

**ICANN
Transcription
CCWG Auction Proceeds Call
Thursday, 5 October 2017 at 14:00 UTC**

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Ching Chiao: Okay.

Julie Bisland: All right well good morning, good afternoon, good evening everyone. Welcome to the CCWG New gTLD Auction Proceeds Call held on the 5th of October 2017. In the interest of time there will be no roll call. Attendance will be taken by the Adobe Connect room. If you're only on the audio bridge could you please let yourself be known now?

All right hearing no names I'd like to remind all to please state your name before speaking for transcription purposes. And please keep your phone and microphones on mute when not speaking to avoid background noise. And with this I'll turn it back over to our co-chair.

Ching Chiao: Thank you Julie. Thank you very much everybody who participate in the call. My name is Ching Chiao. I'm the co-chair for this working group appointed by the ccNSO. For (Erika), she's not able to join this time due to her travel schedule. We've also had a few apologies this time. And so as usual we would like to invite those of you who'd like to update your declaration of interest at that point. So anybody was new declaration of interest please do so now or please inform us so we can reflect your update on CCWG Web site.

Okay if not once again it's the practice that we – me as a chair would simply remind you every time during the beginning of the meeting I think during the course of the last few meetings we did talk - talked about many of the issues which is also related to this DOI practices. So our hope that for those of you who have the latest update please do so. But let's move on to the next item on the agenda which is we discussed last time in the SO and then deferred the meeting – sorry deferred this presentation to this meeting having ICANN to describe different options for, you know, the how – I mean how ICANN should play a role in the solicitation and evaluation of the proposals.

I think we have a couple emails back and forth in the last couple of days. We did have a survey which we conducted a couple months ago. And the survey was asking about a similar question and also the conference that you'll be seeing this time in the next couple of minutes.

But I just like to kind of opening with a kind of emphasis that because this is also very important for us to understand the impact on, you know, the – I mean the mechanism that CCWG will recommend. So we have some outcome for the last survey in which we also be doing similar things after the presentation which we will talk about this later once we hear from (Xavier). So I would also like to thank to (Xavier) and also to Sam for their time and their, you know, though the preparation for this particular preparation. So let me hand over to you. So please go ahead (Xavier) please. Thank you.

Xavier Calvez: Thank you Ching. This is (unintelligible) those in Sam Eisner and I are sharing the same line but we're also both in the Adobe room. And the short presentation that we will make is the collaborative effort of Sam and I.

As Ching indicated in the Question 7 of the charter relative to the involvement of ICANN in the solicitation and evaluation of applications lead - was discussed on several occasions but notably on the meeting of the CCWG on July 27. And as a result of that conversation that day the action was taken to

solicit our help to illustrate the possible type of involvement that ICANN could consider taking in the process. So just for the sake of clarity I'm repeating the action item that was provided - provided at the end of the meeting and summarized in the notes that Marika sends out after each meeting.

The action item is the Number 1 ask ICANN finance and legal to provide their input on the different options that have been discussed, internal structure, new unit within ICANN or externally new built entity that would only focus on this work or externally working with already existing entities. This later option could also be in combination with the other two options to be (unintelligible) and discussed during the meeting on August 24 and was intended at the time to be the timing of our feedback. In a salmon I have asked Marika to postpone the feedback to today so that we have sufficient time to work on a response.

So you have now the presentation that we have sent a couple days ago for preview and the agenda is here. Simply it repeats the question or references the question. And we will go over a few slides that try to help clarifying the understanding of what ICANN's role needs to be. In the various scenarios that are listed here we may have relabeled a little bit the scenarios as a result of our preparation work to be able to clarify some aspect of those that could help differentiate the scenarios.

So first internal to ICANN that would be either a foundation under the control of ICANN or a department under the existing legal entity of ICANN or scenario, hybrid scenario where ICANN and an outsourced provider or an outsourced entity would contribute together to performing the solicitation, evaluation and disbursement and monitoring of the funds. There's the third scenario being the fully outsourced scenario where all possible functions of ICANN are - sorry of the process of evaluation disbursement is - are transferred under contract with the separate entity who has experienced competent resources presumably to do so and an oversight is organized as a result of this outsourcing relationship to enable ICANN to perform its duties.

And then the fourth scenario is therefore what I would call little bit academic exercise to compare with the other scenarios but is a scenario that you will see the presentation we present as a comparative of what doesn't work. And we will explain why. In this presentation Sam and I will alternate in presenting the slides and I will pass it on to her for the next slide on the guiding principle across the scenarios.

Ching Chiao: Sorry Sam – Sorry (Xavier) and sorry Sam to (unintelligible) at this time. So I just want to let everybody know also to get your consensus that how do we, you know, handle questions? Do you prefer that we leave the question until the end or to each slides? So it's truly up to you. I - we will see for your preference on those. I just want of about that. Thank you. Sorry to cut in.

Xavier Calvez: No thank you Ching for asking the question. We didn't – I didn't say that early. We think considering the fact that the presentation is relatively short we think it would be easier and best that we have all the questions at the end if people feel that it's more convenient which it may very well be to put them in the chat. It will help us also make sure we don't miss anything at the end. But we would suggest that we have the questions at the end because I think that going through the - and will also maybe help answer some of the questions that may pop up in the earlier slides. With that Sam will continue. Thank you.

Sam Eisner: Hi everyone. This is Sam Eisner from ICANN legal. As (Xavier) and I discussed and prepared this presentation we had a couple of guiding principles in mind to go across all the scenarios. And so when we were looking at the different types of possibilities before that (Xavier) described we held in mind that each one of them had to meet a few different tasks. One was ensuring that mission is respected. We've had that conversation before. And that really goes to the purpose that the CCWG comes out with for the proceeds of making sure that the purpose of the auction proceeds is actually respected through the disbursement process.

We need to make sure that however the funds are distributed that it ensures that ICANN's board and officers have an ability to exercise their fiduciary responsibilities over those funds. That makes – because as we've discussed before ICANN always has responsibility to make sure that the funds are used properly. And so when we come to the larger slide in the presentation we'll be talking about issues of governance and oversight.

And then finally there's an ability in every scenario to hold both the distributor of the funds be it ICANN or be it a separate entity as well as the fund recipients accountable to the ICANN community. So you as the ICANN community should expect that those who are participating in this whether as a distributor as a recipient have a mechanism to demonstrate back to show that the are funds are being used an unaccountable method and how they were intended to be used. So keep that in mind as we go through the rest of the presentation. And I'll turn this back to (Xavier) now.

