode for this weekend I basically did some research on de minimis and first of all sounds like it was five (before) 1 million.

And when I last started looking further into international standards I wasn't able to find a percent - 10% (unintelligible) with all kinds of conditions in various (documents) (uenda) what have you.

So I think - that one of the reasons why I think Nairobi at best because it's everybody is affected in some way or the DAG V4 because at least it's a subtle - it's nicer but not too many is definitely where we need to go.

I also want to point out that in the wiki page - put this, I started to accumulate some of the other exceptions that people started to talk about.

And I'll say quite frankly that all the exceptions that I would be interested in are not there at the moment. I do think that those all have various degrees of agreement and consensus in this group.

And I think some of those exceptions still need definition. For example I was asked why wasn't SRSU included as an exception specifically because there's a separate group drafting what it means to be SRSU and et cetera.

So it seemed wrong to include that one in the list as something that I felt (need) consensus on. So I just wanted to bring up those two things. Thank you.

Mikey O'Connor: Thanks Avri. Richard I'm assuming your hand is up from before and so I'm heading on to Tim Ruiz.

Man: But it was real (unintelligible).

Tim Ruiz: So this is Tim. Yes I think, you know, and this is what I was trying - what I've been - what I was concerned about is that, you know, if we go the route like Jeff is talking about and some others on the chat I mean then we're just back to where we started from.

I mean I didn't intend this, and maybe others do. And that's I guess that's where we want to go. That's where for everybody will go.

But personally I didn't intend this to be let's continue to talk about vertical integration and cross ownership because we can't come to consensus the way we've been talking about it. Let's talk about it under a new label and continue the same arguments that we've been having for I don't know how many months.

Do we really believe that that somehow is going to change the consensus view or create some consensus view that doesn't currently exist?

The point was that we can't find consensus. And so, you know, can we look at some very narrow cases the things that we really we haven't really been talking about for the most part.

I think maybe Avri and Milton and some others have brought up some of these very niche cases here and there Eric.

Now can we talk about some of those and maybe find some exception or agreement around, you know, that we don't need to - because we can't find consensus on these bigger issues then we don't need to block these necessarily.

It doesn't sound like that's going to be possible. But, you know, say well - and so in that regard it doesn't really matter with the base is what, you know, whether it's Nairobi or DAG 4 which, you know, personally I - I'm fine with either one of them. I don't really care.

I think either of those are going to be a problem because of the percentage issues for different reasons. But that's not the point.

So I guess it'll be too bad if we just end up back in the same, you know, non-consensus blockage here that we're already in and we just keep everybody out because we can't get our pet projects through.

Mikey O'Connor: Thanks Tim. Milton you're next.

Milton Mueller: Yes hello. I wanted to respond to what Jeff Eckhaus said earlier. And while I share his concerns I think we share a lot of policy objectives in this working group.

I think tactically and strategically in terms of getting this process finished and having a good result I think you may have gotten it wrong.

In other words you're saying that by discussing exceptions we are presuming a highly restrictive board resolution.

And I think the answer to that is first of all the presumption we seem to be operating under whether we want to or not is DAG Version 4 which is pretty restrictive.

The other answer to that Jeff is that by having the restrictive starting point we make people take the exception process seriously and talk about, you know, when do we really want people to get out of that straitjacket?

And I think if we define the starting point in a more liberal way number one, we don't really have agreement on what that point is. And secondly if it's something like the RAC proposal or even JN2 then a lot of people then have no more incentive to talk about incentives and why we might want to make them.

So I think it's good to start with the most restrictive starting point and then make virtually everybody who wants to do something different apply for an exception and that we can agree on some fundamental things that should be accepted, at least I hope so.

And I think I'm not sure I understood Tim's immediately preceding comments. But he asked will this exception process create consensus that didn't exist before?

And again I think it will if we have this highly restrictive starting point, let's say Nairobi that people will want to establish an exception realizing that a lot of the business models that are perfectly viable and not harmful would be excluded by that point.

There's also an assumption on my part which may or may not be valid that this working group would continue or something like it would continue to come up with a more systematically revised set of conditions for top level domain vertical integration and cross ownership, and that what we're doing now is admittedly a somewhat (cludgy) attempt to do something before the first round of new TLD additions. That's my contribution. Thank you.

Mikey O'Connor: Thanks Milton. I note that we're drawing close to the end of the allotted time. I'm not sure that that's necessarily a hard deadline, but if we could sort of try and wrap-up this conversation in the next five minutes that would at least keep us on schedule.

Let's see Brian, Tim I assume your hand's up from before so I'm going to go to Brian next.

Amadeu Abril: And you'll so have Amadeu on the phone.

Mikey O'Connor: Pardon me? Who spoke?

Amadeu Abril: You also have Amadeu on the phone, Amadeu Abril.

Mikey O'Connor: You want to get back in the queue Amadeu? Okay.

Amadeu Abril: Yes sir.

Mikey O'Connor: I'll put you back in.

Amadeu Abril: Okay thank you.

Mikey O'Connor: Go ahead Brian.

Brian Cate: Thanks Mikey and congratulations Amadeu on the Spanish victory in the World Cup. I'm sure that's why you're in a beer bar.

No, I'm going to only comment on the exceptions document, not with respect to (unintelligible).

I see two basic critiques of the document. And I think it would do us all (unintelligible) from the time pressure we have on us and just look at this document.

I think it provides what could be a framework for addressing exception mechanisms going forward.

I've understood from Tim's original intervention about a week or so ago that his intention was to develop mechanisms in the short term that would be narrow and conservative and well-defined.

But this to me looks like a possible framework that's not fully flushed out. And if you'd focus in on what could be specific exceptions whether it's community, language community, orphan but none of them in this document to my eye have sufficient definition around the details or clarity around the details as to how they would operate as exceptions for any of them at this moment to go forward as specific exceptions for consideration by the group.

Mikey O'Connor: Thanks Brian. I - just to comment on that I think that part of what's implied is that we buy ourselves a little bit of time if we can put this out in an initial report to sharpen some of this stuff up during the public comment period.

So I'm not sure that that's the will of the group but that was at least a thought that popped into my head to make these a little bit crisper before we get to the final report.

Kathy- oh I guess Amadeu you're next because I think I heard you earlier and didn't...

Amadeu Abril: Okay.

Mikey O'Connor: ...let me insert...

Amadeu Abril: Can you hear me now?

Mikey O'Connor: Yes I can hear you fine.

Amadeu Abril: Okay. Wait. Oh God somebody is running a truck on my head or something. I don't know.

Mikey O'Connor: That's a very loud noise.

Amadeu Abril: Okay.

Mikey O'Connor: There...

Amadeu Abril: I think it was a - I think it was on me. First Brian I will not take that as an insult because you're American. But I will explain to you why (unintelligible) don't (unintelligible) a Spanish team trios.

But anyway my second thing is, you know, regarding the exceptions and the mechanism we cannot go from one side to the other. And let me take one of the Jeff comments as an example.

It's not about languages that serving, you know, TLDs for other languages they're serving are not an exception. This is not the case.

Take for instance the (unintelligible). I was the CEO. We had 15 registrars over ten that are really operational. At least three of them are able to respond to demands from customers in (Catalan) and many others in languages that are, you know, easily understandable.

Do you know how many registrars can really understand any mail in Basque, Kurdish, Farsi, and something like 200 or (300) are major languages in the world? Zero. That's the problem.

It's not a problem because this is a different language. You know, oh we, you know, we have this for English.

No. The problem is that if you don't allow in certain extreme cases drafted in Tim's (lot), not mine his ideas, some room that registrants will be so easily harmed, indeed we can pay each one a crash course in technical English. But I don't think this is realistic.

So I don't think that's (unintelligible) for instance needs or deserves such exception. But I think that there are - I know many other cases that won't apply that probably because of the reality, not because of the (unintelligible) difference because they are a non-English language because of the reality of registrar services, perhaps if they don't change that it doesn't convince anybody to apply as a registrar in that let's say linguistic carrier.

They probably will need an exception or we'll be a complete no go for the registrants themselves.

