Vertical Integration PDP Working Group
TRANSCRIPTION
Monday 19 July 2010 at 17:00 UTC

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http://audio.icann.org/gnso/gnso-vi-pdp-20100719.mp3

On page:
http://gnso.icann.org/calendar/#jul
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Marika Konings
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Apologies:
Baudoin Schombe
Liz Gasster
Margie Milam

Coordinator: Thank you for standing by. I need to inform all participants that today's conference is being recorded, if you have any objections you may disconnect at this time. If you could please utilize your mute button on your phone today. If you do not have a mute button you may press star then 6 to mute your line, star 6 again will unmute. And you may begin.

Mikey O'Connor: Thanks (Lori) and thanks Glen. Welcome to this, the July 19 version of the Vertical Integration working group teleconference. Today's agenda is primarily focused on a series of threads that I pulled out of the lists over the last - that seem to be pretty active over the last 48 hours or so.

And I've got a group of about seven listed in the agenda if you roll down in the note part on the Adobe screen you'll see it. I've also posted it to the list. And my thought was to spend about 15 minutes on each one. I'm actually

going to pay attention to time pretty aggressively today to try and get through all of those.

And I think what we'll do is talk about them for ten minutes or so and then use that little poll up on the screen in Adobe to take the sense of the group. So if you're not in Adobe and cogitating as to whether it would be a good idea I think today would be a good day to be in Adobe. And then for those of you who aren't we'll just let you sort of vote over the phone.

So if there are additional topics we've got a little room in the agenda on that 15-minute schedule to take one or two more. And presuming that I've hit the high spots I admit to not looking at email for about the last 20 or 30 minutes. So if there are any additions that you sent to me in email that recently let's talk about them now.

But other than I think we're ready to do the roll and get started. Any additions that people want to lobby for? Okay. Glen why don't you do a roll call and we'll get underway.

Glen de Saint Gery: I'll do that for you Mikey. Good afternoon, good evening, good morning everyone. We have on the call today Cheryl Langdon-Orr, Mikey O'Connor, Faisal Shah, Jeff Neuman, Amadeo Abril, Krista Papac, Roberto Gaetano, Keith Drazek, Jothan Frakes, Avri Doria, Jon Nevett, Alan Greenberg, Eric Brunner-Williams, Kathy Kleiman, Ron Andruff, Ken Stubbs, Kristina Rosette, Paul Diaz, Scott Austin, Sebastien Bachollet, Tim Ruiz, Brian Cute, (Volcker Greiman), Thomas Barrett, Statton Hammock, Richard Tindal, Barry Cobb.

And for staff we have Marika Konings and Amy Stathos and Glen de Saint Gery, myself. Have I left off anyone? Thank you, Mikey, over to you.

Mikey O'Connor: Thanks Glen. Okay roll...

Glen de Saint Gery: Sorry, we have apologies from Michele Neylon, Liz Gasster and Margie Milam.

Mikey O'Connor: Thanks. Okay just briefly highlighting sort of the schedule, today is sort of the targeted day to get to the end of substantive content additions to the report so that we can sort of flip into editing mode, get a draft out by Thursday and open public comments on Friday.

That's - for those of you who weren't on the call Friday that's the result of the call on Friday where we all agreed that the schedule was just too tight and we just couldn't make it. And so this is running a bit into overlap with some of the downstream target dates but we just couldn't get our arms around the idea of going as fast as we were going.

So we're still on a pretty tight schedule and would try very hard to sort of draw the line on content today and switch us over into editing. There's a lot of traffic on the list right about the summaries of both the major proposals and the principals or conclusions. And a reminder that those summaries are not due until tomorrow.

You know, what we're talking about today is sort of broad strokes of content not the detailed summaries of the proposal. I noticed that the list sort of erupted in the last half hour. So those are just a couple of thoughts on that.

Onto the - sort of major threads. Some of these I'm hoping are actually resolved but I want to confirm with the group. The first one that I think we've resolved and people seem to be working on is this notion that the summaries of those things will be about 250 words long.

It seems to be evolving towards a narrative theme. There was a debate as to whether to have them be bullets or narrative but it seems like narratives are coming out and they look pretty good to me so that seems like a reasonable approach.

And a need to make them factual statements of the proposal's features rather than advocacy and there's a fair amount of chatter on that stuff. You know, advocacy is fine in the full versions that go in the annexes.

And I just want to take a sense of the group that that's the right course. So we might even get a little ahead of the agenda here if everybody's comfortable with that. As I say it seems to be - it seems to be working for people. It's 5200 - Brian, you get another 50 words.

But it seems like that's - I'm not seeing any hands raised and I'm not hearing any objections so I think we'll go with that plan. And again remind folks that they're not due until tomorrow. So there's some time yet today to get them out, debate them on the list, etcetera, etcetera.

Eric, go ahead.

Eric Brunner-Williams: Yes, the advocates that can't remove your advocacy from your proposal summaries that's just if they strike the proposal summaries and such (unintelligible). Thank you.

Alan Greenberg: Eric, we can't hear you.

Mikey O'Connor: Yes, you were awfully faint, Eric. I couldn't hear you either.

Eric Brunner-Williams: We have proposal summaries being offered that are co-mingled with advocacy for the position. If the authors can't remove the advocacy then we shouldn't have the summary in Section 6.

Mikey O'Connor: Yes, that's a little harsh. We'll figure something out so that we get that out. You know...

Tim Ruiz: And this is Tim.

Mikey O'Connor: Yes.

Tim Ruiz: I think we're all in agreement to try to remove the advocacy we just, you
                     know, we're all working on that...

Mikey O'Connor: Yes.

Tim Ruiz: ...I think we can get there.

Mikey O'Connor: Yes I agree. You know, it seems like a lot of work is going on right now and it
                     all seems to be headed in that direction so I'm pretty confident that we'll get
                     there.

                     Okay good we're 15 minutes ahead, I love that. Next chunk, not quite so
                     easy. There are really two issues in there. One is left over from the Friday
                     call. No it's not left over from the Friday call it's left over from my rewrite. And
                     unfortunately you can't see it in the version of the report that's in Adobe
                     because the line numbers got (unintelligible) it got converted to a PDF for
                     uploading.

                     But Brian, I sort of dove into your language at around Line Number 294 of the
                     draft and just ever so slightly redirected the draft. And mostly I would like you
                     and the folks that are really focusing on that particular document to make
                     sure that what I've done meets with your approval.

                     I sort of did it on my own but the primary intent was to sort of take the owness
                     off the staff and redirect the notion towards the idea that compliance is
                     something that needs to get a higher priority from the leadership of ICANN.

                     And so I don't really want to belabor that on the call; I mostly just wanted to
                     put that on the punch list because before we go to (unintelligible) especially

those of you who are really working hard on that ought to take a look at my language and tune it so that it's right for you.

The other part of that thread on the list - Jeff, I see your hand up and I'll get to you in a second - is the notion that perhaps the proposal itself ought to be more general and that the details, you know, the sort of bullet-level details of how to execute we might want to break off and put either in a different place or something.

And we actually have a similar discussion to have about that when it comes to SRSU. But let's spend a moment on the compliance chunk and talk about really both of those issues and see if we're more or less on the same wave length and then the team can go off and redraft.

And with that, Jeff, go ahead.

Jeff Neuman: Yes, actually I raised my hand prior to you started talking about compliance. I had a different topic that I thought we resolved on Friday that's now...

Mikey O'Connor: Oh it's on the list. It's right after compliance. Section 4?

Jeff Neuman: Yes, can we start with that one?

Mikey O'Connor: Well let's just get compliance done then that's next on the list.

Jeff Neuman: Okay. I think actually on compliance then, if I can comment on that, I think being more specific in that is actually a good idea since these topics were thrown around. And I think if there's anything that is a true substance in value in this report then these are good compliance items are good to talk about. So...

Mikey O'Connor: Okay fair enough. I think that the, you know, I'm sort of recapping a lot of threads so anybody who feels like I'm not recapping them well feel free to chime in and correct me.

But I think the way I read the threads on the list was that there's agreement at the general level but that when we got to some of the specifics the level of agreement either fell off or people didn't feel like they'd really had a chance to vet them.

And so that was the reason that the proposal was made to perhaps back off on some of the details, not losing them, I mean, none of this gets lost, it just gets moved into - eventually kind of a holding area that we can continue discussing. But that for purposes of the body of the report it might be easier to support consensus if we had a little less detail in there.

Eric and then Ken. Eric, go ahead. I'm not hearing you, you may be muted. I hear something.

Eric Brunner-Williams: Hello?

Mikey O'Connor: There we go, now I hear you Eric. Go ahead.

Eric Brunner-Williams: Okay. We've been divided over the importance of compliance between the structural separations, better proposals than the structural migration of the proposal. And I'm just repeating the remark I made on the mailing list two days ago that we're kind of assuming an outcome when we stress the importance of compliance.

So to take an example that's neither the (Jaf), the RAC or the other proposals it's a little bit - the Nairobi resolution announced what kind of compliance was necessary from (unintelligible) the answer would be very little. So that's the point that I wanted to make about the stressing the compliance. Thank you.

Mikey O'Connor: Thanks Eric. I saw your comment and I actually think that there's a way to write the compliance thing - actually that's what is part of what I was trying to do Wiki version of the compliance piece.

I think that's where there's agreement is that irrespective of whether the position is integration or separation there is agreement that compliance is a very important thing either way either to do enforcement or to develop the facts upon which to base subsequent policy.

And so unlike the one that we talked about I think on Thursday - I think it was Jeff Eckhaus's point about presuming an outcome. I think we can actually write the compliance one that - in such a way that highlights the reasons why everybody feels that compliance is important.

So if it's okay with you Eric that's what I'd like to pursue is that sort of line rather than - the other way to do it is the way we finessed the language on exceptions. And we - I moved some language that was in the executive summary down into the revised version of the exception language in the draft where it said, "In the event that ICANN approves restrictive rules," blah, blah, blah.

But I really think that in the case of compliance there is agreement that, you know, compliance is important even if...

((Crosstalk))

Eric Brunner-Williams: Mikey, if we had Nairobi repeated by Nairobi for each of the following new gTLD events assuming that there is periodic new gTLDs there would never be a need for compliance if the rule was always the previous applicants were prevented. There would never be this issue. So I'd be happy with the in the event kind of language. Thanks.

Mikey O'Connor: Okay thanks Eric. Let's see, Ken and then Tim.

Ken Stubbs: Yes Mike thanks. There is one thing. First of all I have a request, would you please ask one of the people to send me the most current draft? I'm operating for the fear that I may not have the most current draft to comment on and I think there were some minor tweaks that were made, I'd appreciate it.