Xavier Calvez: Thank you Sam. This next slide is something that you may remember having seen already in the presentation that I made a few weeks ago relative to financial considerations and that illustrates further to the point that in the principles that Sam just went over. So as a reminder how to read this slide you have ICANN on the left, ICANN being in this case the current organization and the legal entity if you want to look at it this way where the funds currently resides. ICANN owns the funds fully and unconditionally. I want to be clear that today the funds are legally owned by ICANN.

And as you go from the left where ICANN sits to the right towards the end user of the funds there's different potential organizations or recipients in quotes of the funds that can intervene depending upon the modalities and the operational structure that is put in place to operate the solicitation, evaluation disbursement. So we can decide to use a foundation or not to use a foundation. We can decide to use another type of party. That would be the next block there.

You could imagine that an existing foundation which works with other organizations would also then decide to disburse funds to those other organizations and therefore you would have another interment party involved in this process. And that second organization and may work with recipients of funds who then service individual organizations or members who benefit ultimately from the funds based on the desired and intended purpose. This is simply illustrating that dependent upon the operational mechanisms put in place there could be different parties between ICANN where the funds currently resides and the end users that benefits from them. Throughout this path from left to right ICANN has accountability requirements that remain equivalent irrespective of the number or nature of organizations that fit between ICANN and the end user.

That means that the principles that Sam went over need to be met through whichever mechanism is necessary and appropriate irrespective of the organizations, or structure, or length of the path of disbursement. This happens through policies and procedures to monitor the spend and the usage of the funds after they have been disbursed. It could take the form of audits of programs or audits of entities. And those audits are intended to measure the effectiveness of the usage of the funds.

What do I mean by effectiveness? Simply ensuring that not only the funds have been used consistently with the intended purpose which triggered the approval of the request for funding but also that the correct usage of the funds also had the intended effect that was approved. So in other words that the end user received the funds and that the funds had the effect that was intended. So this is very important because it will get illustrated further in the next slide that we will start going over now. And Sam will initiate the description of what we mean on the slide and I will take over halfway through.

Sam Eisner: So on this next slide this is really one of the ways that we were trying to answer the question that was posed by this group. So we as we were talking through the issues of where are costs? And who – where are resources used

across the disbursement process? And who has costs associated with them when this process happened? And is it different internal to ICANN versus that mix (unintelligible) ICANN and outside entity or multiple outside entities each distribute or if we just assign the responsibility to an outside entity, you know, how do those align?

And then we'd also heard some suggestion in prior conversations which is why we added in this fourth column that maybe it would be appropriate to just hand over the money to someone we trust and wipe our hands of it and say go do good things. And so that's how you have the four different columns. And so we started thinking about where are the specific resources going to be spent? It's very hard to identify what the individual cost components would be for this but as we started thinking through we realized that there were cost components on both sides of the equation in multiple times.

So first we have governance. And this is one of the principles that I was talking about earlier. There has to be a monitoring of the entire process. This is one of the places where ICANN would insert fiduciary responsibility. And this is also that we would have this idea of accountability across this. This is ICANN needs to operate in a way that it is accountable to its community. And its community should expect accountability for how these funds are being dispersed, and used, and used responsibly, and used in ways that support the purposes that have come out.

And so what we realized was across all three of the first three columns ICANN would always have resources that would need to be devoted to insuring governance of the process. Now if you look only in the first situation where ICANN solely is responsible for the disbursement of the funds would we not see external resources used in that? That's because there wouldn't be another entity responsible for being in the disbursement chain.

We're not looking here at the resources that would be imposed on the end user or the grant recipient. That is something that we'd have to just assume

would be there in any case. But across all three of those first three columns ICANN would have resources that it would need to devote to making sure that its governance responsibilities over a disbursement mechanism were taken.

So we also see that when you have other entities responsible for being part of the disbursement process they too would have a responsibility to devote resources in reporting back to ICANN or reporting back to the community and imposing their own governance structure over how their disbursement process was developed so that ICANN could have the correct monitoring facilities over that. So there's a situation where whether it's ICANN performing the work or an outside group performing the work each would have costs associated with this governance aspect.

When we get to the fourth column if we just hand over the money to a separate entity ICANN would have no way of monitoring or maintaining fiduciary responsibility. So we've put a red circle with a line through it in there. And the external resources that, that other entity would devote to it we don't know. We don't know what they would even attempt to do with it.

And then on the application process itself, so we can think about the application process. And this isn't really trying to define phases. But we were trying to think of it in terms of like the big groupings of actions that would need to happen. So we would see an application process as one where there's a solicitation of evaluation of applications. So that's where there would be a lot of responsibility for making sure that the purpose of the application process and the purpose against which the funds were evaluated were the purpose or purposes that the CCWG recommended right and that it stays in line with how we expected the funds to be disbursed. Are they going to entities that qualify to receive the funds? So it's the purpose and the fitness of the entity.

And so in each of those again we realized there – whoever was performing the distribution be it ICANN or external would have resources devoted to that work. And then in addition even if ICANN was not performing the distribution work ICANN would still have to devote resources. And in some ways it goes back to the governance but in other ways it's unique to this aspect of the phase that ICANN would need to exercise some oversight to make sure that the process was being developed in a way that stays true to the purposes identified by the ICANN community.

And then we get to the fourth column and again we see if we were just to hand over the money with no responsibilities attached to it that ICANN would not have the ability or have no way to ensure the proper purposes were achieved. And we wouldn't know how the external funder would be actually using it and what resources (unintelligible) making sure things would happen properly. And (Xavier) if you'll start discussing the disbursement process?

Xavier Calvez: Sure. Thank you Sam. So looking at the disbursement process once applications have been received, have been evaluated, and have been granted or denied the granted applications will then trigger the initiation of a process of a disbursement. It could happen in one time it could happen over time in several installments. We're not discussing those logistics at this point here so each of the three first scenarios ICANN will issue a payment or several payments to someone. In the first scenario it will be directly to the recipients possibly directly to the end user of the funds as in a process that ICANN would likely need to design specifically for the purpose of this public. But then that would be carried out I would say like within ICANN under the authority and delegation of authorities that ICANN operates. Again it would probably be it would likely be specific processes and procedures developed for the purpose of this project likely with specific resources but all under the control and authority of ICANN.

