

**Policy Process Steering Committee (PPSC) Policy Development Process (PDP)
Work Team (WT)
TRANSCRIPTION
Thursday 30 July 2009 14:00 UTC**

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Participants on the Call:

Jeff Neuman - Registry c. - Work Team Chair

Paul Diaz - Registrar c.

James Bladel – Registrar c.

Alan Greenberg - ALAC

Sophia Bekele – Individual

David Maher - gTLD Registry Constituency

ICANN Staff:

Marika Konings – Policy Staff

Margie Milam – Policy Staff

Liz Gasster – Policy Staff

Glen de Saint Géry - GNSO Secretariat

Gisella Gruber-White

Absent apologies:

Gabriel Pineiro - Non Commercial Users Constituency

Bertrand de la Chapelle – French Ministry of Foreign Affairs

Avri Doria – GNSO Chair - NCA

Kristina Rosette – Intellectual Property Interests Constituency

Gisella Gruber-White: Jeff, would you like a quick roll call?

Jeff Neuman: Please.

Gisella Gruber-White: Good afternoon, good morning everyone. On today's call we have Jeff Neuman, Alan Greenberg, James Bladel. From staff we have Margie Milam, Marika Konings, Liz Gasster, Glen DeSaintgery and myself, Gisella Gruber-White.

Apologies for all these calls. We have Gabriel Pinero, and also for today we have Paul Diaz who will be late on the call and Avri and Bertrand who may not be able to join, and if that is the case, they do send their apologies.

Thank you.

Jeff Neuman: Thank you. Could I ask a question? You said for Gabriel you said apologies for all of these calls, does that mean that he'll...

Gisella Gruber-White: Yes, apparently he did send a note through to Glen to say that he was not able to attend these calls.

Jeff Neuman: Any of these calls?

Glen de Saint Gery No. Correct. But he does regularly listen to the MP3's, because he sends me notes to say that he's listened to them and that he is - he keeps in touch that way.

Jeff Neuman: Okay.

Alan Greenberg I mean, that may be one of the down sides of always having the call at the same time.

Jeff Neuman: Yes, can you...

Glen DeSaintgery: But he asks for the calls on Saturdays or Sundays to suit him.

Alan Greenberg: Oh, okay.

Jeff Neuman: Oh well, so I was - I guess that answers my question. I guess I was going to ask if you would send a note basically saying, is it just the time or is it any time away from, I guess, doing his day job?

Anyway, welcome. It's July, I believe it's July 30, 2009. This is a call to the PDP Work Team, Policy Development Process Work Team. Our attendance is quite low, but I want to thank James and Alan for showing up.

And on the agenda, we have scheduled to talk a little bit more on Stage 2, which is the proposal review and voting thresholds. We started discussion last week on these subjects and actually we started with subject, I think, it was Subject number 4 on the list. We just - I can't remember exactly how we got started on it, but it seemed like a good place to start and actually got some really good discussions going.

There's some notes in the third and the fourth column of the chart that's up on Adobe right now. From that call, I think, I last night, I sent around some of my additional notes on some of the discussions of the group and I'm not sure if that's been reflected in these notes...

Marika Konings: No, not yet.

Jeff Neuman: ...but I think we can update those. Those were from my notes that I took last week as well.

With that said, Alan and James, I think we can get started talking about it. What I was hoping to do, was to get into some of the - you know, just to confirm the things that we talked about last week, 'cause I was hoping there'd be more attendance.

I'm not sure if anyone has ideas on how to get more attendance in this group.

Alan Greenberg: Well, I think, I mean, that comes back to a real issue of - are we really working with a mandate that is - that we can carry out? Our - you know, do we need to go back to the PPSC and/or the council and saying, "You know, we're typically only getting two or three members for any given call."

And I'm as guilty as any. I wasn't on the last one. You know, do we keep on working and pretend that we're generating real consensus. I think the question needs to be asked, because otherwise, this time is- if we're just going to do again, once it goes to council or something like that, this is a feudal exercise.

James Bladel: I tend to agree and Jeff, if I could experience in generating additional participation. I think that some of the groups that I was in earlier probably, I would have been more successful in those.

But then, another question would - that I had, would be is the other - are the other sub teams in the GNSO restructuring doing as well? It's just a question of we're the least popular kid that some of the other groups are generating more attention or are they all sort of separating this dearth of participation?

Jeff Neuman: And I think too, well to add, but maybe a little bit of a different flavor to what Alan said, maybe you know, it's okay for a small team to get together. Maybe not generate consensus, but maybe people aren't responding until they see something concrete in writing as if the groups moving forward.

All right. 'Cause we've had a lot of calls and I think one thing to note that next week, we're going to come out with staff that's been working on for phase one or stage one. They'll come out with their initial report on that and I think you know, it'll contain some recommendations based on things that we've discussed and perhaps, after people see that, and see that it's real, maybe it'll generate some more activity.

Alan Greenberg Yes, I certainly think it's clear that's it's always easier to people to tear apart something and commenting than write the original one or just brainstorm it.

So, I think there's some merit in trying to - and waiting to see what happens at that stage and if that ends up becoming an effective process.

Marika Konings: This is Marika. I mean, I think from a staff prospective, the survey was quite useful in you know, trying to bring together that report, 'cause that at least gave some ideas and some you know, suggestions that can be incorporated in a report.

So maybe it's something to consider as well for this stage, to do something similar and really encourage people to at least, fill in that and you know, make sure that they see as well and the report, I will get out next week, that you know, some of the comments will be captured there.

So even if they cannot be on calls, if they at least provide their input there, we have at least something tangible that we can say like, "Look we did have 14 people participating in the survey and they did provide input and they indicate their views on these different issues."

So you know, it's at least something.

Jeff Neuman: Right, but before we do the survey, I want to make sure at least, even if it's a small amount of us, that I want to make sure that we have enough basis to ask these questions. 'Cause even if it's just - even if theoretically it's just James, Alan and I, we've at least come from three different view points and can express our views and you know, help shape those questions.

Man: Sure.

Marika Konings: Absolutely, 'cause the questions that are in there now are really me going through the list and thinking, hey, you know, what questions would I ask related to those issues? So absolutely those questions need to be reviewed and others added, 'cause you know, at this point, it's really you know, my ideas of what should we ask for you know, to get a response, and then have something that we might be able to move forward with.

So they definitely need to be reviewed.

Jeff Neuman: Okay. So while we have Alan on this call, I think it would be good prospective to just kind of if I quickly reviewed what we talked about on the last call and just get Alan's thoughts on it and you know, to confirm.

It seemed like most of the people that were on last week, and we did have some more people on last week from different prospectives, to see if Alan kind of agrees with those points as well.

So Alan last week we got talking about the charter, you know. So once the council votes to initiate the - a working group or you know, PDP, I guess is it's called now, the working group needs a charter. And the - I'll start with the first point.

The majority - the - pretty much unanimous on the call last week everyone agreed that prior to constituting the working group, a charter should be drafted and approved by the council.

Alan Greenberg: Okay. I have no problem with that, which is basically the process right now.

Jeff Neuman: Right. And that can - it is theoretically possible for the people drafting the charter to have that in the Issues Report or ask that it be voted on at the same time as the Issues Report with the council, or it's also possible to actually get the Issues Report, vote on initiating the PDP and then have a separate vote at the next council meeting or however long it takes to get a charter done.

Alan Greenberg: Okay.

Jeff Neuman: The next point that we talked about, is well what should be the threshold for voting on that issue - on that charter? So the council, you know, obviously the

thresholds were decided on, what vote it takes to initiate the PDP, but not what it would take to approve a charter.

And we went back and forth basically between two proposals. One is the, default rule, which is a majority of both houses or the second thing, is do we require the same vote that it took to initiate the PDP in the first place?

So if it was in scope, it would require 33% of both houses, or 66% of one house.

And ultimately, the group last week came to the conclusion that it should be the same threshold as to initiate the PDP. And the rationale was and we thought that requiring a majority of both houses was actually an opportunity to gain the system.