Mikey O'Connor: Yes.

Ken Stubbs: Second...

Mikey O'Connor: If somebody could send the Wiki link that's the...

((Crosstalk))

Mikey O'Connor: ...latest draft.

Ken Stubbs: That would be fine.

((Crosstalk))

Mikey O'Connor: Pardon me?

Ken Stubbs: To the chat that would be fine then I can click on it there. The other thing I'm still concerned about, Mikey, we talked about some of the - reference to the compliance section early on.

                   And there were - I'm still concerned that it does not get the concern for compliance based on issues in the past does not get diluted to the point where it goes from one of the reasons we're concerned about this is because there's a general agreement that ICANN is not necessarily - well maybe I won't get that even but that they - not necessarily operated in the most

optimal way in the past and we need to make sure that that does get done here.

To the point where it will get to that, well we recognize you guys have done a yeoman's job in the past but we need more. And I think we need to be at least - I won't say if we're not going to use the word critical we need to create a significant awareness the community has had concerns over compliance in the past. Thanks.

Mikey O'Connor: Yes and I didn't - my goal was not - just to clarify Ken - my goal wasn't to blunt the criticism it was to redirect it away from the compliance staff and sort of upward into the organization's senior management range. But my goals wasn't to blunt the criticism per se. I agree with that.

Ken Stubbs: Yes, well I hope that during the commentary that ICANN will resurface again and try to give us some sort of a direction as to how they're planning on (unintelligible) the compliance function in the organization.

Jumping into - in the lap of somebody who's at the other end of the world and who really has had very little exposure to what we're talking about here may not be the best approach but maybe that's too early to...

Mikey O'Connor: Yes, I think we kind of have to wait for official announcements on that. But, you know, maybe those will come in the intervening time and we can incorporate them.

Let's see, Tim. Oh Ken you're in the chat now. Sorry, Tim, go ahead.

Tim Ruiz: Yes, my - I don't know if we're still on compliance or not or...

Mikey O'Connor: Yes.

Tim Ruiz: ...but my concerns about the way we're including the SRSU.

Mikey O'Connor: In compliance?

Tim Ruiz: No, no, no...

Mikey O'Connor: Oh okay. SRSU and SRMU are a little bit down the list, that's one of the 15-minute topics.

Tim Ruiz: All right then I'll wait.

Mikey O'Connor: Yes if we could hold onto that one, that's one of the ones that generated a lot of conversation on the list and...

((Crosstalk))

Tim Ruiz: But I'd like to get - be in the queue on that so...

Mikey O'Connor: Okay.

Tim Ruiz: And I may not be somewhere where I can do it.

Mikey O'Connor: Yes and if you're not feel free to just break in and we'll put you back in the queue. Brian, go ahead.

Brian Cute: Thanks Mikey. Just a request, any chance the report could be delivered Wednesday even if it's late Wednesday somewhere in the world as opposed to Thursday? I'd just - I'd hate to run into the similar dynamic. I know we've got more time, we're vetting things but still in any editorial process if something comes in the night before and it has something that, you know, someone on the review team or a number of people just absolutely throw up on, pardon the phrase, you know, you can...

((Crosstalk))

Mikey O'Connor: You're going to throw up on my draft, dang nabit, let's go outside and talk about this.

Brian Cute: I've seen it before, it's not pretty. If it's possible to get it to the team Wednesday I think that just be one of those safeguard conservative approaches to the exercise.

Mikey O'Connor: Yes. You know, be it known that Margie and I will go as fast as we can. It - I think that to the extent that we've got drop-in kinds of changes where each of the drafting groups is basically handing us a paragraph then we should be able to turn the report around awfully fast so I'm - it shouldn't be difficult to do that.

I'm not into spading - having to go through and make a lot of judgments on this first round because you all are doing the drafting. So if folks can get the language to us in drop-in form then we'll just drop it in and turn it around really quick.

Amadeo. You may be muted, Amadeo.

Amadeo Abril: Yes, this is on mute...

Mikey O'Connor: There we go.

((Crosstalk))

Amadeo Abril: ...fascinating. Anyway by your request, as I said that before, we started recording I would appreciate we don't spend that much time refining language in this initial report because this initial report basically says we tried, we discussed lots of things, lots of options, we still don't have consensus to submit to the GNSO and the Board.

And instead of, you know, I mean, the most important thing about this report going out even if there are things that could be improved and instead I think we should focus a lot of what's next, that is how we move from the imperfect reality shown by the imperfect report to a perfect reality at the end shown in a very perfect and final report where probably, you know, the drafting is much more important.

Mikey O'Connor: Fair enough although we don't have a lot of time between these two reports. But I did note your thought before the call was recorded and my idea was that we would put that on as the agenda item at the end especially if we continue to sort of gain time.

You know, that might be also a way to sort of fold in a discussion about both your note to the list and then (Volcker)'s one which was later which is really, you know, attempting to arrive at a new view. And I think that...

((Crosstalk))

Amadeo Abril: To make things simpler regarding my note I perfectly understand it doesn't fit in Section 6 of the report so to the next steps, yes?

Mikey O'Connor: Yes I think that's right. And if, you know, if we can make substantive steps between initial and final report I think that that's all to be commended. But I think you're right I think at some point we do have to draw the curtain down on this initial report, get it out the door and then turn back to the main work of the group which is to see if we can hammer out a consensus on some things.

Okay I don't see anybody else in the queue. I'm assuming that that's it for compliance. Brian, are you gong to be able to continue to be the gateway person into that drafting group or is there somebody else who's going to sort of take the lead on making sure that we have both the Section 6 short summary and the longer appendix version done by tomorrow?

Brian Cute: I'm happy to do that Mikey.

Mikey O'Connor: Okay. Cool, okay. The next section is the elusive Section 4 which Jeff is in the queue on and I'd admit to disobeying the will of the group. I went through and - my reaction was I don't know, it's pretty innocuous so I changed it from the Sallop and Wright, whatever their names are, economists types advising us to having them - I changed the language to they briefed us and then left it in.

         But, you know, I think this is the right time to have the is it appropriate to have that section in or out of the report and then we'll - at about quarter to the hour we'll take a little poll and maybe even 20 to the hour take a little poll and whatever way we decide on the call that's the way we'll go. So Jeff, go ahead.

Jeff Neuman: Thanks. Yes, so Mikey, this is the one thing this group had consensus on. It was very...

Mikey O'Connor: I couldn't stand it.

((Crosstalk))

Mikey O'Connor: I just couldn't take it.

Jeff Neuman: I understand that. But I think this section has to go. I think what we agreed was to put it in the background section that there was a briefing, to not just restate what their report or what they told us because frankly it was met with a lot of criticism and a lot of skepticism.

         And then the last part which I have probably even the bigger issue is that the last paragraph which talks about - it should be noted that Professors Sallop and Wright were asked about equivalent access. They responded that they had not considered the issue - well it says here they responded that they had not considered the issue.

Actually that's not true. So that last paragraph is completely inaccurate. They did think about it and they did say that, no, that equivalent access is actually contrary to the innovation and other goals of why you would integrate.

So I'm just reading what Keith wrote on a chat. That's probably true.

((Crosstalk))

Mikey O'Connor: Tell him Mikey (unintelligible) liked that.

Jeff Neuman: We definitely need to get rid of it. And that last paragraph is just - it's inaccurate; that's not - Recommendation 19 is not something that Sallop and Wright looked at, care about, frankly they didn't look at policy on anything and they were the first ones to tell you that we did not evaluate policy in - we just did it purely from an economic standpoint.

So I'm going to go with my - what we all agreed to in the consensus of this group is just let's get rid of it. Please.

Mikey O'Connor: Okay. Let's see, Eric and then Kathy. Kathy is on deck because she wrote that last paragraph so I'm glad she's in the queue but Eric you go first.

Kathy Kleiman: Talk about giving away secrets.

Mikey O'Connor: Yes I know, but, you know, it was pretty obvious.

Eric Brunner-Williams: Okay, can you hear me?

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

Eric Brunner-Williams: Okay. I agree with everything Jeff has said. If however this text is left in I'm concerned that we need to identify a difference in the model that

Sallop and Wright proposed which is a case by case analysis and the position which staff has taken for the past few years which is that there will be one uniform contract.

These two things can't be reconciled. So Sallop and Wright were proposing a solution that simply can't exist with the model the staff has proposed. And that's all I have to say on it.

Mikey O'Connor: Okay. Thanks Eric. Kathy you're next.

Kathy Kleiman: I do not agree with everything Jeff said. And - although I wouldn't have trouble moving this to a later section. If we keep it - and it is an interesting discussion; I like the way you changed it and edited, Mikey. I think we do have to keep - maybe there were other discussions with the economists and I wasn't present.

But I was the one who asked them the question about equivalent access. They responded that they hadn't taken it into consideration. So - and then others discussed it as well. And people who listened, the MP3 picked up on it as well and commented to me privately.

So I think including at the end, I mean, one of the reasons for bringing the economists on or for bringing any expert into a working group is for us to evaluate kind of are they looking at things the same way we are, do they have the same policy considerations.
So if someone is going to read this description of the economist's work I think they should know some of the questions that we raised in the discussion with them. Thank you.

Mikey O'Connor: Thanks Kathy. Jeff and then Tim are you in the queue on this? You just jumped down the queue.

Tim Ruiz: Yes I am.

Mikey O'Connor: Okay.

Jeff Neuman: I think Ken's in the queue.

Mikey O'Connor: Oh I'm sorry, you are absolutely right. Sorry, Ken, go ahead.

Ken Stubbs: Yes. I would feel more comfortable if we just made the comments that we asked the Sallop and Wright to brief us on the report and asked questions about their specific interpretations of various issues in the report.

But all it really represented was a briefing. And I think the only thing we really need to do is put a link in our specific report to the report that they published that people can view. I don't specially recall the group arriving at any consensus on any issues that they discussed.

And the nature of the type of questions that we asked I think you cover basically to some extent in the scope of our initial engagement in the approach that we're taking is when we call in a resource what we're trying to do is to find out how those specific issues that the resource has dealt with and be used in helping us to arrive at decisions or arrive at a consensus about the report.

But I think this needs to be a very minimal section with only references to a link.

Mikey O'Connor: Okay. Jeff.

Jeff Neuman: Yes, what should be noted now is that we're spending more time talking about whether to include this in the report or not than we actually had Sallop and Wright talking to us.

Mikey O'Connor: Well...

Jeff Neuman: Okay?