Now on the basis for the - on Alan questions, here's an answer. Core support is exceptions as they are with a footnote that we would like knowing the rule first but answering your question, that's it.

We, you know, 80% of the language being okay and 20% we can live we would like improvements. But we can live with that.

And the last question regarding what's the baseline? Sorry, for us the baseline, the basic discussion is not a 2%. It's not the 100% it was, you know, before Nairobi.

It is the current status quo which is 15% only for registries because, you know, there was no room for the other way around.

But I think that a symmetrical 15% is the only logical assumption we may take. But this one, you know, is controversial so we just look at it as just our starting point. The first one important ones.

So it's not about ontology. It's about complete conditions, I agree. And the second one is yes, we support all the exceptions and 80% of its language.

Mikey O'Connor: Terrific. Thanks Amadeu. Now Kathy Kleiman.

Kathy Kleiman: Great. Thank you Mikey. I - most of the points that I wanted to raise have already been raised by Milton, by Amadeu.

So and I think hopefully Jeff Eckhaus's question about the IDNs and specific language, maybe Jeff you can provide some language that would actually more narrowly define this to an exception that you can agree with as well. Because I agree this isn't as broad as all the IDNs.

Regarding the baseline, I actually think we need to define the specific baseline. I think the baseline for this exceptions document is any registrar, registry - registry registrar separation model that's into strict to otherwise allow these exceptions.

So I think we can take whatever baseline you want whether it's Nairobi or DAG 4 or the current system or RAC.

This is an exception piece that works broadly. And so far I'm not hearing any large disagreement on it. In fact I'm showing almost violent agreement on these narrow exceptions. So Mikey I support your idea of putting it into the report. Thanks.

Mikey O'Connor: Kathy let me explore something that you just said as a possible amendment to this draft with the rest of the group. And that is this notion that rather than - originally what I was going to suggest is that we call out a baseline DAG 4, the Nairobi whatever per all this discussion.

But I like your idea of coming up with a piece of language that says any baseline that requires exceptions like these.

Does that capture the sense of the group so that we don't? It seems to me that we either have to specify baseline of some sort or - and I'm kind of attracted to Kathy's language because it leaves us a little more wiggle room down the line. But I don't want to drive that forward unless people are okay with it.

So if you hate that idea jump in the queue and otherwise I'm going to take it as yes, a checkmark. That's a good idea.

So if you think it's okay to throw up a checkmark. If you don't think it's okay throw up an X or get in the queue.

Avri Doria: Can you repeat please?

Mikey O'Connor: So the idea that Kathy proposed was -- and I'm paraphrasing so Kathy feel free to correct me -- is that this - the baseline that would drive this exceptions process would be any cross ownership vertical integration dimensions that require that these kind of exceptions be granted.

In other words if they were more - if the eventual rule on cross ownership in VI necessitated exceptions like this, then this process would kick in.

And that way we could dodge having to actually specify what the baseline is and thus dodge the telegraph intent problem that Jeff Eckhaus and others were raising.

Neuman and Avri don't like it. Jeff doesn't like it so maybe this doesn't fly. Let me stick with the queue. If you want to speak to that point, jump in the queue. And we are now slightly over time.

So I think what we'll do is we'll go another five minutes, and then we'll set this draft aside and we'll poll for consensus on it immediately after the call and see whether we've got enough of a consensus around this draft to at least put it in an initial report with the proviso that we would continue to work on this during the public comment period.

Tom Barrett you're next.

Tom Barrett: Yes. I'm coming down that we either have zero exceptions or 100% exceptions. And I think what we could do is create a process whereas exceptions get reviewed from either direction, from either zero or 100%.

And this could be a rapid review process similar to (RSEF) or SSAC as a standing committee. And every, you know, and we go with that. I don't think

we should have a baseline that allows any exceptions from the Nairobi resolution. Thanks.

Mikey O'Connor: Thanks Tom. Avri?

Jeff Neuman: Hey I'm...

Avri Doria: Yes, thank you.

Jeff Neuman: This is Jeff. I'm actually in the queue too.

Mikey O'Connor: Oh you're in the queue with an X. Okay sorry about that. Go ahead, you can go next Jeff and then Avri.

Jeff Neuman: Yes I think...

Mikey O'Connor: Then Brian and Kathy and Tom, if you could take your hands down, your poor junior co-chair is bewildered enough. Thanks. Go ahead Jeff.

Jeff Neuman: Yes this is Jeff Neuman. I think we need to set a baseline whatever it is. Even if it's one I disagree with I don't care. But you cannot develop exceptions to a just amorphous concept of whatever rule we create.

So if you're going to start and do an exceptions document then make in Nairobi, not DAG 4, but make it Nairobi and 0% and then take all the exceptions from there. Otherwise it's just a fruitless exercise in my opinion. You got to start somewhere so...

Mikey O'Connor: Okay.

Jeff Neuman: ...thanks.

Mikey O'Connor: Thanks Jeff. Avri go ahead.

Avri Doria: Yes now that was good. I let Jeff speak before me. I essentially for once 100% agree with him.

Anything higher than Nairobi and we actually start to have to make exceptions in both directions, exceptions to permit, exceptions that prohibit. So I think only zero works. Thank you.

Mikey O'Connor: Okay. Tim go ahead.

Tim Ruiz: Yes I guess probably no surprise I don't agree. I think that, you know, the point is we don't have consensus. We're not - I don't know, maybe we'll get consensus around zero. That would surprise me but we might.

If we get consensus around zero then I guess we're in a different situation. But I guess the issue was we couldn't find consensus on a baseline.

So the idea was that when the board gets it they'll have to decide what to do whether to stick with what's in Guidebook 4 or Nairobi or something else that they can actually support with good reason.

But that - what the exceptions would do would say here's what we did agree on so that they would at least have that when it gets to them.

That was a point I think that there's perfect - there's no reason why that couldn't be done except that we don't want to do it and that's fine if that's the role of the group.

But so what we're back to I guess is trying to find out can we come to a consensus around Nairobi or DAG Version 4. Is that what I'm gathering?

Mikey O'Connor: No. I think that Avri said in the chat the thing that sort of struck home for me which was that from sort of a logical perspective you either have exceptions from one extreme or the other either from 100% down or 0% up.

And so I think that this is not trying to arrive at consensus around what the actual rule is but just the...

Tim Ruiz: But I just - but what we're doing is pre-supposing what the board will do if we don't have consensus. And the point...

((Crosstalk))

Tim Ruiz: We don't. So what exceptions can we agree on as being something that would be okay? And that's what we would have the board to consider given that, you know, even the status quo today doesn't allow vertical integration across the board. And in most cases, you know, it would be an issue.

So the point was that we don't have consensus but here's a few narrow cases in which we think, you know, some exception could be made from, you know, DAG 4 Nairobi or whatever it is that the board might come up with.

If the board comes up with 100% let everybody do what they want, then I guess it doesn't matter right? But that's not likely the case. And so that's why the - this idea of the exception process was there.

Mikey O'Connor: Yes I think that's right. Okay I'm going to sort of draw a line under the queue at this point and take Brian and (Ken). And then we're going to push on to the next topic. Brian, go ahead.

Brian Cute: I'll be real quick. I agree with much of what Tim just said. And I don't think that agreeing to Nairobi as a way to shoehorn a working document is what the board is looking from us.

We don't want to send a signal to the board that we're okay with a Nairobi resolution when the board has explicitly said that as a working group we want to see proposals from you. I think it's just completely backwards. Thank you.

Mikey O'Connor: Thanks Brian. (Ken)? (Ken)...

(Ken): Yes Mikey, can you hear me okay?

Mikey O'Connor: Yes I can hear you.

(Ken): Yes. I guess what I'm concerned about is I think Tim is really put thing out with absolute best interests in mind.

But what I'm seeing is a situation now where hypothetically people are going to have to pony up \$200,000 to get before some committee that may or may not decide that they fit inside of a set of guidelines that are going to take an inordinate amount of time to craft if you do it on that basis.

And I think you can't be that capricious in setting up some sort of an exception process. I think you have to have clarity. And I really don't even think you call them exceptions.