So for example, if the PDP got initiated or the working group, you know, got formed because it was 66% of one house, if the other house completely didn't support it, then in theory, the other house could prevent the working group from ever doing anything because they could - if you required a majority of both houses, that house that never wanted the PDP in the first place, could just never vote in favor or the charter.

It was like a second opportunity block the PDP.

Alan Greenberg: Okay. And the threshold for approving was - is two thirds of one or...

Jeff Neuman: Thirty three percent of both.

Alan Greenberg: Okay.

Jeff Neuman: All right. So I think that's kind of why the group said, "Well, it doesn't make - you know, it would just basically give that second house an opportunity to block and it was too separate to gaming.

Alan Greenberg: I can support that position.

Jeff Neuman: The - and the same thing was true if it was out of scope, that requires 75% of one house and shoot- I put in my email and I can't remember it off the top of my head. That requires the - I focused - if it's determined to not be in scope, it requires 75% of one house...

James Bladel: And the majority in the other.

Jeff Neuman: Right. And a majority of the other house.

Alan Greenberg: Okay. Now there's a new question added at the end of which in scope are we talking about? Has that been determined? I'm assuming it's in - within scope of ICANN and the GNSO, not within scope of the Consensus Policy Rules.

Jeff Neuman: Yes, I think that's - that was talked about - we actually talked and we should have filled in this part of this chart. We actually talked about that. I don't remember if it was two or three calls ago, but I think the group agreed that it was in scope within the GNSO.

Alan Greenberg: Okay.

Jeff Neuman: That you know, there's certainly a number of outcomes. The rationale was, there are a number of outcomes of a Policy Development Process, only one of those possible outcomes is the development of a Consensus Policy...

Alan Greenberg: Correct.

Jeff Neuman: ...but the - many other possible outcomes are, you know, a best practices, a - it could be instructions to ICANN, it could be advice....

Alan Greenberg: That drifts into a subject which I was going to bring up, 'cause I don't think it has been discussed, but if it was at a meeting I missed, let me know.'

In the post expiration domain name recovery PDP that was just approved, in its charter - in the working group's charter the council was prescriptive as to what kind of outcomes were allowed.

I think that is a mangling of the process and it - council is presupposing what the outcome of the PDP process will be and restricting the types of outputs allowed.

Jeff Neuman: Can you just elaborate on that, 'cause I'm not...

Alan Greenberg: Yes, the charter specifically said that Consensus Policy or Best Practices could come out of it. And that if some other form was going to come out of it, it would - the group would have to go back to council and get the charter modified.

And I find that somewhat offensive that the group is not being given free rein to investigate the problem and determine how to fix it.

Jeff Neuman: So is that, I'm sorry, just to clarify. Is that free rein, by- is that what the council's instructions were or ICANN staff's?

Alan Greenberg: Council instructions.

Jeff Neuman: Okay. That's a little bit of an issue. Right. That's...

Alan Greenberg: Well, I think it's an issue and I think council way over stepped its, I'm not sure its rights, but the propriety in restricting the types of outputs that could come out of this process. I know why it happened, and it's because of a number of specific interests.

But I think that's a mangling of the process. And I would - to be honest, I wouldn't have come up with this two months ago, 'cause it hadn't happened, but at this point, I would like to see that the - that a charter not prescribe what kind of outcomes that are allowed.

Jeff Neuman: Okay. So I think that last sentence, I think, is the key point. So you're basically saying that...

James Bladel: Alan, Jeff this is James and I - Alan I'm in that group and I'm party to the development of the charter. And I think just you know, as an outsider listening to that description, is it the case that they are limiting the types of output that can yield from the work of that group or is it a case where if it strays from certain types of outputs, that they want to be back involved in the process?

Alan Greenberg: Well, but they would have to approve it. And since it didn't get approved - the original charter on the table, in fact, specified the range of types of outcomes that were implied in the Issues Report.

The revised version ended up restricting.

James Bladel: But I guess from - I'm looking at it from the perspective of you know, some recent groups that I was in are just concluding, and I think that you know, it always - will it always be the general case that the council doesn't want to let something go off into a certain direction without being re-involved?

Alan Greenberg: I think council needs to be very careful about what the scope of the issue being looked at is, prescribing what the solution is, I think, is potentially restricting the PDP group from developing the right answer to the problem.

James Bladel: Okay. And I'm not taking issue with that. I'm just saying from a group that I was...

Alan Greenberg: Yes.

James Bladel: ...recently involved in that's concluding, I think we would have welcomed council coming back in and reining it in at some point.

Alan Greenberg: Wondering scope of what it is you're looking at, I think, is something that has happened before and we have to be very careful about. I have no issue with that whatsoever.

Jeff Neuman: Right. So, just to summarize. You're not saying, and I guess Paul's on the call now?

Paul Diaz: Yes. Good morning all. Sorry I'm late.

Jeff Neuman: That's okay. Good morning.

David Maher: David Maher joins.

Jeff Neuman: Ah (David) great. (David) are you able to or in a position to get onto Adobe?

David Maher: I will be in about ten minutes.

Jeff Neuman: Okay. Good.

David Maher: I'm at the Staten Airport.

Alan Greenberg: The - there was also a file I thought sent around or maybe it's a URL that contained the same document.

Jeff Neuman: Yes, that's right, but it sounds like (David) might be in the car or something.

Alan Greenberg: No, no. Okay.

Jeff Neuman: So, just to summarize for (David) and I'm not sure how long you guys have been on, but I think Alan what you're saying is, to what I'm hearing is, that in the drafting of the charter and we haven't really - that was another thing that we kind of talked about a little bit on the call, which we'll get to.

But, in the drafting of the charter, you want to make sure Alan that the potential outcomes are not prescribed, but that's different than saying council should have to right to...

Alan Greenberg: I'm not prescribed -or proscribed.

Jeff Neuman: Right. Sorry.

Marika Konings: Could I be in the queue on this?

Jeff Neuman: Sure.

Alan Greenberg: Yes. Sorry.

Marika Konings: No, no.

Man: I'll be in the queue so you can.

Marika Konings: Just to answer that, 'cause I think this question and the clarification of in scope of ICAAN policy process or the team. So I think it might already have had addressed that issue, 'cause if I recall the discussion on the PD in our charter, the post expiration domain name recovery charter, initially, I think, staff had put in some examples of potential outcomes that a working group could have, to make sure, as well, that people didn't think that it could only be Consensus Policy that would be the outcome.

And I think, part of the reason or why the discussion in the council went that way, I think, that some indeed had an interpretation that a PDP can only have Consensus Policies as an outcome or that could be the goal.

So, probably, you know, by addressing that, the question ten on, you know, what scope means it might help as well to say well, "You know, everything is for our gain in the PDP, so there's no need to restrict what a working group can - what outcomes they can produce."

Alan Greenberg: That's kind of an interesting statement, because Marika from your standpoint, you didn't see it as a restriction, when you guys - you see it as broadening the scope of what to come out of a PDP...

Marika Konings: Well, we initially had - no we actually initially had put more examples and I think some - one of the examples, I think, that was in there, was potential REA recommendations or changes to the REA, noting that, of course, it would have to go through a separate process, but they could say, well this group would come back say, "Well, we think this issue would be solved by changing REA for the PDP, or whatever, would have to be started, if that would be the desired route.

But I think some in the council thought that, you know, we're going to too broad in giving people the options that might be the potential outcomes of a working group.

And I don't think it's, you know, broadening it, I mean, I think at least from a staff prospective, had it always been the understanding that a PDP can have a variety of outcomes, which I think, has happened over the past, but that did seem to be like a perception in the community or people saw that if they were participating in a working group, they felt disappointed if the end result wasn't a Consensus Policy or changes to the Consensus Policy.

So we did feel that there was a need to clarify that and I think this process might help with that.

Alan Greenberg: Yes, I...Marika I think you've identified the core of the problem. It got a little bit messier than that. There were certainly people on council at that moment-point in time, who believed the outcome could only be of this kind of PDP, could only be Consensus Policy.

