Vertical Integration PDP Working Group
TRANSCRIPTION
Monday 27 September 2010 at 17:00 UTC

Note: The following is the output of transcribing from an audio recording of Vertical Integration PDP Working Group meeting on Monday 27 September 1700 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at:
http://audio.icann.org/gnso/gnso-vi-pdp-20100927-en.mp3

On page:
http://gnso.icann.org/calendar/#sep
(transcripts and recordings are found on the calendar page)

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Keith Drazek
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- Commercial Stakeholders Group
Mikey O'Connor – CBUC- Co-Chair
Berry Cobb – CBUC
Scott Austin – IPC
Kristina Rosette – IPC

- Non Commercial Stakeholders Group
Avri Doria

Individuals
Roberto Gaetano – Individual - Co-Chair
Eric Brunner-Williams
Jothan Frakes

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ALAC/At Large
Alan Greenberg
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Apologies:
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Cheryl Langdon-Orr
Sivasubramananian Muthusamy
Baudoin Schombe
Katrin Ohlmer

Coordinator: This call is now being recorded. Go ahead.

Coordinator: Excuse me Mr. - Miss Kleiman joined.

Mikey O'Connor: Okay. I think we'll - the agenda's pretty short. It's discuss the Board resolution and figure out what we're going to do. Gisella, why don't you go ahead and call the roll and we'll get started.

Gisella Gruber-White: With pleasure. Good morning, good afternoon, good evening to everyone. On today's vertical integration call Monday the 27th of September, we have Mikey O'Connor, Sebastien Bachollet, Roberto Gaetano, Paul Diaz, Jothan Frakes, Stéphane Van Gelder, Eric Brunner-Williams, Alan Greenberg, Keith Drazek, Berry Cob, Jean Christophe Vignes, Avri Doria, Jeff Neuman, Volker Greimann, Kathy Kleiman, Jeff Eckhaus, Brian Cute.

From staff we have Margie Milam, Mike Zupke, Glen de Saint Gery and myself, Gisella Gruber-White. Kristina Rosette will be joining us shortly and we have apologies from Jon Nevitt, Katrin Ohlmer, Cheryl Langdon-Orr, Ron Andruff and Siva Muthusamy.

Could I please also remind everyone to state their names when speaking for transcript purposes? Thank you. Over to you Mikey.

Scott Austin: Hello. Scott Austin calling in.

Mikey O'Connor: Hey Scott. Welcome to the gang.

Scott Austin: Hi.

Mikey O'Connor: We'll add you to the list of folks that's attending. And thanks Gisella for getting us going. We have a pretty short agenda but I bet we use most of our time in covering it.

On this - on the Adobe screen in front of most of you is the Board resolution that came out of the Board retreat last week in Norway. And I'll just read it into the record for those of you who haven't seen it and for the MP3. The Board actually had a fairly long resolution and Point 2.11 was on vertical integration.

It says the Board will send a letter to the GNSO requesting that the GNSO send to the Board by no later than 8 October 2010 a letter A, indicating that no consensus on vertical integration issues has been reached to date or B, indicating its documented consensus position.

If no response is received by 8 October 2010 then the Board will deem lack of consensus and make determinations around this issue as necessary. The time a policy conclusion is reached by the GNSO it can be included in the Applicant Guidebook for future application rounds.

And subsequent to that, we got a note from Chuck Gomes, the Chair of the GNSO saying given that - I think given GNSO rules requiring eight days prior

notice requesting that if we are going to indicate one way or the other to please do so by close of business Wednesday of this week.

So, there we are. We have - basically the choice on the table is whether or not to proceed and try and come up with something in the effectively 60 odd hours remaining or not. And then if we do to get started on coming up with that we have an additional complication in that many of the registrar and registry participants in the working group are also invited to the White House here in the United States for a conversation with law enforcement - representatives of law enforcement from all over the world. And those meetings are starting tomorrow.

So, as we've been saying in the chat, we live in interesting times. And with that, I guess we've had a fairly lively exchange on the email list over the last few hours. And I think that - I'm quite open to ideas as to how to proceed. But my original thought is to have a bit of a conversation as to whether we want to try and come up with something quickly in the next day or so or whether we simply want to respond to the Board's request by saying that there is no consensus on vertical integration and leave it at that.

And so, why don't we talk that around for a while and see how we feel as a group and proceed from there. Anybody got any thoughts one way or the other, strong feelings one way or the other? Eric, go ahead.

Eric Brunner-Williams: Thank you Mikey. This is Eric Brunner-Williams. We have the - if we go ahead with the second of the two choices, that is attempting to come up with something in the next three days, we have the problem that many of our participants are in a sense having observed unable to participate.

So, it's a really risky activity to go and say we have consensus when we know that for instance Tim and Jeff Neuman won't be in the room. Thanks.

Mikey O'Connor: Thanks Eric. I think - I certainly share your concern. Alan, go ahead.

Alan Greenberg: Yes. I share Eric's concern also. But on the specific proposal you made, as I noted in an email just before the meeting, three of those four bullets are things that the ALAC actually supported in its statement. And that's with a number of our members being - having very opposite views on the overall vertical integration concept.

And we thought it was important to tell the Board what we believed there was consensus on at least within our group even though the overall model was not something that we could agree on. And to the extent that it's possible for this group to do it, I would support that. Anything that we can lock down I think is a useful thing to do.

Mikey O'Connor: Thanks Alan. Anybody else got any thoughts one way or the other? Jeff, go ahead. Jeff Neuman.

Jeff Neuman: Yes. So, and many of you know I harp on this a lot, but what the problem about even Chuck's timeline is it does not take into consideration any feedback from the constituencies or stakeholder groups or anybody else that needs to weigh in.

Because if we come up with something that's different than what we have in our initial report, and there's no opportunity for feedback, I just don't see how we can declare a consensus on anything other than in theory. Even if everybody in the work group were to agree maybe you could say a consensus to the work group, there's no way you could say a consensus to the community without actually allowing the community time to discuss whatever it is that we come up with.

And I've said this before to the Council on many occasions that, you know, the Council's not a legislature so they're not the ones that are, you know, they need to make sure that they needed enough time to get input from their constituents, and frankly I don't even think eight days is enough time for that.

Mikey O'Connor: Thanks Jeff. One of the things about those four bullets that I stuck in that email is that they all came out of our interim report. And so the community has had a chance to at least see those. What's your reaction if we essentially highlighted those as our statement of consensus?