They're certain guidelines that they fall in. If it falls inside that guideline then X. If it falls outside the guideline then Y.

But this is starting to begin incredibly ambiguous and much too much authority could be given to a small group of guys. And I just don't think that we're getting the predictability we need there. Thanks.

Mikey O'Connor: Okay. I think I'm going to draw this conversation to a close. I think what we'll do is we'll take this statement essentially unmodified and put it out for a consensus pool to see where we're at on this and make the decision from there as to whether it gets into the initial report or not.

So with that if everybody could put their hands down so that your poor confused co-chair doesn't get puzzled about the queue, why don't we move on to the compliance conversation?

Brian I think you sent out a revised draft. Margie have you been able to capture it and push it up for us? It looks like it's underway.

Margie Milam: Yes I'm going to get it right now. Give me a second.

Mikey O'Connor: Okay. Well so while Margie's doing that, maybe Brian you could just step us through the highlights of things that have changed and we'll sort of go until about 10 minutes after the hour on this part of the conversation and see how we do.

Brian Cute: Sure okay well I may be wrong and hopefully this will be less of a time sink. But the document that I sent that should be coming up on the screen is it includes edits that - and well edits from (Volker)'s comments that he had sent and also from (Anthony) and from Berry. And I'll walk through where there are some areas of disagreement.

David Giza sent a very fulsome amount of edits that I've not gone through in terms of integrating them into this document. And David wanted to have a call, a follow-on call to walk through.

Because as he noted on the last call I think he agreed with a lot of the structure here but he has some of his own specific thoughts that he wants to discuss. And so we'll have that call and then come back with a fuller document.

What we've got right now the - I'll hit a couple of points that (Volker) hit that I think were meaningful within the drafting group.

The - there was one area of disagreement about this notion that reliance on third party surveillance, our competitors dropping a dime on other competitor's abusive practices whether that would be timely for enforcement or not.

I think (Volker) offered a change that says that relies only on that mechanism but may not be timely. And I think that's a helpful change.

I do and I know others feel strongly that that mechanism alone in terms of timing after the abuse had taken place would not be sufficient.

So I think the drafting group now is at a place where we've got more or less agreement on that that there have to be other mechanisms in place that can be one among others that was important.

Another area where both Volker and (Anthony) laid in and I think are meaningful certainly to them is the impact on cost and impact on smaller registries.

In screening for example, was one area where (Volker) raised a question about well what's this going to cost? Is it continuous screening or is it sampling? And I think that's an area for example where an approach that is sufficient enough to identify potential violations is in place but not so onerous that it puts unnecessary cost on small operators is certainly an area that we can come to agree with.

What I want to do now is shift to (Anthony) and Berry's comments if you just give me a second. And I put them at the bottom of this document.

And so (Anthony)'s, you know, important elements to him was that it doesn't create a set of rules that limits competition by smaller registries and registrars.

He characterized this as proposing a big company approach and expenses that might be unworkable in smaller operations.

I'll only make one comment on that based on experience. And that's, you know, when I was an investigator and going on-site and reviewing records of exporters in the US we did look at not only large exporters and try to find large violations, sometimes criminal violations, but we looked at, we did a sampling in smaller industries.

And I remember going to some what you characterize as mom and pop shops, and frankly the experience varied.

You know, you could find a mom and pop operation that, you know, just did their paperwork and didn't pay attention to enough details. And sometimes we'd find violations.

And, you know, at least under the law there's no excuse for not knowing what your obligations should be.

But there were other small mom and pops where you had, you know, an office manager who happened to be particularly good at document management who paid very close attention to the transactions and had some training on compliance and frankly kept the companies in compliance.

And it was a matter of just one person having been well trained and having the expertise to manage the types of resources and transactions.

So I give a, you know, kind of a qualified no back to (Anthony) on that. I don't think this is just a big company solution that's in the four corners of this document.

Compliance can be cost effective for small operators as well, but certainly the sensitivity needs to be there as the program is built.

He also, you know, said you don't want to promulgate rules that are hard to understand and comply with, either by those being regulated or the general public.

And I would agree with that as well. And that's in the art of drafting the compliance programs and the rules themselves.

Also not to place so great a burden on ICANN compliance staff either through the number of rules or complexity or just difficulty of ascertaining or verifying information.

Again I'd give a qualified yes to that that whatever the rules are the rules are being they should be as clearly drafted and promulgated as possible.

But whatever resources need to be brought to bear need to be brought to bear to have an effective program. So that would be my view.

And then to just touch on some of Berry Cobb's who's also on the Drafting Comment Group, he noted that there was - agreed there's no consensus position yet on VI but didn't feel we needed a consensus position to create an entire compliance and enforcement program to address current state or future state of ownership whether it's zero, 15%.

Noted that gaming and harms can occur regardless of what the percentage of ownership is and would like to learn more about, you know, the specific aspects of gaming that need to be addressed which is something the compliance and program would have to address.

And that even if RAC was adopted he would think that strict compliance is required. And to that end he could see a compliance framework that could adopt to other models. And he used the free-trade model as an example of a program that would need to or be able to adapt.

So those are - those comments from (Anthony) and Berry are offered as editorial comment. They're not reflected in the text because they didn't offer text changes, (Volker) did.

And that is the state of the document. And as I said, I need to get back with David Giza and have a call to have a more comprehensive discussion about his view and his suggestions to the program.

Mikey O'Connor: Thanks Brian. It sounds like maybe there is the need to turn around one more draft. Is that your sense as well or is this close enough that we can take it out to consensus polling at this point?

Brian Cate: Okay I went through David's edits and - but let me say that I don't think that he was making substantive changes that (accounted) to much of what's in here.

But I also don't want to say that on authority without having talked to him and gotten his view.

Mikey O'Connor: Yes.

Brian Cate: So I think that that's a variable in this document.

Do I think this document is ripe enough for polling perhaps with that question mark. Perhaps with that question mark.

Mikey O'Connor: Well I just wanted to get a sense of sort of process because we are sort of on microsecond time stuff here.

Why don't we go ahead and open up a queue. I see Milton and (Volker) are in it already but others are welcome to join. Milton go ahead.

Milton Mueller: Yes. I - when I first read the compliance draft I really had a hard time understanding the relevance of it to our problem.

It was like there was nothing really to disagree with in there except possibly the level of burden which (Anthony Vancouvering) flagged.

But to me this reads like kind of a list of desirable aspects of any compliance program. I mean, you know, bottom up, you know, a culture, creating a culture of compliance I mean who can disagree with this?

I think - so I'm asking this to maybe refrain this whole compliance debate. I thought that we get into this debate about compliance because ownership limitations were considered to be a form of enforcement of registry, registrar separation and that if we were going to eliminate or loosen up ownership requirements some people were concerned about our ability to engage in compliance of equivalent access or other kinds of aspects of registry, registrar separation.

So what I don't see in this document is any discussion of how, you know, ownership limits or Vertical Integration interacts with compliance, makes it worse or makes it better.

Indeed if all of these things were implemented does that mean that we could have 100% cross ownership or 100% vertical integration?

And if it doesn't then what indeed is the relevance of this discussion of compliance to our policy problem which is to determine how much vertical integration there could be or should be - should be allowed in the new GLD round? So that's my question.

Mikey O'Connor: Thanks Milton. Brian before you jump in I'm going to maybe amplify it just a little bit. I think that this document does need sort of a rationale in front.

And the - if I were framing it, which I'm not because I'm going to very carefully continue to stay out of the content realm - but I might say something along the lines that working group is quite deeply divided on a number of issues but agree that effective compliance process will - would be helpful either from the perspectives of - that Milton described where perhaps it would be helpful and make it easier for people to trust and loosen up.

You know, there's a group of people that are concerned that if we loosen up too much we may let the genie out of the bottle and not be able to put it back again. And there's another group of people who don't believe that.

And the place where there seems to be agreement is in the need for good information, good compliance in order to base that decision and the fact that we don't really have that today or at least we don't - some of us don't feel that that's there.