In the second scenario the process of disbursement is likely going to highly involve a third party. And in this case ICANN will disperse funds likely to this

partner in the process and will do so on the basis of the number of checks and evaluations pertaining to either an application an individual application, or a group of applications, or an envelope of funds for a defined purpose for example.

And that will therefore be under strict evaluations that all enable the fiduciary duties of ICANN to be respected. That enable the verification that the mission of ICANN will be adequately served with those funds. And enable the monitoring of post disbursement that these funds are used effectively and with the intended purpose. So if you think about it this way the handover of the funds will be likely a process that will actually be used to ensure the structural capability of ICANN to ensure that these guiding principles are met.

So the point of time of disbursement and to be very practical and I can speak directly about it because I am the one at ICANN really sees - releases payments. I can't create a payment because we have a segregation of duty where I cannot initiate a payment. I can only release it. But I would be the one releasing a payment. In this second scenario I will release the funds to the party with whom we are working to be able to enable this disbursement of funds.

I will have a certain amount of checks that I will go through every time I will release a payment to ensure that the adequate documentation has been put together, has been provided, that all the checks have been validated for all the conditions that we determine are necessary to be met in order for the funds to be disbursed. Several resources at ICANN will be involved in that process for sure.

If you push it further scenario number three most of the work will be of disbursement in monitoring will be outsourced. But yet again I sitting in my office will be the one pushing the button to release funds. When I do that I will also ensure that all the guiding principles are being met through mechanisms that may be different then in scenario one or in scenario two because they

will be mechanisms of oversight rather than direct (unintelligible) or direct control but they will need to be controls and mechanisms of oversight that enable ICANN to at the time of disbursement and after the disbursement to monitor that the funds that have been dispersed at a point of time have been used effectively.

That oversight can take various different forms. It will depend on the nature of the organization with whom we work or organizations. It will depend on many different aspects. It could take the form of participation to the board of the entities. It could take the form of audits. It could take the form of contractual obligations that are met through exchange of document. It could take many different forms. And it could take the (unintelligible) of all of those different options but it will be an oversight.

In this scenario you can imagine that these various pieces or mechanisms of oversight will take ICANN resources to be involved in maybe very different types, or level, or qualifications of ICANN resources then in scenario number one. But it will take a certain amount of pre-work and post work to the disbursement.

And as an illustration under scenario number four when there is no oversight is very simple and Sam was saying earlier we hand over the money and surrender at this point any possibility of involvement or inquiries. And we can only witness like any individual public member what the – what happens with the funds with no recourse, no possibility to either check ahead of time how the funds are used, understand and influence how the funds are used at the time of usage and react to any usage of the funds that we would feel would have been improper, so this simply witnessing of what happens here and no involvement.

From an operational cost standpoint you – as a result of what we just discussed it's very clear that ICANN would have in each of the three first scenarios a number of operational costs that pertain to be able to check the

consistency of the usage of the funds with the mission, that enable the fiduciary UTs of the organization to be met, for example to enable the directors and the officers of the organization to have documentation that substantiates the work of validation has been done so that they are able to verify that we are doing what we should from a mission standpoint, that we have a trail of audits of the documentation then enables to demonstrate that applications have been correctly evaluated, that the funds have been correctly disbursed to the right individuals and used for the right purpose.

So all that will need to be documented and reviewed and approved and authorized, and this will happen in various different ways across the Scenarios 1, 2, 3 and ICANN will have costs no matter what in carrying out those diligence of control, monitoring, approval and oversight.

I will stop here. I – and we have a few – these that can help with answering some questions maybe – the end of the specific slides that we wanted to present and we're very open to questions and discussions at this stage. Ching we'll let you moderate please.

Ching Chiao: Thank you very much Xavier. I think that presentation in particular as you mentioned – this Page Number 5 did – brought up, you know, as we've seen from the chat rooms I – we've seen two raised hands.

My first, you know, personal, you know, kind of intuitive reaction is that firstly we would, you know, just thinking out loud here there's a couple of elements that we also need to consider or aware talking about those mechanisms.

But I'm just – and you probably – you can – once you are going through the, you know, this exercise one of my first reactions is that probably your CFO office will probably need to double the stop staff and – so – and it's just in order to deal with all the, you know, the incoming challenges and work.

So – but once again thank you very much for this very, very useful matrix and so let's open up for questions. So we have – yes so let's have Alan first. So Alan please.

Alan Greenberg: Thank you very much. There's been a rather extensive discussion in chat going on while the previous speakers have been speaking, and I'd like to ask two questions for clarification.

Number one, my assumption is that Column 4 is there not because it's been advocated but just to demonstrate that it is not viable, and it's not really a consideration because of the lack of oversight.

And the second question is in the first three columns there are costs incurred by ICANN. I'm presuming that all the costs may be incurred by ICANN but they would be borne not by ICANN operational budget but borne by the auction funds, because I think we had decided that this project should not be a cost to ICANN and any overhead costs should be borne by the auction funds themselves.

Is that indeed what is meant or is there some actual operational costs to ICANN borne by our operational budgets in the first three columns? Thank you.

Xavier Calvez: Ching may I?

Ching Chiao: Yes please Xavier. Please go ahead.

Xavier Calvez: Thank you. Thank you Alan for the questions and for the opportunity of clarifying. So first, the Column 4/the Scenario 4 exactly as you said and that's what I was trying to explain on the outset.

The Scenario Number 4 here is a scenario that does not work but that we felt was useful to offer here for the purpose of explaining – between that scenario

and the preceding three scenarios and what does not work and what it looks like so you're entirely right.

It is an offered scenario. It is a scenario only for the purpose of explaining the difference between what works or what could work between Scenario 1 and 3, and what does not work and will not be possible to put in place with Scenario Number 4.

Your second question – I think you're entirely right as well at least in the way I understood your point. The – when we talk about costs to administer or receive evaluation or monitor or report, basically all the costs pertaining to the disbursement process of the auctions proceeds yes will be borne by the and covered by the auctions proceeds.

I will simply take as an illustration the new gTLD program. The program as you know is a program that was funded/that is funded by the application fees paid by the applicants, and many different resources of ICANN and departments of ICANN contribute to the new gTLD program application processing and monitoring of this program overall.