Jeff Neuman: Yes. I mean anything - sure, anything that was in our initial report that we can state is consensus, then I would have no problem making that recommendation to the Council. But if there's anything new or any further deliberations within this group we try to get at some position on something else, that's where I have the issue.

But sure, if the bullets are truly only highlighting areas that have consensus, I'm okay with that.

Mikey O'Connor: Okay. Thanks Jeff. Stéphane. Oh you may be muted Stéphane. We'll wait a minute to see if he get off mute. Still can't here you Stéphane. (Sharon)?

Coordinator: He has disconnected it looks like.

Mikey O'Connor: Oh, okay. Well we'll leave his hand up. Eric, go ahead.

Eric Brunner-Williams: Oh thank you Mikey. I share Jeff Neuman's - I didn't realize you were on the call Jeff, my apologies for bidding your absence. We have - the comments that we have received we have not actually spent very much time on as a body evaluating and drawing any inferences from.

So (I'm nearly) do we have a problem that Jeff pointed out eight days is insufficient for the Council to actually get feedback from their constituencies, but we ourselves haven't really addressed the comments from the community that came in from our interim report. Thank you.

Mikey O'Connor: Yes. That's very true. I think that's my fault. I wasn't - I have to be quite frank. I wasn't expecting this kind of an outcome from the Board retreat. So I may have let that slide so that's water over the dam I guess.

I'm going to keep calling on Stéphane just in case. Oh he's...

Stéphane Van Gelder: Yes.

Mikey O'Connor: ...back on.

Stéphane Van Gelder: I got cut off.

((Crosstalk))

Mikey O'Connor: Yes, go ahead.

Stéphane Van Gelder: Yes. Thanks Mikey. I'm sorry.

((Crosstalk))

Sebastien Bachollet: And if I tell you, speak of - this time there will be a (bit) Sebastien.

Stéphane Van Gelder: So I've obviously missed...

Mikey O'Connor: Okay.

Stéphane Van Gelder: ...some part of what Jeff Neuman was saying and I wanted to respond to his initial comment. I hope I haven't missed anything that was like a response to that since then.

But it is my view that if the group, this group, does - and I'm not saying it's going to happen or anything, I'm just being hypothetical - if it does come up with some kind of consensus that is new consensus and that differs from the

initial report and passes that onto to the GNSO Council, then the GNSO Council could in theory just endorse that.

As Jeff was saying, the Council itself doesn't actually make the policy. So if the group that's charged with doing that comes back and says we have consensus, in this instance I would suggest that that might be enough for the Council to forward that to the Board.

I agree there's no time to go back to - well there's little time to go back to constituencies and stakeholder groups. But really at this stage the only thing this group should be worried about is can it produce some manner of consensus or not. Let the GNSO Council deal with the rest of the process.

Mikey O'Connor: Thanks Stéphane. We've got a little background noise. I think it might have been an outbound call but it's making it pretty hard to hear.

Woman: Baudouin Schombe's joined. We're just going to mute his line. Thank you Mikey.

Mikey O'Connor: Okay. Thanks a lot. Sebastien, all right, did you want to get in the queue? If so, you're next.

Sebastien Bachollet: I'm sorry I am driving. I will take - try to take care. Yes, I just wanted to take a little different prospective is that since the beginning, the Board asked us as a working group to be quick, to do something in a hurry, and always we got some additional time. But it could have been much more easier for you as Chair and for us as participants to have the full length of time up to the end.

And I am not sure that the 8th of October is the right date to discuss about because if I read well the Board decision or the Board, yes, the Board decision is that as soon as the GNSO will come with the policies, it will be integrated into the GAC or whatever name you want to give the group.

And I think as the next version of the GAC will be - will come to have a discussion on that and then sometimes we have comments. I think if something happened in that period with something local (she stands on behind), it could be still integrated.

And if it's not the 8th of October, it will be November. It could be before the final GAC because I - my feeling was really that it will not be the final one we will get before Cartagena. I may be wrong but if it's so, I will agree with Alan, we can't take what our (trail can sense was assist). And if we want to work on other topics, we need to take our time. Thank you.

Mikey O'Connor: Thanks Sebastien. Eckhaus are you back on? I bet he's not. (Unintelligible) he just dropped off. So we'll leave him in the queue and go to Eric.

Eric Brunner-Williams: Oh thank you. It's Eric Brunner-Williams again. Following up on Sebastien, we do have an alternate timeline for reporting recommendations to. As I said in my mail earlier to the group, the GAC's note starts off in the vertical integration subsection by saying that this is an area where they expect more dialogue. So (apparently) they mean more dialogue after Wednesday of this week.

So we have the possibility of informing the GAC of what we can agree to or we can't agree to as well. In addition to the planned outcome of informing the Board or at least informing the Council of whatever it is we can or cannot come to agreement to. So that's all I wanted to say is that we have two different timelines now. Thanks.

Mikey O'Connor: Thanks Eric. Eckhaus. you back?

Gisella Gruber-White: He's not back yet Mikey.

Mikey O'Connor: Okay. Yes. I know - I agree with Sebastien. It would have been awfully nice to have gotten better dates on this. And so I hadn't thought about the possibility

of essentially ignoring the implication of their resolution. I don't know. I have to cogitate about that one. Jeff Neuman, go ahead.

Jeff Neuman: Yes. And I supposed I know the answer to this. It's probably going to be no but I suppose I should probably ask it anyway. What I was really, you know, it's again disappointing that the Board just kind of sends us a resolution without any indication of what they discussed, what they thought was a positive, the negatives about the report, what they think are the positive and negatives about a new solution.

You know, it seems like what we're looking at on this list now is the GAC letter, but we're not even - but we don't even know how seriously the Board's taking that. Is there anyone or anyway that we could send something now I don't want to say nasty, but we could send something back to the Board saying you guys should have a fiduciary duty to let us know exactly what you're thinking, you know, without even telling us in any guidance of what you discussed whether you want us to take into consideration the GAC advice.

Because that's what seems like a lot of people are doing on this list is, you know, let's look at what the GAC said, but I'm not even sure that the Board put any credibility in that.

We have no bearing. And I'm wondering if there's anyone in ICANN staff that knows or could report anything about it or if not, if you could ask someone to present to the working group formally what discussions took place at the retreat and what does it exactly mean that the Board will make determinations around these issues as necessary.

What do they do with the comments that they receive? Which comments did they actually find persuasive? Which did they not? You know, this - I think as a community we're too - all too tolerant of what the Board tells us which is absolutely nothing.

