Policy Process Steering Committee (PPSC) Policy Development Process (PDP) Work Team (WT)
TRANSCRIPTION
Monday 14 February 2011 at 14:30 UTC

Note: The following is the output of transcribing from an audio recording of the Policy Process Steering Committee Policy Development Process (PDP) Work Team (WT) meeting on Monday 14 February 2011, at 14:30 UTC Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting but should not be treated as an authoritative record. The audio is also available at:http://audio.icann.org/gnso/gnso-ppsc-pdp-20110214-en.mp3

On page:
http://gnso.icann.org/calendar/#feb
(transcripts and recordings are found on the calendar page)
Participants on the Call:
Jeff Neuman - Registry Stakeholder Group - Work Team Chair
Alan Greenberg – ALAC
James Bladel – Registrar Stakeholder Group
Paul Diaz - Registrar Stakeholder Group
Avri Doria - Non Commercial Stakeholder

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

Absent apologies:
David Maher - gTLD Registry Stakeholder Group
Alex Gakuru - Non Commercial Stakeholder Group

Coordinator: Please go ahead. This afternoon's conference call is now being recorded.

Gisella Gruber-White: Thank you. Good morning, good afternoon to everyone on today's PPSC PDP Call on Monday the 14th of February. We have Jeff Neuman, Alan Greenberg, James Bladel, Avri Doria, Paul Diaz. From staff we have Marika Konings, Margie Milam, Glen de Saint Gery, and myself, Gisella Gruber-White. Apologies today noted from Alex Gakuru, and if I could pleaser remind everyone to state their names when speaking for transcript purposes. Thank you. Over to you Jeff.

Jeff Neuman: Thank you very much. Hello. Welcome everyone on Monday, the 14th of February. And so most of you have probably noticed that this morning Marika has submitted a proposed final report or at least the latest version of it. Thank you Marika. I know that took you a long time to do and I think it is really well done.

I know most people have not yet had a chance to go through it. I have not yet had a chance, but what we will spend today doing is Marika will spend a few minutes just giving us kind of an overview of the major changes at least from a structural standpoint. And then if you look - if you are on Adobe today, you will see on the right-hand side there are identified issues for discussion. So I think we will just go through those and see how far we can get on those.

And just a reminder. All of the reports need to be published for the San Francisco meeting by a week from today, so that's Monday the 21st. In order to do that, we need to - we are going to have a call again. We will have a call again this Thursday at the normal time, and all of the substantive issues that you find in the report really need to be brought up on that call and finalized. And then if you could have any other edits you know whether they are stylistic, grammar, whatnot in by Friday, then Marika can turn everything around by Monday.

So does anybody have any questions on that?

Avri Doria: I have a question. Yeah, Avri. Do you want us to send in comments as we've got them, because we're not to bring up anything - we're not doing that on this call, right, so we should write up and send anything.

Jeff Neuman: Marika, let me ask you that question. Would you prefer to get them all in a group or would you prefer to get them as we see them?

Marika Konings: This is Marika. Either way it's fine for me. I think if there are any issues that you know you feel should be discussed by the work team, you know get them out as you see them because it might precipitate discussions on the mailing list. If it's just a question of you know an edit or improve language, group them all together and I will incorporate them.

Jeff Neuman: Okay and with respect to any issues today, we will go through these identified issues. And if you see anything, then obviously we will make note of them. Again, we have one more meeting on Thursday to kind of finish up stuff. There may be areas which are not completely final and we will have to indicate that in the report.

Avri Doria: No I was just indicating, because I did take time to do a skimming read of it this morning when I saw it around 7 o'clock, so I have some comments already but I can wait.

Jeff Neuman: Okay, well if there are any areas that we're going to go over, then bring them up then. If we have some time after, then bring it up, but certainly on email and certainly for Thursday. Let's see what we can do.

Okay, anybody have any other questions? Okay, Marika let me turn it over to you to just take us through some of the major structural changes and then we can go through these issues.

Marika Konings: So this is Marika. I mean the overall structure has a few changes. I mean basically the layout of the document is the same and I think the chapters are even the same. The main changes is to the Executive Summary, because as the work team discussed, they would like to see less content there or at least not (a copy or page) of all the recommendations, but a shorter Executive Summary that focuses on the main changes.

So what I've tried to do is basically take out some of the repetitive stuff that was in there, highlight you know what the recommendations intend to do,

which in some cases, codification of existing practices, some new approaches, clarification of existing rules. And I've tried to take out the key recommendations that form the PDP, and I would like to invite everyone to have a look at it to see if people feel that this is an appropriate representation of those key recommendations. If there are any recommendations missing, or should more substance be provided here, or if this is sufficient.

So basically the bulk of the recommendations have now moved to Section 2. That's where you will find the complete set of recommendations and all of the changes that have been made based on the discussion of the outstanding issues.

So again I went through all the recommendations and looked at all of our notes from the outstanding issues document and made all the changes. And in addition, I tracked all those changes to the Annex A and the Procedural Manual trying to make sure that while we've changed recommendations we've also changed the appropriate language in either the bylaws or in the Annex A to reflect that. So I think those are the main changes you will find. I've also tried to correct some inconsistencies. The (spelling) of bylaws or some minor issues where language wasn't clear.

And there's one thing that I haven't done yet, which is on the list of issues to be discussed and is currently covered in I think one of the annexes which is the flowchart. One of the questions is do people think it would be useful to include this in this version of the report as well. And if the answer is yes, I will just need to have a look to see what needs to be changed compared to the previous version. I'm assuming that there will only be you know small changes as (it's provided in any event) high-level overview, and I don't think we made too many changes from a high-level overview perspective.

So when going through the document, I identified a number of issues you know that either we didn't address or there's still question marks, or I would appreciate a bit more guidance from the work team to make sure that these

are accurately covered in the document, so - and those are listed on the right-hand side.

The first list - there were all of those as well included in the email, and there's one additional item that I thought of after sending the email that I've just added here and hopefully we can cover as well during the call. I think that's it from my side.

Jeff Neuman: Okay, thanks Marika. So just to emphasize that if you don't see any of the recommendations that you think are kind of critical in the Executive Summary or at least to reference to it and you think it really should be called out, please let us know. It's kind of Marika's take on what she thought were the most important. And you may agree or disagree, but let's get that list hammered out. I think all of us made the comment when the initial report came out that the Executive Summary was too long, so I think this does a good job at narrowing it down and then focusing people on you know if they want all the recommendations to go to Section 2.