And so the costs of the efforts of these ICANN resources dedicated to the new gTLD program is carved out from ICANN's operations in an annual budget and allocated to the new gTLD program to be covered by the new gTLD application fees.

In a similar fashion we would carry out a similar exercise of evaluation of the amount of efforts from ICANN shared resources I would call them that would contribute to supporting the auction proceeds process and evaluate that fraction of resources.

It could be a - 10% of (Sam)'s time or 20% of my time or of somebody else, and we would then carve out this fraction of time and allocate the

corresponding costs to the auctions proceeds project, and therefore those specific costs would be covered by the auction proceeds funds.

Ching Chiao: Okay thank you Xavier for the response. I – yes I think – so for Number 4 I guess there's a number of questions here. I think it's very clear now. Yes it's fully noted on the second response to the budget allocations.

I guess that's good so let's move on to the next one. So Sylvia please. You have the floor.

Sylvia Cadena: Thanks Ching. Really appreciate it.

Ching Chiao: Sylvia?

Sylvia Cadena: Well I...

Ching Chiao: Yes.

Sylvia Cadena: ...you know, I appreciate – hello? Can you hear me? Can you hear me?

Ching Chiao: Yes we hear you very well. Yes we can hear you...

Sylvia Cadena: Hello?

Ching Chiao: ...very well.

Sylvia Cadena: Sorry. Thank you Ching. What I was saying was that I appreciate the presentation and all the aspects included there. I just wanted to suggest to have it separate in five rows instead of four, because although this applies very nicely for disbursement purposes there is one big chunk missing, which probably will be in my experience the one that might give ICANN more grief let's say, and that is a review of the actual technical outcome produced under any projects funded by this.

From our experience being able to review a financial report and making sure that they spend the money and a grant recipient will spend the money in what they said that they were going to spend is a complicated task, but is easier than to – this (BGP) project – it actually delivers to what they said they were going to do.

So that requires revisions from us, the Selection Committee or from all the experts and that is completely outside of the scope of knowledge or in most cases of the people that are actually operationalizing due diligence, contracts and disbursements.

And it would be good to have that at least somewhere, although you guys have their monitoring and the description on that line only refers to proper distribution and use of the funds and it doesn't refer to the actual outcome of whatever is produced with that funding. So thanks for that.

Xavier Calvez: Sylvia this is Xavier. Ching if I may answer that question or that point.

Ching Chiao: Yes you may. Please. Yes.

Xavier Calvez: Thank you. Thank you very much.

Ching Chiao: Yes.

Xavier Calvez: Sylvia thank you for the question because it will also help us clarify. So we may have used the vocabulary of proper distribution of end user funds in the third row from the top that's called Disbursement Process and Monitoring.

When I was speaking earlier about ensuring the effectiveness of the funds/of the usage of the funds, it's encompassing everything you just described. It's - verifying that the funds have been used effectively requires to be able to

evaluate the impact whether it's from an infrastructure standpoint, an engagement standpoint, an outreach standpoint.

Whatever the purpose was that purpose will need to be evaluated, and the effectiveness of the funds to serve that specific purpose will need to be evaluated.

So in that Row 3 from the top called Disbursement Process and Monitoring we will need to put in place the resources that enable us to understand whether the impact has occurred, whether it's technical or infrastructure related again or for any of the purposes.

So we encompassed without trying to specify it. We encompassed completely everything that you described so it's not missing in the way we thought about it.

It's under the – that Row Number 3 but I do appreciate the point that you're making that ICANN may whether directly or indirectly need to put in place very specific either processes or resources and required competences that it may not have today in order to be able to evaluate that effectiveness.

We – but that's what we encompassed in that Row Number 3. Just wanted to make sure it's clear on that end and I think your point is actually illustrating how extensive that requirement may be, that it will also need to be either carried out or monitored by ICANN. Thank you.

Ching Chiao: Thank you Xavier for the explanation. I'm trying to capture with the threads here. It seems that we have some issues on the queue for those who are having questions, but I understand that for Marilyn you're – need to drop off.

Would you like to, you know, ask question at this stage or you would like to post comment? I'll throw it out to you. Marilyn? Okay it seems that we didn't hear from...

Marilyn Cade: Ching?

Ching Chiao: ...Marilyn. Yes Marilyn.

Marilyn Cade: Ching? Sorry.

Ching Chiao: Yes Marilyn.

Marilyn Cade: Yes I'm going to be very brief but I think we haven't actually heard from – I'm going to suggest we hear from any government speaker and any ccTLDs and I'll post.

I have another 12 minutes. I'll post my comments but I – I'm thinking we haven't heard some voices from the government, from the ccs so I'm going to ask you prioritize those and I will then – I'll post online.

Ching Chiao: Got it. Okay thank you very much for the consideration. So it seems that we – so because the – so from what I have seen so far on the Adobe chat room it seems that – so for Kavouss you might have been – so you're kind of the – you're – and your sequence has kind of – we have some issues here.

So if – Stephanie if you agree we can let Kavouss to speak first. Is that okay with you Stephanie?

Alan Greenberg: Stephanie has already agreed in the chat.

Ching Chiao: Okay thank you very much Stephanie. Yes I'm trying to catch up the threads here. So next for Kavouss please you – so you have the floor.

Kavouss Arasteh: I'm very sorry for this arrangement that I was on the second after Alan and I will push to the five or the 5th. Somebody take – took me off and put me

again and some people are saying that they have to go in 15 minutes to other meeting.

I have to go to – I was in other meeting at this moment. I was in a meeting in Munich - 280 people discussing something important. I just left that meeting coming up in my room to participate and I don't understand situation.

I totally disagree with this course of action. I don't agree with any discrimination. I don't agree with any supremacy. I don't agree with any priority of the people.

All of us are equal. If some people have some other commitment they can leave and I don't think that we could proceed with others, or at least from the matter of courtesy they should mention that if the other person is ready to allow that he or she speaks before me. Disappointed and I don't speak.
Thank you.

Ching Chiao: Yes I think with you – sorry that, you know, this is the other, I mean, the system itself (sic) - from me as a Chair and also the staff we have zero ability to change the sequence of who can speak first or to add or drop or even to delete somebody so that we can very – we can be very sure.

This technical issue definitely I think it's very important just to make sure that we have a – fairness of – for those who is willing to - participants so we very much appreciate so especially from those who represent, you know, government.