And it seems like they are consistently successful at pushing the burden back to us when we have no idea what took place there or any of the content in their discussions. And frankly, I think at least Mikey I would support just - even if they say no and tell us, you know, go pound sand, we should still make it known and open and transparent that they should let us know more than the conclusion of tell us whether there's consensus or not because I guarantee they probably spent more than the five minutes it takes to draft this language. Anyway, that's just my own thought.

Mikey O'Connor: Thanks Jeff. I'm going to head back to Jeff Eckhaus in a second. He's back on the call. But I would like folks - if anybody talked to Board members, one of the things I sent out last week was a request that any of you who know Board members could talk to them and find out some inside scoop, you know, it would be nice to get a bit of sense of what went on in that room.

And maybe we could do it informally now on the call and then formally, you know, I - what's emerging is sort of a third option which is to confront the, you know, not respond either way and instead essentially confront the Board's decision with a counter-proposal. But let's keep going through the queue. Jeff Eckhaus, go ahead.

Jeff Eckhaus: Thanks. Can you hear me?

Mikey O'Connor: Yes.

Jeff Eckhaus: Okay great. So sorry. I dropped off the call but the point I wanted to make is just going back to what your email and about the point the consensus. So if I'm - somebody already made this then you could just cut me off. But it was also - Avri made it in the text that I don't believe we had consensus on those specific points that you pointed out in the email.

I think we had some agreement to put - consensus to put those in the report but I don't believe that we had consensus on those specific points. So I would

caution against putting those forward and saying these are the points we have consensus on because that's how I remember it.

Maybe I'm wrong or if people want to cut through, but I think Avri made the same point in the chat and maybe we can get some clarification. But I would be very hesitant to put those forward and saying we had consensus on those specific points. Thanks.

Mikey O'Connor: Thanks Jeff. Well yes, I think that's right. You know, we put them in the report with caveats that said we need to work on them more. I think that the reason I threw them out there is basically to start trying to identify areas where we may have consensus but not to, you know, if we decide to do something really fast, especially given sort of the constraints that Jeff is raise, Jeff Neuman is raising, we have a pretty limited field of view in terms of the topics that we can talk about.

And those are those topics, I mean because they've been in the report. But that - you're right, Jeff Eckhaus, we don't have consensus on those yet. We'd have to hammer out language around which we could find consensus pretty quickly. Stéphane?

Stéphane Van Gelder: Thanks Mikey. I'm actually mystified at continued requests or calls for guidance from the Board because I think they've been extremely clear from the start. I know some even from my own conversations with - private conversations with Board members and from what's been said publicly, they've been clear in saying that it's up to this group to find a solution and this group should not expect any guidance from the Board because the Board don't want to provide any guidance.

The Board want to go through the standard PDP process which is the GNSO Council tasks a working group to do something and the working group does it or can't, comes back with an answer and that gets handed back to the Board and then the Board acts on that.

And that's what they're saying once again. I don't see any difference from what's been said in the past with this resolution. I think the only difference is that there's a strict deadline which is the 8th. But apart from that, they're just saying what they've said before which is we're not going to give you any guidance at all.

Your task is to find some kind of solution if you can. And if you can't, then we'll, you know, we'll take it upon ourselves to find some solution. But if you can, then we'll act upon that.

So asking them for any guidance at this time I think would be just a waste of time and we'll get the same answer that we've always had.

Mikey O'Connor: Thanks Stéphane. Eric.

Eric Brunner-Williams: Oh, thank you Mikey. This is in response to the question that Jeff Neuman had addressed all of us on the call if anyone had any ideas about the Board as responding to the communications from the GAC. They received the GAC communiqué prior to the offering of their resolution in (Soffoam), or excuse me, in (Prawn Time).

And the GAC was very clear on the issue that this is (supplicants) from disadvantaged countries should have some - there should be some financial offset. And the Board's response in (Ettron) time was categorically refusing to make any accommodations for any argument for necessity under service. So that's my answer to your question Jeff. Thank you.

Mikey O'Connor: Thanks Eric. And back to Jeff Neuman.

Jeff Neuman: Yes. So Stéphane I totally agree with you that they're going to say no to our request. I totally agree with you that it would take longer than three days or even October 8.

But I disagree with you that they're treating this like any other policy development process because in any other policy development process, what we really have to do is take the comments we have received, come up with a final report after analyzing and responding to those comments, produce the final report, submit it back to the Council and then the Council needs to follow its procedures.

And then the Council needs to do a vote in order to get it even to the Board. There is no respect for the policy development process by the Board in this whole new TLD vertical integration issue. There hasn't been from the beginning.

So I don't think they're respecting the policy development process. I think they're just trying to skirt the issue, not make a decision and see if there's one last ditch effort that we can - that will somehow all miraculously change on mine and somehow come to consensus before they make their pronouncement.

Now this has nothing to do with the policy development process and it really never has from the Board's prospective. And frankly, if this were the policy development process, we should just ignore this request from the Board, let the Council respond that there was no consensus because that's what we reported on in our interim report and then let the Board do what it's going to do anyway.

So, I mean, it seems like a waste - if we can't even get up enough to ask the Board what they even took into consideration, then why should we jump through hoops and respond by October 8 because the Board says we should. And that's my...

((Crosstalk))

Mikey O'Connor: Thanks Jeff.

Stéphane Van Gelder: Mikey, can I just respond to that?

((Crosstalk))

Mikey O'Connor: Yes. I'd like to - go ahead but then I want to get to Roberto. He's in the
queue.

Stéphane Van Gelder: Okay. Sorry. Well, Jeff, the actual PDP process itself wasn't the
point I was making. And you're probably right that this working group has
been exceptional in that regard.

But taking on the point - take, you know, moving on front the point that you're
making, why in that case not continue to work towards trying to find some
kind of consensus in the next three days. And if it doesn't work out as many
people think that it's just, you know, impossible to do something that this
group hasn't managed to do in the last month, then just report that to the
Council and consider the work of this group done.

Mikey O'Connor: Roberto.

Roberto Gaetano: Yes. First of all, I think that I need to apologize. I made kind of misjudged
what was going to happen at the retreat. Until a couple of days ago, until just
before the retreat that was marked in - on ICANN's Web site like a normal
retreat, we told the flag that it was not going to be a regular meeting. So I was
not expecting a resolutions and I was taken a bit by surprise by the fact that
in fact there were resolutions.

Secondly, I think that - well if I had anticipated that maybe we could have
pushed a little bit more for progressing before the Board, the retreat so that
we had actually something in few days to send over to the Council.

Anyway, this said, I think that I agree with Stéphane. I think that the position that the Board has, and that is confirmed by some exchange of emails that I had with Board members is that it's very simple. If you can come up with a consensus position or any recommendation and so on, we will adopt it. If not, we are going to decide.