So just to add a little bit on to Milton's point which he may or may not agree with, you know, I think there is sort of a need in this document for some sort of rationale in front of it. Now off to you Brian.

Brian Cate: Thanks Mikey. Yes I think the answer to your question Milton is that there is - and it says it on the document that there isn't an agreed upon or consensus baseline for what the model's going to be. It's hard to write the specific rules.

We've got a number of different models in front of us in terms of ownership percentages, what they might be -- zero, 15, 100.

And you have a set of questions that comes you know, verification of ownership structures. And there's a number of techniques and areas of potential violations that would have to be created and implemented in a compliance and enforcement program.

You also have the question of sharing of registry data whether that will or will not happen. That's not clear.

But if it were allowed, then an articulation of the mechanisms which would prevent it, the techniques for monitoring and identifying potential violations of that or breaches of that and then the techniques for bringing up - bringing enforcement to that is a no - another bucket that would have to be addressed and developed.

And then there is, you know, the workarounds for either one of those buckets whether it's contract or transaction-based workarounds if you will that would subvert the rule that would have to be flushed out and identified.

And what other techniques and does ICANN have the proper reach and authority to identify and approach or address each of those workarounds or not would have to be articulated, develop, and worked into a compliance and enforcement program.

So that I think is really the answer to your question.

Mikey O'Connor: I'm not going to belabor this too much but I think we're talking past each other. I think that what you're describing is all terrific. It's describing a good compliance program and their facets thereof.

I think what - the point that Milton and I are raising is that we need a little statement in front of that that says why we think this is so important. And it has to do with this sort of fundamental divide and truth where we are fighting it very hard to get the consensus on the ownership structure. And part of the reason is because of different perspectives on compliance.

So (unintelligible) the feeling that it's adequate and some not but that the compliance function itself is the place where we agree that without that, you know, we really can move forward.

Brian Cute: What you just described is it sounds to me about two to three paragraphs of a preface that I think...

Mikey O'Connor: Yes.

Brian Cute: ...could be crafted if the working group thinks - agrees that's what we have to document.

Mikey O'Connor: I - I think that's what we need. We'll let subsequent comments sort of chime in on that idea as well as whatever else they want to talk about, but anyway that's something...

Brian Cute: Okay I understand.

Mikey O'Connor: ...file away as sort of a little rationale here Brian. (Volker) I think you're next.

(Volker): Okay well I wanted to raise two points here. And one of those points was just an answer of this question. Yes I do believe that 100% could be possible if a proper compliance system is in place that ensures that none of the harms can be played out with a (unintelligible) or can be determined very soon and then eliminated at that point.

I do agree that maybe the reasoning for why this compliance program is necessary should be added as a preface to this draft.

From my discussions in Brussels that becomes pretty much clear that a lot of those people are maybe (in fact) supporting a very restrictive regime mostly do it because of the fear of an uncontrolled growth new GTLDs without proper ICANN compliance. And they simply do believe that ICANN is not up to the task as it is designed now.

So in effect since Brussels a lot of us have been trying to develop the compliance system or basic structure of the compliance system, how it could look like to make sure if that were to be put in place that abuse is severely restricted.

The other point I wanted to make is somewhere in the back of my head. Yes and there it is again. Mikey you asked if this draft was ready and it is or should - and undergo at least one more review.

I for one would love to have a little bit more time, maybe one or two more days to go over it once more. Because over the long weekend a lot of us didn't have the chance to properly go into the - or phrase some of the thoughts we have had in the meantime.

And I think there is still the need to develop the process or the strategies that we are going to propose especially in the bottom half of the document where it's just one-liners that I do not see anything about what we think is proper compliance and the penalty system should look like and (unintelligible).

Mikey O'Connor: Okay thanks (Volker). Jeff Neuman I think you're next.

Jeff Neuman: Thanks. Yes I do want to agree with Milton here on his comment. I think it is kind of confusing to have all this compliance if what we're talking about is pretty much sticking to status quo rules when there's not that compliance now.

So what I would add is I think the level of compliance and of these requirements in this document certainly goes up as you loosen the restrictions.

But if you're going to keep the restrictions or make it more restrictive as it is - than it is today, I'm not sure you need all of this.

So I understand what Brian's trying to do and try to cover all the bases, but maybe a statement in here making it more clear that the amount of enforcement really depends upon how much we loosen the restriction.

Mikey O'Connor: Thanks Jeff I'm going to chime in behind you on that. I think that the other side of that is that the rationale for increasing the amount of compliance even in today's situation is because in many cases we just don't have the information we need in order to make policy decisions.

And that's part of the reason why we're stuck is because some are saying that without that information their concerns about accidentally breaking things simply over weighs the benefit of loosening.

And so I would argue actually that in either case no matter where the alternate restrictions fall that we need - and we need - and I think that this is the point of agreement is, you know, that we need a strong and effective compliance operation in either event.

Again tiptoeing dangerously on the edge of content I will now jump quickly back from that.

Is there anything or we're right at the sort of allotted time. So if we could end this now. And the sense that I've got is that this group could probably use one more iteration partly to get some of the ideas that are right now in the bottom of the document folded more integrated into the body of it.

And partly the...

Scott Austin: Mikey this is Scott Austin. Could I - I don't have access to a computer.

Mikey O'Connor: Sure, that's fine.

Scott Austin: Can I just make one comment?

Mikey O'Connor: Yes.

Scott Austin: I'm in this group and I have not a chance to really to add anything substantive to the document. But I think what you've been talking about is what we'd consider a preamble or something...

Mikey O'Connor: Yes.

Scott Austin: ...that is sort of an introduction that provides the background for why this document is being created in the first place and also contains some of the things that you've discussed trying to avoid substance but still I think it's been very instructive and useful and that is to provide a foundation.

And I would question whether maybe it would be useful if even the other documents as well to give some lead - a little bit more lead-in or background in terms of findings as we would say if it was administrative proceeding that serves as the basis for the document. That's my 2 cents.

Mikey O'Connor: Thanks Scott. Anyway I guess my thought is I'm going to be as typically unreasonable as I always am and say how about 24 hours because we really need to get a poll out on this so that we can have sort of the final conversation about these documents on Thursday.

And if the folks that were working on the compliance or the exception process document wanted to write a preamble for theirs, I think it would be helpful as Scott says to have that sort of stage setting paragraph or both.

Because I think that's where we can highlight where we agree and at the same time acknowledge the deep disagreement and draw the connection between the two and say here's the reason, here's one of the reasons why we disagree. And this is why this particular recommendation is so important is because it takes us beyond that basic disagreement.

So what if we say for all the teams that this exact time -- look at your clock -- tomorrow is the deadline whatever time zone you're in, 1:00 pm Central Time, 2:00 pm Eastern. GMT is beyond me at the moment but anyway about 24...

Jeff Neuman: Hey Mikey.

Mikey O'Connor: ...hours from now. Yes. Jeff is that you?

Jeff Neuman: This is Jeff.

Mikey O'Connor: Oh Jeff go ahead.

((Crosstalk))

Jeff Neuman: (Exactly).

Mikey O'Connor: Go ahead Jeff Neuman.

Jeff Neuman: Yes. I just want to ask a question as far as process here. So I'm not on the sub teams. And I was kind of waiting for the sub teams to submit the things to the full group to make comments.

But I guess what you're saying now is 24 hours to what, 24 hours until they take the draft and give it to the full group to comment on or are you expecting the full group to comment now?

In addition you have certain people that control the pen which may or may not agree with certain ideas that are expressed.

So I'm just wondering what you envisioned. Before we include it in a report of the working group as a whole how you envision this going forward?

Mikey O'Connor: That's a darn good question. And my phone just took the moment to screw up a little bit.

I think that given the lateness of the hour we're going to have to sort of simultaneously do both the group revisions and the comments from the larger working group.

Because what we really need to do very, very, very quickly is get to a draft that we can pull.

And so I think that probably comments need to be based - comments from everybody in the working group need to go to the drafting team now.

And that puts an unreasonable strain on the drafting teams but this is a working group that specializes in unreasonable strains. And is just more of the same.

