Vertical Integration Analysis Sub Team
TRANSCRIPTION
Monday 03 May 2010 at 18:30 UTC

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http://audio.icann.org/gnso/gnso-vi-analysis-20100503.mp3

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

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Berry Cob
Mikey O'Connor
Richard Tindal
Alan Greenberg
Roberto Gaetano
Steve Pinkos

Staff:
Gisella Gruber-White
Mike Zupke
Glen de Saint Gery

Absent Apologies:
Margie Milam

Absent:
Jean Christophe Vignes
Jothan Frakes
Volker Greimann
Rahman Khan
Phil Buckingham
Jahangir Hossain
Keith Drazek
Ken Stubbs
Brian Cute

Coordinator: At this time, the recordings have begun. Thank you.

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

Berry Cobb: Uh, yes please.

Gisella Gruber-White: Okay. Good morning, good afternoon to everyone on today's vertical integration Analysis sub team on Monday the 3rd of May. We have Berry Cobb, Alan Greenberg, (Steve Pinkos), Mike O'Connor, Roberto Gaetano. From staff, we have Glen de Saint Géry, Mike Zupke and myself Gisella Gruber-White and I don't have any apologies tonight. And then if you could just please remind everyone state their names when speaking. Thank you. Over to you Berry.

Berry Cobb: Thank you Gisela. Welcome all. I was definitely hoping for a few more participants. And we've got an echo. How is that now?

Gisella Gruber-White: We're just looking to the echo.

Berry Cobb: Check one, two. Check one, two. Here we go.

((Crosstalk))

Berry Cobb: All right. So let's go ahead and get started. Basically kind of picking up where we left off last week. Certainly we apologize for not being able to be behind the computer and in a much more remote area. With that in mind, so we've got the matrix sent out by Mike Zupke and of course, everyone was on the call. We heard about all the different suggestions and things to carry forward.

Mikey I'm probably - I'm go ahead and turn it over to you first. It sounded like you said you had a couple of thoughts to pass on to this sub team and when you're doing that, I guess just kind of recap from the last call. We were pretty much kind of in a holding pattern awaiting the matrix to be submitted to Mikey

because most of us were flying blind with that respect, and so we really didn't have a clear direction on how we should move forward with the analysis team.

We do have the matrix now and Mikey has a great start built. My own personal opinion I think that that is the path forward for most of the analysis team effort as opposed to creating a different framework. So I'm imagining we'll massage that one way or another to the benefit - the good of the whole. But at any rate with that in mind Mikey, why don't you go ahead and take over and fill us in what your thoughts are and we'll get started in that way.

Mike O'Connor: Okay and thanks Berry. This is Mikey. A lot of the stuff that I was thinking about sort of came out on the call, and it seems to me that what we could do is help Mike. Well, you know I'm going to ping Mike at this point to see how many hours he's got free to do this stuff because maybe we can help him more rather than less.

You know, I think as we make that matrix more granular and then get the responses back from the proposal presenters, especially that little section sort of cross wearing the definitions in. Another chunk of cross wiring that would be interesting would be the use cases. Remember way back in the early days, we had a series of use cases that came out. And you know, since the matrix is as I think a lot of us had hope, it has become sort of the focal point.

I think that what we could do with some of this stuff is drive everything into the matrix and that maybe the case. What we might want to do is break it into some chunks and so get a fast turnaround on the scope of stuff that Mike's got into his draft, so that then the proposal presenters can start filling in their columns while we work on adding things like these definitions, multiple choice questions and use cases and criteria.

So you know, I don't have a lot to add on top of the stuff that came out in the call except that you know, I like how things are going. And clearly there's a fair amount of urgency to get the next generation turned around pretty quick so that we can get people -- proposal advocates -- filling in the columns but also so that we can begin to start polling the larger group in the weekly polls on some of these topics.

So beyond that I haven't really thought through specifically how we will get there quickly. Sort of leave that up to all of us to sort of work through that and that concludes my report.

Berry Cobb: Okay thank you Mikey. I guess this is my two sense, that the matrix that we see now before us is where I was trying to head when we first met and I sent out kind of the template. I think - you know, I think one of the problems that we're going to have with this matrix is filling in all of the blanks so to speak, because each row is a particular - that we're calling an item now but it's really kind of a concept in my opinion.

How I would envision this really going forward -- and I'm going to steal what you had told me a while ago Mikey -- is you know that somehow we almost need to create a template of what each of these items are across the spectrum. And then as we mentioned, you know, we have the proposers or proposal teams fill in the blanks as to how they meet or not meet that concept.

So for instance, if it's an example of cross ownership, the NuStar team would come in and say, "Yes, we addressed this concept by stating that there is zero cross ownership allowed," da, da, da, da, da, da. And then the very next one -- Demand Media -- would come in and say, "You know, they filled in the blank. Well, we believe that it should be no greater than 15% period."

And then the Anime proposal comes in and says, "Well, we believe that it should be 15% and if it goes beyond 15%, that it requires approval by

ICANN." And so that literally the only blanks that would be left is the blanks where that particular proposal didn't cover that concept at all and they would either enter "None," or just leave it blank.

And so my only concern about where we have the matrix at now is that a lot of the row items are specific concepts that were pulled out of a proposal, that you know perhaps, you know as an example Row Five -- and I'm looking at the old one, not the revised one from the call. But it says that there is only 40% market share not owned greater than 15% interest in a registrar or registry in the same TLD.

So there is only one -- Column H -- that's filled in there and I'm not sure that any of the other columns or proposals would ever fill in anything except maybe to say that, "No we don't agree." So does that make sense where I meant from a template.

