

**Vertical Integration PDP Working Group
TRANSCRIPTION
Thursday 15 July 2010 at 19:00 UTC**

Note: The following is the output of transcribing from an audio recording of Vertical Integration PDP Working Group meeting on Thursday 15 July 2010 at 1900 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at:

<http://audio.icann.org/gnso/gnso-vi-pdp-20100715.mp3>

On page:

<http://gnso.icann.org/calendar/#jul> <<http://gnso.icann.org/calendar/#jul>>

(transcripts and recordings are found on the calendar page)

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Registrars Stakeholder Group

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Berry Cob -CBUC

Mikey O'Connor – CBUC- Co-Chair

Michael Palage - CBUC

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Internet Service Providers and Connectivity Providers Constituency

...

Individuals

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Jothan Frakes

ALAC/At Large

Cheryl Langdon-Orr

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Staff:

Dan Halloran

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Apologies:

Avri Doria - NCSG

Statton Hammock - RrSG

Vika Mpisane – At Large

Baudoin Schombe – At Large

Alan Greenberg - ALAC

Coordinator: At this time the call is being recorded, if anybody has any objections you would disconnect at this time. Thank you, you may now continue.

Mikey O'Connor: Thanks (Sean). And thanks, Glen, too. Ken, you wanted to follow up on what Roberto was talking about. And for those of you have just joined this was triggered by an earlier non-recorded conversation where Eric requested that his results be removed because he and Amadeo's results diverge a bit. And

Roberto's comment was it's probably better to have more results than fewer and that minor divergences between points of view perhaps is taking the poll a little more seriously than we should.

Ken, did you want to comment on that? Ken's muted I bet.

((Crosstalk))

Mikey O'Connor: Just barely.

Ken Stubbs: Oh that's bizarre, hold on.

Mikey O'Connor: Oh wait a minute, no, no it's on my end.

Ken Stubbs: Can you hear me now Mikey?

Mikey O'Connor: Yeah, no it's my end. It turns out it's my fault. I'm screwing up, sorry about that.

Ken Stubbs: That's all right. I just want to chime in behind Roberto, I don't think we can take this poll too seriously. I think there were some comments and discussions about the way that some of the statements were phrased. And I think there is enough - there was enough confusion out there that I think the poll may help indicate sentiment in some areas.

But it's very, very hard to use that. I would hope that the commitment to keep this poll amongst the members - this is not a public poll. And, you know, I think from a practical standpoint it helps us get further down - drill down in the discussion as to what areas there are - need to be emphasized and so forth.

But I certainly would not include the poll the way it's set up in any sort of a public document because it can be perverted in a hundred different ways.

Everybody can find a way of making that poll say what they want to make it say. And we have to be very careful that we don't run into that situation.

Mikey O'Connor: Yeah. Okay. I'll tell you what folks, before the queue builds any further I kind of want to grab control of this call. We sort of had a sidebar conversation before we started the recording but I'd kind of like to cut this one off. We're going to have plenty of chance to talk about the poll in a few minutes. That's really the first topic on the agenda so why don't we hold our comments from now on on that.

Let me do our usual routine where I check to make sure that the agenda is okay. It's basically spend a half an hour looking at the poll, spend 60 minutes looking at the report draft. And then 30 minutes to sort of figure the extremely close interval schedule between the end of now and going to the opening of the public comment period.

And if that's okay with folks we'll go ahead but this would be the time to talk about that and then we'll have Glen call the roll and then get under way. Is that a reasonable agenda? Ken is your hand left up from before? I'm assuming it is.

Okay Jeff and I assume yours is left up from before. Sorry to...

((Crosstalk))

Jeff Eckhaus: Yeah, it's about the poll - it's about the poll but I can wait.

Mikey O'Connor: Yeah, we'll be at it in like a minute so...

Jeff Eckhaus: Yeah, no problem.

Mikey O'Connor: I just wanted to sure it wasn't about the agenda, okay. Glen, why don't you go ahead and call the roll and then we'll get going?