That yes, the new gTLD's was a PDP, but that was a different kind and it held - and it only had advice to the board as the outcome.

The Issues Report made it clear that the PDP could have a multiple outcomes to suit the particular needs of the problem being addressed or the issue being addressed.

Jeff Neuman: So, let me ask a broader question. Is there even a need for the Issues Report or even the council to make any kind of statement of what potential outcomes could be?

Alan Greenberg: There shouldn't have been in a world where everyone has the same understanding, but going into that PDP discussion, there were different understandings among different people on council.

So, the Issues Report made it reasonably clear that multiple - different kinds of outcomes might be used to address the problem.

Because it was clear that there were some people on council who did not agree with that and thought this was - we were aiming at Consensus Policy, when I first drafted the charter or I and a couple of other people working on it, we explicitly put in there echoing the Issues Report, that a multi - a variety of types of outcomes could come out of this.

James Bladel: Well, I guess...

Alan Greenberg: That was restricted - that was modified before it was approved.

James Bladel: I guess what I'm asking is a little bit different, is if you have a general statement for all PDP's that these are the potential outcomes and non-exclusive outcomes, but these are the guidelines for any PDP, then there's no need for an individual PDP for an Issues Report, a charter, or anything else to specify what potential outcomes there are.

Alan Greenberg: There should be no need, but that doesn't restrict council from adding the extra restrictions should they choose, which they did this time.

James Bladel: Well, but we can - in theory, this group could recommend...

Alan Greenberg: That's why I'm having the discussion.

Jeff Neuman: Right. So and I'm not saying that that's something that this group will necessarily agree with, but in theory it is guidance for the council to say, "Look. These are the recommendations for any P - or these are the possible outcomes for any PDP and to go any further to..."

Because basically what you're telling me is, that the fact that the Issues Report even mentioned potential outcomes in the charter, was it mentioned potential outcomes. That was like a lightning rod.

James Bladel: But it was - but the Issues Report was also laying out new ground, because it wasn't clear at the beginning that this was a truth.

Jeff Neuman: Right.

James Bladel: Council since agreed or legal council...

Jeff Neuman: Right.

James Bladel: But when the discussion started, that was not intuitively obvious to everyone.

Alan Greenberg: Okay. If we have words that says, that say something like, any PDP may have the following types of - that types of outcomes can include and we list a few of them, but not restricted to those, I'm happy, as long as the implication is that these words apply to all PDP's.

Jeff Neuman: How does everyone else feel about that, Paul or James or (David)?

Paul Diaz: Yes, it's Paul. Just to make sure Alan it's unclear when we - the language here you're talking about, it would say things like Consensus Policy, Best Practices, something of those sorts, right. I mean, that's what I'm trying to...

Alan Greenberg: Advice to the ICANN Board. Yes.

Marika Konings: And probably that's something that will need to be added there as well, for especially newcomers to the ICANN world, is to, you know, create an understanding that of course, Consensus Policies can only be developed on a certain number of issues as outlined in the REA, 'cause I think that's another you know, thing that's come across in working groups, where people don't really understand you know, that concepts have become frustrated as well.

Where they say, "Well, why can't we impose this on registries or registrars?" And I'm saying, "Well, because in the contracts you have to make offence whatever."

So I think that's another, you know, if we create any kind of like guidebook or manual that would outline these things, I think that's another item that would need to be explained.

Alan Greenberg: It's clear Consensus Policy is only within certain areas allowed by the appropriate contract. In the registry contract, that is clear. It is not nearly as clear in the REA.

I know, so I mean, that's a fact we have to deal with until it gets made better.

James Bladel: So Marika, I think that should also be in -well we did spend quite a number of - quite a lot of time on the phase one or stage one talking about things, potential outcomes. And I think that's probably going to be in the stage one report, so we can just refer back to that.

Alan Greenberg: I mean, I think we should use the term Consensus Policy in capitals and define it, you know, essentially as something that is within certain perimeters described by the appropriate contract.

Jeff Neuman: James you have a comment?

James Bladel: No, I just wanted to refer back to the earlier discussion on this and the document that looks like you've already done that. And then, about potential outcomes.

And then I just wanted to possibly throw out for discussion the concept that listing potential outcomes is in and of itself a restricting activity, even if the intent is to you know, remind the participants of a working group that there can be other outcomes beside policy changes or new policy from a PDP that you know, if we've set out in a broader sense or in a more generic sense to define or enumerate a list of what could come out of that, that that, in and of itself, may be restricting if something unanticipated were to come up as a potential action that was not on that list.

Alan Greenberg: But really - actually I'm not - I agree that having a list is potentially limiting, but I think this list is relatively short. The GSNO council only has relatively limited rights and privileges.

They can recommend Consensus Policy to the board, which then a specific process is followed. They can recom - they can make other recommendations to the board and they can recommend best practices, which are not binding on anybody.

There really aren't a lot of other types of outcomes that the GSNO council has the ability to act on.

Jeff Neuman: Well, we actually came up with a list that was a little broader than that. I think that - I think we've finalized that list at the...

Alan Greenberg: Okay, sorry.

Jeff Neuman: That's all right, at the in person session in Sydney. But there were things Alan on there just to - not to rehash old problems, but things like making recommendations to other advisory committees to take on certain studies, making - asking for a joint PDP for example, with the CCNSO would be another example.

Alan Greenberg: Okay. Okay. But those are asking and they can be refused and I have not problems with those kinds of things.

Jeff Neuman: Yes. So I think - so I don't want to re-chat and rehash that. I think we'll have that in the stage one report and then we can rehash it at that point, you know, as comments to that.

Alan Greenberg: Yes, I'm happy with that. I just wanted to raise the issue because it wasn't clear to me that we were going to be putting words in enough, words in which will cover it personally.

Jeff Neuman: Well I think I...

Alan Greenberg: But I'm happy with what we discussed.

Jeff Neuman: Yes, I think your point that we need to capture is that in the drafting of the charter, the charter itself should not or the Issues Report or the council instructions should not limit the potential outcomes.

Alan Greenberg: No, I mean, PDP's are hard enough to do as it is. We want them to be successful.

So we don't want them to wander into scope. On the other hand, we don't want them - we don't want to limit good outcomes though.

Okay.

Jeff Neuman: So if we go back to and I see it up on the screen now, is question one, how to make things flexible on launching the PDP process? And the ICANN bylaws currently state that the council shall the initiate the PDP as follows. There's three different - there's the issues raised by the board. I mean, these are things that we discussed different ways.

Our concern or question was, within which time frame should the council decide whether to initiate the PDP or not?

Alan Greenberg: Okay, could I ask an overriding question? Have we come up with terminology with differentiates the process that the working group does when it's finally chartered from the overall process that's started by the request by request by request in the Issues Report.

Have we come up two names so we know which we're talking about at which time?

Jeff Neuman: Well, I think what we've always talked about is, the policy process versus the well, let's say...

Alan Greenberg: But the last P in PDP is process, I think.

Jeff Neuman: Yes, I don't know if we've actually come up with good terms. We've floated a few by, but right here we're talking about after the initiation phase and now we're talking about the formal policy development phase.

Alan Greenberg: Okay. Okay, let's go on. Sorry I interrupted.

Jeff Neuman: No, that's okay. I mean it's a good question. I thought about it earlier too. It's something we have to at some point do, but I mean, I think initiation of the policy process is different than the development of the process is what we're talking about now.

So, right now it says that council shall meet within 15 calendar days after receipt of the Issues Report. All right. I'm losing myself here, 'cause I'm trying to switch back between two pages.

So, if it's received by the - let's separate them out. If it's initiated by the board, the board then, the bylaws state the board has to then, so the council has to meet within 15 days and to initiate, to decide whether to initiate the formal policy development process.

Alan Greenberg: No. That's -hurriedly if it's elect by the board, the council has to meet an initiate the process.

Jeff Neuman: Right, so we change after the board to basically, there has to be a timeframe to approve a charter, I guess, is that, the intermediary step. There would still be a vote on what the charter would be.

Or not...