So we'll take the technical issue back to the staff and let them to – maybe to get the Adobe to resolve issue like this, which is very unfortunate. So Marika I see your hand's up. Do you – anything here for this particular unfortunate, you know, issue here?

Marika Konings: Yes. Thank you Ching. I just want to raise for the record, you know, and confirm as well what you said that there's no ability for staff or any of the presenters to change the order of in which hands are raised.

However, you know, if someone has a brief drop in connectivity it does sometimes mean that, you know, you've lost your place in the queue and you get batted – added to the back.

There's no purposeful reordering or any kind of bad intentions here. This is most likely the result of a brief drop in connectivity, which just means you get bat – added back in the queue.

And as noted there are - people are very happy to recognize if someone was before them in the queue and have given up their places in order to allow others to speak. So again I don't believe there is any bad intention at play here.

Ching Chiao: Right. Thank you very much for the clarification. So I guess we also, you know, we will reach out once again to Kavouss later after the meeting and have him to post on the actual comments that he was going to raise.

I – I'm seeing his hand is being off so probably we should move on to the next one. So for - Stephanie please. You have the floor.

Stephanie Perrin: Thanks very much. Stephanie Perrin for the record. And I do apologize if this has been discussed already today but I didn't hear it. The two center columns look very similar.

It's my gut feeling that even if we outsource and provide accountability through major accounting firm, we would still as ICANN have to do some oversight of the nature of the contract through which we give the money away and the – not the actual micro contract.

I mean the process of outsourcing to another agency and the process of setting a contract to do independent oversight of that agency. Someone in ICANN would still have to keep an eye on that. Is that correct?

And this is a really unfair question to ask but does that automatically push Option Number 3, the brown column, to be slightly higher because in some respects we're kind of duplicating the oversight? Thanks.

Xavier Calvez: Thank you Stephanie. (Sam) and I – we're thinking the – in the same fashion. So yes absolutely you're right in both – in the – both the Scenario 2 and the Scenario 3 and absolutely ICANN will need to perform and involve resources in performing the role of oversight.

You mentioned an external accounting firm. For example the oversight or in either case, Scenario 2 or 3, the involvement and the oversight that ICANN would need to have will not only – if - it would rely on an external service provider or independent provider to help with that oversight.

It would be a – directly involved ICANN resources to provide that oversight and maybe in addition to a third party service provider that would help with an - independent evaluations on - but no matter what it's ICANN gaining understanding and comfort, sorry, that the guiding principles again are met.

So whichever way ICANN would enable that oversight to happen it would involve it. You are right that that oversight and that – I think that's true in both Number 2 and Number 3.

You are right that that oversight would entail a number of activities that would duplicate the tasks performed by the separate entity or organization that would have evaluated for example the applications.

To illustrate the point that you are making when you decide to select by sample a few applications and verify what work of evaluation has been done,

and go back to evaluate yourself whether the evaluation did warrant the granting or not granting the funds you actually redo a bit the work.

So yes the mechanisms of oversight would entail a certain amount of work that would represent the duplication probably on a sample basis of the work performed by the initial provider. Thank you.

Ching Chiao: Thank you Xavier. So I think that's a very interesting question raised by Stephanie. I think we would be reading your – the notes afterwards and probably when the potential, you know, the new survey that will be put together for – to explore the, I mean, the preferences and interests for the working groups.

I think on this particular Number 2 and Number 3 options we will need much clearer, you know, descriptions of – I – so I think the discussion is very helpful to help people to understand this.

Kavouss Arasteh: What is going on?

Ching Chiao: Hello?

Kavouss Arasteh: My name going in, coming out, in, out. What happened? What's happening in this Adobe connection?

Ching Chiao: Hello Kavouss. So I can see your hands now so it seems that the system dropped you and then it adds back you to the queue. So...

((Crosstalk))

Kavouss Arasteh: Why?

Ching Chiao: And I think...

Kavouss Arasteh: Why the system dropped me?

Ching Chiao: ...it's a very clear – so for – just...

((Crosstalk))

Kavouss Arasteh: Please change the system. It's no good.

((Crosstalk))

Ching Chiao: So just to let you know that we do not have – it's probably my first time over this many years and probably others feel the same too is that we did – we didn't know what's - really happens.

It seems that it's the connectivity issue but I couldn't say for Adobe, the system itself. But I do see that you are after – you're – you were after Alan so I do take that note just to make sure that I don't miss you this time so don't worry.

So I think after Stephanie, which is Alan - so Alan would you like to speak now to ask question?

Alan Greenberg: Yes thank you. Two points or one point related. There was a discussion earlier about auditing for effectiveness and whether the – have impact. I think it's really important to remember that in any process like this a portion of and perhaps a significant portion of the projects will not be effective.

You know, so you win some, you lose some and that's part of this kind of process. And yes it's important that we evaluate things to understand it, but the fact that a project may not have impact or may not be effective does not mean it was out of scope but that goes to another question.

If we are evaluating projects and evaluating what the external group whatever they are called might be doing in Scenarios 2 or 3, what happens if we decide they made a grant that really did not fall within the scope?

And I'm curious. You know, do we allow a certain percentage to go like that and then we take the contract or the responsibility away from them? Clearly we can't necessarily get the money back so I'm wondering what happens if indeed in those outsource – partially or completely outsource scenarios when we do the audit and we find out something was done in contradiction to what we intended what's the recourse? Thank you.

Xavier Calvez: Hi Alan. Thank you.

Ching Chiao: Thank you Alan. Yes. Xavier go ahead.

Xavier Calvez: This is Xavier and (Sam) will complement what I will say. So you're right Alan. I'm sure that it is possible that especially as we move towards their – the scenarios on the right and that the – an originally intended purpose is not found as being met; in some cases some disbursements or some parts of a project that overall was deemed to be meeting the purposes.

And obviously whether it's ICANN handling directly and exclusively the entire process or if it's a different entity that could definitely happen. So I think that that's one element that will be useful to be able to spell out and state up front as part of the structure of the process of disbursement and monitoring.

I hear your point about do we allow rate of savior in quotes as part of the project? I don't know exactly how we would need to react. I think that the monitoring enables us to then be able to raise such type of issues and determine the right course of action, which may be very different on – based on what the project was, what the issue that we raise is.