And with respect to the flowcharts, I - Marika and I were talking earlier. I actually like the flowcharts. It's good for those that are more visual, and so I think if we can do that fairly easily. You know even put that after the Executive Summary you know before the main (substance). I think that might help, but let me open up the floor first on the flowcharts and ask what people think about that.

Do you all remember what the flowcharts were? I know it's a while back.

Avri Doria: This is Avri. I don't have - I do have. Let me get my hand up.

Jeff Neuman: Okay, sure. You can go.

Avri Doria: I think the flowcharts are a great idea. I think they help people a lot. I think they are a good thing to have. I think we have to - you know I'm sure that they

are you know accurate, but the main problem with flowcharts is they become ingrained. And even if something afterward changes, sometimes people don't remember to upgrade the flowcharts. And so there has to be a specific effort to make sure of that. But other than that, I think they are great.

Jeff Neuman: Okay, anyone disagree with that? Great. Then Marika let's work on those flowcharts, and you and I can do that and then send it around for Thursday's call so people can kind of take a glance and look at that.

Marika Konings: Okay.

Jeff Neuman: All right, so why don't we then just jump into the identified issues for discussion. So if you go to Page 47 in the report and I believe everyone should have control over the document. Section 5.8 - I'm just going there too. Here we go.

It says, "Development and approval of the charter for the PDP and this is upon initiation of the PDP. A group formed at the discretion - at the direction of the council should be convened to draft the charter." And then it says, "The council should indicate the timeframe within which a draft PDP charter is expected to be presented to the chair of the GNSO Council. The elements of the charter should include" and then there's kind of a blank.

My question to you Marika is at one point didn't the working group work team address this or...?

Marika Konings: Yes, this is Marika. The GNSO Working Group Guidelines indeed include a charter (time plan), but the (time plan) itself consists of many different elements. So the question would be whether you just want to refer to the document and say well you know have a look there and pick the ones you think are appropriate. Are there any that the workgroup feels should be you know mandated to be included in the charter (of a) PDP team. So that's basically the basic question.

You know (as said) the GNSO Working Group Guidance provides a lot of detail on which elements the charter can include with descriptions and as well sometimes suggests the language that can be considered so that you know to serve as a basis. But I think the idea is that any - every working group can basically look at that template and decide you know what is appropriate for their respective working group.

Jeff Neuman: Okay, so I am just looking for that. Where is the final working group work team report posted? It's up on the GNSO list?

Marika Konings: This is Marika. I presume it should be there if it was recently considered by the GNSO Council. So I can see if it's - I think we're in desperate need of our new Web site for management of documents because it's not there.

Jeff Neuman: Yeah.

Marika Konings: Glen, do you know off the top of your head where that document has gone?

Glen de Saint Gery: This is Glen. I was on mute. Which document is that? Sorry, I was doing something else.

Marika Konings: The latest version of the GNSO Working Group Guidelines. They were considered that...

Glen de Saint Gery: Oh I took them off the front page. Sorry. Mistake. Shouldn't have. It has gone into - you will find it on the Web site Announcements. Look under Announcements ad it has been filed under there. Otherwise, you will find it under - on that side document. And you will find GNSO Council documents and you will find it there as well.

Marika Konings: Thanks Glen.

Glen de Saint Gery: Okay.

Jeff Neuman: Great.

Glen de Saint Gery: GNSO Council Procedures - is that the one you are looking for?

Jeff Neuman: No.

Marika Konings: No, I'm just looking for the latest version of the GNSO Working Group Guidelines. It's under the Announcements Section.

Glen de Saint Gery: Oh, it's under the announcements. Yes, yes, yes, yes, yes, okay.

Jeff Neuman: Okay, so it's the PDF and what section...?

Marika Konings: It starts on Page - Section 6.2 on Page 29, which is the working group charter template.

Jeff Neuman: Okay, so in the template they have - let's see. "The charter should identify the working group and any sponsored motion that establishes the charter. (Drafters) are also encouraged to identify which version of these guidelines is referenced in the charter. Specific elements that might be included are the name of the working group, appointed liaisons."

All right, so there's some administrative things and then there's the Mission and Scope, Objective and Goals, Deliverables and Timeframes, Membership Criteria, Group Formation, Working Group (Goals) Functions and Duties, and Statements of Interest.

Marika Konings: And Jeff it might be worth finding out actually. If you look at the disclaimer at the top, the Working Group Guidelines itself identifies three sections as being required for any charter. So an easy way would be just to you know adopt

that same approach and refer to the working guidelines unless the working group feels other parts should be required to be included as well.

The ones that are required according to the Working Group Guidelines are 6.2.1, which is the Working Group Identification, 6.2.2, which is the Mission Purpose and Deliverables, and 6.2.3, which is Formation Staffing and Organization. And those required elements also include all the sub-items underneath that - those categories.

Jeff Neuman: So the next one on there, which is indicated as (Mandatory) Rules of Engagement, which is the decision-making methodology from the status reporting. I'm trying to figure out why we wouldn't make that - recommend that as well. Do you remember? Do you recall Marika why that was not kind of mandatory?

Marika Konings: I mean for - I think it is (for) certain working groups or drafting teams. You might not need decision-making methodologies if they are - you know I don't know if they (have past) - they (are pulling together as kind of a problem) or whether there's the assumption that it doesn't need to be spelled out.

I don't recall exactly why that one wasn't included, but I think they - the discussion is basically around having the basic element in there, which is you know the mission objective and then how to staff or form a working group. Considered the basic elements, but I don't know. Maybe Avri remembers in more detail why 6.2.4 wasn't necessarily a required element of the charter.

Jeff Neuman: Avri, do you recall?

Avri Doria: Sorry. My attention had wandered and I wasn't paying attention, so please tell me what...

Jeff Neuman: Okay, we are looking at the Working Group Work Team's Final Report.

Avri Doria: Yeah.

Jeff Neuman: And we are trying to decide whether we should mandate any of those elements in a PDP charter.

Avri Doria: Yeah.

Jeff Neuman: And in the Working Group Work Team Report, there are four sections of the charter.

Avri Doria: Yeah.

Jeff Neuman: The first three were considered mandatory. The last one was not. The one that was not considered mandatory was the section that's entitled Rules of Engagement, which talks about decision-making methodologies, status reporting, problem issue escalation and resolution, and closure and working group self-assessment.

                   Do you have any recollection as to why that one was not made mandatory or...?

Avri Doria: Yeah, I believe that that was one where it was seen as you could have various types of working groups that may or may not want to do that and so it's there. Remember most of that document is guidelines. And on anything where there wasn't an absolute certainty that you've got to have that, it was made optional.