((Crosstalk))

Jeff Neuman: So let's get rid of it all, every part of it except for maybe a reference that we
                  had these discussions, they discussed this report and a footnote to where the
                  report can be found but it's not our job to re-advocate what ICANN's
                  economists said because they didn't do the appropriate research, they didn't
                  look at the policy which they fully admitted.

                  And frankly the working group did not spend much time talking about if after
                  that actually happened. And, you know, it's probably something to talk about
                  in the long term that this group needs to do it in Phase 2 or however we
                  define it. But, come on, this is getting ludicrous that we're spending more time
                  than we - now discussing this than we did the entire time when they were on
                  the call.

Mikey O'Connor: Well we've only spent five minutes on it although it is pretty entertaining to get
                  you out of the water, it is like - like Keith said, this is my perverse form of
                  entertainment for the day. Tim, go ahead.

Tim Ruiz: Yes, other than, you know, who asked Sallop and Wright, what, when and
                  what their response was to or whatever, you know, I don't know; I don't want
                  to debate other than I agree 100% with Jeff.

                  I mean, even the fact that this section starts out with the, you know, in the
                  working group's analysis. I mean, you know, in all fairness we have done no
                  analysis of anything. We are all advocating our particular positions and views
                  and proposals but we have not really done any in depth analysis of the
                  market or competition or any of those kinds of things.

And to, you know, quote or to include this huge section on Sallop and Wright and that call is just way out of line and it really misrepresents what this group has really been all about.

And, you know, Sallop and Wright isn't the only one who had done economic studies. There was another group that ICANN hired that the CRA Group did their report. There was an economist study submitted by TIR that I don't see anybody referring or asking about.

So if we're going to get into Sallop and Wright just because the working group had a call I think that's out of line. And this working group should then also be - do an in depth analysis and include the economic studies of CRA and the one (PIR) had done, etcetera. Maybe even consider doing its own.

But until that happens I think this, you know, huge section on the Sallop and Wright call it's just makes no sense whatsoever. At best it should be some reference that it was done and that there's more work to do or something of that nature. But I don't think anything needs to be included beyond that, that's my opinion.

Mikey O'Connor: Okay it's poll time. I love it, I get to do polls. The little poll gizmo is open. Here's the proposition, that we remove Sallop and Wright from the body of the report and then there'll be a second question as to whether to put in the appendix or not. But the first question is should this section stay in the body of the report?

Tim Ruiz: Well you just...

((Crosstalk))

Cheryl Langdon-Orr: You just asked two entirely different questions.

Mikey O'Connor: Did I just reverse myself?

((Crosstalk))

Cheryl Langdon-Orr: You just reversed yourself.

Mikey O'Connor: Oh dang, okay, hold on a minute. Let me clear it out. Okay so first question, should we remove the Sallop and Wright portion from the body of the report? There we go.

Ken Stubbs: Mike, can I make a suggestion?

Mikey O'Connor: Sure.

Ken Stubbs: Put a top limit on the poll. Say for the next two minutes the poll is open. That way people can say that - can't say they didn't get a chance to vote. And if you can't vote because you're not - you don't have Internet access you should speak up just prior to you announcing the results, Mike.

Mikey O'Connor: Yes. Well why don't folks speak up now if you don't have the...

(Volcker Greiman):   Hi Mikey it's (Volcker) here. I would like to vote in favor of removing and I would have voted on my PC if the hard drive hadn't crashed right now.

Mikey O'Connor: Oh what a bummer.

(Volcker Greiman):   Yes.

Mikey O'Connor: Sad to hear that. Okay so plus one on remove, anybody else want to vote by phone? Okay. Jothan's asking am I disclosing and I'm not going to; it's too hard, I can't figure out how to do it in Adobe. So it's an anonymous vote and will remain that way.

Tim Ruiz: Electronic (unintelligible).

Mikey O'Connor: Say again?

Cheryl Langdon-Orr: Who's a chad - what's a chad, I don't know?

Mikey O'Connor: No I think it was - I don't know. Anyway I'm...

((Crosstalk))

Ken Stubbs: ...a vague referencing to the hanging chad.

Mikey O'Connor: Oh the hanging chad. Yes, yes, hanging chads. We hate those.

Alan Greenberg: Another US-centric reference...

((Crosstalk))

Cheryl Langdon-Orr: I don't know whether to hope it turns into a black hole or just stays as the center of the universe, really but anyway...

((Crosstalk))

Alan Greenberg: But it's a US-centric reference we all enjoy.

Mikey O'Connor: Oh yes. Okay I think that we've had enough polling. It doesn't seem like anything is coming in. So it's 14 to - 15 with (Volcker)'s hard drive crash vote to drop and three to keep it in. So I think we'll drop it from the body.

The second question should we...

((Crosstalk))

Cheryl Langdon-Orr: ...the poll.

Mikey O'Connor: Another poll. I love polls, you know that. Should we put it in the annex or should we drop it all together. So the question is - so that it's a yes/no should we put it in the annex?

Alan Greenberg: I got a question - we got a question...

((Crosstalk))

Mikey O'Connor: Yes, go ahead.

Alan Greenberg: Why don't we ask if we should drop it all together first and that might save us all some time?

Mikey O'Connor: Okay so should we drop it all together and the poll is open.

Ken Stubbs: Mikey, if the answers are agree or disagree what you're saying is we should drop it?

Mikey O'Connor: Yes.

Ken Stubbs: Thank you.

Mikey O'Connor: If you agree you're saying drop it all together.

Eric Brunner-Williams: Mikey when you say drop it you're talking about no references at all in the report to the...

Mikey O'Connor: Yes.

Eric Brunner-Williams: ...or are you talking about the...

Mikey O'Connor: Yes.

((Crosstalk))

Eric Brunner-Williams: ...body of their report?

Mikey O'Connor: No I'm talking now about anywhere in the report, annexes, footnotes...

Scott Austin: Mikey, this is Scott Austin, I can't get onto the system right now for some reason but I'm not in favor of dropping it.

Mikey O'Connor: Okay.

Amadeo Abril: Mikey, the next question about putting the footnote or that's the last one of the Sallop Wright?

Mikey O'Connor: Well no I'm sort of following Tim's lead that says should we just drop it all together. And we're getting sort of a mixed result on that. So let's let the mixed result proceed for a while and then we'll kind of hone in on footnote, annex, whatever.

So I think we're, you know, unless - for those of you who aren't on Adobe it's running 9 to 8 so it's pretty even Steven on the idea of dropping it all together.

Amadeo Abril: Some people are changing votes.

Mikey O'Connor: Oh could be.

(Volcker Greiman): (Volcker) here, I'm abstaining.

Mikey O'Connor: Okay. All right so I'm going to declare this one...

Alan Greenberg: Mikey, sorry to interrupt.

Mikey O'Connor: Yes, go ahead.

Alan Greenberg: Could you restate the question again for this second poll?

Mikey O'Connor: So when you're agreeing on this one you're agreeing to no reference at all to Sallop and Wright's report in our report anywhere, footnote, annex...

Cheryl Langdon-Orr: Nothing.

Mikey O'Connor: Nothing.

Roberto Gaetano: Mikey, may I?

Mikey O'Connor: Sure, go ahead Roberto.

Roberto Gaetano: I have a sort of a motion of order. I don't think that it is appropriate to decide to take completely the reference to the report - to, yes, to the economist report out from our report. And it's not a matter of majority or minority that might be biased by who likes and who doesn't like the report.

I think that it was a fact that we had a teleconference with them. And whether we like what they have said to us or not or whether we even think it was appropriate or not I think there was - it was a fact; this happened. And we need to have the reference to the fact that this has happened.

We can take the text out but not the reference to the fact that the teleconference happened.

Mikey O'Connor: Thanks Roberto.

((Crosstalk))

Mikey O'Connor: I think that the group is - somebody's speaking.

Jeff Neuman: Yes this is Jeff I'm still - I was in the queue for this too, I wanted to...

Mikey O'Connor: Oh okay.

Jeff Neuman: My - since I'm the one who made the proposal on Friday my proposal was not to take them out of the report completely. My proposal was to reference the report, reference the call we had but we do not need to restate the position nor do their advocacy for them.

                 The way this is written is basically an advocacy piece on what their position was which I don't think we need nor do I think it's appropriate. So like Roberto says we should state that in the background section - not called out in a separate section - but we could say part of the background or the approach or wherever you want to put it is we had this discussion, we asked a number of questions, a number of topics came up.

                 They referenced their report. The report can be found at - and the link because it's on the ICANN site and then move on. I think that's it. That was my proposal.

Mikey O'Connor: Do you think as a footnote or an annex?

Jeff Neuman: I think we talk about in the section - I've got to flip through it here on background or as an approach. No, background because it's ICANN staff that did this - that had this report or where it interacts with, yes, background on new gTLD implementation activities affecting vertical integration, Section 2.2.

                 We talk about the CRA report there. We should talk about when they say commissioned a study, put a link to the study just like we do in the - for the CRA report and then that's it.

Mikey O'Connor: Okay. I think that it's clear that the house is divided on the get rid of it so I'm going to close that poll, clear it out. And do a new poll...

Ken Stubbs: Mike, before you have your new poll...

Mikey O'Connor: Yes.

((Crosstalk))

Mikey O'Connor: Ken, go ahead Ken.

Ken Stubbs: First of all I want to support Jeff's statement for all intents and purposes. I think what we had - and thanks Roberto - it was a moment where we were inadvertently creating a possibility of a lack of transparency and we don't want to have that.

So I think for all intense and purposes a reference to the report has to be made. And I think - I would leave it up to you to decide whether or not the reference is a link in a footnote or a link on a - in the body of the report. I just think we need to get away from conclusions or anything.

What we're doing is that is a description of the process that we used that's all. Thank you.

Mikey O'Connor: Thanks Ken. Eric and then Avri.

Eric Brunner-Williams: Thank you Mikey. What I'm concerned about here is whether or not we're promoting Sallop and Wright's project or their report by failing to state that we were critical of it. That is if we actually - are we advancing transparency if we don't actually say yes it was there and we didn't think very much of it?

So I'm better - I'm more comfortable with its complete removal because that shows how little value we have for it rather than our attempting to take it - had some value when actually we didn't actually find any value there. Thank you.

Mikey O'Connor: Thanks Eric. Avri?

Avri Doria: Absolutely no value for it. Everything in the annex...

Cheryl Langdon-Orr: I can't hear Avri.

Avri Doria: Okay can you hear me now?

Mikey O'Connor: Oh that's better.

Cheryl Langdon-Orr: That's better, thanks.

Avri Doria: Okay thanks. I think this whole no one had any value for it is just wrong. It was there, some people had various levels of value for it. I think that what is now in the body of the report should be moved to the annex. Everything in the annex for the most part - not everything, I mean, most of the stuff in the annex is people's opinion with varying levels of support or not.