Glen de Saint Géry: I'll do that for you Mikey. Good morning, good afternoon, good evening everyone. This is the Vertical Integration call on the 15th of July. And on the call we have Cheryl Langdon-Orr, Siva Muthusamy, Jeff Neuman, Mikey O'Connor, Roberto Gaetano, Keith Drazek, Eric Brunner-Williams, Paul Diaz, Michele Neylon, Jeff Eckhaus, Ken Stubbs, Jothan Frakes, Volker Greimann, Antony van Couvering, Barry Cobb, Sebastien Bachollet, Krista Papac, Ron Andruff, Thomas Barrett, Amadeo Abril, Jon Nevett, Eric Williams - I think that's probably Eric Brunner-Williams on another line, John-Christophe Vignes, Kathy Kleiman and Tim Ruiz.

And for staff we have Amy Stathos, Dan Halloran, Marika Konings and Margie - no Margie Milam is not on the call, and myself, Glen de Saint Géry. Thank you very much and may I remind everybody to say their names before they speak for the transcriptions purposes. Thank you Mikey, over to you.

Mikey O'Connor: Thanks Glen. Thanks everybody, good morning, good afternoon, good evening to you all on this the - almost the end pre-public comment period call for vertical integration. And I think what we'll do is just sort of dive into the poll. I'm not going to share them on Adobe because both of the ones that I sent you are in Excel. And when you share an Excel file on Adobe it doesn't work. So...

((Crosstalk))

Mikey O'Connor: So if you have it handy it would probably be good to have those files. And I also apologize the PDF version that I sent you chopped off so there's really two Excel files; one's the summary and one is a detailed breakout. And I thought we would spend just some time talking about the results trying to extract new knowledge.

As Ken was saying a moment ago this was really a tool for us to find areas that we agree and not official positions per se. And I think that it's also safe to

say that sharing the poll itself in the report isn't going to be terribly helpful because it would be pretty easy to misinterpret.

But in terms of not making it public let me remind folks that, you know, the list is archived and those files are out there on the Net so if somebody wanted to find them they could read them. I agree that we probably will not use these results much in the report.

But it did confirm a few things and let me offer some observations having spent quite a bit of time looking at the data in the last half an hour or so. One of the things that was sort of reassuring to me was that when I looked at the three sort of drafting team topics it cheered me up to see that there was reasonable agreement across the group, not total but reasonable.

To all three - although SRSU is lagging somewhat I imagine partly because that first sort of drafting effort has (unintelligible) the attention...

((Crosstalk))

Mikey O'Connor: Amadeo did you - is that you speaking? Oh so anyway I thought that was good.

Amadeo Abril: No sorry, I was on mute. That's Amadeo, it was French.

Mikey O'Connor: Oh I knew it wasn't something I understood real well. Thanks Amadeo. So that was the main thing that leaped out at me. One other area that seemed to get a fair amount of agreement although it was a little bit puzzling to me because the proposals sort of disagreed with each other was the very last one that talked about whether the results of this work and the first round VI structure should only apply to the first round of new gTLDs.

And we might want to talk a bit about that. Other than that I didn't see a whole lot of interesting stuff in there. But, you know, I'd love to hear from others as

to what they thought and thoughts about the poll, etcetera. So we'll build a queue on that, and Jeffrey's been patient so Jeff, your turn.

Jeff Eckhaus: Thanks Mikey. So just a few comments, one, I wanted to reiterate what you said saying by making this public it already is public and everything on this list and our calls are all public so to think that we'll - this would be like swept under the rug or just for the group itself is sort of misguided.

The other thing I wanted to say is that, you know, since it's pretty obviously I, you know, no group had, you know, consensus, majority or anything like that so I don't think, you know, by saying this like I'm saying oh my position - I'm putting air quotes, one or something like that because nobody's really - and we already knew this.

But I think that it would be helpful and illuminating to release the poll and to really - because it will really show and indicate how, you know, how there was no consensus on it and what the different positions. And it wasn't just I think A and B that there was A, B, C and D and a lot of different flavors.

And even then we couldn't come to a consensus on it. And so I think we should put it out there. This group put a lot of work, I mean, into - not only into the poll but into the decision making process that came out, you know, that resulted in this poll.