And that by basically this time tomorrow we need to do the best we can recognizing that if we get close enough to consensus that Roberto Gaetano and I can reasonably say either there's consensus or we're moving in that direction so that we can get it into an initial report so that we can kick off a public comment cycle. We then buy ourselves some time.

The sort of doomsday scenario is that we lock up on every single issue, can't come to consensus on anything and thus don't have anything to put into an initial report. At that point we're done.

And so that's sort of the trade off is we have to acknowledge that this is not going to be perfect, that it's going to be continue to be refined during the public comment period.

I think Ken Stubbs mentioned on the last call that one of the things we ought to highlight when we publish the comment, the opening of the public

comment period is that we are going to be revising during our public comment period, and that any comments that come in early are likely to receive a lot more attention than those that come in right at the end.

But basically we just have to crash ahead right now. Does that...

Alan Greenberg: Mikey it's Alan. Could I be in (the list)?

Mikey O'Connor: Yes and it looks like Ron's in. And let me...

Brian Cute: And Brian.

Mikey O'Connor: ...get back to Jeff. Hang on just a second guys. Jeff does that give you enough of a sense of where we're at to answer your question?

Jeff Neuman: I think it sort of does. I just, you know, not all of us can be involved in every sub team. And it just - I understand there were some phone calls and stuff. But whatever. We'll have to work with what we have. So I'll just...

Mikey O'Connor: Yes.

Jeff Neuman: ...defer...

Mikey O'Connor: I mean this isn't ideal but we weren't dealt an ideal hand. This is just the hand we were dealt and I think we're going to have to make the best of it.

Let's see I have Ron but then somebody chimed in and I...

Alan Greenberg: Alan.

Mikey O'Connor: ...forgot to write - Alan okay. So Alan you're after Ron.

Ron Andruff: Am I up then Mikey?

Mikey O'Connor: Yes and then Brian? Anybody else that's not on Adobe wants to get in the queue? No, okay. So Ron you're next.

Ron Andruff: Thank you Mikey. I wanted to just along the lines of what you've been discussing you sent out a short term schedule and approach that three weeks ago for the first pass PDP. And in their there was a timeline, it says interim report published on July 16.

So today we were supposed to assemble the initial report, review the poll results and initial report sections, and then finish assembling and review the initial report on Thursday and open the public comment period on Friday.

I am wondering who's drafting what? Because what you're talking about a drafting elements of this thing, we - this is a - this initial report, who's going to draft that and when is that going to happen in the next three days?

Mikey O'Connor: Well Margie has drafted an initial report with a giant hole in the middle that she circulated to the list some weeks ago. And that is waiting in the wings.

What we are drafting now in these drafting teams is basically the meat of the report.

And part of the reason that the schedule is so tight is because there's probably an all-nighter in some people's future on Thursday night to get all this stuff pulled together because we are just flat out of time.

So that deadline, the Friday deadline is still the deadline and...

Ron Andruff: So...

Mikey O'Connor: ...we're doing as much as we can to fill a gaping hole in an initial report right now.

Ron Andruff: Exactly. So what I'm saying - what I'm thinking is that this work group has to have a time to comment on this thing.

So, you know, you're pushing it hard and I appreciate it and within 24 hours we're going to see some reports. That's Tuesday. That means we're commenting on Wednesday. Thursday we're locking it down as a community so as a group I should say, a working group.

Mikey O'Connor: Well we're locking it down for an initial report. I have to make that distinction clear.

One of the things that is very clear is that we're going to continue to refine that initial report right on through the public comment period which is a little bit different than most PDPs.

Most PDP groups kind of take a vacation while the public comment period is open.

We're going to have to say in the initial report look, this is a group that worked under extraordinarily harsh deadlines and we're going to continue to refine our document even while the public comment period's open.

So I think that the possibility exists to drive substantive changes into the document after the initial report is published which is a little bit different than normal.

Ron Andruff: Yes. I think it's - it is unique circumstances, no question about it. But I think that's going to be a little tricky to be trying to balance public comments as they kind of drop in on us over the course over that period. But thank you.

Mikey O'Connor: No I think that's right. Yes I'm going to jump up to Margie. She is going to share the all- nighter with me. So Margie...

((Crosstalk))

Margie Milam: (Unintelligible) understand. Mikey what do you envision the reports having? I mean I've got the shell like we talked about and I'm happy to circulate that later today if you guys want to see what that, you know, the background documents look like.

But in terms of the meat of the document, the recommendation what do you think's going to go in there?

Do you want all of the proposals that have been, you know, floated to be in there or is it just the exceptions document that we're talking about and the compliance?

I mean I'm just trying to get a sense for what it is you think this report's going to say?

Mikey O'Connor: I - there's a fairly lively conversation on the list about that that Kathy kicked off just before the meeting. And I haven't had a chance to read it and digest it.

But and Tim commented too, you know, one of the issues was whether to try and shuffle the RAC proposal into the standardized format.

So I think the answer is let me get back to you on that. But I can't quite answer it right now on the call.

My initial reaction just shooting entirely from the hip without checking with my co-chair is to say that all of the substantive proposals ought to be included in the report somewhere either in the body of the report or as appendices so that people who are reading our work have the benefit of the thinking that we've done and whether those - you know, one of the hopes was that we would get to be able to poll on atoms across a couple of proposal.

That hope may flounder if we can't get RAC into the same format so that we can do that atom by atom and proposal by proposal polling.

But, you know, again, all of that is I think we're going to have to pick that up on the list. Let's see Roberto Gaetano's next.

Roberto Gaetano: Yes. I hope I'm un-muted.

Mikey O'Connor: Yes you're fine.

Roberto Gaetano: Thank you. I think that also looking at the charter there seems to be some sort of widespread idea that there's no consensus on anything.

And to this I completely disagree. I don't think that we are in the shape of being able to make a fully complete proposal and define all the conditions for vertical integration.

But I think that there are certain positive elements that have to be put in the report. I think that we can start to put in the report the initial proposals.

We have to mention the two outcome molecules from Brussels. And looking at the chat there's disagreement on whether those are official - what is the status of those because in fact not everybody was in Brussels.

But in fact those are results of the working group. And we should present them even if they are not - even if there's no consensus that those are the only two proposals possible.

But I think that those especially if we go to public comment, you know, we have to give the chance to the group to the community to comment on those two proposals.

So and then the fact that we have established and I think by rough consensus a three subgroups identifying clearly some issues.

One was the exceptions to vertical separation. The other one was on compliance. And the third one was the case of single registrants, single users.

I think that those have to be put in the report. And I think that we can say that we have a general idea that taking as a baseline DAG 4 or Nairobi. And I think this has to be discussed on the list. We propose (unintelligible) exceptions (unintelligible) will be (unintelligible).

Mikey O'Connor: Roberto Gaetano can you hang on a minute? We've gotten a horrendous amount of background noise on the line. If everybody could mute. And somebody's got a siren going by.

Okay Roberto Gaetano...

Roberto Gaetano: Yes.

Mikey O'Connor: ...that last couple of sentences again.

Roberto Gaetano: Yes. So I think that if we assume at the baseline and we might have a discussion on whether we take DAG 4 or Nairobi or whether in fact it is irrelevant and it is the same thing.

But we have a list of exceptions on which vertical integration will be allowed. And we leave it open for public comments, the fine tuning of this list of exceptions.

But so our initial report could outline the principles that is - that are those that I have tried to describe now. So I think that we are not in bad shape.

There is something that we have - that we can distribute in terms of report.
The only thing is to put in the report the things on which agree.

And I think that the fact that we have built in subgroups is the indication that there was a consensus or at least a rough consensus in the working group that those were issues that we needed to address in order to solve the issue.
I'm finished.

Mikey O'Connor: Thanks Roberto Gaetano. Let's see, where are we at in the process here?
We need to get through SRSU.

I think what I would like to do is postpone the report/process discussion to the list if we could. I know that everybody's excited about it but...

Alan Greenberg: Mikey it's Alan. Could I get in because my comment is relevant to that?

Mikey O'Connor: To the process or to SRSU?

Alan Greenberg: To using the list.