Now, at this point, even if I agree on the fact that maybe it would be good to have some feedback from the Board on what they like, what they didn't like, what they think it's workable or not in terms of our positions, I don't think that it will fit with the schedule anyway, I mean to make a complete report of what has happened. Although it would be useful, it's not going to help us.

And the last point, I think that we need to do something between now and Wednesday. And we have several options. What I propose is that we stress the point on which there where on the interim report kind of a make a sort of a bullet point list of what we think that are the things that should be taken into account to make a decision.

Even things on which we did not get to enough details like as I said in my email before, we talk often about relevant or yes, relevant market power and we were unable to define it. I think that if we agree that certain things should be done - could be done or could be marked harmful in absence of market power, I think we can write it down even if we disagree on what the market power is even if we agree on the principle that we have to make the distinction between the situation in which there is and there is not market power.

But at the end of the day, I think that we have to provide this bullet point list on the things on which we can have consensus. The fact that there is no time to go back to the constituencies and to have a formal endorsement and so on, I see a little bit less of a problem. Because on these issues, we are not going to come up with something completely out of the blue and something

that has been not discussed before on which each of us have not complete time to conserve.

So I think it's at the end of the day a judgment call of the Co-Chairs based on what is the feedback on the mailing list. And in any case are you - also on that I agree with Stéphane is then the main count is that it has the final call on what to forward to the Board and what not. Thank you.

Mikey O'Connor: Thanks Roberto. Eric.

Eric Brunner-Williams: Gosh, I think I want to think about what Roberto had to say. But...

Mikey O'Connor: That's why I called on you so I could.

Eric Brunner-Williams: So you could.

((Crosstalk))

Mikey O'Connor: Yes.

Eric Brunner-Williams: ...for me and think about Roberto. I think our profit comes ahead of the Board schedule. Our count as volunteers under GNSO PDP rules is not so interruptable as any call for immediate production for a hypothetical - we still have no idea when there's going to be an opening of GTLD round so, and our coverage may just be another fictional date.

But we're not done in the long term with the PDP since we're into relationships between the contracted parties. And that I think is where we need to go to make a recommendation about the relationship between the contracted parties.

And there is the, as I pointed out earlier, the ultimate reporting task which is report to the GAC what we think is the useful thing to - for them to consider, if

their initial recommendation is sufficient or if there's issues they haven't thought of or things that they can add to it possibly without harm. Thank you very much.

Mikey O'Connor: Thanks Eric. A couple of things came to mind while I was listening to all of this. One is that we are in sort of a peculiar spot in the PDP process itself. We are at the point where the initial report has been submitted to the Council, the report has gone out for public comment. The public comments have been received.

We haven't reviewed them sufficiently but the - if we were to play this by the By-Laws, the By-Laws say that after the public comments are back, the staff manager has, I don't know, two weeks or something like that to incorporate those comments into the final report and transmogrify our initial report into a final report.

Well we're way beyond that deadline but that's the place in the timeline that we are. We created sort of a intermittent or intermediate stage called a revised interim report which is what got submitted to the Council and to the - and through the Council after much debate to the Board.

So from a process standpoint, I think we're in a quagmire that provides us a lot - actually provides us quite a few degrees of freedom, you know, because I don't think at this stage in the pure PDP process we actually need to go back for anymore public comment. We've already done it twice. We've been back to the constituencies twice so I'm not sure that those barriers are as insurmountable as some may think.

On the other hand, three days, especially given that two of them many of our participants are quite distracted with something else, does seem harsh. And so it seems to me there are two sources of, you know, I'm looking for slack. I'm a project manager. I'm always looking for slack time.

One source of slack is to ask the GNSO to take an exception to its rules and give us a few more days and another would be to write a note back to the Board saying we are not prepared to answer your question yet. We are still considering and leave the binary choice.

What they have, you know, I think if we do nothing, then they've, in their resolution, left themselves a path to go ahead and make the decision. And so it seems to me that one option would be to write them a note back that doesn't correspond to either of the two choices they gave us but is rather a third choice that says sorry, can't do it quite that fast.

I think it would be neat if we could come up with a date but we could just say we're sorry, we don't take choice A or B and cut ourselves our own timeline and proceed to act as quickly as we can to come up with something. That's kind of where I'm drifting at the moment.

I'm a little edgy about trying to put something together in the next 2-1/2 days for all the reasons that people stated.

Scott Austin: `Mikey.

Mikey O'Connor: Yes.

Scott Austin: Mikey, this is Scott Austin. I'm sorry to interrupt you. I've been trying to get in through the Adobe Connect and for some reason it just has never come back up.

Mikey O'Connor: Oh oh...

((Crosstalk))

Mikey O'Connor: I just let you in.

Scott Austin: There we go. That's why I didn't have my hand raised but...

Mikey O'Connor: Well why don't you wait till after Jeff Neuman and put yourself in the queue
                 and you could be next. How about that?

Scott Austin: Thank you.

Mikey O'Connor: You bet. Jeff, go ahead.

Jeff Neuman: Yes. I just want to sort of for the record, the By-Laws do state that, you know,
                 within a certain amount of time, ten whatever days it is, the staff manager
                 would just put the comments in and then submit the - call the report final and
                 then submit it to the Council.

                 But I think if we're doing what we're talking about which is having substantive
                 conversations about changing recommendations or having two
                 recommendations, I don't think we have that leeway without having public
                 input.

                 Otherwise, I mean you could imagine a PDP in the future where, you know,
                 the working group goes one way with an initial report, completely reverses
                 track, does something completely different and then just try to get that
                 through to the Board changing some of the contracted parties' contract.

                 So, but put that aside, I think we just call it what it is. They're asking us for
                 input and not as part of the PDP process but just as part of a, you know, a
                 request. And then if we think in the next few days or however long it takes us
                 that we could provide some input to the Board, then we should request this
                 extension from the Council.

                 But I think before we just jump on the bandwagon about asking for an
                 extension, I would like to hear from people what they think we can get

accomplished in the next few days with respect to making any recommendations.

Mikey O'Connor: Thanks Jeff. Scott, go ahead. Oh.

Scott Austin: Thanks Mikey.

Mikey O'Connor: Oh, there you go.

Scott Austin: The question I had and I guess I've asked this before but is there any precedent for a group that has not been able to reach consensus and has essentially reached an impasse in terms of what has been done. Has it just been submitting what comments there are from the various dispirit parties or is it something that someone tries to prepare some kind of summary or does the Board encourage an extension so that something is worked out?