Alan Greenberg: I think currently they have to vote, but they're not allowed to vote no. So, I don't think it's ever happened, to be honest with you.

Jeff Neuman: I don't think it has either, but let's think. But it is a possibility.

Alan Greenberg: Yes.

Jeff Neuman: But the way I interrupt the existing the bylaws and we can - and we didn't recommend a change. We basically said that it could be initiated three ways. And what we've been talking about though, we do need a charter for the group and I don't think the board can actually draft a charter.

Alan Greenberg: No, correct.

Jeff Neuman: So, either way, a charter needs to be approved by the council. So putting aside the issue of timeframes, let's go to the first issue and we use the same threshold. I'm assuming that the board votes - well I guess we can't necessarily assume that.

I was going to say if the board actually makes a recommendation for a formal policy development process that that would in theory be in scope, but I - can we make that assumption?

Paul Diaz: Jeff it's Paul again. Since this has never happened, I think it's all hypothetical, but I mean, I would think that there's - I can't imagine the council voting against a board request for PDP right?

Jeff Neuman: Yes, remember in the current procedure, the council has to go through a process to decide, is it a task force or not?

So there's a number of questions the council has to address right now, even if it's hypothetical that the PDP will be initiated.

I think we're taking out that option and de facto going to working groups, is that not correct?

Paul Diaz: Yes. That is - that's what's been discussed yes.

Jeff Neuman: Yes. Okay. So it really is as you say, an issue of approving the charter.

Paul Diaz: And so the question is, what would be the thresholds for approving the charter? Is it the safe net that we discussed the last time or just earlier, which is, well if it's in scope and I'm assuming everyone pretty much should be within scope if the board's requesting it, but if it's in scope, then it would be the 66, I'm sorry, 33% of both houses or 66% of one house?

Jeff Neuman: I think that's rational.

Marika Konings: Jeff I have a question.

Jeff Neuman: Yes.

Marika Konings: So - but how would that word then, 'cause even though the council doesn't need to vote on a PDP that's initiated by the board, they could then in theory, just say, "Well, we're just not going to approve the charter.

So, you know, we don't like the PDP and you don't want to be told by the board what to do. So, we're not just adopting the charter, so there's not PDP."

Jeff Neuman: Correct, and I think that may be a good check and balance and...

Alan Greenberg: Well, more of accounts that could approve a PDP which bears little resemblance to the problem to the problem the board was trying to address.

Jeff Neuman: Right, but that's...

Alan Greenberg: The current process does not go back to the board and say, "Sir does this charter meet your needs?"

Jeff Neuman: Right. One could consider that, like I said, in appropriate check and balance and bottoms up policy making, since in theory the board should not be directing the community as to what they have to decide upon. Right.

I mean, that's...

Marika Konings: But it would change the bylaws from what it currently - the right board currently has. I mean, it has a broader impact by adding, you know, the board is special and just saying, "Oh well, we're just talking about the votes for the charter", but it would have a broader implication compared to what the bylaws currently say, no?

Jeff Neuman: Yes, that's true, but that might be a bad thing, right? If this group could decide that that's a good thing.

Alan Greenberg: Well, maybe. But if you look at the case where this might likely happen, I don't think it has, is they're provisioning the bylaws for the board taking emergency action.

One prove - you know, to address the stability issue or whatever.

Jeff Neuman: Right. But the...

Alan Greenberg: And one presumes that they would in parallel with that or immediately thereafter, request that the GSNO develop formal policy to address the issue.

Jeff Neuman: Correct. But it's - if it's again, I guess, what I'm saying is, that you can't really force a charter upon - I mean, you can't on the one hand saying you're bottom up and then on the other hand force a charter down people's throat

and say, "You're going to - you can't even vote on it. You're going to - this is your charter, this is your mandate, go ahead."

So, I hear what Marika's saying and maybe my own personal opinion may be bleeding through this and I apologize for that, but I'm not sure it's necessarily a bad thing to have some sort of check and balance.

And the check and balance is not what to initiate the PDP, but it's what that charter looks like.

And again, it's never happened, but I mean, I could - and I'm not so - so I mean, anybody else have comments on that?

What's the alternative? I mean...

Alan Greenberg: There's a couple of things. Certainly whatever we come up, the board has to approve them. And as we've seen this board in any case, does not object to saying we don't agree with what you gave us.

Jeff Neuman: Right.

Alan Greenberg: So, we have a check and balance to some extent in the rules we're writing, but assuming we're trying to write rules, which in fact, will hold up over time, and will be implementable, and we don't want to elongate the process too much. I think it is reasonable for the council.

I mean, if council cannot agree on a charter, you know, given an interations, which they may take and go back to the board, that's an issue that has to be addressed in real time.

Jeff Neuman: Right, if you can't get 66% of one house...

Alan Greenberg: No, I mean, if council approves a charter which is so different from what the board asked for, that the board doesn't like it, presumably the board can take some sort of unilateral action and request a new one or something like that.

I don't mean, I don't know if we need to write those rules.

Jeff Neuman: Right.

Alan Greenberg: I think it's simply within their overall mandate as being, you know, responsible for the overall direction of the organization to be able to take ultimate action.

Jeff Neuman: And I'm not sure what the alternative is. Right, Marika? I mean, what would be the alternative?

Marika Konings: I'm not sure.

Jeff Neuman: That's the problem. I think there- if you think about it, you can't force a working group - you can't force a charter through council and expect an effective bottom up policy process.

James, do you have a comment?

James Bladel: Yes, just a comment, Jeff. That, I think in the abstract we should guard against that type of top down directive. If only because even if its an option to begin with it could become a requirement or an expectation some time down the road. So -- to where council or even, you know, subordinate structures after that are expecting the one above them to provide very clear guidance, as opposed to taking a problem and looking for definition and possible resolutions. So, I just wanted to make sure we don't turn that process - we don't invert that process.

Paul Diaz: I think we should go ahead and use the same rules for the adoption of the charter as we would for a more - traditionally initiated started PDP process as it were - as deemed to be within scope.

If the board is asking for it let's assume it's within scope and go from there. If we ended up having a stalemate of can't actually come to a agreement of charter, then I think council and/or the board has to deal with it at that time.

Jeff Neuman: It seems like Paul agrees with that. I agree with that. Is there anybody that does not agree with that? Okay so, obviously, we talked about B where council it's the same thing and -- can you scroll down to C which I would think similar to B. Who has got control of he document -- is that Margie -- is that Marika or...

Man: ...any of three.

Marika Koning: Do you want to go further down on here?

Jeff Neuman: All right so C is - okay. B is if it's another - if it's advisory committee. Yes, so I think that general rule, Alan, could apply to all three situations.

Man: No, I would think for one initiated by council or...

Jeff Neuman: Well we're only talking about the charter -- approval of charter. The rule is if it's to same - I'm sorry. The thresholds were to apply to all three circumstances approve the charter.

((Crosstalk))

Man: Which threshold? I'm sorry.

Jeff Neuman: The threshold of the same thing to initiate the PDP is same as the charter except in the board case there's no vote to initiate the PDP.

Man: And we...

Jeff Neuman: And you're still - you're still upholding the same threshold to approve charter.

((Crosstalk))

Man: Okay. So it - we're using the same, we're using the same threshold for the charter as for approval of the PDP for the ones initiated by council or an advisory committee. And for the board we're using the in scope number.

Jeff Neuman: Correct.

Man: Okay.

Jeff Neuman: You said it a lot better than I did.

Man: I'm not sure I'd be proud of those words nevertheless, but yes...

((Crosstalk))

Jeff Neuman: Okay.

Man: I - if that's the intent we'll let someone else word it.

Jeff Neuman: So then there's the timing. Okay? So - and with timing there's two different aspects. There is the time between which the council says this, you know, votes and there's going to be a working to the development of a charter, the constituting of the working group, to the - or I just confused myself here.

There's timing from when a - the council votes to initiate the PDP. And then there needs to be work on development of charter. Do we set a time frame for how long it takes to develop the charter?