                   So I think it would be totally reasonable if you know we had something in this document if we felt that that section should be required for all PDP working groups to say so. But basically the trend in that group was as much as possible make it a guideline and not a requirement (in this) document.

Jeff Neuman: Okay, so what's your views on whether we should for PDP make that mandatory?

Avri Doria: It would seem reasonable. In fact, a lot of the content you know directing that, guiding that as it were, is in this document or will be in the PDP Guidelines. So yeah, it would make sense to me for any particular group looking at these things to say, "Sure. For our purposes when the working group guidelines are used for this purpose."

And even to add an extra section. I mean if this group felt that you know we needed an extra section that hadn't been recommended by the working group guidelines, that's totally within you know the notion that the working group had there. Those are guidelines, those are basics, you want more by all means have more. So yeah, I don't see a problem with it at all.

Jeff Neuman: So why don't we then say that the elements of the charter should include at a minimum those identified in the final report of the Working Group Work Team and then cite for those. And then cite to the specific four sections or whatever - 6.1 through 6.4 if that's what it is. I just accidentally...

Marika Konings: This is Marika. Maybe it would be better to reference the headings, because I think once this document gets approved it gets integrated into the operating rules. And I think the numbering might change then, so maybe it's better just to list the headings.

Jeff Neuman: Yes. Yes, that's good. So we will cite to the report and say at the minimum right the council could choose to include additional things if it wants. And in fact the working group could include - they could always propose revisions to the charter and send it back up to the council, right. That's always a possibility. So why don't we just go with that. It seems like the easiest approach and it makes sense.

Any dissentions from that?

Avri Doria: That's fine.

Jeff Neuman: Okay, then going backwards actually to Page 11. Recommendation 13, which
                   actually is not on Page 11 or is it? Hold on. Sorry. Yes, there it is. So it's
                   Number 10 on Page 11. It's Recommendation 13.

                   I know that sounds kind of funny saying that, but, "The PDP Work Team
                   recommends that the policies on process (and procedure manuals) describe
                   the options to the council to request that an impact analysis be conducted if
                   appropriate or necessary prior to the vote for the initiation of the PDP. Such
                   impact analysis could include the assessment of the impact on the public
                   interest, the security, stability, and resiliency of the (DNS), competition
                   between consumer trust and consumer choice, and international participation
                   as outlined in Section 3, the Affirmation of Commitments."

                   And then we have bracketed the impact on human rights. So we need to kind
                   of put this to - we need to put this to bed because we've talked about it in a
                   number of sessions. Did we - let's see. I'm trying to think Marika. Didn't we
                   talk about just the general notion of rights?

Marika Konings: This is Marika. We did discuss that, but I think then the majority in the group
                   preferred to (track) the language that was in the AOC, which is that first bit.
                   And I think there the language added in brackets - I think that was supported
                   by Avri and I believe - I think Alex was in favor of that as well.

                   I think the idea was that the bracketed - the language should be there as a
                   way for people to comment on it. But I think if we leave it like that, I don't think
                   people will understand that this is the option. So either we specify what the
                   bracketed language means or another option would be just to have two
                   recommendations for 13 and ask people what they prefer - either with the
                   bracketed language or without it. I don't know what the best approach is to
                   address this.

Jeff Neuman: Okay, Avri.

Avri Doria: Yeah, I think a lot of people will understand what bracketed means, but I think adding a footnote to wherever we include bracketed language you know to indicate this was - you know this only had - there was a difference of opinion. This (phrase) only had you know minority support and et cetera is a way to go with it. I think offering two 13s gets confusing. Would just be my view on it.

And you know leave it then for those of us that want to argue for it to send in comments arguing why though we were in the group we argued for it and think it's absolutely essential it be there, and let other people send in things saying - you know basically take the argument public. Or the discussion, sorry, not the argument. But take arguments is probably one of those bad words we can't say anymore, but take the discussion public. Thanks.

Jeff Neuman: Okay, Alan.

Alan Greenberg: Yeah, I have no problem with that. I have a different question to ask though.

Jeff Neuman: Okay, let's finish out. Let's close out this point and then we will go to your other question. So Marika, if we take that bracketed language and put it up earlier maybe before international participation. Keep it bracketed, but just put the footnote that Avri had kind of mentioned.

Marika Konings: This is Marika. The only reason maybe not to do that is because I think that whole sentence comes directly from their formation of commitments. So if you put the human rights in, it might give the impression that that belongs there as well.

Jeff Neuman: Oh, okay. I'm just confused by the parenthetical.

Marika Konings: I mean I can take out the and then maybe put the and as outlined in Section 3 of the Formation of Commitments or something like that. So it's clear that it's supposed to be added and then add the footnote as Avri suggested.

Jeff Neuman: Well why don't - instead of - because I think the parenthetical. Not the bracketed, but the parenthetical is kind of confusing. Why don't we just say, "Such an impact analysis could include." Maybe something like, "Elements outlined in the Affirmation of Commitments including..."

Avri Doria: Yeah, you could also do two footnotes.

Jeff Neuman: Yeah.

Avri Doria: (Example) participation footnote. "This is outlined in Section 3 of the Affirmation of Commitments." And then bracket, "As well as impact on human rights. In this document, bracketed language is language that was still under discussion, et cetera."

Jeff Neuman: Yeah, I see. I kind of agree with that just because the parenthetical seems a little out of - the parenthetical next to a bracket seems a little much.

Avri Doria: And the parenthetical - excuse me that I don't have my hand up. The parenthetical is just a reference indicator.

Jeff Neuman: Right. Does that sound okay, Marika?

Marika Konings: Yes.

Jeff Neuman: All right, anybody else on this point and then I will go to Alan. Okay, Alan.

Alan Greenberg: Yeah, I vaguely remember we had a discussion on thresholds you know so that this item can't be used by members of the council essentially to defer

perhaps for a long time a PDP, but I don't really recall the outcome of the discussion. Or did I imagine the whole thing?

Jeff Neuman: No, you probably don't imagine it. I'm just trying to recall. We talked about an impact - that the council could request an impact analysis. And I'm assuming if the council has to request it, it's got to be by the normal thresholds of the council.

Alan Greenberg: Right, but it's a much smaller threshold to approve the PDP - to initiate the PDP.

Jeff Neuman: Right, so if someone calls the vote for the initiation of the PDP, then it doesn't really matter what the majority of the council (wants).