But I've never seen, and I'm sitting with the By-Laws in front of me. But I did not know if the By-Laws have anything with regard to what consensus is. I mean is it defined as a majority in agreement or, you know, has there ever been a determination of what does constitute consensus? Is that written in any of the documents, the operative documents that we operate under?

Mikey O'Connor: Yes. I - Scott it's not in the By-Laws. It's in the GNSO PDP stuff.

Scott Austin: Is this...

Mikey O'Connor: I've forgotten what it's called. And it doesn't matter what definition it is, we aren't at it, you know.

Scott Austin: Yes, but does it give a percentage? I mean is it...

((Crosstalk))

Mikey O'Connor: Yes. It's...

Scott Austin: ...to a vote...

Mikey O'Connor: ...basically - it basically gives the Co-Chairs a fair amount of discretion to call it. And it - speaking as at least half of your Co-Chair team I can tell you that we don't have one of those things. So, you know, clearly the simplest approach to this is to simply say look everybody, we worked as hard as we could, we did the best we could, it's in our initial report, we have deep divisions and they are no different than what we documented in that report, back to you. Dear Board of Directors, back to you.

And, you know, I'm really edgy about trying to get much beyond that in two days, again especially given the fact that we're going to lose some key people here. Volker, go ahead.

Volker Greimann: Well, one thing that struck me as odd is that we are always saying that we have no consensus at all. And that is true in when it comes to proposing something to replace the Nairobi decision. But I think we have a very clear majority against the Nairobi decision and I think that is the (E) issue that we have the most consensus actually that we do not like the Nairobi decision and I just wanted to void that position.

Mikey O'Connor: Yes. That's a good point. Yes, you're right. I'm focusing on something else when I talk about that but we actually do have some areas of near consensus or maybe even complete consensus. Certainly the notion of compliance as important, not - I mean we have two views of compliance. We have the proactive versus reactive debate, etcetera.

But everybody seems to feel that compliance is a big deal. I think most everybody agrees that the Nairobi decision isn't very good and I think most people also agree that some exceptions to whatever process comes up should be allowed.

At that point, you know, what the exceptions are for and what they look like, no, we don't have consensus. We really haven't had the time to build a consensus around that.

And so back to Roberto's point, we could come up with a list of very, very, very high level bullet points like that and push it along to the Board and see where we get. Let's see, I think the queue is all old, right, no new people in the queue. I'm assuming that anyway.

Well, so where do we go from here? A poll.

Brian Cute: Mikey, this is Brian.

Mikey O'Connor: Go ahead Brian. Of course a poll.

((Crosstalk))

Brian Cute: I get it.

Mikey O'Connor: A perfect answer. I love that. Okay. Go ahead Brian.

Brian Cute: Yes. I think the way you just articulated the state of play is the closest thing to reality and I share your concerns about the 72 hour exercise as someone who's going to be tied up tomorrow and Wednesday as well in this law enforcement things.

I'm not sure - I have my doubts that putting together a list of things that really already exist in some form in our report as a list of things to consider more strongly, things that are like principles, I don't know. I just have my doubts about that providing the Board with material substantive guidance in making the decision.

I mean my sense is that just about everything that we want to say or would say as a group is in the report. And I'm not sure I see the value of generating a list.

Mikey O'Connor: Yes. And there's - thanks Brian. There are certainly a fair number of us who are saying that. And it's an argument that's certainly persuasive to me. Alan, go ahead.

Alan Greenberg: I guess the merit of doing something that may already be in the report is the report is so long that it's difficult to extract simple concise messages out of it. If we have a simple concise message that we can give that may provide guidance in - when they make their decision, that has value.

Mikey O'Connor: Okay. Stéphane.

Stéphane Van Gelder: Yes. Thanks Mikey. I just want to read or point to Tim Ruiz's email that he's just sent to the list because he's apparently traveling and not able to join the call. But he says that there's several things that he doesn't - several statements have been made that he doesn't agree with made on the list, not on this call.

So he suggests that we call the - or that the group calls the report, the interim report final and sends that to the Council as a final report. I just wanted to get that in.

Mikey O'Connor: Yes, thanks Stéphane. I don't think that we can do that. I mean I - just from a technical standpoint because we have not incorporated the public comments. So I think that the action that accomplishes the same thing is indicating that there is no consensus in, you know, in this - in the framework of the resolution.

We would just say there is no consensus and, you know, if we can transmogrify the interim report into a final report in time, fine. But I don't think

we can get it turned into a final report that fast because we really do need to go through the comments before we're done with that.

Alan is your hand up from before or is that...

Alan Greenberg: No that's a new one in response to Stéphane.

Mikey O'Connor: Okay.

Alan Greenberg: I don't have the words in front of me but my recollection is the Board resolution said to the extent that we come up with guidance later, you know, past next Tuesday or past the October date they gave, they will incorporate it into future rounds. So the implication...

Mikey O'Connor: I, I...

Alan Greenberg: The implication is - their expectation is that if we don't come to closure now we will continue working.

Mikey O'Connor: Yes. I think that's right. And just to gently pull your leg, I'll point out that the language of the resolution is dead center on the Adobe Connect screen. Jeffrey, go ahead.

Jeff Eckhaus: Okay thanks. I think - I'm just trying to make sure I didn't miss it that we don't have - that I think sending, you know, picking and choosing certain things to send to the Board because we think the report is too long or anything along those lines is a mistake, just because they've put us in this sort of crazy deadline that we should say oh we have to put something up, you know, just for the sake of it.

I think that if there's no consensus - what it's on, you know, thanks for - it's on - reading the Adobe Connect just because there is no consensus on the

vertical integration issues and we're talking about the real meat of the issues here, there's no - we should just say there is no consensus on those issues.

To put it forward saying, you know, we think that they're - I'm just throwing this out there - but saying hey we think there should be further investigation into SRSU and there's consensus on that, I don't think that really helps anybody.

So, I mean just to send something like that just to say hey we sent something I think is a waste. And I think that unless, you know, some miracle happens in the next, you know, 24 hours or something like that, then we just send it back and saying there is no conclu - it's not we're trying to pick and choose certain documents or certain line items on that. Thanks.

Mikey O'Connor: Thanks Jeff. Yes, I think it does get really tricky to pick and choose. I wouldn't even know how to do that quite frankly. You know, I've been listening - I came into this call pretty undecided as with most things. And I've tried to remain that way throughout all of this.