And then there is a timeframe by which the charter is delivered to the council by which the council must act on that charter.

So lets take the first one first which is should we have a time frame or a range by which after the council votes to initiate a PDP then a charter or the board sends something to the council to initiate the PDP to when a charter must be developed.

Paul Diaz: Jeff, it's Paul.

Jeff Neuman: Paul, yes.

Paul Diaz: Hi. Just a question. Marika, if you can help us. What's the current practice?

Jeff Neuman: Practice or bylaw requirement?

Paul Diaz: Perhaps both.

Marika Koning: Yes, there's only a bylaw requirement for when the council should vote to initiate a PDP, but as far as I know there's no time frame given for when then, you know, the charter should be done or the working group should meet for the first time.

Alan Greenberg: I think the short answer to your question is other than the 15 days by which, sometimes negotiated by which staff creates an issues report no other timeframe is honored at this point. And some of them grow to be rather long times.

Marika Koning: And the challenge as well 15 days it doesn't always coincide when the next council meeting is as they meet every three weeks. If an issue's reported it's just delivered, you know, after a meeting. There's no new meeting charter just - or, you know, convened just to respect that 15 days.

Paul Diaz: Yes.

Jeff Neuman: What you could say on the second - which is the second question once the charter's delivered to the council you could say that the council must vote it at the next meeting unless the charter's delivered after seven days prior to a meeting. So in other words if it's...

Marika Koning: You first need to still look at the initiation of the PDP. Now are you only talking now about the board's initiated policy development process?

Jeff Neuman: I'm talking about the council's already voted to initiate the PDP.

Marika Koning: Okay, but we also talk about the time frame.

Jeff Neuman: Added...

Paul Diaz: But there's a...

Jeff Neuman: Right, right. So I'm trying to tackle the easier one first. It says the time from which charter is delivered to the council to when the council must act. And I think a general rule could be that it's - the council must act at the next meeting unless the charter is delivered within seven days prior to that actual meeting. That make sense?

Alan Greenberg: Well okay delivered means delivered prior - at least a week prior to the meeting so let's define delivered and then we don't - the sentence becomes easier. So you're saying if we use that definition of delivered the council must vote at the next meeting?

Jeff Neuman: Right. Right.

Alan Greenberg: Council currently has a practice that if constituency says, I'm not prepared it gets deferred at least one meeting often two. Do we forbid the council from taking such action.

Jeff Neuman: No, I think all - I guess the - what we would say is the council must take some action. And if that's to table it for another meeting that is an action. And I do think we should have some - so it's a good point.

Alan Greenberg: Yes. I'm agreeing with you, Jeff.

Jeff Neuman: Yes.

Alan Greenberg: The problem is the real practice tends to be this often takes months. And I - and if we put that in the bylaws or whatever the rules are we are going to be subject to so much ridicule.

Jeff Neuman: Well I guess what if we say lets take an action. If the council decides to table it it may only do so for one meeting. And they must act the following meeting. I mean you could actually have the alternatives.

Marika Koning: Can you - you do create some difficulties, because for example, if there is discussion on the charter and changes need to be made...

Man: Yes.

Marika Koning: ...it automatically goes to the next meeting or if they sent it back to the drafting team to work more on it. And that, you know, that could in theory happen a few times if there's issues that emerge or, you know, constituents have concern. So...

Jeff Neuman: I'm not...

Marika Koning: ...creating too many restrictions might create difficulties. And, you know, already known that it won't be respected, because...

Jeff Neuman: I guess sending it back to the drafting team is a no vote. It's a no with we want to send it back.

Marika Koning: Normally they don't vote no. They just say well we discussed the charter and, you know, we would like to make some changes, but they don't - normally they don't then take a vote and say no. It's just discuss and asks for some modifications before they consider it again.

Jeff Neuman: Yes. I guess the board - one of the guidances from the board - and then I'll let Paul speak - that the board governed in its report was that we have - while that we have - we have some flexibility. We actually still have some timeframes.

So we should propose alternative and this group should think about alternatives, but we can't just say - we can't just not prescribe anything. So on that Paul, do you have a comment?

Paul Diaz: It's more question really. You know, I don't usually read the minutes of GNSO council meetings, but do we have any since when a constituency rep asks or says, I'm not ready to vote on this portion?

Is it - is there any requirement even amongst peers, maybe not formal, to explain where they stand and particularly because of the second time? I can imagine the first time around, but if they're at a second council meeting and they say, we're not prepared and they're bumping is there any insight as to why?

Alan Greenberg: I don't think it happens just that way. I don't think the same person says I'm still not prepared. I think the situation to the extent that this happens and I

think it has, but I can't actually document it at the moment. I think it's more of the way Marika described it.

That is when you come back to it there's sufficient change in the draft charter that someone feels they're not comfortable with it, but I'm not - Marika, do you actually know of cases of where that's happened in the last year or so? I know it could, but I'm not sure it has.

Marika Koning: I know that some have gone back, but I don't recall any that have, you know, gone back several times, but I can imagine indeed as you said, there - if there's substantial changes someone might say, well I don't think I'm comfortable voting.

I would first like to, you know, pass it through my constituency to make sure that, you know, they feel okay with it, because I mean, you know, some charters deal with big issues and people want to make sure that they get it right and check back.

But I mean just coming back to Jeff saying that we should put in some time I just think the note that you made saying, council must take action I think that's a reasonable one, because indeed council can then decide either to defer to the next meeting or discuss and have changes.

I mean you do force that some action if given to it, but, you know, you leave open if that's already a decision or, you know, if more discussion is needed they can defer it.

Jeff Neuman: But then you need to set a limit as to just deferrals.

Alan Greenberg: Well we have had cases in the past if I remember correctly where after the PDP has approved the decision was made that we now we some studies to be done before we can actually write the charter.

Jeff Neuman: And that's...

Alan Greenberg: And that can take a significant amount of time. Do we need to cover that?

Jeff / James? No, but again I think that's a no vote on initiating the - to no vote on the charter. And it's prescribing certain action. The council can prescribe certain action, but at least the council has said no. It's not just in limbo.

Force the council to actually say no and get on the record as it saying no, but saying that we would happy to revisit this if such and such and such.

Alan Greenberg: So if we say something like it must take action within a certain number of meetings or certain number of weeks and then must revisit it at each successive meeting until the charter is approved?

Jeff Neuman: Yes, that's a possibility to. Margie, you have your hand up?

Margie Milam: Yes, I had a comment just kind of that about the timeframes in general. From my perspective it might be useful to have flexibility as oppose to firm dates in the charter.

Like when you have to develop a charter and when the council would approve the charter simply because the - you know, particularly with this perspective of registry agreements, for example, if you're trying to impose a consensus policy.

The registry agreements will say something like you have to follow the procedure in the bylaws. And so, you know, that raises the question of what happens if you took longer than the 15 days or you didn't follow exactly the procedure that was outlined in the Annex A.

Does that somehow make the whole PDP result suspect? So, you know, unless it's really important to have a firm date I would have - I would suggest

have it be more, you know, guidelines or, you know, a goal as oppose to a firm, you know, firm requirement.

Alan Greenberg: The only downside of that is if you look at history council tends to react when a deadline has way passed. If there are no firm deadlines then it becomes easy to continue to defer and delay the formal decision.

Jeff Neuman: Yes...

Alan Greenberg: I'm not saying that's a malicious intent, but I think that often tends to be what might happen.

Jeff Neuman: We can go back...

Alan Greenberg: I wish Avri was here.

Jeff Neuman: We can go back to the board governments for recommendations, but I believe they said, you know, they encouraged flexibility, but they certainly did not waver on the fact that there needs to be deadlines.

Alan Greenberg: Yes.

Jeff Neuman: So, I don't - I mean and as - and maybe I'll let David as a registry speak, but as a registry where deadlines are important to us as well. And it's not always because it's a technicality that deadlines are missed.

I mean which is, Margie, almost what you kind of where insinuating that any missed deadlines is really just technicalities and, you know, just give excuses for registries and registrars to argue why a consensus policy is, you know - so I don't necessarily - I think there's two sides to that story is what I'm...