Alan Greenberg: No, but I think the issue was that it only takes a third of the council. I don't remember the exact thresholds, but under the old rules it's a third, whereas half of the council opposing it could in fact force one of these studies. I think we decided that it was okay, but I'm having a mental block. I know we discussed it, but I can't really recall any outcome. So if I'm the only one concerned about it, we can just drop it.

Jeff Neuman: Marika, do you seem to recall anything about that - where we came out.

Marika Konings: This is Marika. No, I don't really recall any discussion. I mean looking at the language now, I see indeed how you could prevent a vote from happening if you put forward a request for an impact analysis. But at the same time, if the majority of the council is in support of that, I would hope there's some value in doing that additional work and getting some answers to questions before people feel ready to vote on the initiation of the PDP.

Alan Greenberg: Okay, I'm assuming if we had the discussion that's the way it came out, otherwise there would be other language there. And I'm just running a complete blank on it but let's go ahead.

Jeff Neuman: Okay, thanks. And if you think of - we will check back on some of the notes too and see (if there's anything different) for Thursday. All right, Page 46, Line 1364. Give a second for everyone to get there.

Avri Doria: What page again? Sorry.

Jeff Neuman: Page 36.

Avri Doria: 36. Okay, thanks.

Jeff Neuman: Line - sorry 46. You are right. Sorry. My reading is bad today. Page 46, Line 1364. This is, "Upon consideration of the Issue Reports, the GNSO Council may when necessary vote to suspend further consideration of the Issue Report. Basis for suspension could include prioritization, reasons such as insufficient staff, community support available due to the ongoing PDP work, requests," and then it sort of goes on for reasons. I think we had talked about a threshold to apply to those (votes).

What we first need to talk about is in the Issue Report if you want to initiate the PDP at that point, we need to figure out what those thresholds are and then work out what happens if we have two different thresholds, right, because someone could play a game to suspend it even though it would have enough to pass the low threshold for a PDP.

So with that said, I'm just going to the bylaws now to kind of read what it says. Does anyone have the threshold memorized? Margie.

Margie Milam: No, I haven't looked at that.

Jeff Neuman: Okay, I'm going there. It's taking me a second here. Okay, that's Appendix or Annex A. All right, here it says that the initiation of the PDP. It talks about, "The council shall decide." Wait. This is task forces. Sorry guys I'm looking here for the threshold.

You happen to know where in the bylaws the thresholds are? I thought they were right in the...

Margie Milam: They're not in the Annex A; I'm looking for it right now...

((Crosstalk))

Alan Greenberg: Well which threshold are you talking about?

Jeff Neuman: The threshold to initiate a PDP.

Alan Greenberg: Thirty-three percent of both houses or 66% of one. It's in bylaws Section - Annex A Section 3.

Jeff Neuman: Yeah there we go. Thank you. Okay so as Alan said 33% of each house or more than 66% of one house vote in favor of initiating a PDP. So that means what would it take to suspend it even - I guess this is before - while you're voting you're the PDP.

And my guess is the threshold probably should be greater than what it takes to initiate it, right? Because otherwise you could have let's say a majority of the Council votes to suspend it but you could still have 66% of one house voting to initiate it and then you have two competing motions.

James Bladel: Jeff?

Jeff Neuman: Yeah. Sorry, James.

James Bladel: Yeah, thanks Jeff. James speaking. And Paul and I were chatting here that - or at least, you know, I can't speak for Paul but I'm a little confused and maybe it's just something I should have remembered and didn't. But what are

we talking about when we say we're going to suspend a PDP or an issue's report?

That we're not going - that it's not going to turn into a PDP? That it's going to be deferred and some - some point in the future. I mean, what exactly are we talking about here?

Jeff Neuman: No we have these rules in here to talk about the timing of a vote to initiate a PDP. And we talk about that it should get voted on in the next meeting...

James Bladel: Right.

Jeff Neuman: ...if it's within eight calendar - or if it's prior to eight calendar days before (unintelligible) Council meeting. And of course every stakeholder group or constituency, whatnot, has the right to delay that for a meeting.

So (we'll) take it's delay for a meeting and then staff says no look we can initiate a PDP we just don't have the resources to do it or there are people in the Council say look we know we want the PDP initiated at some point but we just don't have the resources; there's too many things going on.

So this is kind of to say okay let's - we know what the general rule is but let's suspend that general rule until we actually the resources or time.

Alan Greenberg: Is it suspended indefinitely at this point with no automatic coming back to Council?

Marika Konings: No, this is Marika. If you look at the second - or the last part of that paragraph it basically outlines that suspension should be accompanied by a timeline which should include when the vote for the initiation - on the initiation should be taken. So it's not an indefinite suspension.

James Bladel: And this is from the bylaws.

Marika Konings: No this is in the procedure manual. It's in Section 5.7 on the initiation of the PDP.

James Bladel: Okay.

Jeff Neuman: Right so - so just to go back a step again we are now saying when a vote on an issue's report needs to take place on whether to initiate a PDP. We're doing that because nothing in the previous set of bylaws or any procedures has defined that. You could have - you had in some circumstances an issue's report that's been out there for months before it gets voted on by the Council.

So we basically set this general rule but now we're saying there should be an exception to the general rule or suspension of the general rule if - there's a bunch of reasons listed here as possible reasons. But now we just need to figure out what is that threshold.

And so my point was the threshold needs to be larger than what it is to initiate the PDP simply because if it's not you'll have competing motions; you could have competing - you could have one group saying they want to suspend it and another group saying - saying no they want to go forward with the PDP. So, Avri.

Avri Doria: Yeah, I think it needs to be sort of the reverse of the PDP approval so that if you need more than a quarter - I don't remember if the number is correct - if you need more than a quarter to establish one then you need more than three-quarters to kill one.

Jeff Neuman: So essentially it's pretty much saying a super majority I think would be the opposite of...

Avri Doria: Yeah, I mean, essentially - I wasn't remembering numbers correctly so I didn't want to necessarily say super majority because super majority is a number

that wanders around a little between 60% and 66% and, you know, but it should be the obverse of whatever is required to establish one would be my impression so that you don't have - so that you don't basically cancel the ability to start a PDP by giving others the power to kill it.

Jeff Neuman: Okay so James disagrees but I'm going to go to Alan and then to James.

Alan Greenberg: Yeah our thresholds - because of the way they were set up in the bicameral council are not quite opposite of each other. So to - the initiation is 33% and 66% and the super majority is 75% and 50% essentially saying that one stakeholder group cannot veto in a super majority and in this case it would say one stakeholder group could say they want to go ahead with it but the rest of them can overrule it.