But I am finding it difficult to see a path through the next two days to a document that, you know, we could stand up behind and say we have consensus around this. So I'm inclined to go with Option A which says indicate that no consensus on vertical integration issues has been reached to date and maybe underline that and put it in bold, maybe flashy red type, I don't know, and stating our commitment to continuing to work on this with the hope - and this is where we maybe deviate a little bit from the Board resolution - with the hope that if we get our work done in time that it could be included in the current round rather than waiting for future rounds.

There's a fair conversation going on in the chat. And I would love to be able to - we've got a lot of noise coming in - whoop, there we go. It's gone again.

I would love to think that maybe something we do gets into the current round but maybe that's just pushing it too hard and maybe it's just - let's focus on that for a minute, the current round versus future round thing because I think that influences our timing as well.

If we're interested in pursuing a path that gets something done really quickly so that it could possibly get into the current round, is that something that shows people something or is it just too hard? I'd be interested in people's reactions to that. Jeff, go ahead.

Jeff Eckhaus: Yes. I think knowing when the next round, I don't think it really makes a difference because there are certain parties, you know, that say hey I want, you know, whatever it is dot chew. And it doesn't matter what round you're in, once dot chew is taken by somebody, it doesn't matter if you're eligible in Round 2, that specific string is gone.

So even if the next round if it's determined it's going to be six months later or whatever it is then once those strings are allocated to another entity, then they're - it doesn't matter if your eligible or (unintelligible). That's what we have a little contention for this and why everyone cares so much about what's going to happen in the first round because even if the next round - I was joking saying it's five years away or five months, those strings once awarded to a certain party, that's it. It doesn't matter when the next round is. That string is gone. And if that's the one you want or the group you're working on wants then, you know, I don't think you'd find any solace saying hey you could apply for something else in six months or six years or whatever that number is.

Mikey O'Connor: So, would you favor kind of not a crazy two day push but a pretty heavy duty push to try and get something done to go into the current round even though the Board has said that they won't listen to it? I mean we could...

Jeff Eckhaus: You know, I think that that...

Mikey O'Connor: We could go back...

Jeff Eckhaus: I think...

Mikey O'Connor: ...to the Board and bug them about that.

Jeff Eckhaus: I think it's - I personally, you know, I think it's still worth going on and it's not only for second round - for other rounds but I think that the possibility that the Board punts again is not minimal considering what we've seen before. So I think that say let's just pack up shop because it's October 8 and, you know, we're going to have to - everything will be decided by then will be sort of a not looking at what's happened in the past because, you know, there was decisions that have been punted further on.

So I say keep working because you never know what's going to happen, what, you know, resolutions are going to come out. It's like Roberto said, nobody thought that they'd come out with resolutions after a Board retreat that was not considered to be official yet. Sunday night there they were. So, I would say keep working on it. Keep trying to reach, if we can, some sort of consensus. If we can't, just keep working according to what this working group and the PDP guidelines have to be and, you know, see what happens.

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

Eric Brunner-Williams: Thank you Mikey. Assuming that there is a second accessible round or subsequent round, it seems we have the problem of trying to be define time in the least disruptive fashion if we can't agree in time for this round.

And that's one of the odd attractions of the Nairobi zero percent rule is that it prevents everyone who's presently a registry or registrar from obtaining the

advantage of entry time and market power in the current round. This will be a green field. This will all be completely new market actors.

So, it's - it is the case that the zero percent rule means there is no advantage for any of the existing contracted parties whether the registries or registrars. And if we're looking for something that we can recommend for the second round that has - that is the least compromised by whatever happens in the first round, I think that's us. And I'm sure that's very unpopular but not getting anything into the first round was also pretty unpopular and guess where we are. Thank you.

Mikey O'Connor: Yes. You know, it's not a - this is not a happy place to be. Okay. So what I'm hearing - let me just read the chat for a second. I think what I'm hearing us say is that we respond to the Board resolution with Option A and say look, there's no consensus. It's in our report, our revised interim report, and we'll work to finish that report, turn it into a final report and the way we'll do that is by reviewing the comments and we'll get done when we get done. And if that's in time for the current round so be it, and otherwise it won't.

Let's see. Eric is that a new hand or an old hand?

Eric Brunner-Williams: Old.

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

Kathy Kleiman: I think you've got it Mikey. It's disappointing because would have liked to have come to a different conclusion or consensus, but I think you've got it so I support what you're saying.

Mikey O'Connor: Okay. Let's - just using the little tick marks in your status attendee list gizmo, is there anybody who's really opposed to that approach essentially indicating that there is no consensus and...

((Crosstalk))

Jean Christophe-Vignes: Mikey am I in line for...

Mikey O'Connor: Oh, go ahead JC.

((Crosstalk))

Man: If I can go - I'm sorry...

Jean Christophe-Vignes: Yes, I'm opposed to the approach.

Mikey O'Connor: Okay. Duly noted.

Jean Christophe-Vignes: Thank you.

Mikey O'Connor: Anybody else? It's pretty quiet. Alan, go ahead.

Sebastien Bachollet: Is it - can you hear me?

Mikey O'Connor: Yes. Go ahead Sebastien.

Sebastien Bachollet: Okay. Just to say I agree with you. I just think that even if it's difficult to
                   extract things from our current report, I think that - or underlining where we
                   strongly agree and I think that there are consensus whatever name you're
                   going to use.

                   There - it's something could be a good exercise even if we may hope that the
                   Board member read all our reports, and especially to have - to be clear that
                   there are something even if it's because we oppose, we all agree with. And
                   that's the - could be a good addition to what you propose then. If not, I simply
                   agree with your proposal. Thank you.

Mikey O'Connor: Thanks Sebastien. I suppose that one way we could finesse that would be the Co-Chairs writing a transmittal letter that accompanied our response to the Board, well it would be our response to Chuck.

But, presumably that would get to the Board, with some of those highlights included, and use that to focus attention on various parts of the report and also indicate the, you know, the level to which it was our impression there was agreement or otherwise. We could finesse something like that. Roberto, I'll let you cogitate about that one while I call on Alan. Go ahead Alan.

Alan Greenberg: Yes. Sebastien you have said close to what I was going to say. I - I'll - as I said before, I think there would be great value in identifying the things clearly and in a short concise document that there is if not unanimous consensus on then a strong consensus that - of things that need to be looked at further or perhaps should be adopted.

And I think your list of four bullets, certainly three of them and possibly the fourth, fit into that category. There may be some others. I think that would have great value.

Saying we don't - we have not come to closure says a decision must be made and we're not going to be the ones that are making that recommendation. But nevertheless, any decision should take some things into account. And to the extent we could say it in less than 100 pages, I think that has merit.