You could argue that if a project shows that some funds are not used in the way it was originally intended or without any wrongdoing it simply doesn't work, someone thought, "If we do this it will have this beneficial effect," but it had – simply does not happen, the ongoing monitoring may help us simply decide, "You know what? We're just going to stop spending the funds."

Sorry. This illustrate the mechanism under which you want to have very timely oversight and control and monitoring and you may also want to have staggered payments of funds relative to a project, because if you have only paid 10% or 20% of the funds to be used for a project and you have a ability to check how the project is progressing, then you have also the ability to identify issues with that and stop the disbursements before everything is done.

So that's - Alan's point and theoretical issue is a good illustration of maybe a suggested mechanism of disbursement and evaluation that could mitigate that type of risks. Thank you.

Ching Chiao: Thank you Xavier so - for the response. I think those two previous questions are, you know, it's very crucial for us to help/to ask/to understand those two. I will – just to, I mean, remind everybody for the sake of time we have around 25 minutes.

I would like to leave at least 10 to 15 for the remaining ones so I would close the queue here so I will have Kavouss, Peter and also was (Daniel) so the three – so Alan – so is this a new hand or a old – an – or a old hand?

Alan Greenberg: No it's a new hand. I'd like to follow up...

Ching Chiao: Okay.

Alan Greenberg: ...on Xavier's answer.

Ching Chiao: Okay so we will have this fours and then we close then so the next one is Kavouss. You have the mic.

Kavouss Arasteh: Yes. Again I'm very sorry that this Adobe connection doesn't work. Are you going and putting in and out? Somebody says that there has no actions by any person but I don't know how it happens.

If it is problem of system please correct that. It is not fair to other people. When you opened the discussions Alan was the first as usual – the first person intervene.

I was the second. Then I moved to the third. Then I moved to the fourth. Then I moved to the fifth and also it's not - only me - no one else. What is going on? Is there anything...

((Crosstalk))

Ching Chiao: Kavouss I will actually recommend that you make your comments. We do apologize for the mistakes or the technical, you know, the – it's not the, you know, it's not working very well for...

Kavouss Arasteh: Yes.

Ching Chiao: ...you today. We really...

Kavouss Arasteh: I'd hope...

Ching Chiao: ...really apologize. But we...

Kavouss Arasteh: Yes I hope that is corrected.

Ching Chiao: ...really wish to hear your comments now.

Kavouss Arasteh: I hope it's been corrected. So thank you very much, (Xavier) and some for the comprehensive presentation. I don't think at this stage we discussed which one of these four scenarios is more favorable, but just raising the question. With respect to the cost that should be provided to the fund, I understand that the cost center will be created for any of these four if we opt for some of them, or one of them.

And then I have the problem of the time attributions. The involvement of these four options are different and I don't think at the time of the ICANN will be double counted. They get their salaries and they get their costs from the existing budget of ICANN. If they do something for this, they should have part of that is from the normal budget of the ICANN and the part which is put for this should be counted as the cost of this. So we should not double cost for them. If they have 100% of time putting on this, the 100% of time will be from this (unintelligible) have some savings from the normal ICANN budget.

So I have to mention that this distribution or attribution of the time of the spend, spend of the ICANN should be probably counted in the cost center. This is something, and third, I understand that the involvement of the ICANN in any of these four are quite different. Therefore, the cost is quite different and should be differently discussed. When you come to the point which option you will take, I have some comment on the options to present.

Thank you very much and I hope that the Adobe connection will be corrected adequately to not disappoint the people. Thank you very much.

Ching Chiao: Thank you very much, Kavouss. Point well taken and so once again, this is the technology issue. I would strongly recommend the staff to talk to Adobe. I think this is not -- makes us look bad why we're using this, trying to get people to participate then we didn't really bring up the fairness point so that people can speak in the right sequence that they deserve to.

So once again, we really apologize for what happened. So the next one is Peter. Peter, please.

Peter Vergote: Thank you (unintelligible). Peter Vergote here. Since the very early start of this working group, the importance has been underlined of not looking for a mechanism that goes into heavy spending. We should be aware that the maximum of the funds need to go to the projects that are ultimately selected and not in any kind of administrative burdensome costly adventure.

So I think if we're looking at scenario two and scenario three, what would interest me is -- and just from a high level perspective -- if there is a fundamental difference between those two options in set up costs. And if that would be the case then I would take that as an important criterion to make a selection between one of those two options.

So my question basically is if (Xavier) or some could come up with very high estimates cutting costs for certain either one of those two scenarios. Thanks.

Ching Chiao: Thank you, Peter. So probably I will let the next one, which is (Daniel), to ask first and then Alan, you have the final question. And then we will leave a few moments for (Xavier) to respond to those remaining questions and maybe to make some final remarks. So next one is (Daniel).

Hello, can you hear me?

Ching Chiao: Yes, very well. (Daniel), please.

(Daniel): Okay, fine. So yes, I typed some of my question on the chat. So I think we have to consider given the importance of the legal liability, the fiduciary requirements on ICANN. I think we have to account for this timing question that is when you do a grant, you have to do a call for (unintelligible), which you takes (unintelligible) a few months and there is a legal requirement starting there that you're going to actually fund along this scope.

And then you stop the contract once you find the recipient and there is another contract that links the entity of the recipients to the funding agency. And during that time, in my opinion, it's likely that the scope of this whole project is going to be refined and changed one way or the other because it's not ideal. We're going to do what we can and eventually ICANN is going to decide on a scope, but it's going to be written somewhere and it's going to be implemented by the fund.

So I think that we have to account for this risk that by introducing intermediaries, we're actually growing the chances that something goes bad in terms of out of scope.

Ching Chiao: Thank you, (Daniel). Next, we have Alan. Could you make your comment (unintelligible) Alan, thank you.

Alan Greenberg: Thank you very much. A number of the previous speakers have been talking about which choice to pick and I think that's a really important discussion but I think it's a very separate one from the one of understanding the choices right now. With regard to my last question, I talked about effectiveness and impact of projects and improper grants. We have to expect some ineffective and no impact grants if we don't make grants with some risk, then we're not going to be doing some really innovative things. We can't only take the absolutely safe ones.

But I was particularly referring to not grants that are within our scope, that are within our mission, and within the -- that don't endanger tax status. I was talking about grants that are made that do potentially endanger tax status, that they're really out and they're not something we should've done but we only find out about it after the fact. Do we envision that yes, any process can expect some percentage of those and it doesn't really endanger our tax status, or do we by outsourcing implicitly endanger tax status. And that's really the question I was asking.