Jeff Neuman: Okay.

Alan Greenberg: I think - unless we invent a new threshold I think the super majority is what we're going to have to use.

Jeff Neuman: Margie did you want to add to that and then I'll go to James?

Margie Milam: Yeah. I think as staff we kind of grappled with this I think when we were trying to understand what the different possibilities were for terminating a PDP in the connection with the vertical integration issue. And I think we looked at it the way that Avri looked at it; it is essentially the opposite of what the voting threshold is. This is kind of how we looked at it since we didn't have anything, you know, other than what was in the bylaws.

And so maybe the way to look at it from that perspective would be, you know, if it takes 33% to initiate a PDP it, you know, has to be - you would need - if you have more than 33% to continue the PDP if you kind of look at it the opposite then it would continue it wouldn't be suspended.

So super majority is not the right answer because the thresholds are different in the bylaws it's essentially the, you know, the - at least that's how we looked at it when we were trying to figure out what to do.

Alan Greenberg: That means you would take a vote not to suspend.

Margie Milam: Yeah and then you follow the same threshold - that's right, that's how we looked at it.

Jeff Neuman: Okay let me go to James.

James Bladel: Yeah, I think Alan and Marika - or sorry, Margie touched on my concerns. It's not that I disagree with Avri's statements, I think we should avoid competing thresholds and I think originally my reaction was that we should just advert the other threshold.

But because we have multiple paths to get to passage of an issue's report into a PDP I don't think that our voting thresholds to pass are easily invertible because there are different methods or routes that one can take to get to a positive acceptance of a PDP. I don't think that works quite as easily as it should.

So I think - but I think Alan and Margie have covered that so I'll put my hand down. Thanks.

Alan Greenberg: The mind boggles how one words this that if you choose you can have a vote not to suspend.

Jeff Neuman: Who would initiate these suspension recommendations?

Avri Doria: I think - this is Avri. Let me put my hand up.

Jeff Neuman: Yeah.

Avri Doria: I think actually the wording might not be that difficult because if there is a proposal to suspend a PDP from any stakeholder group or constituency, make it that way or make it from any council member, it really doesn't matter, it will require, you know, a threshold vote similar to the one used to initiate the PDP to accept the dismissal.

And as you can put it all in, you know, positive terms and not get too bound up in double negatives.

Jeff Neuman: So you're saying it would take a similar...

Avri Doria: Yeah, it would take the same threshold basically a proposal to dismiss the PDP takes the same threshold as it took...

Alan Greenberg: No that's the proposal to reject...

Jeff Neuman: Right, the dismissal.

Avri Doria: You're right.

Jeff Neuman: It's kind of hard to say it completely positive.

Alan Greenberg: If there is a motion to suspend the motion can be rejected with the 33/66 vote that it requires to accept the PDP.

Jeff Neuman: Yeah.

Alan Greenberg: There'll be a lot of confused councilors but, yeah.

Jeff Neuman: I think that's right.

Avri Doria: That's why they have staff members as parliamentarians.

Alan Greenberg: Yeah but then council members will say I didn't understand what we were voting on.

Avri Doria: Well that's always going to be the case.

Jeff Neuman: Yeah, Margie, Marika, do you want to give some thought on how to state that? But I think the group's kind of clear on - yeah, James just put in the chat, "Vote yes on rejecting the suspension or vote no on suspending the rejection."

Alan Greenberg: That's right, James.

Margie Milam: Yeah, I have to figure out the right way to phase this. I'll email something.

Jeff Neuman: Okay. All right but I think we at least agree we've just got to figure out how to word it. Okay great. Timing on this - next bullet point, timing of council recommendations to the board, Page 27.

Marika Konings: Yeah this is Marika. While you look that up and - because on Page 27 is basically a table we created to give an indication of the timing of the different parts of the new PDP. And most of them have a timing associated with them or at least a minimum or a maximum.

But this one - and I actually need to look back because on the recommendation I don't think we actually specify at what point the council recommendations or the council recommendations report to the board needs to be submitted.

So I don't know if there's a timing the work team wants to include for, you know, I guess after the approval of the final report, at what stage or how much time is allowed for the council to develop its recommendations report

and submit that to the board should there be a minimum or a maximum or it's there are no requirements to provide any kind of timing.

Jeff Neuman: So just to remind us did we have - so I know we decided that what goes to the board should be considered by the council and should be drafted by - well it shouldn't be a private paper to the board. I know we all decided that should be open and that the council should have some sort of say in what it is. But did we decide the elements of that board report?

Marika Konings: This is Marika. The recommendation that relates to the board report is Recommendation 40 if people want to look back. And what we actually state there - we don't actually say particularly what should be in there we just say that - I'm just looking here - I mean, it does talk about the fact that of course there's - staff might still submit a separate report; that's not excluded, you know, from the option but that should become public or preferably apart from, you know, any privileged information.

There it just talks about the fact that the GNSO Council is responsible for the board report either as author of the report or to approve the report before it's sent to the board. The board report on PDPs should be delivered from the GNSO Council directly to the board and if any summaries or addenda are needed that should be the responsibility of the council with the help of the working group if necessary.

And it talks a bit about the, you know, the staff reports that are submitted and that these should be disclosed. But it doesn't talk about, you know, what should be in such a report nor does it talk about the timing or, you know, at what time that report should be submitted to the board following adoption of a report.

Jeff Neuman: Okay so should we talk a few minutes about what should be in that report and then maybe timing will kind of flow from there? So in the current reports that go to the board from a PDP can someone - can, Marika, you or Margie

summarize what's in there aside from like a staff analysis - like what's in the staff analysis? Forget the confidential legal stuff that's in there - so what is usually in there?

Margie Milam: This is Margie. Usually it talks about who's, you know, who's in favor of the particular, you know, recommendation. You know, it will have some typically it will have some legal analysis as to whether there's any risks associated with it.

It, you know, the problem is our board format is changing and it's changing - the Legal Counsel's office is changing the actual format. So, you know, what we've done in the past may not necessarily be what we do in the future. And, you know, I can try to - as soon as they publish the template I can let you guys know but I don't know that we'll know that in the next week or so.

Marika Konings: And this is Marika if I can just add to that because that was actually foreseen in the procedure manual where it basically talks about the fact that staff should inform the GNSO Council from time to time of the format requested by the board.

So actually the - we might not need to define what is in there because I think it's actually the board that defines how they want to receive their board reports.

Jeff Neuman: Yeah I guess what we're trying to do is we're trying to avoid the situation that we have now which is basically to put it in a, you know, we all talked about this for weeks and it's a lack of transparency in what goes to the board.