And I think taking it out is just going to actually cause a defect to the report because so many of you don't want to consider what that economic analysis is saying. And I think it's incredibly prejudicial to make your cases stronger by removing economic analysis.

If you wanted other economic analysis you should have made sure that it was discussed in plenty of time. And to think this wasn't discussed is, I believe, not a true statement. Thank you.

Mikey O'Connor: Thanks Avri. Jeff. Last - last word.

Jeff Neuman: Avri, yes, so I don't think it should be in the annex just like I don't think the CRA report should be in the annex because as you said on the chats it's possible that the Sallop and Wright studies were the basis of the (Cam) proposal but I will tell you that the registry stakeholder group position and frankly the JN2 position was deeply motivated by the CRA report.

So if we were to include that we would have to include the CRA report as an annex. I just don't think we should include either but just have links like in 2.2.

So my proposal is such that I could make it more concrete is that we should put in the links to the Sallop and Wright study and the call we had in Section 2.2 where we talk about work that ICANN has done in a new gTLD implementation activities affecting vertical integration but not in the manner in which it's in there now under Section 4 which is an advocacy piece.

Mikey O'Connor: Thanks Jeff. Brian and then Tim.

Brian Cute: Yes, I just want to pick up the point on prejudicial by keeping it on, you know, if it ends up in a footnote and link I'm fine. But, Avri, I can make an equally compelling argument that putting it in is prejudicial.

For those of us who had serious questions about the methodology that Sallop and Wright used in their survey we have foundational questions about their work, number one. Had those of us who wanted to discuss or have reflect in the record alternative economic views - had we offered them they would have been shot down as being self motivated and self interested.

In the dynamics of this type of group on this type of question it would be very difficult to get a balance of economic analysis across the board. This is a report that was prepared by Sallop and Wright at the direction of ICANN staff using their SOW. I can make equally forceful argument that it's prejudicial to have this in here.

However we don't have the time or the ability to bring resources to bring balance to this question so, you know, I think having it in as a footnote is all well and good but let's not overestimate the prejudicial nature of this report one way or the other. Thank you.

Mikey O'Connor: Thanks Brian. I'm going to call the question and I'm going to say that if you agree to the poll, which is open now, waiting to see if anybody votes before I speak.

Tim Ruiz: Agree to what?

Mikey O'Connor: I was just testing. If you agree this time what you're agreeing to is a footnote the way that Jeffrey described it. If you're disagreeing you don't like that approach. And for those of you who are on the phone you can speak up and I'll...

Scott Austin: Mikey this is Scott Austin. If we don't agree does that mean it goes back to being an annex?

Mikey O'Connor: It just means that we don't have a footnote then we have to figure out what to do.

((Crosstalk))

Tim Ruiz: Yes that it wouldn't have its own section through right?

Mikey O'Connor: Right. Yes, we've already agreed that it doesn't have its own section and it's either going to be a footnote or an annex, sort of the way Cheryl suggested in the chat.

Scott Austin: I just want to make sure that if I disagree that means it'll become an annex.

Mikey O'Connor: Yes, well I think we need to positively say yea verily to an annex just to make sure but at this point it's just agreeing to one thing, it's just agreeing to a footnote approach.

Scott Austin: Well if it's footnote or nothing then definitely I'm in agreement with a footnote. So if it's footnote versus annex I think it deserves an annex.

Mikey O'Connor: I don't know what to tell you.

Ken Stubbs: Well there's one of two ways you can do this Mike to make it very quick. You could clear the poll and say that if you agree in the poll that means you want a footnote. If you disagree that means you want an annex. That's an either/or and you clean it out entirely with one question.

Alan Greenberg: And if you don't want it don't vote.

Mikey O'Connor: Yes, okay. I'll do that. Sorry gang, all your answers are going away. Do it over again with those rules; if you agree it's a footnote, if you disagree it's an annex.

Amadeo Abril: If you don't care...

((Crosstalk))

Avri Doria: I don't understand what we're doing now.

Mikey O'Connor: So if you agree - if you say I agree in the poll what you're saying is I want the report referenced as a footnote the way Jeff was describing.

Jeff Neuman: So just to be clear I didn't say a footnote...

((Crosstalk))

Jeff Neuman: I said, sorry...

((Crosstalk))

Mikey O'Connor: Spare me.

Jeff Neuman: No, no I think it may actually get more support. What it should be is like we
                 say for the CRA report in 2.2 where we say that, you know, ICANN had this
                 study done; it's all we say in the CRA report right, that ICANN retained the
                 research firm of CRA. The report recommended blah, blah, blah, blah, blah.
                 And then after the report they did consultation.

                 I think that's the way you reference it basically is that on X-day ICANN
                 commissioned this study. The study was released on whatever date. There
                 were consultations that were committed - or committed - that were done. And
                 then you move on, that's it. And here's the link.

Scott Austin: Maybe the poll should be that who all agrees that Jeff will redo this and
                 submit it for our approval at the next call?

Mikey O'Connor: I could do that.

Ken Stubbs: That still recognizes the treatment though. All I'm saying that we've got
                 (unintelligible) the way. If the current poll is agree is a foot - well it was. The
                 current poll was agree it's a footnote, disagree it's an annex. If you agree on a
                 footnote than I'll make a motion that Jeff revise it and submit it for final
                 approval wording at the next juncture.

Mikey O'Connor: There I changed it. Poll is open.

Cheryl Langdon-Orr: To what?

Mikey O'Connor: Footnote versus annex.

Cheryl Langdon-Orr: Okay.

Amadeo Abril: Actually both it's a nice idea.

Mikey O'Connor: I'm not putting that in.

Scott Austin: Mikey, this is Scott Austin. I'm in favor of the annex.

Mikey O'Connor: Okay.

Scott Austin: Thank you.

Mikey O'Connor: Okay I'd say that footnote is taking an early and commanding lead. And I'm going to introduce Ken's notion that Jeff be charged with writing the drop-in language for Section 2.2. And I think I'm not even going to vote on that, I'm just going to do that unless the group goes crazy.

Brian, go ahead or is your hand left up from before ?

Brian Cute: Hand was left up from before, thanks Mikey.

Mikey O'Connor: Okay. I'm going to declare this well and truly dead and I apologize for dragging us through it again. I won't do that again. Okay...

Cheryl Langdon-Orr: If only I could believe that Mikey.

Mikey O'Connor: I'm also going to skip my own agenda because I think we need to get back to a substantive policy thing just to - to make this cheerful again. So I'm going to skip the polling question for a minute and go onto the SRSU threat which has been very active on the list and has lots of substantive stuff to be talked through.

The highlights that I picked out of the thread are my typically sketchy ones. One big theme was the same one that we talked about before in terms of perhaps moving the level of detail out of the proposal a bit.

Then I had a question about the status of the draft. I don't think that Kristina has had a chance to get the final version done although as I say I haven't looked at email in the last hour and a half or so.

Kristina Rosette: Mikey that's right, I'm about five minutes away from that.

Mikey O'Connor: Oh cool. And then the last point was the debate over whether or not to include SRMU or not. And so those were the ones that sort of stuck in my mind when I read the thread but people are welcome to talk about that and anything else. And I'm taking a queue and Tim's in it. Tim, go ahead.

Tim Ruiz: Yea I guess, you know, I really question the level of detail that we're giving to this. You know, there's a number of different ideas about what SRSU means and, you know, if we want to spend a whole lot of time trying to dig into and making sure that, you know, everybody's different views about what that should - what that means is incorporated I guess we could.

But, you know, I haven't gone down that road because I think it's just way too much. And hopefully we don't. The fact that, you know, SRSU is a concept that there seems to be some general agreement about, you know, perhaps but, you know, it's all over the map as far as what that means.

For myself, you know, when I say that, you know, that I'm - for one thing I think it's already possible. And so if there was any, you know, specific exception for SRSU labeled as such in my opinion it'd have nothing to do with brand and trademark owners.

But that's just my view. But, you know, that's obviously, you know, different from Kristina's or perhaps (Volcker)'s or Eric's, everybody else's. so I just

think that we're going to spend a whole lot of time, you know, trying to come up with a detailed description of this that just isn't going to reflect everybody's views.

I, you know, strongly encourage that we scale back this to just a very brief inclusion of the concept and let's keep it at that and not try to go down this road of trying to get everybody's detailed understanding or opinion about what it might mean incorporated.

The intellectual property constituency has submitted a very detailed proposal about, you know, their view of SRSU and SRMU and on and on. That's going to be included in the annex with the other proposals and that's fine.

But in this regard as an exception it shouldn't be given so much more weight than others that I think are actually more important such as certain, you know, public interest type exceptions and those kinds of things.

That we haven't given a whole lot of time to, that weren't included in polls and just because they weren't doesn't mean they're less important. Yet that's really what's happening here with the importance - the emphasis that we're here placing on the SRSU.

Mikey O'Connor: Thanks Tim. Jeff Neuman.

Jeff Neuman: Yes I think I'm one of the ones who raised this as well. And I actually gave Kristina text back and I'm not sure what, you know, I guess we'll find out what she did or didn't include.
I think there should be a reference to the SM - sorry, SRMU in the sense that it was proposed and it was something that we did look at. But I don't think it should get anymore detailed than that.

And I want to agree with Tim, I think that, you know, look, we talked about in general the SRSU and there's general support for the concept but the IPC -

but there's not - in fact there's overwhelming opposition in the IPC version of what constitutes SRSU or SRMU if you look at the poll results.

So, you know, and there's pieces of it in there that a lot of us including most of the contracted parties could never agree with which is the notion that SRSU could be used by anyone who's not an existing registry or registrar but - it just makes no sense. So - well at least to the contracted parties it makes no sense.

So if we get too detailed you're basically going to find a lot of that opposition to what's in the report from within the working group which makes it meaningless.

Let's get the concept out there which a lot of us agree with that a lot of us had in our proposals like Tim had mentioned and let's get it out there as a reference and put the IPC proposal in their spot just like the JN2 SRSU exception is in its spot. Thanks.

Mikey O'Connor: Thanks Jeff. Kristina.

Kristina Rosette: Yes, that actually was what I am in the process of doing in the sense that all of the IPC-specific stuff I'm assuming if I could further condense to 250 words it could go in Section 6. But that's at this point it's very general and the only placeholder I'm waiting for right now is for specific text from other proponents of SRSU-type exceptions.

And I guess the other thing that I've noted in my mark up of the whole report which I'm about halfway done with, is that I have not, surprisingly, concerns with how the exception process is defined because as it's defined or at least how it's currently iterated it would seem to exclude on its face a .brand exception.