I'm assuming that as long as we correct it and yes, stop, disbursement if there's still an opportunity once we recognize that it was something that we shouldn't have done that we are still probably safe. And that's really the question I was asking is the resource for grants that are made that are outside of the envelope that we have requested but are inadvertently made for one reason or another by the external agency. Thanks.

Ching Chiao: Thank you, Alan. I think -- okay, Kavouss, you have anything to add at this point? Because I'm just suspecting that we're closing the queue now. So would like to make further comments this time? Kavouss? I can see that from the chat that you're saying that scenario four be excluded. I think the majority of the members was on the call, they feel the same way.

Kavouss Arasteh: Yes, if you are talking about which option, which scenario I have mentioned in the chat that scenario four is automatically excluded because there is no outsourcing without any oversight. That will be a mess and deficient. Then scenario three, over the outsourcing with oversight will be too expensive and scenario one means we have full reliance on ICANN, which is at this stage not very favored.

So I am in favor of scenario two, having involvement of ICANN, with some sort of the outsourcing. Thank you.

Ching Chiao: Thank you, Kavouss for indicate your preferences. So I guess I think after reading and also listening to (Xavier's) slides, we have -- each of us, we are start to have some preliminary judgment on also the preference on which option is more favorable. So I guess what the remaining three to five minutes, we'll have (Xavier) to have you maybe to respond to a few questions that we just listened from others and also make some final remarks for this presentation. So please, (Xavier).

Xavier Calvez: Thank you, Ching. And Sam will try to address both (Daniel's) and the point that Alan also made. And then I will answer to Peter and Kavouss' earlier points.

Sam Eisner: This is Sam again. I think that Alan and (Daniel's) point they're very related and so the issue is what -- how do we make sure that the grants that are made are within scope, which also leads to within purpose. And I think this goes back to that accountability issue that once we've come to the point that the CCWG has made their recommendations over the purpose, we'll have already tested that against the ICANN mission.

And so will we need to have mechanisms, particularly if we're using outside sources, to make sure and have oversight that those distributors are actually following the purpose of the distribution and remaining accountable to the ICANN community and accountable to the purpose and the mission that was set out, yes. And so that's why we need the different levels of oversight that (Xavier) was describing. We'd likely have ongoing oversight. We'd probably have some tools to enforce. Maybe we'd need to go and find a different partner if it was really bad. Who knows.

But I think Alan, you raised a good point. That's one of the reasons why we need continued oversight over it, even if ICANN is not doing the disbursement, to make sure that the purposes that the CCWG has identified remain followed. And to (Daniel's) point, of course, in a long-term distribution scenario, there is a risk that ICANN's mission could change. But one of the things that we can add into the ICANN conversation -- so ICANN's mission can only change in the future based upon a community conversation. And one of the things we'd have to keep in mind during that conversation is we still have five years left of a grant program. We still have four years left of a grant program et cetera that is built under this purpose.

And so we would have to have the ICANN community consider if they really wanted to change that purpose mid-stream of the grant program that was

approved through this ICANN community process. So I think it's really a matter of making sure that we keep all of these issues of purposes at top of mind if we ever go into a mission discussion but it's a risk that we can mitigate against. So I'm not sure that that's an area of choice between an external provider and long-term grant programs. We have the ways to start mitigating against that now if the ICANN community was going to (unintelligible) about changing mission.

(Xavier)?

Xavier Calvez: Sure, thank you. Going back to the points that both Kavouss and Peter were providing, I'll start with Kavouss' comments. So hopefully, we didn't confuse the conversation when talking about duplicating costs that costs would be double counted. So no, cost would not be double counted. What we were saying earlier is that in some scenarios, we may have to redo the similar work than the organization that may have evaluated an application has done in order to provide oversight, and monitoring, and verification. So it would be ICANN's resources on the sample basis, for example, verifying the evaluation process of one application, which has already been evaluated by the organization to whom ICANN has delegated that work.

So it's not double counting resources. It's simply resources of ICANN providing oversight, and in doing so, maybe doing some of the same work than the outsourced organization has carried out. Yes, Kavouss, my presumption would be that the resources of ICANN in any scenario one, two, three that would contribute to supporting this program, that the cost of these resources would be segregated into either department or even possibly separate legal entity, but would be segregated in some kind of fashion for simple monitoring purposes, but also to enable the reporting and communication of -- in a transparent fashion -- of what resources are being involved in the project and that would happen by, as I said earlier, if you take the example of Sam, for example, Sam provides services across many different activities of ICANN. If she would continue to support this project to a

certain extent of her time, we would look -- she would evaluate I'm spending this amount of time on the auction proceeds project. This is about 15% of my time, for example, and what we would do then from a finance standpoint is we would split (Sam's) cost between 85% in the ICANN operational budget, take the 15% and put it under the auctions proceeds department, or cost center, or entity and that 15% would be covered by the auctions proceeds. So there would not be any duplication.

Additional comment to illustrate the point. This project may and likely will require specific resources either because of needs of bandwidth or needs of skill and experience to put in place specific resources that ICANN does not have today. And those resources would be incremental, whether it is a fraction of someone's time who is already an employee of ICANN, or if it would be a new resource that ICANN does not have today, whether it's a vendor or an employee that would be dedicated to the program (unintelligible) there may be need for incremental resources. Those resources, again, would be covered by the auction proceeds funds.

Which leads me then to Peer's point and I want to obviously state something was implicit in Peter's point, but we do want to make sure that we do this at the lowest cost possible so that as Peter said, all the funds that can be dedicated to grants can be dedicated to grants and that we maximize this and minimize the cost. Without trying to quantify anything at this stage, I think that the guiding principles are something that will require us to put in place some mechanism. So it's not about what we're going to do or not do for cost effectiveness purposes. It's more how we're going to do it.