Mikey O'Connor: Roberto, go ahead.

Roberto Gaetano: So, I think that reading also about the possibility of asking for a slight delay in presenting documentation to the Board, my - to the Council, sorry - my question is to staff first and to us how long is the process of incorporating the comments in the sense that we have the long summary from staff. But we

need to decide what of those comments have to be - will make significantly change our report.

So I think that we need a good week for that considering that next two days will be doubtful. But we need to have a sort of a commitment that in the following three or four days in one way or the other, we can incorporate the comments in a final report.

The final report, I would not be inclined to write a few hundred pages, but just keep it on point because so we can say the interim report we confirm what has been said in the interim report with the following underlining these the following comments and if there is any change following the public comments to highlight in the reports.

Send that - so that is I would say your Option 1 slightly modified. And then I think that we need to ask ourselves the question and the - on whether we want to continue - and in that case to make the proposal to the Council that - to continue this working group past the October 8 deadline.

And then at that point go on and get prepared for future rounds or for the (pays) in which for other reasons there's going to be a delay in the final resolution and the final running of the GTLDs. That's what is what I more or less think we could do. Thank you.

Mikey O'Connor: Thanks Roberto. Let me try and - oh Margie, go ahead. Margie Milam 2, the sequel.

Margie Milam: Yes, I'm here twice. Yes. I just wanted to confirm what Roberto said would be the working group to go through the public comments. And I think his assessment is correct. It would take, you know, about - we could get through them in a week to see whether or not it changes any of the, you know, the statements or encourages consensus on any of the topics. But that is a step that would need to get done.

Mikey O'Connor: So, if I've got this right, then what we would do is we would write a note back to Chuck saying that we don't have consensus on vertical integration at this time, that our plan is to move with all due speed to get from an interim report to a final report and the primary work that needs to be done to do that is incorporating the public comments into the report.

I'm not sure we actually need to put a date to that because the main operant thing would be our acknowledgement that we have not arrived at consensus and that the decision is in their hands.

And then if we come up with something, fantastic. In the process of incorporating those comments, we could always transmit that to the Council and the Council could transmit it on up to the Board. Is that a succinct summary of where we're at?

Roberto Gaetano: Mikey, except for the fact that I think that we cannot take excessive amount of time because it still has to get to the Council before the Council meeting, otherwise it will not be forwarded to the Board at all.

Mikey O'Connor: Well, I'm not thinking that it makes it to the Council meeting this time. It makes it to the next one, a month from now so we'd have, you know, essentially until eight days before the next Council meeting. Is that what you're thinking too?

I'm not thinking that we can possibly get the public comments incorporated into the report in time for this Council meeting, even if we got an extension. Yes.

Roberto Gaetano: Yes, okay. If we can't, we can't. Then that case it's going to be the next Council meeting.

Mikey O'Connor: Yes. I just can't ima- you know, looking at that very tall list of public comments, I was pretty intimidated by it the first time I looked at it. So maybe we could do it in a week but wow, I was - I wasn't thinking we'd get through it that fast. That's part of the reason that I sheared away from it.

What about - so just zeroing in on this note that we send to Chuck, what about this notion of the two Co-Chairs pointing out some interesting parts of the report, even though we didn't reach consensus? I mean the Board already has the interim report and so we could give them some highlights on that just in our transmissal or transmittal memo. Jeff Neuman, go ahead.

Jeff Neuman: Yes, just again, can you just say what the purpose of that would be?

Mikey O'Connor: Well I think, you know, several people, Sebastien, Alan, others have said that that's an awfully long report that we transmitted and that it would be useful or helpful to the Board if we zeroed them in on some of the parts of the report that we think they would find useful in making their decision.

Jeff Neuman: But - so - but what's the form for it? I'm sorry. I have a comment but I'm just...

Mikey O'Connor: Well the form is the...

((Crosstalk))

Jeff Neuman: Bear with me...

Mikey O'Connor: ...transmittal letter that we use. I mean, you know, we're going to - presumably Roberto and I will write a letter to Chuck that says dear Chuck, in response to your request, here's our letter indicating that no consensus on vertical integration issues has been reached to date and referring the matter to the Board and highlighting those parts of our report that the Board might find the most useful in making their decision.

Jeff Neuman: Yes. So I - Keith actually just raised on a chat and what I was going to say which is there's got to be a staff report to the Board that already went there. And not that I encourage staff reports, in fact I'm a known advocate against having staff reports being kept private.

But I'm sure the Board's already seen that. And I think the report speaks for itself. It should be left to speak for itself just like the Board's resolution speaks for itself and is left to speak for itself.

I think we just send a letter to Chuck saying there are now, you know, we produced our interim report, that is what it is, we are unable to have consensus in anything other than the release of the interim report. Leave it at that. Send it to the Board with as much clearness and crispness as their motion to (archives).

I just don't think anyone should be in the - any - no one should have the burden of taking upon themselves to summarize what we came up with that were very carefully crafted words. And I'd hate for someone to really summary as opposed to what's in the report when we worked so long and hard to get the wording exactly the way that we wanted it.

It's not that I don't trust you or Roberto, I think you guys are great guys, but I just think that we spent too long coming up with those words to have it summarized by someone else.

Mikey O'Connor: Yes, that's a fair point. I can buy that. Avri's agreeing. I think Alan's agreeing.

((Crosstalk))

Mikey O'Connor: He might have been agreeing with me. I don't know. Anyway, Eric, go ahead.

Eric Brunner-Williams: Oh I think I'll agree with Jeff Neuman. But we have to mention that we haven't evaluated the community response. We can't join the Board in

ignoring the community, and this isn't entirely something that's interior to the Council. We really do have to deal with the community response. Thank you.

Mikey O'Connor: Yes. I also buy that. Oh...

Sebastien Bachollet: May I? This is Sebastien.

Mikey O'Connor: Sebastien, go ahead.

Sebastien Bachollet: Yes. I think we - what Alan and myself suggested not the summary. That's big difference between a summary and what we suggest I guess. It's too - take out the point where we have an agreement. It's not the summary. Summary will have been that we take all the point and we say this one we agree, this one we disagree, this one is at this stage of discussion.

It's just to highlight the points where we as a working group are as a more agree and that's it. It's not once again a summary. Thank you.

Mikey O'Connor: Thanks Sebastien. So one way I suppose would be to spend some time on the list over the next basically day I guess to find those bullet points where we agree. No we can't agree on the structure, that's clear. But we I think agree on the compliance stuff, at least at a very high level. And we agree at a very high level on the notion of exceptions I think.