And then the only other thing that I would like to throw out is when we first met as a sub team, there was a - our kind of agreed approach from an analysis perspective is that we needed to look at this from the lens of the stakeholders themselves in terms of analyzing these. What does it mean at the registry level? What does it mean at the registrar level and then specifically registrant/consumer. So with that I'll open it up. Anybody in the queue?

Alan Greenberg: Yeah it's Alan.

Berry Cobb: Go for it Alan.

Alan Greenberg: A couple of things. There are some red herrings in this but I think I'll - if I want to make my position clear. I don't this matrix that we're talking about really does an analysis. What it does is provide some clarity in what the proposals are and to the extent possible, how they relate to each other.

So you know, if proposals had varyingly 15% or 40% with the same other words around it, the substitution of and, and filling in the number in the column will help to contrast - will show the differences and similarities between them.

The issue of definitions I don't think is one which really is going to help our analysis. I think trying to work without them is simply working blind. That is we can't use terms that are not defined, which means different things to different people unless we define them. So yes it's going to help but to try to do it without it would be ludicrous.

So I think this overall matrix to the extent that we can identify differences between the various proposals may help in the private negotiations than trying to pull them closely together. It will certainly allow us in doing any analysis of them to understand them better. You know without reading the dozens of pages of verbiage that go along with each of them.

I think we need to either add the rows of the types of things we talked about at our first meeting, that is, "How is this going to impact the various constituencies?" I think we need to go back to look at the charter questions and say, "Are there specific questions that were asked there that we need to try to summarize and identify how the various proposals address these various issues," because I think that's the bottom line of the analysis. How are people going to be impacted and does it meet the various targets that we've been assigned by the GNSO? I'm done.

Berry Cobb: Okay thank you Alan. Okay. So I guess from that point - I wish that there were a few others on the call. And in terms of the definitions, I agree and I think I've said this several times but you know, the definitions we probably should have created a long time ago.

Mikey I remember, it was probably like four or five calls ago, didn't somebody volunteer to start to gather a list of all the different definitions? And do you recall who that was and if they've actually done it or not?

Mike O'Connor: I think that the staff gang was going to do that and Margie gave me an update but I can't remember where we're at. Mike do you remember?

Mike Zupke: Yes. You know, I'll try not to contradict whatever Margie said because I'm not sure what it was. But you know, we as staff drafted you know a set of definitions that you know, we think makes sense for a lot of this sort of jargony (sic) terms, things like you know, "What does vertical integration mean," and that sort of stuff.

But you know, we're not necessarily experts in that field, so what we've done is we've asked some experts to take a look at it and we're just trying to find out what their turnaround time will be. Right now I think that's the very state of it at this moment, that we're kind of waiting for their commitment to getting it back to us, how long they'll take.

Mike O'Connor: And are these experts at ICANN or outside of ICANN or...

Mike Zupke: It wouldn't be anybody on the staff if that's what you mean.

Mike O'Connor: Okay. All right.

Man: I think it's important to remember that on some of them, in market shares perhaps the most critical one is there is not a right or wrong definition. It's just knowing which one are we talking about in any given sentence.

Mike Zupke: Yeah, I would agree with that I think you know, we talked about that a little bit on the call today. And in the proposals where that came up, I think the only time that those words were used where by the economists. And yeah, I think others have sort of described that concept but we're more explicit in it and I

think that you know, the economists were also - but the boxes and proposals were already pretty big.

But I don't - you know, I mean, the least in that case it's not hard to pull out of their proposal you know what they meant by that. You know, if there are other cases you know, I think that - you know, I mean, we can try to look through their proposals to understand what they meant but I think that - you know, I mean, part of me says, you know, it doesn't really matter what proposal is said or what the proposer said. What really matters is where the group decides it wants to end up.

And so you know, they - you know, people can take their own understanding of it and argue that point. You know, it just kind of serves the polish you know, what comes out of that group later. That would be sort of my own instinct for an efficient way to sort of go forward with it at least in the short term.

Berry Cobb: All right. Great thank you. So here is the question I'm going to pose to you guys and I guess it's kind of taking a step back is, you know, "What is the real goal of this sub team?" And you know, we've kind of already missed some of the target dates that I had mentioned a call or two ago.

Is it - of the people that are on this call, is it of your opinion that the output from the analysis framework we create whatever that is, that it answers the question of which proposal is king or is that we - that the working group satisfies the charter questions that have been set out for the working group.

Because - and to be honest and I agree with you Alan, but at the same time I'm confused as to what this analysis would look like by just looking at it from the lens of you know, what does it mean to registrars, registries and...

Alan Greenberg: Well I didn't we're doing the analysis. I thought we're trying to identify the questions which will - the analysis will focus on.

Berry Cobb: Correct. Yes. But that you know - so again what is the goal of that framework? Is it questions on whether the proposal satisfies all of the criteria to gain consensus or is it the fact that the proposal meets the charter questions as you had mentioned earlier?

Alan Greenberg: Well I think it - the issue of charter questions may be moot but it's something that it's homework that we need to do along the way. And if we haven't done some at any of it, then our result - our final report to counsel is not likely to be taken with the same level of seriousness. I mean, for instance the Charter Question 5 which was agonized over so much basically says, "We have to look at the public interest. It's not just whose going to make more money...

Berry Cobb: Right.

Alan Greenberg: ...on these various models." And if we don't do that, no matter how flawed or difficult that process would be, then we don't have valid output coming out. We have...

((Crosstalk))

Alan Greenberg: ...(unintelligible) attempt to do that.

Mike O'Connor: Let me jump in with just a bit of a refining. Remember that we have two projects for the price of one here which basically got sort of Pell Mell rush with (Ken)'s stubs foremost in my mind. We need to very quickly see if there's anything that the group can agree on that modifies the Board resolution. That's not the same as meeting all of the charter questions.