Alan Greenberg: I agree.

((Crosstalk))

Margie Milam: Yes, and I would say we just, you know, as we talk about deadlines, I'm not saying there should be no deadlines, we need to, you know, just keep that in mind as to which ones are the ones that are very important and which ones are ones that, you know, by implication might have the - you know, open to flexibility.

Jeff Neuman: Okay.

Alan Greenberg: The problem is we're at a stage on the charter approval where you can't just force a vote and say, you know, I call the vote. Everyone vote yes or no. You have to have - actually have some words to be voting on. And that's what makes it the - makes it a difficult one.

Jeff Neuman: Oh so when the charter - but this is after - so after the charter is delivered - that's why I was trying to start with that easier one as oppose to when the - how long it takes the charter to be drafted, because that's a much harder one as you kind of pointed out.

I mean I think it's reasonable to say that the council must take inaction at the next meeting. And that action could be to vote yes, to vote no or to basically defer to the following meeting, but at that point there should be reasons set for the deferral and that there should be steps to take in order to make sure that at the next meeting it's not just deferred again.

Alan Greenberg: If you can put words on that that's fine.

Jeff Neuman: So we'll try to - is there any other thoughts as to - because again it's - we don't give another - yet another chance for another delay and another gaming circumstance. Right? Because let's say we set the threshold for approving the charter, right, was the 66% of one house or the 33% or both houses.

Or do we game it by allowing - you know, how does council vote to defer the charter? Right? If the vote to defer a charter is a different threshold then that gives another example of a way to game it, because you can keep voting to defer so it never gets voting on by council.

Alan Greenberg: Yes.

Jeff Neuman: Paul asked a question on the Adobe. I don't know who's typing, but whoever that is just mute I guess.

It says does anyone know if Jay Scott's group has addressed any of these issues with charter crafting timeframes? Well I have a question out to Jay Scott on some of those things, but my understanding is that there - they are focusing on once a working group has been created what actions the working group takes.

The one of those is actually as we talked about on last call revisiting the charter and seeing if the working group has any recommendations for changes that there - they should be looking at, but anything that happens prior to the working group constituted I don't believe it's something that they are formally working on.

Paul Diaz: Okay thanks, Jeff. That just helps. I wanna make sure that we weren't reinventing. We are potentially across purposes with the other group.

Jeff Neuman: Yes, and that's a good point. That's why I have questions out to...

Paul Diaz: Yes.

Jeff Neuman: ...Jay Scott on that.

Paul Diaz: Because what we're going through is very detailed.

Jeff Neuman: Right.

Paul Diaz: And as we're really putting thought to this and going through each step we want to make sure that our colleagues in the other group weren't necessarily coming to a different conclusion.

Jeff Neuman: Yes, I agree with that. And just I - is (Sophia) on the call as well now?

Sophia Bekele: Yes. Yes, I am.

Jeff Neuman: Hello.

Sophia Bekele: Sorry.

Jeff Neuman: That's okay. We - so now let's talk about the second or the harder questions which actually predate the question we were talking about which is so once the council has approved initiating a formal policy development process and needs and wants a charter should there be a timeframe that's set by the council or should it be lines as to how long it should take to craft that charter.

Does anyone have any comments? James has a comment on that.

Alan Greenberg: I do also. It's Alan.

Jeff Neuman: James and then Alan, okay. James?

Sophia Bekele: I'm trying to get on Adobe. I do, too. I'm trying to get on Adobe though, yes.

Jeff Neuman: Okay. So James do you - are you - I don't know if you're on mute or...

James Bladel: I'm here. Can you hear me?

Jeff Neuman: Yes

Man: Yes.

James Bladel: Okay.

Jeff Neuman: Did you have a comment on that?

James Bladel: Yes, I did. Sorry. I started and I thought it was on mute. Just in the general observation relative to timeframes is that sometimes some flexibility's required to schedule a queue or docket if you will for the different PDPs especially if there's overlap.

And I think that, you know, chartering a group and initiating one will get, you know - constitute its members and get to work. I think it's something that we need to make sure that there's some flexibility to allow for scheduling or prioritization as oppose to setting hard and fast deadlines.

So I just wanted to offer that as an observation. I mean the most recent example of that is, you know, by rights I guess that the council could've flooded a couple of different working groups as the Post Expiry and the second round of the IRPP B while the Fast Flux was still in it's - in elapsed phases.

And I think that there's a lot of overlap in membership. And allowing the flexibility so that the council can say well, you know, we'll pace these out so that we're not releasing three in one week. I think it's a good thing and we don't want to take that discretion away with timeframes.

Jeff Neuman: Okay so then let me ask a follow up. Should there be an outside date? I mean like - so when I ask that question I'm also looking at - Marika said around a few weeks ago or timeframes with a couple of a groups as how long it took to develop a charter or approve a charter.

And it says for the IRTP Part A or it says the Transfer Group Part A it took 70 days and Fast Flux it 84 days to approve the charter.

James Bladel: Yes, I think that setting a - an expectation is important and maybe is part of the approval process for the PDP to initiate it, but I think that building that into the - into this process, you know, that cannot be decided on the table at their council session or does that have to be built into the structure?

Jeff Neuman: Or could that be - I can say the question is could that be game? In other words if the - if there's people on the council that never wanted PDP in the first place could they say - could they game that in some sort of way?

James Bladel: Well my concern - yes, I'm sure. I haven't played it out all in my head yet, but I'm sure it could be. My concern is that if I really wanted to theoretically and with malice be in the system then I would just spam the council with PDP or issues request with overlapping or conflicting chartered timeframe so that I know that none of them could get done or that I could use that as a blocking mechanism for other PDPs that I didn't want to see.

So, I'm thinking of it in a different context, but I'm sure you right.

Jeff Neuman: I guess - I can't remember who was next, because I didn't write it down. Is that Alan?

Alan Greenberg: It was Alan, yes. I'm trying to remember the question now. I think one of the problems is that there is an opportunity for gaming, number 1. Number 2, there is also a valid need sometimes to go and do studies and things like that before crafting the charter.

And how we cover those without making it an open-ended process completely I don't know.

Jeff Neuman: All right. (Sophia)? (Sophia), you - can you hear me? I'm not sure if you're still on mute if you can hear me.

Glen de Saint Gery I think (Sophia)'s disconnected.

Jeff Neuman: Oh.

Man: Marika has her hand up.

Jeff Neuman: Okay. Marika?

Marika Koning: Yes, I actually have a question. I have to apologize, because I wasn't on the last call, because we're talking now about, you know, the vote on the charter and how there could potentially could be games if, you know, we don't put timeframes.

And that's - by applying the same voting thresholds as for the initiation don't we make it make more likely for the system to be gamed or people change their mind and creating a higher barrier for charter to - adopt this kind of thing? Isn't it currently just like a simple majority that is sufficient to have a charter approved?

Jeff Neuman: Actually the simple majority actually makes it harder.

Marika Koning: Okay.

((Crosstalk))

Man: Remember we don't have a majority of council. We have majority of both councils.

Jeff Neuman: Right. So getting back to - I'm hearing - we need to give this some more thought. I'm hearing that, you know, we don't want it to be a completely

unbounded process, but we're having difficult, because we want to make sure that there is flexibility.

Man: Yes.

Jeff Neuman: So maybe it's a question to think about. You know, from looking at the two examples that are on there it seems 70 and 84 do we maybe say that a charter should be approved or voted on - I'm sorry. A charter should be created within 90 days I mean as an outside date?

Marika Koning: Jeff, one thing maybe to point out is that, you know, those two working groups I think were both created at a, you know, a less busy time than maybe we're currently looking at. So I don't know.

It might be interesting to see as well how long it takes for the other working group, because you - if you look for example, for the post expiration domain name recovery one, charter was not approved until day - until 160 following the request for an issues report.

So that took way longer than those other two which I think, you know, started at a slower time looking at council agenda and work load.