Is there value in doing that and including that in our using the transmittal letter as the vehicle to transmit those points of agreement? I'll let that soak in for a minute.

Jean Christophe-Vignes: Mikey, can I be in the queue at some point?

Mikey O'Connor: Sure, go ahead.

Jean Christophe-Vignes: Yes, just wanted to - sorry, I was cut on and off so I missed part of the conversation. But to me, and I assume to some others, anything is better than simply no consensus in one sentence. So any data can find in putting the bullet points in our whatever device is better than nothing.

Of its (running) itself, although it's unrealistic to assume we will do something in three or four days or two days that we couldn't do in nine months, I do believe the Council could be sympathetic to the fact that indeed many stakeholders will be meeting tomorrow somewhere else, whether I can (unintelligible) we could be granted an extension.

And one last point would be true second (unintelligible) Jeff's point on the (e-managy) of the second - waiting for the second round for most of us because as you know, the new GTLD space is a finite one if that word is granted in the first round to an non-registrar. It's of little value to wait for the second round for a registrar.

So we don't have the luxury of time. We've all known that for some time now. But the second round is absolutely not an option as far as vertical integration is concerned because let's face it, when the second round - if the second round happens, we don't know when, and it will be of little interest for many stakeholders affected by (GI).

Mikey O'Connor: Thanks JC.

Brian Cute: Mikey this is Brian.

Mikey O'Connor: Go ahead Brian.

Brian Cute: In my mind right now there's a pretty clear distinction between something that is consensus based coming out of this group and something that is not. And in terms of what's meaningful to the Board, the consensus based proposal's what's meaningful.

The exercise you're suggesting to my ears sounds like we're trying to highlight issues that we agreed on, that we think are important, that we'd like to give a little bit of emphasis to so the Board might give some weight to those issues when they're making their decision, but they're not quite consensus based points.

And if we're going to go through that exercise, whether it's the Chair and the Co-Chair or hand selecting five or six representatives from across the different interest groups, it's still - to my mind it's an exercise. You need to get validation from the group, from the entire group to say this is an appoint - this is a point about agreement or this is a point of special emphasis or additional weight.

And I just keep coming back to the window of time that we have here and asking if that is realistic and asking if we're just not better off going with the report which is a fairly carefully crafted report.

And I believe, you know, the compliance that a reader of the report should get the understanding that the group very strongly and broadly felt compliance was an important issue based on what's in the interim report already. Thanks.

Mikey O'Connor: Thanks Brian. You know, as I listen to this, I am coming around to the point of view that we basically send back a note that just says - response to Chuck saying no we have no consensus on vertical integration issues as of this date. We are going to continue to complete our final report but not give a date for it. We'll do it as fast as we can because we've got these things, but to finish off like the public input but not go anything beyond that.

I think it just, you know, what happens is we almost immediately reopen the whole discussion. And that gets - that goes on the too hard pile for me. So I think that's where I've landed. That's a little bit different Roberto than where

you are, but I'm persuaded that it would be really hard to write much between now and our deadline.

And I think that, you know, in a consensus based process it's a perfectly valid, and in fact sometimes very important outcome to say no consensus was reached and leave it at that. So that would be my inclination. But I - oh and Roberto's fallen off of Adobe Connect. Roberto are you still on the call?

Roberto Gaetano: Yes. I'm still on the call but I have no connectivity anymore.

Mikey O'Connor: Ah, okay. So what do you think of that idea? Are you okay with...

Roberto Gaetano: Well, I think that - as I said before, if we can't make it, we can't make it. So that's obvious. If the judgment call is that we can't have something meaningful to make it for the current deadline, that means that we have only two options.

One, we say okay, sorry guys and we disband the working group and the other one is to say is we didn't reach consensus but we hope to get consensus if given more - in time and continue working.

So the option of coming to a report that has - that includes the public comment, I think that it is part of our duty. We didn't do it until now and we need to fix that and we need to do it and we need to do this prior not before.

If it doesn't get to the Council for this call, it will get to the next one and that is fine. And that will be the final report of the working group after which it's going to be a Council call whether we will do further work, for the instance of times or in identifying some particular exceptions for - to the (unintelligible). So I think that we have to take into account what reality is.

Mikey O'Connor: Okay. So I'm going to summarize it one last time for the MP3 so that I can listen to it and act accordingly. So we will send a letter to Chuck, Roberto and

I, saying that the working group has not arrived - has no consensus on vertical integration issues to date. That work remains on our report and to make it - to move it from being an interim report to a final report and we will do that and then that'll be that.

I think that's it. Any final thoughts on this, final, final, final before we wrap this up? I think we're very close to the end of the hour and a half. So I'm not seeing anybody's hand up. Keith wants - oh God. Well dang nab it, I'll figure out something to poll on and I'll send it out. Eric, go ahead.

Eric Brunner-Williams: Yes. This is a - since we're at the end of the call, not a comment on what you're trying to communicate to Chuck but rather that we have the GAC memo that we can respond to as well. And of course, that doesn't have an October 8 or an October 1 deadline associated with it.

But it is an interesting policy suggestion and I think it's worth looking at and I'd be happy to be joined by anybody who wants to do so also.

Mikey O'Connor: So I just have a technical question about that. That memo I don't think was addressed to us was it? It was addressed to the Board. So we would be simply - I'm not sure of the context in which we would respond. You know, we're sort of the bottom of the bottom of process. And that was telegraphed sort of up there in nosebleed territory as far as I could tell.

We could certainly...

Eric Brunner-Williams: Oh yes, that's true. I mean I'm looking at the GAC that would typically use the public comments to (take) public comments. We can demote them from those place of public comments and consider their suggestion.

Mikey O'Connor: Yes. I mean I would - I guess I would be fine with an approach like that, but I'm a little uncomfortable with the working group responding directly to a

memo from the GAC to the Board. That seems above my pay grade somehow.

Okay. I think that's it for today. It's 20 min - 28 minutes after the hour by my clock. And I thank you all. We'll be back next week same time, same station. And I think that at a minimum we will be working on picking up those public comments and folding them into the interim report on its way to becoming final and I look forward to speaking with you then. Bye for now.

Man: Thanks Mikey.

Man: Bye.

Woman: (Unintelligible) might be interpreted.

Man: Thanks Mikey.

Mikey O'Connor: (Sharon), I think we can stop the recording now.

Coordinator: Thank you. Have a good evening.

Mikey O'Connor: You too.

Woman: Mikey?

Mikey O'Connor: Yes ma'am.

Woman: How are you doing?

                            END