                  Then there's a much longer process once we're sort of out of this crushing deadline to look at some of the more sweeping proposals to put it that way, and do that kind of analysis -- the public interest analysis, the economic analysis and so on.

And that's when we were at the beginning of the conversation, we've talked about sort of two phases. And a lot of those broader charter questions I think will have to get deferred to the second phase while we scramble over the next four to six weeks to see if we can come to an agreement on a course of direction for the Board.

So I think we can do both but I don't think we need to have the whole framework for the whole second phase done right away. I think that the analysis team can and should do is help the group find the places where they agree and find the places where they disagree.

And with the things that they agree on, we can march into Brussels and say, "Look, here are some things that we all agree are a good approach. And we can also tell you that there are some things that we can't reach agreement on and those are things that we will defer to the second chunk -- the longer chunk."

And I think a lot of the charter questions really have to get deferred to the longer chunk. There's just not enough time to do much there. And at the same time, I think what that means is that the changes that we proposed to the Board resolution are very incremental. I don't think that we can - you know, for example, for the folks who are proposing completely no limits vertical integration, that's probably too big a step to take in Phase I because it would just be too hard to bring the whole group there. But I don't think we'll take on the table. We'll leave it for Phase II. So...

Alan Greenberg: Can I get in?

Mike O'Connor: ...(unintelligible). Yeah.

Alan Greenberg: Please.

Mike O'Connor: Yeah.

((Crosstalk))

Alan Greenberg: Okay. If you remember correctly Mikey, I was on the one on this call who
                  brought up the issue of the two phases that we had talked about very early in
                  the process and then passed on.

                  You suggested that I send a note to the main list we're talking about - what to
                  talk about at our last meeting and I really think you set me up, because at this
                  meeting you said you're really interested in a minimalist two phase approach.
                  And the public answer, you said, "Well, let's just - let the proposals go ahead
                  and see where it comes and maybe something will come out of it." And I think
                  those two ways...

Mike O'Connor: I don't know that those are contradictory.

Alan Greenberg: Well they're not if you have unlimited time. But given our time constraints I
                  think that they are somewhat contradictory. I...

Mike O'Connor: Well at some point you know, I've been hinting on the list and I'm going to
                  start hinting more and more strongly, that...

Alan Greenberg: This wasn't really a hit on Mikey. Look let me finish. I agree with you
                  completely that the no holds bar vertical integration, you know, with no
                  constraints at all is not something that we can recommend on the short-term
                  to get us past this impediment -- this roadblock we're in. And I think that's the
                  exact issue. I think we need to look at what needs to be done so that we can
                  go ahead with the gTLDs and meet the Board's criteria.

                  For the record, Charter Question 5 is not one I think we could ignore. I don't
                  remember what the first four charter questions are. But Five I know is
                  something that the Board is in fact going to look at, is are we doing things in

the public interest, not just in the interest of the stakeholders who are in it as businesses.

So I agree. I think we need to look at what has to be done and then what would be nice to be done. I mean one of the reasons I - there's been an amazing little traffic on the list about the economist's call and I'm debating whether I should smart enough to keep it that way or post something. You know, that call and their paper basically said, "If VeriSign applies to gTLDs, there are some constraints. Everyone else no holds barred." And I don't think that's what the Board is about - is likely to approve at this point. Not with...

Man: (Unintelligible) percent.

Alan Greenberg: Not without vast community consent.

Richard Tindal: Hey you guys. Do you hear me? This is Richard.

Man: Yeah. Yeah.

Man: Hi Richard. How is it going?

((Crosstalk))

Richard Tindal: Good. Good. Just a quick clarification here. I think the economist report said that VeriSign can apply to be a registry but I think your plan was more specific, like it couldn't be a registrar as well as their own TLD.

Man: Right.

((Crosstalk))

Alan Greenberg: The point I was making does anyone other than VeriSign does not have a 40% to 60% market share using their definition and therefore, there are no constraints. And...

Richard Tindal: Correct. But just to be clear - yeah you - and maybe you were just using shorthand and the other guy that you said VeriSign couldn't apply for a TLD.

Alan Greenberg: No. No. In a no holds barred registrar/registry, do everything rule?

Richard Tindal: Yeah.

Alan Greenberg: Yes I was using shorthand. And you know, so I do get the - I agree with Mikey's statement that I think we need a short hand path of where - how to get to meet the Board's original criteria if we're not happy with 0% that they've put in their baseline. And I guess I agree with (Ken) that we've got to start moving towards that outcome sometime soon. And I think it's our job - this is the sub team's job to try to put some structure or focus in place so that we can get there.

Man: But I'm curious. Whatever we print, whatever we come up with between now and Brussels is going to be used and passed along to the Boards. Well the GNSO council then up to the Board. Is the Board actually going to vote on changing their resolution that they made in Nairobi or are they just going to be more informed about the fact and not really vote on it at all?

Alan Greenberg: Well, the Board said that they want some answers in enough time so that it doesn't change the schedules which we don't know. The rumor is that in Brussels we were presented with a DAG 4 and a new timeline. And that timeline will include when is the D and DAG going to disappear.

Man: Right.

Alan Greenberg: When is it going to be the production applicant guidebook. And we need to give our answers to replace the Board quasi baseline in enough time to get that approved by the community to get it into the applicant guidebook, approved by the community so the Board can vote on it and we can publish our call for proposals or whatever it is.

So we don't know what that date is. The DAG -- their applicant Guidebook Four may say the target date for publishing the guidebook is July 2014, in which case we have plenty of time. If on the other hand it says August of this year, we don't have a lot of time.

Richard Tindal: (Unintelligible) thank you. This is Richard again. Yeah, I think I agree with the (unintelligible). My prediction of the timeline is that we'd be looking for a final applicant guidebook sort of in the Q4 of this year. So that - I agree with Alan. I think (unintelligible) we need to have a new quote and sufficient time for whatever we recommend to be considered and built into that.