Mikey O'Connor: Okay, go ahead.

Alan Greenberg: It's short. I would just like some clarity. I'm traveling. I have very limited connectivity and I've had reports of mail bouncing to me. So I'm not quite sure what is going to the list and what isn't.

For instance, Brian's proposal or any discussion about it I never saw anything.

So can we just have some clarity about if the subgroups are using our main list or if they're using private mail and what is going to the list so I know what I should be looking for...

Mikey O'Connor: Yes.

Alan Greenberg: ...and maybe others if they're in the same position?

Mikey O'Connor: Well I think that the subgroups have generally been working amongst themselves. But I think...

Alan Greenberg: Okay.

Mikey O'Connor: ...for the next 24 hours that we're going to need to do it all to the list.

Alan Greenberg: Okay.

Mikey O'Connor: I think the list is going to get a little bit crazy. But that's our trademark. That's what we do.

Alan Greenberg: That's fine. I can live with that. If I don't get the mail I can look at the archive of the list. I just need to know what is going where. Thank you.

Mikey O'Connor: Yes. No I think that we now need to generally favor the list in our conversations. And we're - this is just going to be a miserable week people. But I think we can get through it.

I think we're going to have to push on to the SRSU discussion pretty quickly here. But why don't I give everybody that's in the queue Brian, (Ken), Tim, Ron like a minute each unless it's just dire and see if we can clear the queue out and get the SRSU. So Brian go ahead.

Brian Cute: Sorry to jump back Mikey but on the report that's due tomorrow by 1:00, compliance and the exceptions I just want to know you can have people send comments to us. We will do the very best we can.

What I had done in this document for the four active members of the subgroup where we had disagreement -- and we did -- I put that language in brackets.

That's a technique for developing documents where you can indicate this is a statement where there's not necessarily agreement.

I would do that in the normal course. But if what I'm being told as the person holding the pen in the subgroup that we need a clean document tomorrow that incorporates comments from people on the list.

We will only do our very, very best. And I already heard the echoes of potential discontent, well-founded potential discontent in Jeff Neuman's remarks.

And I'm worried because I don't want either of these two reports to be viewed as, you know, shaped by people who had their own points of view and not, you know, taking into account the full sentiments of the working group.

I just think this is a really, really tall order. We will do the best we can. That's all we can promise.

Mikey O'Connor: Yes and I think we all have to cut each other just a little bit of slack here people. I mean this is crunch time. And we're just going to have to do the best we can and acknowledge that these are done, that we're going to keep right on working right up till the final report in a month or so.

But we have to get something out or stop, one or the other. And stopping sounds really unappealing to me anyway. (Ken), go ahead.

(Ken): Yes thanks Mikey. My personal feeling is that it's going to be extremely difficult to get anything substantive done by Friday.

I'm afraid that we're by default going back to just the - these working groups which were put together to identify issues that were inside of every proposals. They don't represent solutions in a lot of cases but rather the start of a process.

My feeling is that you need to make that if people agree, you need to make that clear in the first draft and be prepared by within a week to come out with a revised draft that's much more inclusive.

Otherwise all you're doing is just identifying issues and not providing solutions. If that's the case then you might as well just send it right up to the board and say we don't have solutions. All you can do is identify issues here. You guys are just going to have to do whatever you think is best.

And I really think that's the direction that we're heading here and it kind of bothers me, you know. I know we're being pressured for time but I would be mentally prepared to issue to give some sort of a compliance document to ICANN on Friday with the full intent of revising that compliance document very quickly.

I don't have to wait 20 days to get another draft out. And if the ICANN process refuses to accept another draft then there's something wrong with the way (unintelligible) is set up because that's what input is supposed to be. Thanks.

Mikey O'Connor: Well that's an idea is, you know, we could, you know, Avri's already started us off with some wiki pages. We could certainly come up with several interim drafts during the public comment period.

But we need something to prime the pump. If we don't have anything then we're done. Then we've reached the point where you declare no consensus on anything and call her quits.

And I don't - I'm with Roberto Gaetano on this. I really think there are some points on which we agree.

The queue is growing. Tim I think you're next. Brian and (Ken) if you could take that...

Tim Ruiz: Yes...

Mikey O'Connor: ...would help. Go ahead Tim.

Tim Ruiz: Oh two things. I think first of all I don't - it - I don't think it matters whether we come to consensus on anything or not. I'm not saying we can't but I'm saying if we don't we still need to do a report.

I mean we can't have a working group that works for this long and doesn't produce some report of what it's done for the community. I think that would be a huge mistake at least in my opinion.

So regardless, you know, some report needs to be produced. But I also don't see that if this working group doesn't come to consensus on anything right now but that necessarily means well that's the end of it.

You know, for those who think that, you know, if they don't get what they want in the first round then it's the end of it then it is.

But I don't assume that this first round is the only round that's going to take place unless things really go to hell in a handbag and then nothing really matters, right?

But if this is going to be an ongoing process this working group can still be ongoing. And that's always been the intention of the RAC supporters that we didn't present that with the idea that this was it forever and always.

We - personally my main concern is just that quite frankly there's just too much going on in this first round and to put vertical integration into it on top of it is just way beyond what I believe the community is going to be able to handle as far as I can as far as - in ICANN as far as compliance, et cetera.

I'm not sure that unless the market's even ready for this yet or whatever. But those are all the arguments we're all having, right?

But just because we can't come to an agreement now doesn't mean that we can't come to it later. This - these discussions can't continue on.

For me being the council you'll find that maybe it's - maybe it's better to reconstitute the group. And maybe a lot of us will be back but under some other reconstituted new charter we might do better.

But the point is it's not the end of it. It doesn't have to be the end of it and that regardless of what happens we still need to do a report.

Mikey O'Connor: Thanks Tim. Ron?

Ron Andruff: I agree with what Tim just said. Regardless we need to report and it doesn't have to be the end of the right now.

But I am discomforted by what I'm seeing on the chat right now where there's some proposals saying all - some suggestions saying all proposals should be put forward that - to the public comment.

I am really against that notion and have stated it many times, others have as well. The issue here for us is to try to refine what we've got and put that forward.

As I understood Brussels we had a number of face to face meetings. I thought we were pretty clear when we had the last of the face to face

meetings that there were two proposals we were working on. And JN2 and RAC plus were effectively the ones we were going forward with to see where we could find some common ground.

Now it seems like every proposal has been discussed going back before the - back to committee if you will, back to anybody who wants to weigh in on it without any factual basis or any understanding of all the things that we've argued and discussed and debated.

So I'm very uncomfortable about what we're saying here that let's just put everything out to and do a report, put every proposal on it and let the community make some decision. I think that would - that is definite failure in my view.

Mikey O'Connor: I'm not sure that - well, you know, this is what happens when you shoot from the hip. I should have just said let me read the dialogue on the email list.

You know, I don't think that anybody is saying that we ought to put all the proposals - well I don't know. I haven't been reading the chat. I'm just going to stop. Jeff Neuman, you're next.

Jeff Neuman: Yes thanks. And Brian I'm sorry. I didn't mean to - just going back to a previous conversation, I didn't mean to imply that people who are drafting these weren't doing a good job or weren't - or were just, you know, basing it on their own opinions.

I just think that there's certain work that's done within the sub team that may not have been shared with the full group. And, you know, until you guys get to a report to submit it to the full group then, you know, I mean like, you know, one of the items you said that's going to be in a separate document is a comment that David Giza had submitted.

So if we can get those to the full vertical integration working group then that would help too. It'd be good for all of us to see what they have to say.

And I know it's not the ideal process and I didn't mean to imply that you guys were putting your own biases into it, but just meant to say that it was a sub team trying to come up with elements to send it to the full (team).

Brian Cute: Yes Jeff and this is Brian, no offense taken. And as I noted I thought your concerns were well founded. I said that and meant that. And particularly within the context of the next 24 hours that part of the exercise I could see where people come out of that and say hey look, I gave my 2 cents and it wasn't reflected, so none taken. Thanks for the points.

Mikey O'Connor: Jeff Eckhaus, go ahead.