Jeff Neuman: So I think that should also go into the decision of whether should vote to initiate the PDP. I mean that - council needs to consider that in my view. If we're going to vote to initiate a PDP and they're starting the process going and if they think it's going to take too long maybe they hold off voting on...

Alan Greenberg: Well right now they don't have an option of saying let's wait. It's a yes or a no.

Jeff Neuman: Right. Right. That's a good point.

Alan Greenberg: I mean maybe we need to give them a wait, but...

Marika Koning: But for example, like I mean if you put a fixed time on it like - well between, of course, the initiation of the PDP and the approval of the charter that's less time. I mean what took a lot of time was between the issues report and initiation, because there were questions that needed to be asked.

I think it was deferred a few meeting, because there were a lot of other items on the agenda that needed consideration. So...

Man: Yes, we missed two or three meetings just because the agenda ran over.

Marika Koning: Yes, so if you actually look between initiation and the PDP and approval of the charter the other is, you know, less different from the others.

Jeff Neuman: Yes.

Woman: Sorry. Just for your information (Sophia)'s back.

Jeff Neuman: Hi, (Sophia). Did you - sorry, we lost you there. Did you have a comment on this question?

Sophia Bekele: I think I lost. Maybe you talked after, but you talking about the timelines for the working group, correct?

Jeff Neuman: Timelines from when the - when they decide initiate the PDP and have a working group how long will be to draft the charter of that working group?

Sophia Bekele: Yes, yes. So, I think I would agree with I think what we said was between the first - very important at the same time to have the timeline not necessarily within the charter, but maybe within the working discussion and make sure that's adhered to would probably - would sort of work with the flexibility that the other person mentioned about.

Jeff Neuman: Okay. Thank you.

David, you have your hand up?

David Maher: No, I - it seems to me that putting arbitrary time limits on these PDP issues is a - is feudal that in many cases they are very complex.

And, you know, I think you can say that the council should act as promptly as possible or expeditiously, but saying that it has to be done within a certain number of days just invites reasons that will have to be invented when for some possibly very good reason the required action is simply impossible, because of voting or opposition or serious legal issues or whatever.

Jeff Neuman: Okay. Alan?

Alan Greenberg: Yes, two things. I tend to agree with what David has just said, but that shouldn't stop us from putting a generally or something like that in of saying what a reasonable target is, but I need to ask a question.

Right now one of the things that can delay the process a long time is the need for additional studies. I presume should that be done prior to approving the PDP or following approval and prior to writing the charter?

I think it's happened both ways in the past. I can't be sure about that.

Jeff Neuman: Was it...

Alan Greenberg: But should we prescribe that if there is additional work to be done, because the issues report made it clear that we really don't understand the problem well enough which stage should that be done at? We have three choices. Before approving the PDP, before writing the charter or after the actual initiation of the working group? If we are more prescriptive on saying when that work gets done it (unintelligible) problem easier for setting the time limits for the other ones.

Jeff Neuman: So Marika's got her hand up. Is it on that question?

Marika Koning: Yes, but partly related as well like to the timeline discussion, because I was thinking about this as well like, you know, thinking as well for how long (unintelligible) we need for the issues report?

And it's very difficult to put a set time on it, but I was wondering whether it would be a way of saying like well, you know, maximum time to - for example, could apply as well to the adoption of a charter or development of an issues report is x date unless the council decides with whatever kind of vote to give more time.

That would allow in certain cases for example, for an issues report where you really have an issue that needs a lot of additional research, a lot of additional discussion to allow for more time if, you know, majority of the council or majority of the houses or whatever, thresholds will be attached to that allows for that and the same way with the charter.

You say well in principle business the, you know - this is the deadline we give for the charter, but the council could, you know, in certain circumstances with a vote of this, you know, amount decide to allow for more time.

So you do foresee for those exceptional circumstances, but it would need to support all majority of the council to move to a longer timeline so that...

Alan Greenberg: So you're saying set reasonable timelines and have an overriding clause saying any time and any deadline can be deferred under the following process?

Marika Koning: With a majority of a discerned vote...

Alan Greenberg: Yes.

Marika Koning: ...that might, you know, give the flexibility that is required in some cases, but does give, you know, certain - more stricter, you know, timelines in cases where, you know, it's non-controversial and no additional time should be needed to do certain things.

Alan Greenberg: That, of course, doesn't address the issue of the charter just didn't get written.

Marika Koning: No, but then it lead to the question if you say well it should've been written then, you know, but some people...

((Crosstalk))

Jeff Neuman: Yes, I mean look...

Alan Greenberg: I like what you were saying though.

Jeff Neuman: Yes, I think that makes sense, but I think the charter not getting - if there was enough interest to initiate the PDP then those people that were pushing for the PDP or those people that voted in favor of the PDP should have the incentive to get the charter done.

If not then, you know, well - I'm hoping that it's the reason - if it gives some outside date or some guidance - guideline of an outside date that it won't be that the issue - that the charter just doesn't get done. I'm hoping.

Alan Greenberg: Well presumably with a chair who's active if a working group or a drafting team that's been charged with duties and just do their work one takes some action.

Jeff Neuman: Do you want to - is there any other comments on this subject? We'll document that and go on to - if we can go back to that last document.

Marika Koning: Yes, I'll pull that up. (Unintelligible)

Jeff Neuman: Go to question two I think.

Marika Koning: Oh in the first question it's still as well this - you know, when should the council decide on the initiation of the PDP, because now you have 15 days which I don't think normally doesn't happen, because the meeting's deferred or there's just no meeting that takes place within 15 days.

You know, there's that question as well. And that relates to as well how much time - and I think it's another question that's put later in the document, you know, should be there any kind of obligation or, you know, demand on the council on how they actually review and discuss the issues report?

Because now there's always very little discussion I think, you know, in general stock (unintelligible) reports. Sometimes there are some questions, but not - don't normally it proceeds to a vote. There's, you know, there's rarely a really extensive discussion. You're just on the issues outlined and, you know, how that maybe would - what kind of outcomes that process would have or, you know, how it would impact certain constituencies or not or those kind of issues are - and as well the overall discussion on, you know, how many PDPs do we already have ongoing and how does it fit in with the overall priorities? And...

((Crosstalk))

Jeff Neuman: Marika? Marika, I want to save that question until after we have - well I was thinking to save that question until after we have phase one - or stage documented, because you have - we have - at different stages it would be easier for people to see what's in the issues report, what the recommendations are ultimately of what's in the final issues report to them,

look at a timeline and to - and what can be taken between a delivery of an issues report and the vote from the council.

I think it was overlap there. I think we can get into a long discussion about that, but I think it might be easier for people to see what our outcome has been on stage one. Does that make sense?

Marika Koning: I'm not really sure that I understand, but we can take offline.

Jeff Neuman: Well I'm just saying that I think we do need to discuss those timelines, but that's - and we need to discuss all the timelines in stage one, but I think that might be an easier discussion once we actually have the written summaries and the recommendations or at least the initial ones that goes out.

Like because this is stage which I believe is once that vote has already taken place to initiate the PDP. That's kind of the separation between stage one and Stage 2.

Marika Koning: I'm just trying to remember now if we covered that in stage one, but if you say we did I'm sure we did.

Jeff Neuman: I'm not sure we have. I don't think we covered any of the timelines in stage one or - because I think on the last call we kind of talked a little bit about it and then said well it's probably easier to have a discussion, but...

Alan Greenberg: It's certainly listed in the first question of this stage.

Jeff Neuman: Yes, it is, but I think that's kind of where the overlap is -- going from stage one to Stage 2 as oppose to - I mean can't...

Marika Koning: Because I think in the first one we only spoke more about, you know, how long it should take to create an issues report. I don't think we - I'm just looking at the previous document. I don't think we touched anywhere like the actual vote on the initiation of a PDP.

Jeff Neuman: Right, but I think we - the questions you were asking but - even in your statement was well what if people have questions on the issues report. You know, if we prescribe a timeframe from the delivery of the initial report I mean we've got to make an assumption that the issues report is actual final and there's no further questions on it.