So I think putting it out and just saying here's the poll we took not drawing any conclusions around it except that there was no consensus reached I think would be a good output for this group. And I see no reason not to include it in our initial report as either an annex sort of saying here's the poll, you guys take what you will from it and no analysis around it or conclusions based on that poll except for no consensus. That's it.

Mikey O'Connor: Thanks Jeff. Keith, you're next.

Keith Drazek: Okay thanks Mikey. And my comment is really more of a housekeeping issue. And I'll keep it as brief as possible but I've seen on the chat that there were some folks whose responses to the poll are not captured and they weren't like, you know, stragglers; it was folks who had done it, you know, quite a while ago.

I accidentally when filling out the poll this morning clicked on the preview link in one of Mikey's earlier emails and it was not the live poll. So if any of you - anybody on the call may have accidentally done the same thing you're going to have to go in and redo the poll using the live link.

So I learned the hard way. I hope that's not the case for those of you who's information wasn't captured. But it's really important to make sure that your answers are in the poll. So two things, check to make sure your answers are in the poll, make sure they were captured. And if they're not you may have to go back and redo the poll if you used the wrong link. That's it.

Mikey O'Connor: Thanks Keith. And you're absolutely right. It took the two of us a while to diagnose that, figure that out. And I should have published that to the list. I'm sorry. Ken you're next.

Ken Stubbs: Yeah, I'm sorry but I can't agree with Jeff's comment. First of all when I referred to as public I was talking about the public comment section not the fact that the poll isn't public. Anybody can go in, if you want to make a reference to our - the documentation that's fine but I don't think it should be part of the formal report because I think unfortunately Brian isn't going to be on the early part of the call.

Brian made some very strong points about the way that the questions were worded and it's very, very difficult; they're layered. And it's almost like a lot of the questions - except for the full positions were layered in such a way that there were certain assumptions that had to be made before you could move on.

You might agree with part of the statement that was made but as the statement got more in depth it became even more difficult to, one, even have an opinion or to necessarily agree or disagree. It's just - it's too convoluted. If you want to write a preamble to each question explaining the context and exactly that I think you're going to end up with 150 pages instead of the 90 pages.

And people, there were just too many people that were confused by that, the poll. There are just too many situations. I think Cheryl made a very good observation as well. And I think you're better off using it as a tool like we have done.

And, you're right, the results are already out there in an email. And - but I'm sorry I don't think it could be put into a context in the report that would make much sense and may in fact be even more confusing.

Mikey O'Connor: Thanks Ken. Ron.

Ron Andruff: I join Ken and echo his sentiments. I, as many know and others, have objected to the unprofessional way that these polls have been taken. That's not a knock against the co-chairs it's just that there's no professional developing a poll where it's an absolute yes or an absolute no.

And without absolute clarity with all of us having said on virtually every poll this is confusing, this is confusing, this is confusing, none of this data should go forward because it's not in fact - it doesn't have any basis in fact. So I think it's really important that we use it as a tool as we've all said but we keep this tool for our own personal use.

If someone wants to go back and research and look at this data in some point in the future no problem, it's there, it's on the list, they can look at it. But they

will also see that a lot of us objected to a lot of the elements of those things from time to time.

So I just want to weigh in and say absolutely under no circumstance should this data go into the poll particularly because people aren't necessarily able to answer the questions as - in real clear language.

The second thing, Mikey, I noted on the list could someone just - you or someone else just send to the list the correct link so that we're all getting into the right poll so that, you know, I don't want to do this a third time. Thank you very much.

Mikey O'Connor: Yeah, I'll add that to my punch list. Thanks Ron.

Ron Andruff: Could you send it out like right now and we can actually fill it in and maybe before this call is over, we've got two hours, we might go back and look at the numbers if possible.

Mikey O'Connor: There's no way I can get you a summary that quick. It takes a couple of steps to polish stuff out.

Ron Andruff: No not a summary - oh I see, I see what you're saying, afterwards after we all fill it in. That's fine.

Mikey O'Connor: Yeah.

Ron Andruff: If we could just at least get that link as soon as possible that's helpful. Thank you.