And I don't know that there - there may be agreement that folks can't support the IPC proposal in its current iteration. But it's not my understanding that there's no support except from me for a .brand exception. Maybe I'm wrong but I think that there are others. So I just have a concern that the way we've currently drafted the exception process text it's internally inconsistent.

Mikey O'Connor: Thanks Kristina. Eric go ahead.

Eric Brunner-Williams: Thank you. Kristina I'm certain there are other supporters for SRSU than just yourself; I'm not one of them but I know there are others. I'm still concerned that this is a type proposal being shoehorned into an activity that has only two types not three.

And I'd like to see, if we ever get to polling, a distinction between SRSUs which are of - for brands but apparently not for registries that are also brand holders as Jeff has pointed out. And a distinct poll for not brand rookie applicants of - for this new type of application such as nongovernmental organizations. Thank you.

Mikey O'Connor: Thanks Eric. Kathy.

Kathy Kleiman: I should be opening it now.

Mikey O'Connor: Yes just barely. We can sort of here you but very muffled.

Kathy Kleiman: How's that?

Mikey O'Connor: Oh much better.

Kathy Kleiman: Oh okay very good, pushing the right buttons. Speaking of pushing the right buttons I think it was wise to spin off SRSU from the other exceptions so that Kristina drafted separately from Tim. I think these are two different - they're related obviously and one's kind of a case to the other but I think spinning

them off so that they could be looked at and handled differently was a good thing.

That said what was polled on, what was thought about, what was reviewed on SRSU is very general, very broad and I think it has to stay that way. I was surprised at the detail that came in at the last version. I know Kristina is revising which I appreciate and I know others do as well.

But, yes, this can't be advocacy for one constituency's position. I don't think we did anything with SRMU; we didn't poll it, we didn't - there was nothing that came in at the very end that would - that would quality to go as part of this compliance exception SRSU discussion.

I think it has to remain in the proposals of specific groups but not as part of this larger drafting effort that we're involved in now. I think this is - what we agree on is very, very basic (unintelligible). Thanks.

Mikey O'Connor: Thanks Kathy. Tim are you in again? You're muted if you are.

Tim Ruiz: Yes, yes, yes.

Mikey O'Connor: There we go.

Tim Ruiz: Yes, I was in again. I think that kind of - yes my feeling about the exception thing, you know, if there's too much detail in the exception, you know, we can trim that back. I don't have a problem with that.

You know, but I made the original proposal for that and the purpose was not to try to, you know, have an alternate way of solving the vertical integration issue it was to allow exceptions for a very narrow group of potential applicants and that's those who are trying to serve some public interest need that can't otherwise be - that can't otherwise be filled.

And by that I gave some examples. And, you know, trying to figure out how to allow, you know, AT&T to have its own TLD isn't necessarily what I had in mind. At any rate, you know, if that's a problem and we want to scale back the detail in the exception proposal that's fine, I don't have a problem with that.

But, you know, we're definitely going way overboard on the SRSU compared to, you know, what's actually reached agreement within the group. In trying to, you know, be able to include it with everybody's views, you know, yes we're going to be doing this, you know, for another month, just that section.

I think it's a, you know, something we just don't have to do and we're best off scaling it back.

Mikey O'Connor: Thanks Tim. Kristina is your hand left up from before or did you have a...

Kristina Rosette: Oh...

Mikey O'Connor: ...final thought.

Kristina Rosette: Yes only to say that I just sent the revised text to the list so keep an eye out for it.

Mikey O'Connor: Okay. Well the threads that I've heard are a bit less detail - SRMU raised - it kind of raised my eyebrows when I saw it. I really don't think that the group spent much time on it or had much appetite for it. So to the extent that that's in there that probably should be looked at. And we'll take a look at your draft. Thanks Kristina.

And again this is where drop-in drafts would be really helpful. You know, full replace drafts rather than edit, you know, type drafts. Okay I want to spin through the question of DAG-4 and the Nairobi summaries. There's a fair

amount of traffic on the list about whether to put those in basically as they were written or to try and summarize them.

And I'm not exactly sure where we've wound up so I put this in mostly to give folks a chance to sort of summarize where we think we're at. Richard Tindal, you've sort of been at the heart of the DAG v4 summary discussion. Do you want to take a swing at summarizing where you're understanding of that discussion is at? And that unfairly puts you on the spot but, hey.

Richard Tindal: Yes...

((Crosstalk))

Richard Tindal: No problem. Can you hear me okay?

Mikey O'Connor: Yes.

Richard Tindal: Yes, I think it's important as I said on the list I think it's important that the report does have some sort of summary of the DAG-4 language. And I think it needs to be like the summaries of the different proposals that we're putting in. I think it needs to be purely factual based on the actual words in the DAG.

And so no advocacy (unintelligible) heightened by the DAG. So my first point is I think it's very important that we have something in the report because the DAG-4 language is so important as the baseline position in this issue. And it's, I think fairly widely misunderstood by people in the community.

So the first point being is I think we need to have something in there. Second point as to who prepares that and how it's developed I'm entirely open on that. I've done a summary of what I think the DAG-4 language says in an email this morning.

Not everyone may have had a chance to look at that but that's my starting point but if someone else wants to run with what, you know, the DAG-4 summary should be I'm fine with that as well. I just think it's most important that we have something in the report.

Mikey O'Connor: Yes, I agree that, you know, at a minimum if nothing else so that we can, you know, we have a place to put the results of the polling about it. Eric go ahead.

Eric Brunner-Williams: Thank you. I agree with Richard that we need to say something that's explanatory. If we found it difficult and confusing the general reader that is going to be providing the public comment probably is going to be in the same situation.

So we owe it to not merely the board and not merely the Names Council before the board (unintelligible) but we owe it to the principal of informed public comment to place something here which is more explanatory than in your (randomization) of the (text). And I think this applies to both the DAG-4 text as well as with the Nairobi text.

Mikey O'Connor: Thanks Eric. And the cautionary note is that the interpretation seems to be subject to a fair amount of debate for which we don't have much time. So we do have a little bit of the knife edge to walk there but I should think we could figure that out. Jeff, go ahead.

Jeff Neuman: Yes I think you kind of just said what my point was going to be which is that I don't agree with everything that's in Richard's summary of the interpretation of the resolution or the DAG. In fact I don't even think ICANN necessarily knows its own interpretation of what's in the DAG or what's in the Nairobi.

Every time we ask questions for clarification we always get the same response which is I don't know, what do you think it means? Or if you don't think it's clear than you need to tell us that which is mostly a non-answer.

I think we just put in what the language says. We can put in what the concerns were. But I don't necessarily think, for example, that the - what's in the DAG-4 is a direct interpretation of what's in the resolution; parts of it are, parts of may not be.

There's a new conflict of beneficial ownership in the DAG which is something that was not discussed prior to it being a DAG. And frankly a number of us are going to comment that what's in the DAG is not even the correct interpretation of what true beneficial ownership means.

So, you know, again there are so many interpretations you could take. I think we just set out this is what the language says, this is what we talked about and then that's it, we move on.

Mikey O'Connor: Thanks Jeff. Richard I think.

Richard Tindal: So we don't disagree - yes I don't disagree with Jeff that there is differences between what's in the DAG and what's in the Nairobi resolution but that's not the point that I'm making in this note. I'm not paying any attention; I'm not paying any focus at all in this summary to the Nairobi resolution.

Having said that the 10 bullets that I've listed for the DAG I don't believe are ambiguous or unclear at all; there's very specific language in the DAG, in my view, for each of the 10 points that I've listed in that email. So I think if something thinks that those points are factually incorrect then let's debate that on the list and let's solve them.

But the language is actually very clear. If you read the document in my view each of those bullets is very clearly factually stated in the DAG document. So rather than make a blanket condemnation of the DAG as being unclear let's get very specific here, let's look at each of the 10 points that I've made and if you think there's something in the DAG that contradicts what I've said then let's debate that and modify it or remove that bullet.

Mikey O'Connor: Alan, go ahead.

Alan Greenberg: Yes, I basically agree with Richard. What was in the Nairobi resolution is moot; what's in the DAG is what ICANN is committing to legally. And therefore I think it's important that we put what we believe is our interpretation whether Richard's is right or Jeff has some comments to be made doesn't change that.

I mean, we're trying to draft an alternative at least to some extent because of what we believe it - what's in the DAG means. So I think trying to put a short summary of what we mean there or what we think it means is an important part of our report.

Mikey O'Connor: Okay. So maybe what we do is leave this one in Richard's and Jeff's hands for some period of time to sort of hammer out the issue or are the two of you stuck at this point? I haven't been able to follow the email thread all the way to end to know if you're at an irreconcilable difference or...

Jeff Neuman: Well so here's my - I can work with Richard on this. And I think he's right it's mostly - most of it is non-objectionable. I would just like to have someone from ICANN staff go yes that's what we meant. And...

Mikey O'Connor: Yes.

Jeff Neuman: ...why shouldn't we get that? That's my issue right because us interpreting DAG-4 I'm not sure what Alan meant when he said that that's what they're legally committing to because I think still the resolution is the resolution, that's what stands.

This is ICANN staff making a proposal. But until someone from ICANN staff says yes that's a correct summary, I mean, it would look pretty foolish of us to put out these 10 points and then ICANN staff to later on go no that's not what

we mean. So could someone from ICANN staff commit to involving someone to say yes that's exactly what we meant?

Other than that then I don't see why we - the provision is short enough in DAG-4 that we could just put it in.

Mikey O'Connor: Alan or...

Jeff Neuman: But I will...

Mikey O'Connor: Or, wait a minute, I'm sorry I lost track of the queue.

Jeff Neuman: But I will work on it with Richard if that's what you guys want but I just...

Mikey O'Connor: Well, you know, we went out to staff once and we got a response that says the DAG is the DAG; we don't want to interpret it any further than that. And so I think that the - it basically boils down to...

Tim Ruiz: Mikey this is Tim...

Mikey O'Connor: Yes, go ahead.

Tim Ruiz: Can I - I can't get my hand up in the queue right now but if - so just put me in the queue so that I don't...

Mikey O'Connor: Yes, no that's fine. I think the only person in front of you is Alan and maybe Alan's hand up is from before, I'm not sure.

Alan Greenberg: No it's new.

Mikey O'Connor: Okay go ahead Alan.

Alan Greenberg: Yes, Jeff said he doesn't know what I mean. The applicant guidebook is essentially what ICANN is putting out to the public. So if that doesn't go along with what the board said then the board better tell staff about it; that's not our job. At this point the applicant guidebook is the definitive document.