Jeff Eckhaus: Thanks. I've said this in the chat and on the emails. But I need - I think I'd like to say this in the group. I strongly, very strongly disagree with only putting forward the two proposals because that was what was discussed in Brussels.

I miss - I was there. I missed one of the meetings. And I was there and I was following what the chair - what you and what Roberto Gaetano had said here this is the plan. This is the path that we're going on.

And I was fine with it. You know, there's no issues with that. But then to say that as a result of what that was, here are the two proposals and those are the only ones we should go forward with leaves out all those people who could not attend Brussels face to face and people like myself that said hey let's just follow this path and see where it leads us, not to say hey, if we don't include this now, this is our working session and this is the only proposal that we're going to put forward.

We cannot do that and just say to the group, say this is the only two that we wanted. I think there were a lot of other proposals and we should present all of those to the public in the report and not limit it to just these two.

Mikey O'Connor: Jeff?

Alan Greenberg: It's Alan. Could I ask a question?

Mikey O'Connor: Yes.

Alan Greenberg: Which two are we talking about? Are we talking about the two that came out of the Brussels Saturday meeting or are we talking about the two RAC plus and JN squared?

Jeff's comment sounded like we were talking about the Brussels one and I thought we're talking about the other two.

Jeff Eckhaus: Yes. I think they were pretty similar that they were...

Alan Greenberg: Perhaps but...

Jeff Eckhaus: ...along those same lines. You know, there were little modifications. But for example the (Cam) proposal is left out of that. The free trade proposal is left out of that.

There were a few others that were not discussed. I think the JN2 and the RAC Alan, unless I'm mistaken I think those were similar to the two that were sort of discussed in Brussels or came out of it maybe with some modifications.

Alan Greenberg: They may be but I wanted some clarity not being able to read the chat.

Jeff Eckhaus: Oh sorry yes. I think those were the same so hopefully I'm keeping up. Those were the - I consider those pretty similar so that's where my - that's what I was discussing. Hopefully that clears that up.

Mikey O'Connor: Mike Palage, you're next.

Mike Palage: I'll pass.

Mikey O'Connor: Okay. And Tim I assume your hands left up from before. Okay well I will refrain from trying to sort all of this out because I really need to read the chat and the email and figure out what to do.

I think several observations. One we - and it went by a while ago in the chat, Keith pointed out that we've never really been able to get to a series of proposals around which we could poll since, you know, a month before Brussels.

And so it's very difficult to figure out a path to doing anything but presenting them all. You know, I think Tim's points and others, Jeff's - Jeff Eckhaus's points are well taken that the two proposals that were developed in Brussels leave out a lot of people.

And so let me just take that one as a chair action item, co-chair action item to try and sort out and we'll finish that one off on the list.

We've got about 20 minutes left. Oh and we have two more folks in the queue, Jon and (Ken). Jon go ahead.

Jon Nevett: Thanks Mikey. I just want to clarify for folks that at least the group that I participated in with others in Brussels was very different than the RAC proposal. So I would not lump those together.

And the biggest difference was the right of registrars to provide backend registry services with a contract directly with ICANN to help with enforcement. And that was a huge move I think from the RAC proposal. So I just want to clarify that point. Thank you.

Mikey O'Connor: Thanks Jon. (Ken), go ahead.

(Ken): Yes. I would like to point out that there were a significant numbers of people in Brussels number one and that the people who attended the meetings represented many different perspectives.

And there were people in those meetings that in effect were either advocates or allied one way or another with a significant number of proposals.

But it appeared that as we got further into the meeting that there were two proposals that had a significant amount of interest in the working group that the members of the working group elected to move forward with to try to get more to investigate and try to develop some sort of commonalities or whatever it may be.

And so I'm not necessarily advocating that the other proposals should not be included somewhere in the body of the report.

But to give a proposal that in effect could have said you can own a registry if you're left handed or something like that the same weight as the ones that the majority of the working group found competitive enough to be able to try to move further, investigate further and work further on I think is extremely important.

There has to be some sort of stratification based on the interest and the desire of the group to move those proposals. That's the point I think that needs to be, at some place in the report needs to be elaborated.

But if you have let's say ten proposals and let's assume for the hell of it that there were two or three proposals that had a significant amount of interest to give the ones that virtually had no interest at all the same weight as those three is misleading as hell.

And I think it needs to be - there has to be a way of stratifying it on that kind of basis. Thanks Mike.

Amadeu Abril: Mikey this is Amadeu. May I be in the queue?

Mikey O'Connor: Sure go ahead. You're next.

Amadeu Abril: Okay thanks. Regarding the points of what are the proposals, my understanding what we're doing in Brussels that we're trying to agree on things or to discover alternative approaches to solve the problems we see in common.

That is there were consensus points but probably they fell short from the definition of a proposal in this sense that for instance what was in my group was not a complete proposal.

We're just trying to see in which things we could agree but what (is the) alternative to others.

Now we have some complete proposals (unintelligible) happens at this point here. I still support the point we're discussing items remember it was last Monday last Thursday or last (glaciation) - and that is that we had this sort of chart in which you have issues, molecules or harms or solutions.

And then we have different proposal for each one that might come from either the (structure it) proposals worked by people that think more or less in the same lines or they come from the discussions we had in Brussels. It doesn't matter where they come from. What counts are the ideas there.

Mikey O'Connor: Yes. And that was really what I was trying to do in attempting to get all of the proposers RAC and everybody else to fill out in the same format that that questionnaire that I submitted.

But I couldn't get that sold. So I don't have, for example I don't have RAC in that format. So I'm stuck. I don't know what to do about that. Jeffrey go ahead.

Jeff Eckhaus: Yes thanks. I actually I wanted to just clarify my point I think of this as to what Ken was saying that I understand that if somebody puts in, you know, some far-fetched proposal thing, you know, no left-handed people or something like that, that's fine.

But I think if we - to say that, you know, just because it wasn't brought up in Brussels doesn't mean it doesn't have significant following or interest or discussion behind it is wrong.

And to - and to leave those out. And if we want - if we want to say and I'm okay maybe with some sort of stratification but we need to do that to polling, not through just some assumption that those were the two main proposals because that was the main topic of discussion.

So that that's my clarification. I didn't say let's throw every single one in because there might be 20. But let's see maybe we go through polling or other matters.

Because it seems to me from this group there is a lot of people opposed to just those two so that means there are other voices here so we can't sort - we can't silence those.

Mikey O'Connor: So I guess, you know, I'm going to revert to my appeal. And that is that we get all of the proposals in the same format so that then we can put them in a matrix, sort of Kathy matrix to the sequel and poll on that.

And, you know, I got a little pushback from Tim on the list. I guess I'm going to push back on Tim and say would you RAC plus folks and all of you other folks JN2 et cetera, et cetera, Tier 1s, would you be willing to quickly same sort of timeframe put your proposals in that same format so that we can pull on them, both the Adams and the proposals as a whole?

Because it - that's the only way I can see our way out of this one is to actually poll the group and find out where the support is.

But we can't pull the group if we don't have the proposals in a format that we can put them side by side. Jon and then Tim.

Jon Nevett: Yes at the risk of annoying some of my colleagues, don't we have paid staff that could help with pull these together in some format that we could review?

Mikey O'Connor: Yes although if I were the paid staff I would be reluctant to embark on that because it's like treading in a minefield to get the language precisely right.

That's part of the reason why I keep throwing it back to the proposers rather than to the staff. Because at times I've tried to summarize things and I get nowhere.

So I'm...

Jon Nevett: I would suggest that we do that because I think they are excellent at doing that in the past in other working groups and pulling it together. And then it's a lot easier to edit something then - or take a look at it then create from scratch.

Man: Yes we can call it a safe harbor document.

Mikey O'Connor: Smart aleck, okay. Tim go ahead.

Tim Ruiz: Well my concern is that Mikey is the same that - as it has been, that it tries to shoehorn these very different proposals into some common format that may not necessarily do it justice.

And then just because - and for myself I mean, you know, I - when we look at these individual atoms, you know, I don't know if I agree with those atoms or not. Because as far as I'm concerned -- and my feeling about the whole atom molecule exercise is that the atoms - the whole molecule counts because depending on what atoms you throw into it you end up with a completely different molecule.