You know, I could understand a legal analysis done by staff - by General Counsel's office and that not necessarily be completely open and transparent to everyone else. But as far as who is in favor, who's not and a regular analysis I'm not sure that that shouldn't be open and transparent. But Margie then Marika.

Margie Milam: Yeah, I mean, I agree with that. I mean, I think it's okay for, you know, and should be done in the report to say that, you know, specify that you want as much openness and, you know, published as possible. I was just merely pointing out that, you know, and that's the direction the Legal Counsel's office is going. I mean, they're definitely, you know, you're seeing that already with the board papers being published and, you know, in an effort to focus on rationale that sort of thing.

But the thing I want to caution is is sometimes that's, you know, there may be a page limitation, there may be, you know, a format in the sense that they want, you know, a concise executive summary of say, you know, a page or less or a couple paragraphs. So there might be limitations like that.

And so, you know, that's why I think what Marika said in the report makes sense that we'll, you know, however the board says they want the reports to be received, whatever format, the GNSO Council will be informed of it, you know, and then you can prepare the report as, you know, as fits the request of the board. But, yeah, definitely making the recommendation that you want it to be open and transparent makes a lot of sense.

Jeff Neuman: Well what's your timing then like so when the GNSO Council passes something to go to the board what internal deadlines do you as staff set for yourselves to kind of give us an indication of what we could put in here?

Margie Milam: Internal deadlines as in timelines or documents - documentary...

Jeff Neuman: So if the Council were to have passed something - let's say they pass something that's supposed to go to the board on February 24, right, what would be your own deadlines for preparing the staff report and sending it to the board? So like do you have some sort of guidelines internally?

Margie Milam: Well usually, you know, look at the board's schedule to see when, you know, when their next meeting is. And then they have - just like you have for the GNSO Council whatever an eight day requirement before, you know, that papers be done, you know, or motions be done before the meeting there's a deadline as well because they need enough time to assimilate the materials before the meeting.

And so it's just a question of when the Council recommendation falls, you know, versus the deadline for making the board paper.

Jeff Neuman: Marika.

Marika Konings: Yeah this is Marika just on the notion of, you know, the forming of the board paper, I mean, once the board sets how they would like to see their paper I don't think, you know, the GNSO Council feels that, you know, it's not - they cannot provide the right information in that way or would, you know, omit very important parts of the report.

I don't think that's necessarily preventing the GNSO Council going back to the board saying well we know you like this format but from our perspective, you know, we think this is the information you need in order to, you know, take the right decision and have a discussion on what works best.

So I think that's part of - you know, I think (unintelligible) has come back in several parts of the report as more dialogue between the board and the council and the council taking responsibilities for this part. You know, the board tells staff how they would like to receive their report and what kind of information they want to have there.

And the more dialogue between board and council I think that should be possible to discuss as well how information should be received, what is the most appropriate way and how can the main points be communicated in a effective manner.

And I think on the timing, as Margie said, you know, from our perspective it always depends on when the next board meeting is and how feasible it is to get it in before that date. And that's how we would normally try to do it as quickly as possible.

But I think from the Council's perspective you might just want to set, you know, a certain timeline within which the recommendations need to be submitted even if that misses the, you know, the deadline of the board because that's difficult to predict when they're meetings are.

And maybe give some kind of indication on how much time should be taken to prepare such a report and ensure that things don't get stuck at that point with the Council taking the lead for that now no longer staff to make sure that there's some kind of timeline but make sure that once the recommendations are adopted they move ahead and get something to the board so, you know, the process can continue.

Jeff Neuman: So why don't we just throw out the then 21 days and just say within 21 days and then leave it at that? Thoughts on that? Is that too short?

Margie Milam: Yeah, it might be too short. This is Margie, sorry to cut in. It might be too short because I don't remember the schedule of the board meetings but I think it's at least monthly, right, and it might - so, you know, so just depending on the timing of the GNSO Council meeting and when the next board meeting is it might be longer than 21 days.

Jeff Neuman: Well no that's - this is just us submitting the report to the board, when the board considers it is according to its own rules.

Margie Milam: Oh okay got it sorry.

Jeff Neuman: Alan.

Alan Greenberg: No I was going to go further on on board meeting schedules which I find appalling so I was - I've looked at them but it's not relevant.

Jeff Neuman: Yeah okay. So how does 21 days sound? I don't want to make it longer because, I mean, the PDP has already probably gone on for a year to so; to make it longer just seems a little extreme. Do people think it should be shorter?

Alan Greenberg: You can't make it much shorter than that; not and be realistic.

Jeff Neuman: Right. So why don't we say 21 days and then, you know, what is our general rule if an ICANN meeting falls in there? We can extend it by an extra week or so? Anyone recall that?

Marika Konings: Yeah, this is Marika. That language is somewhere in there so I can find it. I think it's...

((Crosstalk))

Jeff Neuman: Yeah let's just put - let's just mirror that to give the council a little extra time if there's a intervening ICANN meeting or face to face meeting.

Marika Konings: So basically the discussion - I'll then update as well Recommendation 40 to make sure that it reflects that language of the 21 days and, you know, possible seven days extension if it falls within an ICANN meeting.

I mean, in one way I don't think we need the ICANN meeting because normally it gets adopted at a Council meeting and they would be normally three weeks before an ICANN meeting takes place or at the ICANN meeting itself. But, well, I mean, I don't think it matters adding that in.

Jeff Neuman: Right, well then the question is do we need a majority of the Council to approve what goes in that report?

Avri Doria: Yeah.

Alan Greenberg: I would think so. I don't think there's any harm in using the majority as opposed to the super majority necessary to approve it.

Jeff Neuman: Yeah because I think if you have the - you have just - yeah. All right, Avri, sorry.

Avri Doria: Yeah. I would think that you don't need to get to super majority. You're just approving the report and its accuracy etcetera not, you know, the decisions per se. So I would think, I mean, hopefully that's the kind of thing you would end up normally unanimous on. But I don't know that it has to be an issue.

Jeff Neuman: Okay. Marika.

Marika Konings: Yeah this is Marika. Just to check whether the current language covers that because it actually says that the - the GNSO Council is responsible for the board report either as author of the report or to approve the report before it is sent to the board. And because in that case - there's no voting threshold specified it would be the normal voting threshold.

Jeff Neuman: Yeah I think that's what needs to apply. Okay which means that it plays a lot of games if that was 21 days, right because then you have to actually have that report done before eight days before a Council meeting otherwise it goes to the next one and then of course you could have one group that asks for that report - iteration of that report to be delayed.