Alan Greenberg: I mean, if the applicant guidebook is projected much past the end of this calendar year, there is going to be such an outcry that I don't - I can't imagine that happening. It may be delayed again but I can't imagine the date being proposed here, that I think that passes by the end of the year, so I think the fourth quarter is the target that we're looking for. And when you factor in community commentaries and things like that, that gives us a month or two to come up with some proposals to meet that. Not a lot more.

Mike O'Connor: That's pretty much the timeline. You know, the thought was that we would - this is Mikey again -- that we would have the outlines of a proposal. Again this is the man's scramble to meet the DAG deadline, not the longer term view by Brussels, that we would get feedback. We wouldn't necessarily - we won't get a Board vote in Brussels.

That's not been scheduled and we haven't asked for it. Nor are we going to have a GNSO vote in Brussels. What we're getting in Brussels is feedback on

our preliminary and I'll characterize it as incremental recommendations. And then we have basically the second half of a PDP process.

We have another round of public comments and constituency statements culminating in a final report hitting the GNSO -- I haven't got the tapes right in front of me but you know, September-ish -- and hitting the Board I think in October. So this week again.

Alan Greenberg: Given that there's a 30 day comment periods I think in both of those processes.

Mike O'Connor: Yeah.

Alan Greenberg: No. We - they made those dates may in fact be a bit late.

Mike O'Connor: No those include the comment period.

Alan Greenberg: Okay.

Mike O'Connor: I've built those in. Because there - yeah, you're right. There's a 30-day comment period between the GNSO and the Board.

Alan Greenberg: And I believe there has to be a 30 day comment period from the time the working group publishes a report before the GNSO can consider voting on it I think.

Mike O'Connor: So the thought is that we're going to be going to Brussels with one of several outcomes. One outcome is, "No, we can't come to agreement at all." Another outcome is, "We can come to agreement on these things and these are the things that we want feedback on."

And if we get a nod from the GNSO, the Board and the community in Brussels, then we'll nail down the details on those fairly quickly after Brussels

basically in July and get out the public comments on it. The rest is the public comment (unintelligible).

So we don't have very much time. And basically, the framework is starting to evolve out of Mike's matrix, which you heard on the call. At least what I heard on the call today was the willingness on the part of the proposal advocates to run through a second version of the matrix, indicate which parts they may not have commented on in their proposal but which they agree with.

With the goal that within - you know, I would really like to see that revised matrix out and back by next Monday's call so that we can get it sent to at least where the proposers are at and see if we've got some areas -- some broad areas of consensus or not. If we don't, then I think we've got a pretty tough road to hoe to get to much before Brussels. But I think that what would be...

Richard Tindal: This is...

Mike O'Connor: ...is a fair amount of consensus.

Richard Tindal: This is Richard again. So yes, yeah, I may have already - maybe some of us have done this as well, but I've sort of already started filling out the matrix, so on one hand is sending up the different proposals. And I think there are areas of broad agreement. I think there's agreement on generally speaking the user registrars and equivalent X advisors. I think there's broad agreement conceptually to all the exceptions.

You know, what we don't have clearly is the consensus on the fundamental question which is absent exceptions that cause ownership, but there are lots of little areas where we do have - in my opinion where we're going to find the consensus.

Mike O'Connor: And so you know, I think what this gets down to is sort of the art of the possible. And I think that in a way I've put the analysis team in a box. I'm perfectly cheerful to it but I - because I sort of came up with this idea sort of the same way that I came up with everything about the structure of this process. It's not fully vague. And what I'm doing is sort of trying lots and lots of different things and keeping my fingers crossed that some of them will work.

And you know, I really just don't know which of these things will work but my hope is that what we will see is some areas of agreement. Now to the public interest issue, I think that's a very (unintelligible) conversation to have and I would love to explore sort of how we could do that at the same time that we're watching the group come to a consensus.

Because I think if we can do that, then at the end we would be able to walk into Brussels and say, "Look we agreed on all this stuff and no, this isn't an exhaustive analysis." But at least our first cut and a review from the perspective of public interest doesn't show any red flag. I think that would be a very good telling.

Alan Greenberg: Yeah Mikey it's Alan. Two thoughts. In trying to come to closure on the overall matrix, I think one of the approaches you may want to think about asking is, in addition to asking you know, the various proposers, "Do you agree about the specific issue," is asking the perhaps slightly lower threshold of, "Can you live with?"

Mike O'Connor: Yeah I like that a lot.

Alan Greenberg: You know, because there are certain ones where you know, I can imagine (Eric) you know, saying he sees absolutely no need for such and such.

Mike O'Connor: Yeah...

Alan Greenberg: But he might...

Mike O'Connor: No, I have to show...

Alan Greenberg: ...but he might not - you know, he may say, "It wouldn't do any harm. I don't see the need but it won't do any harm." And that might help bring closure on some of the issues.

Mike O'Connor: Right.

Alan Greenberg: On the issue of public interest, there is no matrix. There is no gold standard that we can use other than after the fact hindsight, and even then one could mold that to the way one wants it. I think we need to have the discussion on whether one of the litmus test we use is for a proposal to be against the public interest. Do we need to be able to demonstrate that there would be harm or do we use the reverse test of demonstrating that there won't be harm.

Mike O'Connor: ...or describe the good.

Alan Greenberg: Well the - yeah, certainly describe the good but a lot of the discussion has focused around the potential to harm, the uncertainty you know, the inability to get our crystal balls to dwell enough. And so you know, from my perspective I would want - I don't want to have to demonstrate why proposal X will cause harm. I want to be convinced by the proposer that it will not cause harm.