So just because I agree with this atom doesn't mean that I'm going to agree with it after it's been combined with other atoms and we see what the molecule is that it produces.

That's my problem and that's why, you know, my preference is to keep RAC as a molecule if that's what you want to call it if I've got the analogy right.

Mikey O'Connor: Yes.

Tim Ruiz: And the atoms are what they are. And this is what I agree with, that's what I would rather poll on. And so do I want to break - try to break that down and to fit it into something that it was never intended to be? No. Others on their group may feel differently but that's my feelings.

Mikey O'Connor: Margie has to jump the queue because she's on the staff and I spoke to her. So go ahead Margie.

Margie Milam: Yes, I mean I appreciate the confidence that Jon has but I just don't see in the situation that staff can really do what Jon is asking.

It's not as if there's one proposal that we've been discussing for, you know, weeks on end and we understand all the nuances of the various proposals.

There's, you know, many of them. I don't even know how many are supposed to be in the report. And there's so much dialogue on the list that I - there's no way for us to research it and go back and try to put together a summary that captures all the, you know, the current status of it. So in this situation I just don't see how we can do that.

We can certainly set up a poll. If you guys send us their proposals we can, you know, we can do the leg work to set up the poll and get that all, you know, circulated.

But to do any kind of summary or drafting on each proposal I think is really something that we can't handle at this point.

Mikey O'Connor: Thinks Margie. Avri your next.

Avri Doria: Yes thank you. I guess I'm getting confused now about this report. I thought that this report was going to have those three things that we had been talking about, the exceptions, the compliance, the SRSU, and a couple other things that we thought we were nearing some notion of rough consensus on.

And then I thought that there was going to be an addenda - addendum - addenda -- various addenda in the report that would contain things like an expression of the molecule and how that went, the summaries and references to the other proposals with the poll that we already took on them showing that at that point in time some of them had strong support, some of them had weak support. That's fine, have a summary page for them all.

I think in terms of having your matrix I forget what form that was and I forget whether, you know, I filled it in for our minority proposal or not, but having that in there too is fine.

But going through the process of doing yet another polling seems to me I think there's a lot of historical data that's important that should be summarized that people should be able to dig into in the report if they want.

But I thought we were focusing now on a few simple stripped down things that we hoped we could get some level of rough consensus for.

And I think going into a long exercise of looking for our history, I mean yes some of us have constantly updated our proposal trying to sort of keep up with the developing trends that we saw. But, you know, that's besides the point.

We did have a poll on them. Some did well, some did less well. Just put that in as historical content.

Let everybody put in a one page summary of the proposal as it currently stands and let's move on. Thank you.

Mikey O'Connor: Thanks Avri. Michael, go ahead.

Michael Palage: I'll keep it quick. I support what Avri has said as well as what Tim has said. I think you need to provide that holistic view. If you try to distill something down, you know, as far as this is where we're at I think you missed it.

You know, I really do just want to reiterate both Avri and Tim's point as far as getting it right in this initial draft.

Mikey O'Connor: Thanks (Michael). Keith?

Keith Drazek: I'll take my hand down. Thanks Mike.

Mikey O'Connor: Oh okay. (Ken)?

(Ken): Yes. I'm not trying to sound sarcastic Mike, so let's start out that way. First of all it's five minutes to the hour. We're talking about including SRSUs, one of the three critical elements that we've been able to arrive on here and yet we've spent less than 15 minutes discussing it in the last month literally.

We blew off most of the conversation at our last meeting because we didn't have time and we now have five minutes to talk about it. So that's the first thing.

So the fact that we have that we have trends that we're talking about here, I don't think that they necessarily stand up to the test of just exactly how much of an emphasis was put over the last 15 weeks on these items is the first thing.

Secondly if we're going to talk about the polls and the results I would like to make absolutely certain that the environment in which those polls were taken was put down as well.

Because a very small percentage of the people who participated in the working group actually reacted to the polls and entered them.

And the reason for the polls was to test the water, not necessarily - and I'm waiting here in the chat group that some guys have changed their position one poll versus another.

So I think we need to be very, very careful if we're going to talk about polls we need to make absolutely certain that the public understands the basis that was behind these polls were when these polls were taken. Thanks Mike.

Mikey O'Connor: Thanks (Ken). (Volker)?

(Volker): Yes I want to chime in on that as well. At the polls at that time were just a means to test the water as (Ken) just said.

There were not intended as something that would define or position in any paper that were going to the outside as far as I understood at that time.

So it might be helpful to have another poll even if there's some opposition in the group against it because I believe Brussels has changed a couple of people's minds.

We have a more defined view of the different proposals at this time after having to discuss them or discuss the topics behind them at length.

So I really think that having another poll is helpful at this point of time even if it's just for choosing how to represent the results we achieved or not achieved at this time to the outside world. That's it...

Mikey O'Connor: Thanks (Volker). I'm going to - Ron you're the last guy in the queue then I'm going to dry line under the queue because we just have to wrap-up and so on. So if you could make it brief that would be good.

Ron Andruff: Thank you Mikey, just wanted to pick up on (Ken)'s statement. You know, we're so close from having to write a report and we spent so little time on SRSU. And now we're going to be say well that's something we find there's some consensus on one way or another.

I just wanted - would suggest that we might want to say that the working group is still considering exceptions and kind of leave it at that because we don't know what that is right now.

As you look at the chat channel or you look at the lists everyone's, you know, working as fast and feverishly as we can to try to find some understanding.

Richard's been speaking about orphan, that we kind of all agree on orphan. That may well be true but we need to talk about it.

So I'm just thinking maybe in the drafting of this initial report we should say that exceptions is the focus of the working group at this point and we'll come forward with some shortly which we might put into the public comment period following the initial report itself because I think we're just not going to get there. Thank you.

Mikey O'Connor: Okay. Here we are three minutes to the hour. I think the way to summarize this, sort of hearken back to Avri's, which is that mostly what we're working on is an initial report that tries to identify some very narrow areas of rough consensus.

There is a huge historical record of this. And one of the questions that's on my mind is whether we need to include that all in the initial report or whether we can include it in the final report which would give us a little more time to tidy it up. I might pose that question for the list.

But I think that what we really need to focus on right now is those three conversations -- compliance, the exception process, and yes poor old SRSU which always wound up third in the agenda and never made it to the real conversation.

And I think we still need to get those drafts as heavily commented as we can done in about 24 hours so that then we can at least poll on those drafts.

I think the goal of polling across all the proposals at this late stage is perhaps beyond us. And so I think that we really just need to zero in on those three things and do our best.

So with that I'm going to wrap it up. No, I'm not going to call on anybody else. It's 2 o'clock my time. We've been at this a long time. I'm just - I think we need to draw it to a close.

So with that Roberto Gaetano and I are going to stay on the call a little bit after or I'm going to call him or something. Anyway for the rest of you have a great afternoon and we'll pick it up again on Thursday.

Cheryl Langdon-Orr: I've got to pick you up on that Mikey. Some of us are, you know, getting up at 3:00 am and it's only 5:00 am. We're hardly going to be having a great afternoon. Thank you anyway.

Mikey O'Connor: Sorry about that.

Cheryl Langdon-Orr: What do you mean eccentric views and everything?

Mikey O'Connor: Oh I'm sorry. I'm just not up to my game today.

Cheryl Langdon-Orr: Thank you all.

Mikey O'Connor: Good morning, good afternoon, good evening everyone.

Cheryl Langdon-Orr: There's a reason Gisella says that.

Mikey O'Connor: Yes it's well (stroked).

Cheryl Langdon-Orr: Bye.

Mikey O'Connor: Glen I think we can shut off the recording. And...

Glen Desaintgery: We'll be doing that for you Mikey.

Mikey O'Connor: Okay.

Woman: Thanks so much all. Bye-bye.

Man: Bye.

Woman: Goodbye.

Man: (Unintelligible) asking you guys if you're willing to listen to it because I don't have the time to write...

END