Mikey O'Connor: Yeah and if somebody could just spin backwards up the list and resend my little announcement of the poll opening; the right link is in there. It's, you know, it's the one where I did it all in caps and said poll is opening. And, you

know, that's the one to look at. If somebody could just find that and fire it off to the list it'd be great. Tim, go ahead.

Tim Ruiz: Yeah, thanks Mikey. A question and then a comment, is the - I'm just curious if the percentages - I haven't even had a chance to look at that real in depth but the percentages that were distributed in the summary - in that one summary, if those are based on percentages of the responders or percentages of the working group membership?

And then just my concern or the caution I guess I agree with some of what's been said. And I would just caution that if we include - what we include from these polls in the report, if that ends up being done, you know, is going to take a lot of background and explanation, because otherwise a lot of this is kind of lost on somebody I think just looking on or just taking a look at it without having a background or understanding of what's taken place over the last several months.

So I'd want to be careful that whatever we do with this that if we're going to include it in anything, you know, in the official report or something that there's at least appropriate background and explanation of, you know, where all this came from. Thanks.

Mikey O'Connor: Thanks Tim. Amadeo. I think you're on mute Amadeo.

Amadeo Abril: I'm not on mute anymore, thanks.

Mikey O'Connor: There we go.

Amadeo Abril: To make it short I agree with many of the comments. Not only was it confusing but sometimes the question was you like meat and hate fish and the next one was you like fish and hate meat...

((Crosstalk))

Amadeo Abril: ...you like both, yeah? So in these cases, you know, you don't know whether to say that you agree or you disagree or you have no opinion when you have a clear opinion. So (unintelligible) my own answers were sometimes random sometime because, yes I agree with the first part of the sentence but not on the other.

But I don't want to say that I disagree because I think there is something good here that we should...

((Crosstalk))

Amadeo Abril: So provided that I don't oppose the poll being published provided that (unintelligible) a common make about that we are learning about that and that we wanted to (unintelligible) but we all felt that answers without comments was insufficient. We need to redo a refinement of (unintelligible). So with this proviso I think we should publish that because it's (unintelligible).

By the way I love fish and meat but I prefer chocolate.

Mikey O'Connor: Thanks Amadeo. Jeffrey, go ahead.

Jeff Eckhaus: Yes, just one quick thing. I just wanted to make two points here. The first one being that if we're worried about people understanding it, I mean, it looks at this point that it's going to be the board who is going to be making the final decision. And I think I have the confidence that the board can understand this and can look at the poll and will get the benefit of this.

I mean, if we think hey they won't understand this poll then are they, you know, are they - then do we think they're qualified to make the decision on VI? And I think they will understand the poll, where we're at. And to say they're not - they wouldn't understand it is sort of a, you know, just saying hey maybe they're not qualified to make it.

And, two, is I believe this report will be open for public comment is that true?

Woman: Yes.

Jeff Eckhaus: So if certain, you know, parties who have issues with the report or with the questions they are free to comment on it in their public comments. But I think to go through this exercise again and to come out with the poll and to show that - and that's pretty - a lot of the output of this group.

And to say we're not going to include it in the report and to use it as a tool, which I'm still not sure what that means, but I think we should have it as an output of what this group did. And to hold it back is not the right thing to do.

Mikey O'Connor: Okay. Let's see, Tom, you're next.

Thomas Barrett: I just wanted to make a point that I think people - the problem with this poll that I think people have, the problem that I think that I had with it is that it didn't ask me to compare one proposal to another and say which one I preferred more.

So I ended up saying I could live with most of the proposals out there and I think - there are other tools that we can take advantage of, something called conjoint analysis. It was basically the - it forces you to choose one option over another would give you a better idea of I think where people would prefer to turn out on this.

And I don't know if anyone has expertise on this but certainly there is some online tools that we could use for it.

Mikey O'Connor: Thanks Tom. I've written that down and I will fess up to not being the world's greatest polling drafter. So it inflicts no pain to tell me that this poll wasn't very well built. Kathy, go ahead.

Thomas Barrett: So...

Kathy Kleiman: Can you hear me? Good.

Mikey O'Connor: Yes.