So yes, we have oversight. How we perform that oversight is definitely going to be something that we will want to be cost conscious about, but we will not jeopardize, for example, ensuring that fiduciary duties are met for cost considerations. And I'm sure everyone is clear on that but I thought it would be useful nonetheless to spell out. Which scenario is the most cost effective is very difficult to tell at this point. In any scenario, we will need to make sure

that we are as cost effective as possible. In the scenario two and three, let me take first the scenario two. That hybrid model is -- runs sometimes the risk that there is duplication of resources, overlap, or confusion sometimes. So the clarity of the roles and responsibilities between the partner that is chosen and ICANN so that there is as minimal as possible overlap and that there is as best as possible coordination of the resources so that the processes are effective is very important and needs to be monitored and improved upon so that there is as little resources wasted as a result.

But that is a risk of that specific model can be mitigated needs to pay attention to it. The scenario one or three are slightly more clear because most of the work happens either in ICANN for scenario one, or with the outsourced organization for scenario three. Under scenario three, the oversight of ICANN is something that definitely needs to be well dimensioned, well defined, and effective as well and will require cost consciousness as well as effectiveness.

We would need, from a cost estimate standpoint, we don't have those. As of today, we don't have enough elements to be able to yet evaluate what the costs would be but definitely as this working group narrows down its work to define more clearly and more specifically the purposes and directions on how the funds should be used, down the road it is very clear that we will need to provide and produce estimates of models, structures, scenarios that will help qualify what the costs can be.

Ching Chiao: Thank you (Xavier). I think what you just mentioned about the cost consideration because I'm just thinking here for what are the differences for the cost (unintelligible) we choose number one, two, or three. So I think for many questions, including the cost, including how to, let's say, picking the right partner to form this partnership, I think the group has some preliminary understanding.

I think we brought up question number seven for this particular question. We tried to address that as I said in the beginning of this meeting is that it seems that we have a split view. And I think after the presentation, at this particular moment, I think the group has a shared focus for what needs to be considered in order to make the right choices. I think for the next step -- sorry, let's step back again. So I think at this point, once again, let me emphasize is that we're not trying to rush for any decision at this point.

I would like to ask you, Marika, so the plan for us is to launch the survey. So Marika, how do you envision this to happen? Are you going to do this within the next few days or do you envision that let's say the leadership team, do we have to work, put more thoughts to how to design the question? What's the thought at this time?

Marika Konings: Thanks, Ching. So this is Marika. It's probably as well a question that would be good to get some input from the CCWG whether people believe they're ready to take the survey again. As I understand it, you would like to narrow it to the three options that are outlined here on this slide.

And then of course, you have different options in approaching it. One way could be to rank options. So we ask people to rank from one, two, three their preferred option. And then as Ching has noted before, this is not about making a definite choice. This is about having a starting point for further considering those options. And I think as we discussed as well that doesn't necessarily mean it only needs to be one. It could be one or maybe two or three that you want to further explore.

I think as (Xavier) has outlined as well and it's difficult at this stage to really put a price tag or exact resource tag on each of these options as to a certain extent it depends as well on how some of the other charter questions are answered.

So again, I think the question is does the group feel that it's ready to take another survey, either in the form of a ranking or a preference indicating support or lack thereof for some of these? Or is further information needed before you're in a position to indicate, again, a preliminary preference that may change, again, over time, and of course allow you as well to go back to other models if at some point it turns out that the model chosen doesn't meet the expectations and requirements that you may develop in response to some of the other charter questions?

Ching Chiao: Yes, right. Also, I'm thinking here is that we have other items to be resolved so I guess the next one, the open internet and also there is another survey on the examples the group needs to review. There are 15 examples primarily brought up by also thanks (Dan) for the input, which is (Daniel) and also to Sylvia. They have 15 examples to be (unintelligible). So I guess we would take this and utilize the email threads to work on those.

Before I conclude this particular, I understand that we are passing through the 90 minutes limits. I would like to make sure that (unintelligible) comments at least for this meeting heard. So Kavouss, this is a new hand?

Kavouss Arasteh: Yes, new hand, very briefly.

Ching Chiao: Go ahead.

Kavouss Arasteh: If you hear me, very briefly. I don't think that we could (unintelligible) ranking (unintelligible) three options for the time being. The community or us or the group could rank from the accountability but could not rank from the cost unless (unintelligible) information from ICANN what are the costs involved in the option one, two, and three.

So we don't know. If you want accountability point of view, yes, it is possible to rank them. (Unintelligible) cost it is not possible. If you want both cost and accountability it is not possible. So before doing that, please kindly ask

ICANN whether they would be in a position to provide further information about the cost involved in scenario one, scenario two, and scenario three. Thank you.

Ching Chiao: Thank you, Kavouss. Your points are duly noted. So I think we also talked about that previously. So I guess we're good with number three and four and I briefly speak about the last couple meetings we've been talking about the open interoperable internet. This draft -- so the text, there's a small working group has been working very hard on this (unintelligible). Prior to the call, I received notes from Erika, and also from Jonathan. I'm not sure whether we do (unintelligible) time for this call to make more elaboration on this. Probably it's good that we -- so the group continue to work on the draft.

I feel that we are very close but let me go back and check with Erika and also with other members on the drafting team. So Marika, do you have anything to add on this one?

Marika Konings: This is Marika. Not specifically on this one. I think what you said is fully in line with what I've seen on the mailing list. I just want to get a confirmation or clarification on the previous one, whether you want me to go ahead and launch the survey and as I think everyone has noted, this is just a preliminary indication of where support may lie. When we do the survey, it may also turn out that there is no clear difference yet between these options. I think everyone has clearly noted as well that further information is needed as well for ICANN to provide further details.

So I just want to be clear on whether you would like that to go ahead and launch the survey so it can be further discussed and considered at the next meeting, or whether we're holding off for now and discussing it further during the next meeting?

Ching Chiao: Yes, I think it's clear that we need to launch another survey for sure, but I think this needs to have more additional information and clarification as well

before we launch it. So I guess we will hold onto thoughts, but let's put it in the to do list but while we're getting more info on how to launch it and what would be a reasonable input to add in.

Okay. So I guess we are pretty much five minutes past the 90 minutes. So I guess we would like to close the meeting by saying thanks to everybody. We do have one item which we can probably move to the mailing list and also to the next meeting to decide the CCWG meeting at the ICANN 60. We have a survey there so if you haven't (unintelligible) it up please do so. There's a new timeslot for the earlier, the part one of the session. So please do participate in the survey. So let's close it now. Thanks everybody for your time and we'll see you next time.

Julie Bisland: Thanks, Ching. Thanks everyone. Please stop the recording and everyone have a good rest of the day.

END