Mike O'Connor: Yeah.

Alan Greenberg: Not everyone is going to agree with us on that position but I think it's important that the group in general understand which of those measure - which of those tests are we going to be using, otherwise I think we will get

nowhere. And we may not agree on it but I think that we've got to get that on the table.

Mike O'Connor: Yeah, I think that's a good discussion. And you know, I think that if we could drive that one to ground this week, that would be a huge benefit to the proposers, because that would give them something and then they could go off and chew on as well. I have only one other - you know, when you said, "Can you live with it," Alan?

Alan Greenberg: Yeah.

Mike O'Connor: I love that but we have to come up with a different phrase because I tried that out on somebody and I got beat up. I don't know what the phrase is.

Alan Greenberg: That happens...

Mike O'Connor: If it were me...

Alan Greenberg: ...to all visionaries.

Mike O'Connor: ...that's what I would use.

Alan Greenberg: Mikey that happens to all visionaries and potential gods.

Mike O'Connor: Yeah great. No I'll stick with visionary. I don't know about the potential gods. It's pretty though.

Alan Greenberg: So it's a good sign you're onto something if there are people who want to be (unintelligible) over.

Mike O'Connor: Anyway, if we could come up with something besides, "Can you live with it," I'd love that.

Alan Greenberg: Why did they beat you up? I'm curious because I don't know...

((Crosstalk))

Alan Greenberg: I can't - I like that tone. I don't advocate it. I don't support it but I can live with it.

Mike O'Connor: Yeah. I think mostly it was - I can't remember the context but I think it was from somebody you know, outside the U.S. for which that colloquy or phrase didn't have the meaning.

Alan Greenberg: Oh, okay.

Mike O'Connor: And so we needed a phrase that's not quite so colloquial.

Alan Greenberg: If you remember where they're from it might help.

Mike O'Connor: Yeah, I can't. No, the river of news goes by too fast.

Alan Greenberg: Yeah.

Mike O'Connor: Because you know, to sort of put a wrapper around this chunk of a conversation, I think that what we do is we let Michael charge ahead with revisions of the matrix quickly and we try to get the proposers filling in the blanks and anybody else who wants to for that matter.

Alan Greenberg: Okay. Just...

Mike O'Connor: And then this group works on the public interest puzzler that you've put out there.

Alan Greenberg: Yeah, I mean, just for the record I would not push people to - for every proposer to fill in every line. I think blank spaces are going to be a lot easier

to digest than the subtleties they may put in if they have to fill in every line. You know, I think the differences between the proposals are as important as the similarities, so you know, a sparse matrix may well be better than one that's completely filled in.

Mike O'Connor: Yeah, although I think I want to cross that bridge when we come to it.

Mike Zupke: Hey this is Mike. If I could just jump in. I think you know, I'm hearing something in what Alan is saying that is really resonating for me and it's something that I've been kind of experiencing over the last two weeks and that you know, asking the proposers to sort of take on the next step here might actually be asking them to carry you know, more than their share. It's almost like asking them to do the evaluation of everybody else's proposal by you know, continue to say, "Well I sort of agree with this other person's concept or at least I could live with it."

I think that you know, the people who put out proposals aren't necessarily all of the view point. They're just the people who you know, had the time and willingness to put in a proposal and I wonder if you know, maybe by sort of focusing on having them continue to take the next step and the next step and sort of refining the discussion. You know, maybe that's - you know, for one kind of unfairly burdening them but also maybe it's sort of stifling the discussion a little bit.

You know, it seems to me that maybe our next step could be that we take these elements that we've got now and come up with sort of a better way to present them to people as you know, maybe alternatives. And you know, regardless of whether a particular proposer would agree with them or not, you know, if we just go forward and say, "Okay we've got you know, two kinds of variations."

So for example, today one of the issues was raised with Lines Eight and Nine whether or not they should contain the words, "Or control." You know, maybe

we present these things as kind of options and we say to the group, "Provide your feedback." I think that the group is potentially you know, more representative of the larger universe than the - just the people who put in proposals.

And you know, as staff, you know, I'm happy to you know, go whatever direction you want me to take. But I - you know, what I'm kind of finding is that people who put in proposals don't necessarily have the time or the desire or whatever it is to - you know, to continue to do follow-up work in this kind of evaluation of others and sort of the critique of the process.

Alan Greenberg: Yeah, and the other half and other aspect of that perhaps with the same net result is you have some proposals which are really on different sides of the world and you know, to ask those proposers to evaluate their counterpart -- No not counterpart, their opposite extreme. I don't think has a lot of merits. I mean, you know, their recommendations is, "Don't listen to them. Listen to me." And I'm not sure you need to go into a lot of more details.

Mike O'Connor: I guess I wasn't. This is Mikey again. I guess I wasn't thinking that people would evaluate the other proposals. I was just thinking - especially towards the top of the call several people said, "Well I just didn't talk about that but I could agree with that."

And so I guess what I was hoping is to go through one more time with the proposers and just say, "Okay, take a look at this whole list and let us know which of these things would have fit in your proposal had you thought of it," but not necessarily to get them to comment on everything. I agree that that's - I'm just trying to broaden the agreement base. I'm not really trying to...

Mike Zupke: No...

Mike O'Connor: ...broaden...

Mike Zupke: Yeah, No I think that makes some sense. It's just that you know, we're sort of elevating the people who put forward proposals as being kind of like the Chamber of Elders or something. You know, we say, "Well you know, since you did this first step, let's find their agreement."

But really it - you know, at least in my mind, it's not as material whether there's agreement among the proposers as whether there's agreement among the people in the group. And I think that we could, you know, get to them without necessarily having to spend a rotation update figuring out whether there's agreement among the proposers.

Mike O'Connor: What about - do you think we could get to the point where we could poll everybody on Friday?