Now I too would like to see ICANN say yes you got it right but in the absence of that I think we still need to do our best efforts at explaining it. And if there's any confusing points then we can put we think it means A or B and we're not quite sure. But I believe we need to use that as our reference.

If everyone on this group believed that what was in the applicant guidebook was just peachy we'd be saving an awful lot of time and money on conference calls.

Mikey O'Connor: Okay Tim, you're next.

Tim Ruiz: Yes I don't know why the staff wouldn't respond to the question. And if they say they don't know then I guess that's our answer. But they should know. And if not then, you know, maybe then that's some kind of clue that something needs to change there, be clarified because, you know, isn't, you know, this isn't some kind of, you know, tricky document or something that, I mean, applicants are going to be coming in looking at this, people are going to be trying to figure out what they can or can't do.

So staff should have an interest in being very clear about what it means and if they don't know then, you know, getting it straight. So I think a question on it would be very appropriate. And I see no reason why we wouldn't get a straight answer.

Mikey O'Connor: Let me read the reply that we got from our last foray down this path from...

Tim Ruiz: You mean when we asked the board questions?

Mikey O'Connor: No, no, this was just recently when - on one of the calls we asked Margie to
                 run back - I think it was on the Friday call - we asked Margie to run back to
                 the legal team.

Tim Ruiz: And asked them what?

Mikey O'Connor: And asked them whether we should interpret the DAG v4 in the report, just let
                 it stand on its own. And the answer came back, "On the topic of DAG v4 I
                 suggest the best approach is to leave it with no summary." This was Margie.
                 "I have discussed this internally and the viewpoint is that the language in the
                 DAG should speak for itself. If there are any..."

Tim Ruiz: Well then if that's the case - if that's the case then we should be able to ask a
                 question and they should be able to tell us the answer because there can be
                 no ambiguities in the Draft Applicant Guidebook; there cannot be any
                 ambiguities, it's just not acceptable.

Mikey O'Connor: Yes, she then goes onto say, "If there are any ambiguities the staff would
                 rather hear about it from the community through the public comment period
                 and clarify it in the language of the DAG. The summary drafted by staff could
                 be viewed..." Or I'm sorry, "...a summary drafted by staff could be viewed as
                 altering the language or interpretation of the DAG and we prefer not to do this
                 at this time."

                 So that's - that was - that hit the list sort of late in the day on - or no, midday
                 on the 17th. So...

((Crosstalk))

Tim Ruiz: ...this call at this time but, you know, here we all are so...

Mikey O'Connor: Yes.

Tim Ruiz: But that's a ridiculous answer and I don't think we should sit for it. I think we should ask them a question about what it means and we should get an answer. And if we don't get an answer we should insist on one.

                 And if anybody asks us why the initial report is being held up we can tell them because the staff won't answer a simple direct question about what is meant in something in the guidebook that's published for the public to look at and try to figure out and understand...

((Crosstalk))

Tim Ruiz: ...you know, they don't want to answer is just unacceptable.

Alan Greenberg: I agree with Tim...

Tim Ruiz: We keep getting those kinds of answers because we keep sitting still for it; that's why we keep getting those kind of answers.

Richard Tindal: My hand's up in the queue.

Mikey O'Connor: Richard, go ahead, sorry.

Richard Tindal: Yes so I don't disagree with anything that Tim has said there or Jeff, it would be good to get answers. But I think to me that's a separate issue from what do we read in the DAG language. And again I'll make the point that without getting into too much detail here with one small exception I think that the DAG language is extremely clear on all the issues.

                 So I would in addition to us asking the question again of the staff I'd encourage us all to look at the 10 bullets that I summarized and let's start to discuss quickly if we think that there are ambiguities or inaccuracies in any of those bullets.

Mikey O'Connor: What if we did that and then forwarded that to the staff with the request that they review that summary and endorse it or tell us where we're wrong?

Richard Tindal: Yes I think that's fine too. And they may not respond to that so I think that's a reasonable approach for us to do that. So I'd be, you know, I'd be in favor of us doing that.

Mikey O'Connor: Okay. Ken, go ahead.

Ken Stubbs: Yes, can you hear me Mike?

Mikey O'Connor: Yes.

Ken Stubbs: Okay. Well in the previous process, correct me if I'm wrong, Jeff, I know it was post-submission. But ICANN used a Q&A process where people could ask specific questions and ICANN would answer them and the answer were posted publicly regarded of who asked or - or who posed the question.

Why on God's green earth can't they do something like this now even with the DAG? Just - they don't - they ask for comments but they don't respond to them. We have a comment, we have a question. We have a series of questions which frankly given the scope of this working group deserve legitimate answers and clearly interpretation.

I don't see any reason why staff shouldn't be literally told this in a public way. I'm sorry but I'm at a point in time where I'm in complete agreement with both Tim and Jeff. I think one of the reasons we keep getting those kind of responses is because we're willing to accept those responses.

Sure we grumble but don't really do anything about it. And I think, you know, or even if it involves - and I mean this honestly - setting a formal correspondence that goes out on the ICANN Website describing that circumstance and asking for specific instructions from the board to the staff or

from Rob to the staff that they need to start giving us more clarity on what I consider to be very intelligence questions. Thank you.

Mikey O'Connor: Thanks Ken. I think that's it for the queue. Why don't we take that approach, why don't Jeff and Richard beat up the list of bullets one last time.

Richard Tindal: You're suggesting that we do that list or on the list?

Mikey O'Connor: I don't - I don't know - I suppose on the list would be good.

Richard Tindal: Okay.

Mikey O'Connor: But I think that, you know, the likely outcome is that most of the bullets Jeff is going to find fine and then there's going to be one that you - or one or two that you disagree on. And maybe what we do is we set those out as the formal question for the staff to resolve because good lines of good intent have come to opposite conclusions and we need clarification.

And then we formally request clarification on those points prior to publishing the initial report.

Richard Tindal: Yes, that makes a lot of sense to me. On the very last thing that you said though, I mean, at the end of the day if the staff choose not to respond to what we've come up with I think it's still a fair thing to say to the group that this is our interpretation of the DAG.

Jeff Neuman: Yes.

Mikey O'Connor: Yes I think that's right. And I think that it's okay to then have reflected in that interpretation the fact that there are differing ones and that that part of the DAG is ambiguous and...

((Crosstalk))

Mikey O'Connor: ...at a minimum we've requested that ICANN staff clarify this and if they don't choose to respond prior to the release of the report we'll acknowledge that the request has been made but we haven't heard an answer.

Richard Tindal: Yes, I agree with that.

Brian Cute: Yes, Mikey, in previous Applicant Guidebooks they issued various changes and additions as separate documents after the fact which were in part of the public record. There's nothing to stop them from doing this if indeed there is something that can be interpreted multiple ways.

Mikey O'Connor: Yes. And I think we can help them by finding those things and highlighting them. Okay let's see, what else have we got on the list? We've got JC's comment which I thought I would just take as an instruction but I wanted to check with you all that we edit for tone.

Some of our tone in the report is a little on the negative side saying things like we are deeply divided, etcetera. And with your permission I'll just go through and try and spruce the report up with that. I don't think that there is material change to the content it's really more the way that it reads. And if it's okay with everybody I'll just go ahead and fix that.

Tim Ruiz: Mikey, this is Tim.

Mikey O'Connor: Yes, go ahead.

Tim Ruiz: So you're suggesting we're not deeply divided?

Mikey O'Connor: Well I don't know that we're not deeply divided I'm just not sure that we need to express it that way. You know, back off the word deeply...

Tim Ruiz: You might want to be careful about backing off too much that we don't go the other way right?

Mikey O'Connor: Right, not Pollyanna, I agree. But at the same time acknowledging the hard work that folks have done and the fact that there are disagreements that we haven't come to consensus on a lot of things but at the same time not expressing it in a negative way if we can figure out a way to do that.

I'd like to take a pass at that anyway and see what I come up with. But, you know, duly noted that we are not in consensus. Ron go ahead.

Ron Andruff: Yes, Mikey, thank you very much. I just wanted to just comment on that. Let's all be clear that, you know, we don't want to have, you know, what's called negative language in this thing but at the same time it has to be very factually correct so that people understand the work that was done and that there was - there was no agreement found in the various quarters we looked.

So let's be careful we don't, you know, gloss over that too much; that's all my comment is. Thank you very much.

Mikey O'Connor: Yes, okay.

Jean-Christophe Vignes: Mikey?

Mikey O'Connor: Yes, go ahead JC.

Jean-Christophe Vignes: Well just to clarify because my email originated all that. I'm not getting into some (unintelligible) land where everything is nice and cuddly. We - there was no consensus and the report does say so which is fine and which is to come back to what Ron said, factual.

At the same time just because we are in a sense telling the community we need your input. If we go at them and say we were deeply divided and we

couldn't pretty much there's nothing we could do about it I wouldn't want, as I put in the email, I wouldn't want the community to take the easy route and say well if they didn't manage to do it why bother and let's go over the status quo.

The polls we all - we pretty much laugh about them but what they show is although there's no consensus on many issues we are not that deeply divided. And I think we should say so.

Mikey O'Connor: Thanks JC. Brian go ahead. You may be muted, Brian.

Brian Cute: Yes, sorry. Yes, seriously about this point, I think JC just touched on something. And I think one element of this report is going to be a snapshot of where things are. And probably also can implicitly or explicitly suggest as JC just did areas where we are close.

But I would say that that's all the more reason just take very - take care here and how you use the wording because if there are areas of deep division where there really is very little likelihood of coming to a place of agreement we shouldn't gloss over that as well because I think the readers, the board, may look at aspects of this report and consider whether, you know, or we should have more time, something is close and just needs another push or something of that nature.

So in that regard ways of saying deeply divided are important as well. Thanks.

Mikey O'Connor: Thanks Brian. Ken go ahead.

Ken Stubbs: Yes, Mikey. I just wanted to let you know that I am concerned about the point that Brian made there. I think that there - we don't want to leave the impression that we're very close because it - when you look at the votes,

when you look at the opinions that have been expressed we're not very close Mike.

And I don't want the board or public to think well, my God, what's the matter with those people? I mean, they're that close and they can't get together. You know, and I think from a practical standpoint there are clear divisions in certain areas that have not been resolved.

And so I'm going to ask very nicely that we don't make this thing too much of a puff piece, it really, you know, that concerns me. I know you're going to edit it and you're trying to take out words that are negative but there's a difference between stating a fact and being negative.

And the fact is that there is significant disagreement on certain subjects. And I see (Volcker) says there's always a middle way; that's right. But so far we haven't arrived at a solution that gives us the middle way and that's why this group is continuing.