                  There's plenty of games councilors can play on that one which do we want to do anything about or just let it go? Marika.

Marika Konings: This is Marika. I mean, it presumes following the adoption of a final report that most people are indeed are eager to get this as soon as possible to the board. And I guess normally it's quite clear cut what should be in there. But you might just want to say, you know, if possible within 21 days and just noting that this is (unintelligible) on the discretion of the Council noting that it would be nice if this was done as soon as possible so the process can continue.

But, you know, leaving that flexibility, as you said, if it needs to be reviewed and it there are issues or where people do disagree what is in there that you have the time to work those issues out.

Jeff Neuman: Yeah I'm okay with that. I just foresee instances where there may be one group that doesn't like what the outcome is and they'll just delay it even more. But I guess that's something for the Council to deal with; we can't prescribe every situation. Okay that makes sense.

All right let's go to the next one, executive summary, note that the key recommendations have been listed. Okay we talked about this flow chart. We talked about - okay last bullet point, duration of public comment period following publication of the report.

Marika Konings: Yeah this is Marika. So I'm talking about our report so how long we want to put this out for public comment because the idea is to publish it on Monday and at the same time open the public comment forum. So the question is for how long do we want to have the report open for public comments?

Jeff Neuman: Well didn't we in our timeline say that we would start April 1 to review? Wasn't that - if we go back to that timeframe we delivered?

Marika Konings: Let me check.

Jeff Neuman: Yeah, so what we said to the Council. I have those too.

Marika Konings: Yeah we said a public comment period on the draft final report we in principal said 1st of February to the 25th of March.

Jeff Neuman: Right. So if we say until the 25th of March and started it on the 21st of February that should be enough time, right? That's...

Marika Konings: This is Marika. I think the idea would be as well to really use the meeting in San Francisco to alert people to this public comment period if, you know, they haven't seen it going out beforehand and make sure as well that they're aware of the deadline and the need to submit comments by that deadline.

Jeff Neuman: Well so what if we gave an extra week on that because I think the meeting ends on the 18th. So if we gave until the - instead of March 25 what's a week past that - be April...

Marika Konings: First of April.

Jeff Neuman: Is that what it is?

Marika Konings: Yeah.

Jeff Neuman: What if we did that?

((Crosstalk))

Jeff Neuman: So that gives an extra - right. So that gives an extra - that gives an extra week. James.

James Bladel: Hi, James speaking. So I - just a quick question on the procedure, can we send this directly to open for public comment or does it need to go through the PPSC or the Council first and be approved by them?

Jeff Neuman: This can go directly to public comment.

James Bladel: All right thanks.

Jeff Neuman: So - that's what we've done previously so it can be made clear that it's a work team report.

James Bladel: All right thanks.

Jeff Neuman: So why don't we do that, Marika, does that make sense?

Marika Konings: Yes that's fine.

Jeff Neuman: All right so that would give a total of how many weeks public comment? That's 18 - so 25th, 4th, 11th, 18th, 25th, that's six weeks comments. I think that's pretty good. All right additional items, Recommendation 42, did we talk about that or no?

Avri Doria: Yeah.

Marika Konings: This is Marika. We didn't discuss it. We discussed as part of the outstanding items. There is some language that staff, as, you know, while updating this report has proposed to clarify that language on the board vote. This is the issue in relation to whether the board may act.

                   And I think that at that stage we suggested that maybe we should reach out to the board or to the BGC to see if the language proposed, you know, would meet what their initial intent was behind that specific language. And I don't think that actually has happened.

                   So what I've done now I've incorporated the language as saying, you know, we recommend this change but the question is, you know, doe the work team, you know, want to do some further outreach to discuss the specific

item? Are people happy indeed with including the proposed language in the report? So that's basically the questions.

Jeff Neuman: Okay. Avri.

Avri Doria: Yeah, this was one of the ones that I had, when reading through, had commented on. I couldn't really understand what we were recommending here. So I was confused in reading it.

((Crosstalk))

Avri Doria: I mean, we were telling them that they could only - and we'd need to be specific I think if we're saying that they could only approve one that had been approved by super majority is what we intend to say? And I'm not sure I'm in agreement with that but I'm not sure I understand it yet.

Jeff Neuman: So, Marika, what page is that?

Avri Doria: It's on Page 20 I believe.

Marika Konings: Yes that's correct, Page 20 at the bottom. And Avri is right I think the intent as the proposed clarification is that indeed the board can only approve a consensus policy that was approved by the required GNSO voting threshold which is indeed I think the super majority vote.

((Crosstalk))

Marika Konings: And we indeed had the discussion there that, you know, it's unclear now what act means whether the board can actually act and - on consensus policy recommendations that have not been approved by the required threshold or whether those recommendations - or that policy would then be binding or whether that could only be the case indeed if they have been approved by the required voting threshold.

And there was I think disagreement in the work team on what the right approach was on that issue.

Avri Doria: Yeah.

Jeff Neuman: Right and I know that...

Avri Doria: And I know I was quite specifically on the side of no there had to be some threshold by which the board could even act if we majority approved it. But thanks.

Jeff Neuman: Okay. Okay, Alan.

Alan Greenberg: My recollection is we said we wanted an opinion from Council what their current interpretation of the wording was. In other words so that we know if we're proposing a change or not.

Marika Konings: Yeah and this is Marika. That was indeed what is in the notes that we were going to reach out I think to the BGC but I don't think that has actually happened.

Alan Greenberg: Ah.

Jeff Neuman: Right so that's my fault I guess.

Alan Greenberg: And I think at the very least we need a footnote on this one saying that there are two interpretations of the current bylaws and we're not sure which is the correct one.

Jeff Neuman: Yeah so that's - Alan, that's a little ambiguous. And...

Alan Greenberg: Well.

Jeff Neuman: Sorry because I don't think there are...

Alan Greenberg: That is what we're dealing with at the moment.

Jeff Neuman: Right but I don't think - so I think in my conversations with the contracted
                  parties they don't think that there are two interpretations, they think there are
                  - is only one. And so...

Alan Greenberg: We understand that.

Jeff Neuman: Right so I think if we just state it just as, you know, there are two possible
                  ones; which one do you think is not - I think the - again taking off my chair hat
                  I know the contracted parties aren't really going to give two hoots as to what
                  Council says. So I don't want it to imply that whatever Council says is the
                  correct interpretation.

Alan Greenberg: No, no, sorry maybe you misunderstood.