Mike Zupke: I don't think we could have a good poll by Friday. You know, I mean, I think - so you know what I'm kind of thinking is you know, we've got in this document sections that are kind of headed by these lines with blue words and so we kind of come up with you know, maybe - so this first section I see there are 13 lines.

Maybe we can come up with three or four questions where we find the stuff that sort of has things that are kind of in common or common themes and we say. "All right. So among these five that all have the same theme, let's pick out - you know, pick the one that you find the most agreeable." Or maybe we even kind of collapse them and say, "Well if we take out things like numbers, would you agree to this if you could fill in your own number and what number would you put?"

And I think that you know, we could come up with some pretty smart questions that make this a lot less daunting for people to try to evaluate, but I'm just a little bit afraid of trying to commit doing that by Friday. I think that doing it thoughtfully requires thought that requires a little bit of time.

Mike O'Connor: The difficulty we face is that unfortunately they are not making any extra time for us. And so if there was a way to hack something out...

Mike Zupke: I think this was passable.

Mike O'Connor: ...and whether...

Mike Zupke: I mean, we crank this out. I would really - you know...

((Crosstalk))

Mike O'Connor: I thought I was fabulous, you know.

Mike Zupke: So you know, I just would like to have something useful to people. I'm just afraid that you know, I can come up with something - I mean, this is a fair summary of the proposal. It's not good. It's just that this was an attempt to just get everything cramped into a document.

And you know, we did that pretty quick but I would like to you know - I mean, I think that we could - and I think this is the group that could you know - if there are people who have got time to put some thought into it, this is the group of people who I think you know, have a good thought about ways to compare different concepts and how could we do that.

And you know, like I guess I'm not entirely comfortable being the only one to do it and so I think that it just takes time. I think that's kind of the challenge and I know there's a lot of time pressure but you know, we can put out a poll. It doesn't really give us a lot of good results or you know - kind of you know, and maybe it might take some temperatures but I don't think that it will - I don't think it will necessarily push us to the next step of really seriously saying, "Which of these you know, is going to be the winner."

Mike O'Connor: Can we do the mythical man month game and divide the baby and some
                   more chunks and set four women on the job and see if we can get it done in a
                   week? I mean, could we break the list into pieces and each of us take a piece
                   and come back together in a day or two and see what we've got, that sort of
                   approach? You know, I sure can see the emergency problem. I mean, you
                   know we...

Alan Greenberg: Let's talk about the urgency for a moment. I'm sharing another PDP which
                   has a requirement that we produce a report prior to Brussels or basically fold
                   up shop and say we're not doing anything. And it's going to be really hard,
                   but I think what's absolutely necessary is to put some realistic targets on it to
                   keep on pretending that in the next four days we're going to do some
                   amazing chunk of work that is not practical, I think just ends up losing a good
                   part of the week instead of making good use of those four days or whatever
                   the days are.

                   So I think we need to put a timeline in for what the deadline is for getting that
                   report mailed out prior to Brussels, which I assume is somewhere around the
                   first week in June and start working backwards from that and figure out what
                   we need to do. And I think that will end up dictating you know, the - some of
                   the questions on, "Are we trying to do everything or are we taking the
                   minimalist approach and you know, what can we really realistically do in that
                   timeframe?" But there's only four more weeks left.

Mike O'Connor: Well you know, the approach of it that we're working on right now is that the
                   matrix is basically our primary work product, and that we'll take a snapshot of
                   it at whatever point in time we're asked for it. And that the closer we can drive
                   people to agreement in that context, the better.

                   But you know, we're not going to - you know, the expectation is not that we're
                   going to write a report per se.

((Crosstalk))

Alan Greenberg: ...(unintelligible) my habit - the problem is I have to write a report but...

Mike O'Connor: Yeah, no I understand.

Alan Greenberg: But we're trying to come up with some level of closure or these comprehensions by Brussels.

Mike O'Connor: Yeah, and so basically I'm driving a pace that says, "Look we need a substantial step forward every week and as long as we make a substantial step forward every week, we're okay." But I don't want to lose a whole week and that - you know, that's what I'm starting to hear in this call and that makes me cranky. I don't want to do that.

So I'm looking for ways that we can move the ball forward a substantial way this week. And I sort of set the stage for that on the call that said, "Look you know, I've got a minimum of what we can do is drive a bunch of changes into the matrix and get the matrix back out to the proposers." I'm going to leave the burden of work on the proposers versus everybody else's issue for another time to cheerfully work very hard. And they're doing most of the work anyway, so I'm going to keep leaning on them. But at a minimum I think we've got to get that back and...

Berry Cobb: Okay. This is Berry. You know, one short to-do item to the matrix is I think we need to clean up the proposers' column. So for instance, Column Delta is the original NuStar agreement. I think that one can be Sunset because it's now the JN Squared proposal. So there's a couple of - the (Sale up and Write), I'm not sure we need that because that's not a formal proposal that we're submitting forward even though some of their concepts are valid.

But the other point I'd like to make is I agree with kind of what you were starting to say Mikey about putting the work on the proposers. Most of these groups stand to gain and/or lose money depending on the outcome of these

proposals. So I don't have a problem necessary continually to put the work load back on them.

And then the last point -- and I thought I had the same opinion as you did Mikey -- that literally each proposal group would start going from top to bottom on this list and just fill out their own column and not necessarily worry about the other columns. But you know, again as they start on Row One and which is in the realm of ownership restrictions and that they more or less fill out each field as to how their proposal meets or doesn't meet that particular item and not necessarily to find agreement. Is that right?

Man: Yeah.