And I think, you know, public comments may help us there. And maybe additional direction for the board would help although I don't know what process they use to get it to us. I don't like it being done in a backroom or a hallway. I'd rather have it done through the council, you know.

And I'm just praying that the comments that Kim's made about how the council is primarily - primary process is to manage not to create that somehow this doesn't get lost down the road. Thanks.

Mikey O'Connor: Thanks Ken. JC.

Jean-Christophe Vignes: Yes, one last point, a follow up on that and another one if I may? The follow up is I freely agree with Brian that there should not be generalization. And I guess that's my biggest issue with the deeply divided because deeply divided didn't, I mean, the one instance there's a couple but

the one instance that struck me and that prompted this email is not about one issue, one particular issue where RAC Plus would be at odds completely with JN2.

It's a statement, it's a pure statement. The group was deeply divided. Now I'm fully in favor of saying RAC Plus was against this or JN2 was for that. And so in that respect that it wasn't all, you know, fun and games and we were divided on several identified issue.

But it's another then to say the group was deeply divided which is to say we've lost four to six months which I don't want to - I don't want people to go away with.

The second point coming back to well the board answer or lack thereof reminded me of when we - the staff answer or lack thereof, sorry, reminded me of when we started asking the board for clarification. And they get back to us and said there were in no position to clarify their own statements.

I wonder whether there would be room in the report somewhere to say that staff support, not technically because Margie did a great job, but on the policy side was to put it lightly less than optimal and that we to some extent regret that. That's all.

Mikey O'Connor: I don't want to go there on that second one. That's a point of personal preference for me, JC.

Jean-Christophe Vignes: Okay.

Mikey O'Connor: Okay I don't...

Jean-Christophe Vignes: Others?

Mikey O'Connor: I'd like to kind of move on on this point if we could. I will take a pass through the draft and we'll note the places that I've changed in an email to the list so that people can review that particular exercise without having to go through the whole draft and find them.

There are two things left, one I'm hoping will be quick and then that will leave more time for Amadeo's additional point. The point that I'd like to get through quickly is the final email that I wrote about the way that we'll use the poll results. I put it out on the list on Saturday I think or Sunday.

And I would really just like to kind of read into the record unless it just drives people crazy. But the thought on the poll is that we will not re-poll; we'll use the poll that we've got.

We'll use the parts of the poll that talked about the proposals and the three principals or conclusions, whatever, as the tally of support or opposition. And that will go into the report in two forms, summary form in the body and details in the back by each proposals.

And then the part of the poll that was really the atoms part we will simply retain; we won't put it in the report. There was too much ambiguity in the text that was there to really publish that. We'll use it for our own internal purposes but it won't go into the report.

And I just want to make sure that's okay. I'm really going to set an aggressive deadline of five minutes on this one; we've debated this issue on way too many calls for a lot of time. So I'll run through the queue real quick and then hopefully move onto the point that Amadeo raised which is what do we do later, you know, how do we continue to work towards consensus.

So JC is your hand left up from before? I'm assuming it is. And so I'll jump to Kathy.

Jean-Christophe Vignes: It is.

Kathy Kleiman: Okay. Mikey let me ask a question, looking at the Microsoft Excel spreadsheet that you circulated which questions are you including and which ones aren't you including in the report?

Mikey O'Connor: If you go to the rankings tabs, the second and third tabs, there's a chunk of seven called proposals and there's another chunk of three called - I don't remember because I don't have it in front of me. Those are the ones that I am proposing we include in the report as tallies of support by the working group.

And then all the rest are atoms. And I'm proposing that we leave those out of the report. We keep them, they're useful information for us to find places of agreement and disagreement but not include that in the report.

Kathy Kleiman: Appreciate the clarification. Thanks.

Mikey O'Connor: Any time. Tim. You may be muted Tim. Still can't hear you.

Tim Ruiz: Yes, sorry, it takes a minute for my...

Mikey O'Connor: There you go.

Tim Ruiz: ...phone to respond here. The summary is going to be what? And how much time will we have to review and comment on what that is?

Mikey O'Connor: The summary is - it's contemplated to be basically, you know, behind each proposal in the body of the report there would be a little list of I favor, I can live with, I'm opposed, no opinion, that's it, just that summary. And then in the annex it would be the same information but with a list of which people felt which way, you know, so a longer list.

Tim Ruiz: Well hopefully we have some, I mean, have some time to be able to look at that and respond to what we think. Well one of the concerns I have is that, you know, all this is based on, you know, like the - just the number of people who actually responded to the poll making the assumption that anybody who didn't evidently is not countable?

I mean, there's like, you know, 20...

Mikey O'Connor: It's a pretty high proportion now. We're up to...

Tim Ruiz: ...yes there's 20 people who are on this working group who did not reply to the poll. I don't think we should make the assumption that, you know, they just aren't paying any attention or don't care anymore or whatever, who knows, I don't now.

I'm a member of a number of working groups that I don't actively participate in, it doesn't mean I don't care or that I don't follow it closely (unintelligible) something that does really strike a chord, you know, I will chime in or I will, you know, respond.

But, you know, just with our move to this whole working group thing we can't, you know, and it's not supposed to be votes and blah, blah, blah and that we shouldn't be ignoring the entirety of the working group either. So I don't know how we reconcile all that but I don't want to just have it look like this working group are these 44 responders and that's it because that's not the case.

Now I'm not talking about the staff or the two chairs who are on there, you know, even taking those out there's still like 64 members of this working group and only 44 on the poll. And actually I think if you look at that there's like two or three duplicate responses in the raw results. And I don't know if those were filtered out or not.

Scott Austin is in there twice, Ron Andruff is in there twice. I think there was at least one other one, Cheryl.

Mikey O'Connor: Well that's my error. That's an artifact of sort of catching the poll at 10 o'clock this morning and publishing those at 11 o'clock so I'll have to compress those out.

Well I guess I'm going to draw a line under this conversation - well okay we've got a huge queue. God, this is such...

Tim Ruiz: Well this is a huge issue...

((Crosstalk))

Tim Ruiz: ...this is a huge issue, Mikey, I mean, this is a huge issue for a lot of people.

Mikey O'Connor: I know.

Tim Ruiz: It's how we're going to represent this poll because it's not a sanctity poll, it's not, you know, the entire working group. You know, I mean, it's one of those things where it's a pretty, you know, a pretty, you know, it can be taken a lot of different ways. And so, you know, hey, we're concerned about it. You know, you've got to give us some slack on that.

Mikey O'Connor: I know but at the same time we do have to sort of acknowledge that, you know, we polled people about it a bunch of times, we left it open. I don't know. Let me get through the queue and we'll see where we wind up. Jon, go ahead.

Jon Nevett: Sure Mikey, I'll keep this real brief. I guess I support having an annex with the aggregate results. I think some of the questions that you're suggesting that we include or not include rather are pretty straightforward and simple questions with helpful responses that people could look at.

I think more data on this is better than less data when you're looking at the level of consensus we have in our group. And people will parse through it. I don't support putting parts in and not - and leaving parts out. Thank you.

Mikey O'Connor: Thanks Jon. Alan, go ahead.

Alan Greenberg: Yes, I hadn't seen the raw data. And maybe looking at that will give me the answer. I was a little bit confused that your message on Saturday said there were 45 - about 45 and I know I only responded last night when I finally got back to town and the total is now 44. And I'm just wondering - I was wondering...

((Crosstalk))

Alan Greenberg: ...you know, were other people deleted or did the...

((Crosstalk))

Mikey O'Connor: Yes, they're - well they're...

Alan Greenberg: ...need to be cleaned up and distilled?

Mikey O'Connor: I think if Tim is seeing duplicates in there then there's probably - those are real because all I did was I peeled it right off the latest version of the poll. I've been cleaning out results sort of all along because people would go in and start and then they'd stop then they'd write me an email and say I need to have that one removed.

So I'm behind the 8-ball on that. So I think that the - if you take a look at - if Tim is correct in that there are a couple of duplicates in there then the number declines. And the 45 was just a guess.

Alan Greenberg: Okay.

Mikey O'Connor: It wasn't scientific.

Alan Greenberg: Okay because clearly when we're looking at percentages the total matters. Okay.

Mikey O'Connor: Yes. Thanks. Richard, go ahead. You may be muted, Richard.

Richard Tindal: ...I wandered away from listening. So I support the comments that Jon Nevett just made. I mean, I understand there are people who are opposed to the poll so it's good for us to have that debate, I understand that. But the point that I would like to mainly make is that if we include this thing I think we should include all of it.

I think that selectively pulling pieces out of it is going to make it less clear not more clear.

Mikey O'Connor: Thanks Richard. Ken go ahead.

Ken Stubbs: Yes Mike. I'm sorry to sound like a broken record here but, I mean, what it really boils down to is this would be - if you change your mind - or it flip flops or...

((Crosstalk))

Ken Stubbs: ...you're just trying to get (unintelligible). But if we start all over again including everything, we go back to the very first hour of this thing was discussed, discussions it talks about confusion, you know. I just don't see it making sense from a practical standpoint from the very beginning there were markers put down about this. And there was little done to change it.

And I think from a practical standpoint the idea of treating the atoms separately makes sense, you know. And if not then I have to go back to the very beginning it's just far too confusing. And we've spent much too much time talking about it. And we've had three different decisions and every time we get a different decision it forces us right back into the same logic.

And I have to be honest and say at some point in time it gets so convoluted that it really - it just doesn't make sense to just give a decision like that.

Mikey O'Connor: Ken did you phone just cut off?

Amadeo Abril: It's just consensus (unintelligible).

Mikey O'Connor: I don't know whether Ken's phone quit or what happened there. I think his phone quit. Oh it's the famous Ken Stubbs phone. Shoot. Well I guess I'll just keep going through the queue. Amadeo I guess we're not going to make to your point, I'm really sorry about that because we're running out of time on this call.

Tim, go ahead.

Tim Ruiz: You said Tim?

Mikey O'Connor: Yes. Or is your hand left up from before?

Tim Ruiz: No, no, no it's not but I noticed Alan and Richard were ahead of me and I didn't want to cut them out.

Mikey O'Connor: No I think that their hands are - I guess I'll check. Alan, Richard, your hands are left up from before right?

Richard Tindal: Oh okay.

Alan Greenberg: Down now.

Tim Ruiz: Okay, you know, the - here's my concern and I guess the group will decide what it's going to do. My concern about it is that, you know, the way this poll was constructed to my understanding was that this was for, you know, our user to help guide us and to inform us in our work.