Marika Koning: Yes, but the delivery of the issues report is that. I mean if there's further questions that's what currently happens as well. It doesn't change anything in the issues report, but they...

((Crosstalk))

Alan Greenberg: Yes, we don't have a draft issue report...

Marika Koning: Yes.

Alan Greenberg: ...and a final one issued not formally.

Marika Koning: Yes, so, when the issues report is done it's done. And that might be questioned in the discussion, but it all goes basically in the timeframe of the 15 days that the council has to vote on initiation of a PDP or not. It doesn't normally count as least as I've perceived it it doesn't count as part of the development of the issues report.

Jeff Neuman: But it could. In other words.

Alan Greenberg: Maybe we need a review stage...

Jeff Neuman: Right.

Alan Greenberg: Before the issues report is formalized.

Jeff Neuman: I don't think - I think what we did talk about is that there's a lot of times where people aren't necessarily - because its staff drafts the issues report. And just because staff has come out with a issues report doesn't mean that people are happy with it or it doesn't mean that there won't be or it shouldn't be changes to it or a review period.

Marika Koning: But I think we've discussed before as well that - and I think there was a sense that people felt well there can be, you know, factual corrections to the issues report or, you know, if information is missing, but that discussion shouldn't turn out into, you know, this is right. This is wrong. I don't agree.

Jeff Neuman: Yes.

Marika Koning: That kind of debate at that stage. That's more the debate that takes place in when the PDP has been initiated where people say well, you know, we understand this, but we don't we agree that it's, you know, should be handled in this way or that way. So...

Alan Greenberg: The problem with that Marika, is as we are doing things now and I think likely to continue the issues report and its recommendations very tightly control what goes into the PDP process and into the charter.

And there's almost no way to fix a problem. I mean if the issues report has been created well we have no problem. If for one reason or another staff did not cover some crucial in it...

((Crosstalk))

Marika Koning: But that's what I mean. That - I think that should be indeed if there's something really missing and I think that comes back that, you know, now we have very limited time and limited time to actually talk to people or get input, that they need that kind of information then there should be some kind of period where you say well, staff really missed something crucial or, you know,

they got some data wrong and here's newer data. I think I absolutely agree that's...

((Crosstalk))

Jeff Neuman: So, I don't...

Marika Koning: ...the opportunity to revise and say well this is, you know, this is the - what we got in the input, but I think we shouldn't - should try to avoid to go into where constituents start stating their opinions and why think it's, you know...

((Crosstalk))

Jeff Neuman: Guys, I'm sorry. I don't mean to cut off, because this is actually a bigger subject that could take time. I think this is all related to stage one.

Man: Yes, no, it is.

Marika Koning: Yes, you're right.

Jeff Neuman: So, that's kind of Marika, why I wanted to put the timeframe on.

Marika Koning: Okay.

Jeff Neuman: That was kind of going into my rationale to put that off after we figured out stage one. Like we'll get a draft report on stage one with recommendations and then figure out how to tweak that. And then my assumption the reason why I put all this in Stage 2 even though the question here is that that timeframe - if we get stage one completely right then it'll be a easier questions to decide how much time between the issues report is delivered to when the council acts.

Man: Point taken.

Jeff Neuman: Right. So on I mean I - and I don't want to go past - let me look at - what's the - let me look at the next question on number 2. Maybe we can just introduce this one, because this call is scheduled for an hour and a half and we're almost at that point.

So number - question 2 is consider an appeals mechanism in case the GNSO votes against initiating a PDP especially once that's requesting by an advising committee or another supporting organization. I - currently there's no appeal mechanism built in. And the question is should there be an appeal mechanism? And if yes, how would that work?

Alan Greenberg: Just on technicality is there a provision for other supporting agencies initiating it? Unless we changed it the previous rules I don't think allowed that.

Jeff Neuman: Well so I guess the real question is if a supporting organization or an advisory committee asks for a PDP on something - I guess they can only ask for an issues report. Correct?

Alan Greenberg: They can only ask for an issues report.

Marika Koning: Yes, so that's outlined I think in the current practice on an issue raised another SORAC.

Alan Greenberg: Is there another issue in the current bylaw though - another SO...

Marika Koning: No, I think that's one of the things. Now it says initiating a PDP, but I think looking at the discussion of the proper proposals could be to say that...

Alan Greenberg: Okay.

((Crosstalk))

Marika Koning: ...raising an issue is what they can do...

Alan Greenberg: Okay.

((Crosstalk))

Marika Koning: Even though, you know, of course, it is the starting phase of the policy development process.

Jeff Neuman: So I guess this question is not even applicable then, because they can't initiate the...

Alan Greenberg: No, I think it's applicable.

Marika Koning: Yes, it's more if the council so - - SORAC raises an issue - there's an issues report then the council decides well we don't think we should initiate a PDP. Is there a way for the SORAC that actually raised the issue to say well, but we do think it's important. And, you know, we don't think you got it right.

((Crosstalk))

Marika Koning: And currently there's nothing in place.

Alan Greenberg: Certainly implicitly an AC can then appeal to the board?

Jeff Neuman: Correct. The advisory committee is an advisory of the board and they can always ask that the board take action. And a board that could mandate that there's PDP.

Alan Greenberg: Hard to imagine the board doing that when the council had refused, but nevertheless, yes. So the appeal mechanism is implicit for AC?

Jeff Neuman: And SOs.

Alan Greenberg: It - I'm not sure about that. Yes, I mean anyone can appeal.

Jeff Neuman: Well, I mean the - the normal operation is the SO - another SO sends something directly to the board. I - just like the GNSO sends things directly to the board the CCNSO and the addressing for the organization they send things directly to the...

Alan Greenberg: Yes.

Jeff Neuman: ...board as well. And their appeal mechanism is the same thing. It would be look board, we've asked the GNSO council to initiate this. They said no. Board, you can mandate this be done.

Alan Greenberg: Yes. I think that's implicitly covered and we don't need to.

Jeff Neuman: Anybody disagree with that?

Paul Diaz: No, in fact that was what I had my hand up for so I agree.

Jeff Neuman: So, with that I think this is a good place to close. The next call is actually scheduled for two weeks from day, because next week is actually a council call. And we didn't want to necessarily have two calls for people on the same day.

So that would be the August 13. And then the following call would obviously be two weeks after that. At the call - on the call of the 27 we'll decide, because that's getting closer to the...

Alan Greenberg: I'm confused. You said the next call is scheduled for?

Jeff Neuman: The 13.

Alan Greenberg: That's a GNSO call.

Marika Koning: Yes, I think so, too.

Alan Greenberg: That is the GNSO call.

Man: Yes, I thought that was the point.

((Crosstalk))

Man: We were doing it the 6th.

Jeff Neuman: You're right. I'm sorry. I'm confused. Never mind. We're going to do it the 6th.
Thank you.

Alan Greenberg: Which is one week from today.

Jeff Neuman: And then we need to decide when the one after that will be, because the 20 there's actually a registry registrar meeting in Toronto on that - on the 20. So we'll need to decide on the 6 whether to actually double up the GNSO council call and this call. It's not at the same time. They're at different times. We'll...

Man: They overlap though.

Jeff Neuman: Do they overlap?

Man: Yes.

Jeff Neuman: So we'll need to decide on the 6 what to do about the next call or do we wait three weeks which is a long period of time.

James Bladel I understand Jeff - this is James just thinking that if we went out next week on the 6 then we'll - the 27 would be somewhat of a catch up, but I know that there's a big gap in between there.

Alan Greenberg: I will not be on the call on the 27 if there is one.

Jeff Neuman: Let's table that issue and we'll discuss it on the 6. And then hopefully by early next week we'll have a draft report on stage 1. And then we'll have filled in all these things that we've talked about on stage 2.

Man: Okay.

Jeff Neuman: Sound good?

Man: Yes.

Jeff Neuman: Thank you, everyone.

Man: Thank you, Jeff.

Man: Okay. Thanks, man.

Marika Koning: Thank you, everyone.

((Crosstalk))

Jeff Neuman: Bye.

END