Berry Cobb: I mean, you know, one way to do this is to basically scrub through the matrix as it stands, taking the points that were made on the call and sort of working them into a next iteration and then handing it out to the proposers with one column. And basically what we could do is we could hand it out to everybody with one column. We could publish it to the list and say, "Hey you proposers please you send back one, but anybody else who wants to send one back, you can too."

Man: Right. Because I think where we kind of shot ourselves in the foot is we didn't have a template to give the proposal teams to choose from the standardized (unintelligible). And so now we're trying to make up for lost time to standardize in them in a way so that we can compare them to find those agreements and disagreements.

Because I know by reading the proposals themselves and certainly Mike will probably attest to this is, you know, there is not one of them that are alike by any stretch of imagination, and where there is some likeness is only where they agree on a few of these principles or items that we've laid out here. And hence why - you know what? I can't - I haven't run the numbers but you know, there's probably 50 to 70% blanks here so to speak.

And again I'll kind of go back to what I was saying. For us to really be able to use this matrix, most of these cells need to be filled out one way or another and/or if that particular item wasn't addressed, then again it's not applicable. They didn't think about it.

Mike O'Connor: Yeah, and I think that what happens is that some of them - well I guess that almost all of the proposers would have opinions about the things that they hadn't thought of and so we might get a much tenser response the second time.

Mike Zupke: I don't really think there's that many things they haven't thought of. There are you know, occasions of that. In most cases, they are simply different approaches to doing something.

Mike O'Connor: Yeah, well and again I think that what we're trying to do is drive them towards agreement and, you know, I'm looking for a mechanism to doing that at least once a week.

Berry Cobb: So as an example though, Row 17, registry may register single registrant TLDs to it and I can't accredit it at registrar. You know, I mean that's a very cut and dry example across all of the proposals as to whether they would allow us or they wouldn't allow it for these specific reasons. And so there shouldn't be any reason why none of them should be able to fill that whole row in.

And then from there, again once we've got them filled out then we can say, "Oh yes very easily by the 10th, I think that they should be able to allow single registrant TLDs. The other five don't." And we just keep working through that row by row by row but - because certainly within this team and/or Mike continuing to go on his own will never get this filled out in time. That's why we do have to offload filling in the blanks to those proposers.

Man: Right.

Berry Cobb: Not posers.

Berry Cobb: I guess I just don't feel - I feel that in some cases, the filling in the blanks will not help a lot. I mean in the example you just raised, some of the proposals say that for you know, whether it's single registrant TLDs or I don't remember the exact buzz words, where effectively there are only going to be a dozen sub domains or a half dozen or 50, it is not worth the registry implementing the full EPP protocol when it's not going to be - which would be necessary to go to other registrars.

                   So their answer is going to be "Sometimes. It depends which registries we're talking about." And I just don't think that will fill in the blocks but I don't think it's going to be helpful.

Mike O'Connor: I think we'll figure that out after we see it. You know, you may be right. But you know, again it's kind of a matter of keeping the peace. And the next time we get a whole bunch of boxes filled out and we're puzzled by it, so be it. But...

Berry Cobb: Well because you know, again we've got to look at the end product of this matrix. You know, let's forget the analysis stuff and all of that, but when it comes down to finding consensus on these varying concepts, if you look at it from a row perspective, and let's say Row 16 is the most thought about and all encompassing principle or concept, it's going to take 8 out of 10 proposals to say, "Yes we agree with that to find consensus on that particular concept."

                   And so what we'll ultimately wind up with is a basket of concepts where eight or more of the proposals agree to those and then that's when we're going to be able to move forward with. And all the others that are 50/50 or less or whatever those numbers would be, are going to be saved for Phase II or whatever. Right?

Mike O'Connor: Right. And I think that it's important for people to see that early rather than late because you know, when people see stuff close to agreement, then those things tend to flow towards agreement. And when they see deep division, that's also very helpful information for them.

So you know, one approach - Berry if you're just sitting there killing a lot of time in Texas, you know, are you like an airplane pilot where most of the time it's acute boredom punctuated by moments of stark terror or is it pretty busy there?

Berry Cobb: Fairly busy and balancing (Orian) and driving Ms. Daisy duties and that kind of stuff.

Mike O'Connor: Oh, okay.

Berry Cobb: Not to mention the other working groups but...

Mike O'Connor: I mean you know, I guess what I was thinking is that on this particular week, I'd be willing to grind in some analysis time. Because you know, I really think getting this list spruced up and back out to people in a big hurry is really important.

Berry Cobb: I've got time on Wednesday and Thursday. We don't have any appointments scheduled then outside of - I don't have anything scheduled on Wednesday if you want to set up time. Tomorrow I'm dead.

Mike O'Connor: Yeah, I'm dead - well actually I'm dead tomorrow and Wednesday morning and into the afternoon Wednesday because I'm moving my Dad, but Thursday is good. I can do the stuff on Thursday.

Berry Cobb: Outside of the ZIA call, good on Thursday too.

Mike O'Connor: Yeah, yeah. That's what I've got.

Berry Cobb: So in terms - because again I like the approach of cleaning up Column C, so that it's kind of you know, like kind of like what we were doing by removing the specific percentage amount and putting in - and sent or whatever, and then we leave it up to the proposal team to fill in the blank of what their idea is around that particular concept.

But we clean up Column C and then we make it a template so that Column D is basically blank, and then we send it out to each of the latest and greatest proposers, so you know, again like the original NuStar and the original Navet, those are Sunset. They've got a combined deal.

Demand Media is still up. Core MMA -- the newer one, the revised one. PIR, Buckingham -- although I didn't really think that was a full grown proposal. Affiliates and then the registrar kind of group and Go Daddies. And I think there's another one that's coming down the pike here pretty soon.