I don't see that this poll was put together for, you know, non-informed public consumption. Does that mean the public couldn't be informed about what all this means in the poll? Probably. But, you know, when you include this raw data and these raw questions it's going to raise a lot of questions in people's minds about what it - especially when you get into the atoms.

And so without a lot of, you know, preparatory information in there about what went on and where that all came from and blah, blah, blah, you know, I don't see, you know, just anybody picking this up from the report is going to really understand what's going on and what all that means.

So I think it's, you know, if we're going to go in - so just whatever we do now, whatever. But for the future, you know, this working group or any other working group goes on, you know, we should have a clear understanding, it should be very firmly decided up front what this purpose of the poll is and based on the purpose of the poll then the poll is constructed appropriately for use - appropriate use later. Thanks.

Mikey O'Connor: Thanks Tim. You know, the one caveat is that I did write a little front page to that poll. And in that front page I did say that the results of the poll would be used for the report. Now where I'm backing down is that although tallying support for proposals and the three ideas - by the way we have a lot of background noise on the call right now.

Somebody just came in - maybe Ken just came in. Anyway that - oh good it went away. So, you know, I'm less proud of the atoms part of the poll

because of the complex language that was in it than I am of the proposal tallying part.

And that was really the gist of my checkpoint restart on Saturday was to say look, I don't want to put a really complicated confusing poll out there for regular folks to consume. But in terms of taking the sense of the group on the proposals and the three concepts that we're advancing, that part of the poll seemed fairly straightforward to me. And so that was the reason that I proposed that we only use those.

Let's see, Ron and then Amadeo.

Ron Andruff: Thank you Mikey. My understanding was that the atoms part of the polls is all for future work is to help us as a group to find our way forward in terms of finalizing some of the elements that we've been working on.

The key I think right now if there's going to be a presentation about the polls and everyone on this list knows that I've been very anti-poll right from the get-go because of the fact that it's been handled in a very clumsy way is no reflection on anybody but just the fact that there was a lot of confusion on all fronts on every poll.

What I recommend we might do is put forward how the proposals came out. You've got one tab is rank, favor and live with. And that tab, you know, notes the proposals and it could say that there were a number of - the numbers that were in favor, the numbers opposed and numbers has no opinion and just put in those for the various proposals, JN2, Free Trade, RAC, (CAM) and all the rest of it, Brussels 1, Brussels 2, DAG v4, IBC, those aren't proposals then they don't belong in here.

What they were were work products or questions we had about baselines, DAG v4 for an example. So my recommendation is we go forward with the four proposals that we polled on. We say what was - who was in favor, who -

not who but the numbers that were in favor, the numbers that opposed, the numbers had no opinion.

And on the principals of compliance, exception and SRSU we could probably put that in too. That at least gives anyone wanting to look at this a view of where we stand. But I couldn't agree more with Tim without having a tremendous amount of background no one's going to be able to read these polls and understand where they came from.

And I certainly don't believe it has any merit or serves any purpose to have everyone of us in the working group who participated in the poll having a whether or not I opposed or abstained on any question; that's not relevant to anyone looking at this. The relevance is how do the numbers come out at the end. And it should only be on a very limited amount of data. Thank you.

Mikey O'Connor: Okay dokey. Amadeo.

Amadeo Abril: Okay this is partial - I mean, this is not for the current poll. I really don't care. I mean, everything everyone says is true. But still I think we should publish the poll.

Now in the future one thing that's relevant it's informational where the votes come from, not the individuals but the interests. I'm not talking about here a conflict of interest like interest reading.

For instance here (unintelligible) is listed last, contracted party registrar. But we are also in the strange position as we are currently registry service provider for two TLDs but not the registry itself.

And we have customers that want us to be a registry service provider or we have projects for our own TLDs. So let's imagine that a certain position is only supported by (unintelligible) number of employees, the registrars that

want to be registries. That's relevant; it doesn't disqualify the proposal but it's relevant.

Like it's relevant to see whether a concrete proposal as let's say more cross section support, less number perhaps with more diverse in their interests. I repeat I don't want to disqualify anything but if we have a way to have this third dimension in the next polls in the next steps because this really helps (unintelligible) making the decisions to understand not only how many individuals or how many votes it got but, you know, what kind of interests we should ask for.

And here we are not doing democratics, this is not a world democracy because we are a small subset of people that want (unintelligible) from the GNSO to this concrete working group. We are trying to make something that works for the - some of interest of, you know, the public interest of the DNS and therefore I think it is important.

And the next question also for the future is - and I said that before - the question shouldn't be just do you agree with this proposal, but do you agree with this concrete rule? And do you think that this rule is the only one, that is do you agree with, you know, speed limits for preventing accidents? If yes do you agree with 50 kilometers per hour or do you think it could be lower or higher? Or do you also want death penalty on top of speed limits and monetary fines.

So we need a little more of granularity in each - and making sure that it's not either or which was probably the most confusing part of the poll. We were supposed to (unintelligible) to a political party with a concrete program but not to discuss the affects of the individual rules we were proposing.

But the other part about, you know, I repeat it's not about disclosing interests, we've done that, but somehow (unintelligible) interest is an important part. And related to that I would like knowing - I know that the individuals are the

ones participating in the working group but for instance you have here a couple of consultants to (core).

I'm not saying that Eric and myself should have only one vote because very often we have different opinions. What I'm saying is that these results should be taken into account like let's imagine there are 80 members of the O'Connor Foundation for World Polling Continuously or something like that. Yes?

This should be taken into account at a certain point, right?

Mikey O'Connor: No way am I joining that foundation. Thanks Amadeo. Okay it's 2 o'clock, we're out of time. I think that what this last discussion says is back to the list. And, you know, my initial tentative going-in position is that what we'll do is we'll leave the poll stuff out of the initial report altogether because it's clear that we're all over the place on this.

And have a conversation on the list on the right way to do the polling if we can come to a conclusion. And do another poll for the final report.

Cheryl Langdon-Orr: See? I knew you were going to do more polls.

Mikey O'Connor: Yes, I give up.

Cheryl Langdon-Orr: I knew you were going to do it.

Mikey O'Connor: Well unless people just say to heck with the polls altogether in which case the Connor Foundation for Continuous Polling rests. There will be a small casket with a little flower on it I'll get carried out in. But I see no way out of this one.

So with that, people, I'd like to wrap this up. Ron, I'm not going to pay any attention to your hand in the queue at the moment; I'll get to you in a second. But we do have some deliverables that need to get done. Each of the

proposal summarizers need to come up with their roughly 200-250 word paragraph summaries for Section 6.

Kristina you had a note in the chat saying that you thought your deliverable was to summarize the IPC proposal for Section 6. And I think that it's really more summarizing whatever your - the latest version of SRSU is.

Cheryl Langdon-Orr: Two things, Kristina's left the call and she sent the...

Mikey O'Connor: Yes, oh okay.

Cheryl Langdon-Orr: ...SRSU to the list already.

Mikey O'Connor: Is it an IPC version of SRSU or is it...

Cheryl Langdon-Orr: It's an SRSU without a specific IPC version of the slightly larger dedication to - saying what the variations on SRSU are, it's vanilla other than listing...

Mikey O'Connor: Okay.

Cheryl Langdon-Orr: ...what variations are.

Mikey O'Connor: All right so we all - we need however many of those there are in the report soon so that we can drop those in. And same goes for the - for the other sections. And then with that I think we're going to drive to close. We've got Richard and Kathy in the queue. You guys get last word. Richard, go.

Richard Tindal: Okay just very quickly Kristina has asked me to provide some BRU1 input to her SRSU piece.

Mikey O'Connor: Cool, okay. Kathy.

Kathy Kleiman: Still a last question I guess it is, I'm still looking for those - the second sheets of the Excel spreadsheet that you were talking about. And I've surveyed a few other people and I'm not the only one who can't find it so I just wanted to double check.

I have Q1 - I can see the question but I don't see any summaries or aggregates. Was that a separate document?

Mikey O'Connor: There are tabs across the bottom that you should be able to see in Excel.

Kathy Kleiman: Not across the bottom of mine.

Mikey O'Connor: I can send them out as separate sheets; it's not a big deal.

Kathy Kleiman: Cool, sorry about that, I'd appreciate that.

Mikey O'Connor: No worries.

Kathy Kleiman: Thank you.

Mikey O'Connor: Okay that's it. I will...

Tim Ruiz: Hey Mikey?

Mikey O'Connor: Yes.

Tim Ruiz: You might want to send that spreadsheet as an earlier version of Word or something because it's like Excel SX I think it was so that's...

Cheryl Langdon-Orr: It worked all right in the Open Office 3.2 version so if you want to grab - if you can grab that that also works fine and it came up with tabs.

Tim Ruiz: Yes, it worked that way in mine too, I got Open Office.

Cheryl Langdon-Orr: Yes. Yes it worked okay for that so just...

((Crosstalk))

Mikey O'Connor: Yes I'll just - I'll send them all out as - it's easy to make separate sheets out of them. No worries.

Cheryl Langdon-Orr: Oh goody, more files.

Mikey O'Connor: More files, of course. Okay we have a fair amount of work to do and a pretty tight schedule. I'm still trying to get an initial report out to public comment by Friday. It will not have polls in it you'll be happy to report. And...

((Crosstalk))

Mikey O'Connor: ...polls out later.

Tim Ruiz: When is our next meeting?

Mikey O'Connor: Thursday. Okay? Same time...

Kathy Kleiman: Thanks Mikey.

Amadeo Abril: When is the next poll?

Mikey O'Connor: I'm not...

((Crosstalk))

Cheryl Langdon-Orr: It'll be Thursday.

Mikey O'Connor: You be careful.

Cheryl Langdon-Orr: I guarantee it'll be Thursday.

Mikey O'Connor: The O'Connor Foundation for Continuous Polling, you can make us mad, you can, you know, be careful what you wish for.

((Crosstalk))

Ken Stubbs: Point of order Mike?

Mikey O'Connor: Yes.

Ken Stubbs: Yes, you started to say same time, what does that mean?

Mikey O'Connor: No I didn't, I then stopped that sentence because it's the usual Thursday time.

Ken Stubbs: Okay.

Man: Okay.

Mikey O'Connor: Yes, it's not this time. That'll get everything hosed up. It's the standard Thursday schedule.

Brian Cute: Thank you Mikey.

Mikey O'Connor: Okay kids. See you in a couple of days.

((Crosstalk))

Mikey O'Connor: Bye-bye. (Lori), if you're with us I think we can stop the recording now.

Coordinator: Okay thank you, I will get that stopped.

((Crosstalk))

Mikey O'Connor: Thanks a lot. Good evening.

Coordinator: Hello?

Mikey O'Connor: Just folks signing off the call.

END