Jeff Neuman: There are...

Alan Greenberg: I was saying that we should put a note in saying we do not know how the
                  board or ICANN legal counsel interprets the current wording in the bylaws is
                  what I said, not how Council interprets it.

Jeff Neuman: Right. Or - yes, we can ask them the question how they interpret it, that's fine,
                  but I wouldn't say that there's multiple interpretations necessarily. Avri.

Avri Doria: Yeah I'm sure I did not hear correctly because if I heard correctly I hear, a,
                  contracted parties have decided that there is only one way to interpret this
                  and, B, they don't care what the Council has to say about it. Is that really
                  what you said or did I totally misunderstand?

Jeff Neuman: No I think that's pretty close. I think the Council - wait, wait, let me - not the GNSO Council but we don't care what the general counsel necessarily says. In other...

Avri Doria: Oh general counsel, okay, sorry, okay I misunderstood which counsel you were saying...

Alan Greenberg: You've got to spell your councils Jeff.

Jeff Neuman: Yeah, sorry. So, yeah, what's the name for words that sound alike but are spelled differently?

((Crosstalk))

Jeff Neuman: Homonyms, yes.

James Bladel: Yeah.

Jeff Neuman: Right. Right so I think even if the general counsel advises his board that the board can act or can do whatever it wants even if there's a majority if the contracted parties don't agree with it I would bet that that would be a dispute that would go to arbitration fairly quickly.

                 But that said it could just be that, you know, we need to find out from - we'll find out from general counsel what their view is and then there may be opinion or comment on that. Alan, do you have anything to add?

Alan Greenberg: Yeah, my recollection is we did get an informal opinion that they are taking a different view from what the contracted parties are taking. If it goes to arbitration we don't know which way it would come out, that's the whole concept of arbitration. I mean, you're betting on one way.

Jeff Neuman: Alan, sorry...

Alan Greenberg: I just think we need to be up front in presenting this that we are, you know, we're working against a landscape that we don't quite know what it is. I don't think we're united in what we believe it should be and we don't know what it currently is. I think that needs to be made moderately clear in the report.

Jeff Neuman: Okay Avri.

Avri Doria: Yeah I definitely agree with Alan on we definitely need to make clear what we're asking and what's being suggested and where the differences of opinion are. I think we do know what the landscape is. I think we know that the board and the general counsel see it more broad - in a more broad manner - in a broader manner, that's it, than the contracted parties do.

    What we don't know is where the GNSO Council falls on the issue and whether, you know, and what happens with that though the probability is that it's deadlocked because the contracted parties will want to limit to the tighter interpretation whereas the non contracted parties probably - and this is just a guess on my part - would want the broader interpretation.

    So, you know, but I think that that's fine, we should describe it. But I do think we know where the board and legal counsel have kind of shown themselves to be which is with the boarder interpretation.

Jeff Neuman: Why do you say that? I'm confused. I've not seen...

Avri Doria: I think what we've seen from the board in terms of actions and the little bits we have gotten from staff and legal counsel indicating that they probably wouldn't see it as that limited. I, you know...

Jeff Neuman: So I'm not sure why - what you're basing that on because it's never happened; it's never happened where there's been a proposed consensus policy that has not gotten super majority support and only majority and then

the board has been faced to do something. So I'm not - I mean, I hear what you and Alan are saying. I have not talked to this particular board or this particular general counsel on this particular issue so I'm not sure why...

((Crosstalk))

Avri Doria: I think to say that we don't know is fine. I think - I'm basically supporting Alan's point. I do believe - I think I know but you're right, I can't quote you chapter and verse on why I think I know it.

So, yeah, we should, you know, explain that there's a narrow sense and a wider sense and we only know that the contracted parties like the narrow sense for sure and, you know, but suspect there may be support for the wider sense in the general community and elsewhere. You know, and we can put as many weasel words in that as we want. But, yeah thanks.

Jeff Neuman: All right so let's - yeah, sorry - oh I thought I heard something. Okay let's drop the footnote and then, Marika, let's - I know this is on my plate and I need to draft something to send to the Council. And do we know who's on the latest Board Governance Committee? I guess we do it's - it should have come out of Cartagena.

((Crosstalk))

Marika Konings: This is Marika. Yeah, we do know but I need to look it up or maybe someone else knows.

Jeff Neuman: Okay so let's draft a note and, you know, let's - Margie or Marika - oh Marika you have a comment?

Marika Konings: Yeah this is Marika. You know, while we're - I sent you a note and I presume that's not an issue where we're going to get any kind of quick feedback on. What does the group want to do with Recommendation 42? Just outline at

this stage that there is a, you know, different interpretations or it's not clear what - how the language should be interpreted which of course it affects then on how the language can be clarified and take out for the moment the language that has been suggested?

Or do we want to, you know, make reference to this - if the more narrow approach is taken this might be a possible clarification at that point or how would the group like to tackle the actual recommendation itself?

Jeff Neuman: So what I would recommend is that we take out the text that you added; instead of saying propose the following modification you could say that the - at this point basically we're trying to clarify what that means.

Marika Konings: Okay.

Jeff Neuman: And that the work team disagrees on - or the work team could not come to agreement on the specific meaning of Section 13(f). And until we understand - until we understand what the meaning is we can't really make any recommendations on whether that should stay or go or be changed, right?

Marika Konings: So then in the - so I think this is in the bylaws. What do I do with - do I revert then back to the existing language for now maybe with a footnote to recommendation 42 noting that this language might get updated depending on the outcome of the discussion?

Jeff Neuman: Well I would bracket 13(f). I would bracket it and say - with a footnote saying, you know, still trying to - seeking input as to the meaning of this section. Unclear whether this section will stay, be removed or be modified.

Marika Konings: Okay.

Jeff Neuman: Right, does that kind of seem neutral enough? All right so I think that's what we should do. Okay, I mean, Avri just has posted that Bruce is the Chair,

okay there's one, two, three, four - all right. In the meantime Marika and I will draft something to send to them. I know I said that the last time and totally spaced on that one.

All right any other questions or comments? So with that everyone please get any substantive issues to us before the Thursday meeting and hopefully, you know, by Wednesday so that people have time - a little bit of time to think about it. And then all edits and grammar etcetera are due close of business on Friday.

So I want to thank everyone and we're getting closer so thank you. Thank you everyone. Talk to you on Thursday.

Alan Greenberg: Thank you.

Paul Diaz: Okay thanks Jeff.

Marika Konings: Thanks.

Gisella Gruber-White: Thanks (Tim).

END