But anyway I like the idea of just sending out the blank column and having those proposer guys and gals fill in what they think and how they think. Their actual proposal addresses this particular concept. And then I'll volunteer that once we get them, that they can all send them to me or Mike or whichever or both of us, and then we combine it back in to one big spreadsheet.

And then from there we can divvy apart maybe the sections of, you know, to whoever and say, "All right. With regard to Section 1 which talks about the ownership aspects, that little group will go and massage through all of the data around ownership and basically highlight in green which ones there is agreement with. And red where things are starting - are falling apart, we'll probably never get an agreement on." Does that sound acceptable?

((Crosstalk))

Berry Cobb: Is that something that people can live with?

Mike Zupke: I love that man. What we need - we just need the version of that phrase that's all. I love that phrase.

Berry Cobb: Because to be honest, you know - and outside of continuing forward with this matrix, I'm at a loss visually as to where the real analysis comes in. To me this is the analysis. And we've mentioned - we talked about the consumer interest or harms and to be quite honest, when we first started the sub team that was my intent, that the last field I had down there to list the consumer harms.

And Alan he kind of - you piped in and said that we wouldn't be able to get that stuff. And - but that was my original intent, was to make sure that you know that being the most important one, that we start to address it. And then I'll be brutally and personally honest and this is my own opinion, I haven't heard one thing to date outside of - with the exception of an existing, large TLD where they have market dominance or market power where the consumer is ever going to be harmed in any of this.

When I first went into this pre-Nairobi, I guess I kind of took that for granted but now that we've opened up with some of the different business models that exist out there or going to exist, whether they be the not-for-profit type business models or the brand type of business models or the generic business models or the small TLDs, I kind of like I think what (Jeff McAllister) has been talking about is, he wants to see a list of where these harms are. And I don't see any. And perhaps I'm just still new to all of this but I'm having a hard time finding any. So I think that...

Man: And I guess I address that in saying it comes down to two camps of those who believe you have to demonstrate harms or those who believe you should be demonstrating that you will not harm.

Man: Right. Right. I agree.

Berry Cobb: So all right. So action items. Mikey and I meet on Thursday. I'll send out
                meeting minutes for this. We're already ten minutes over. I'll send out
                meeting minutes. We'll set up a time for Thursday. How about right after the
                ZIA call we get started? Mikey and anybody else that's listening to this is
                welcome to join. I'll try getting another phone line that we can get set up if we
                get more interests in this.

Man: I'm sorry. When did you say that was?

Berry Cobb: Thursday.

Mike O'Connor: Yeah, the 10th - it gets over at 11:30 Central, 9:30 Pacific, 12:30 Eastern.
                Anybody in Europe on this call that wants to join? If it's the U.S. Centric call,
                those are the (unintelligible) times. So it's basically Thursday afternoon U.S.

Berry Cobb: So I'll send out an email here after we get done with this, asking for interests.
                Ill try to set up the time on Thursday. I envision it's Thursday basically going
                down Question 1 through 37 or whatever number it is or 67, whatever it is
                way down there, and trying to generalize them somewhat or modify them to
                meet our need and I'm not exactly sure what that is yet.

                Then we basically go to print with the template and send it out Friday to all
                the proposal teams or to the entire list. "Here is the template. Each proposal
                team fill in the blanks the best you can by X date. We'll compile all the data
                back into one sheet hopefully by, you know, mid Wednesday of next week." I
                don't think we would be able to get their responses then before X Monday's
                call.

Man: (Unintelligible) that we can.

Man: But we can try. I mean, you know, if...

((Crosstalk))

Mike O'Connor: Yeah. I mean, if we can get them back in Excel, I can smack them together on Sunday afternoon with a Monday call. I really want to keep marching on those weekly (unintelligible) if we can because...

Mike O'Connor: Okay. And then these - the second action item for you Mike Z, is to find out about the definitions and when we can - if we can at least get the starter list, I think it would be good to include in the template and we'll just put the asterisk caveat that you know, "We're still working on finalizing these decisions but you know, these are the kinds of terms that you should be aware of as you're filling out your specific column."

Man: All right. Thanks.

Berry Cobb: So that's kind of all I have for now. Any parting thoughts? Alan?

Alan Greenberg: No, not at the moment.

Berry Cobb: Mikey?

Mike O'Connor: I'm loving it. Thanks man.

Berry Cobb: Mike Z?

Mike Zupke: Nothing here. Thank you.

Berry Cobb: And Richard Tindal if you're still with us.

Man: He probably had to drop something. Like he was at an airport.

Man: Richard may have dropped. This is...

Man: Roberto, are you still on the call?

Man: I don't think that's (Steve Pinkos) that has been...

((Crosstalk))

Gisella Gruber-White: Roberto disconnected as well.

Man: Okay. Yes. So (Steve) do you have any - I haven't heard you...

(Steve Pinkos):   Yeah, no additional comments. It sounds like the plan - I mean, obviously everyone knows the pressures and time constraints so I didn't want to you know, add to that feeling of Tuesday coming upon us. But no they're -

Man: On doomsday.

(Steve Pinkos):   ...rather I look at it the other way that you know, people recognize the time constraints and looking for ways to deal with that.

Mike O'Connor: Yeah. I think that's right.

Berry Cobb: All right great. Well I think that's all we have for now. I'll send out the meeting minutes and stuff this evening, and for those that care to join on Thursday, we'll meet then and I'll send out caller details and that kind of stuff.

Man: Thanks to everyone.

Berry Cobb: Great. Take care guys.

Man: All right. Thanks Berry.

Gisella Gruber-White: Thank you. Bye bye.

Man: Great. (Unintelligible).

Gisella Gruber-White: Thank you (Shawn). Enjoy the rest of your day.

Coordinator: Enjoy your evening.

Gisella Gruber-White: Thank you very much. Bye bye.

Coordinator: Bye bye.

END