Kathy Kleiman: I support Amadeo's love of chocolate just to support something. The - I'm a little concerned about publishing the poll as well. I think that there were a lot of questions. Like everyone else who commented on it I had questions about interpreting question - about interpreting some of the questions including some of the questions where I had helped write the text.

And wondering about compliance and enforcement is it in the context of the BRU too, is it standalone? What - we didn't have an opportunity to really discuss what the questions mean, how we were supposed to interpret them. So we have a variety of different interpretations.

And like some others I put down no opinion even on things I have a very strong opinion about if I didn't understand the question or if I agreed with Sentence 1 and didn't agree with Sentence 2 and maybe didn't understand Sentence 3.

So I'm not sure I would publish this in its raw form but maybe some of the charts that are coming out of it, some summaries. I like Roberto's thought of a show of hands especially if we qualify it and explain it that this was something we did quickly and maybe hear some summary data coming out because I'm not sure we have any consensus or any conclusions out of it but some summaries, some ideas might be usable but in its aggregate for. Thank you.

Mikey O'Connor: Thanks Kathy. And can I remind folks to mute? We've got a little heavy breathing background noise going on here. Ken you're next.

Ken Stubbs: Yeah, can you here me Mikey?

Mikey O'Connor: Yep.

Ken Stubbs: Okay fine.

Mikey O'Connor: Yes we can.

Ken Stubbs: I'm going to start out with a statement that you made and that is that you are not necessarily a professional at writing these polls and stuff like that. I'd also like to remind everyone that in the past the polls that were taken were taken on the basis for using as - I won't use the word tool but as a device to help the group move forward, okay.

If this poll was intended to be part of the report it should have been disclosed, number one. Number two I think that if people knew that the poll was to be used as part of the report they would have requested a significant amount of additional elaboration on some of the questions because I too was in the same boat that Kathy was.

And if you look at results you'll see there were many of those that I had no opinions on. I have opinions but the way the questions were worded it got so convoluted I really couldn't tell what the basis for the statement was in some cases. So I think you ran into a - I think what will happen is that you will end up with too much focus on the poll and not as much focus on the report.

If you're going to - first of all assuming it's in the emails, number one. Number two if the board wants the information it's publicly available; the board can request - the board can make a decision as to whether or not they feel the poll would be relevant to them. And if so they can request copies of the emails and the documents that go with it. It's just supporting documentation in that case.

The actual report has an entirely different function. And I really believe that that's the case. If not - if you're going to include the poll then make sure that you include in the report itself all 2400 emails because they all have relevance. So the point I'm making very simply is the poll was a working document to help us develop consensus and so forth. But the poll on its own two feet was not - I won't use the word flawed but it wasn't as useful as a standalone. Thank you.

Mikey O'Connor: Thanks Ken. Tim.

Tim Ruiz: Yeah that was, you know, some of the concerns that I had as well that if we're going to use this poll result differently than what, you know, was represented to us in the beginning, I mean, that's sort of kind of a bait and switch kind of thing.

I mean, you know, if we thought this was going to be used as the basis for establishing consensus or making decisions and blah, blah, blah I think I would have had a whole lot more input into, you know, some of the structure and some of the wording and etcetera of the poll.

But (unintelligible) as a tool for us, you know, that was, you know, a little different story. Of course I think we all recognize that, you know, any of this stuff we're doing on this list is open to - and viewable by the public.

So again if we're going to include any of this stuff in the report it has to be, you know, very well explained so that, you know, as Jeff points out, you know, this report is going to be up for public comment. That public comment is going to be used later by both this group and possibly, you know, considered by board members and others.

And so if the public looking at this isn't clear as to what they're looking at their comments aren't going to be based on appropriate or correct information. And I think that's important as we want to try to, you know, effectively

consider the comments that are submitted so that they don't feel they comment one way and it was taken another because a different understanding about what the data in the report means.

And, you know, and another example here of why we need to be careful with this is less than half of the actual membership of the working group actually responded to the poll. So, you know, I think we just need to be - we need to be careful and keep this in the context, you know, regardless of where we're at so those are my thoughts.

Mikey O'Connor: Thanks Tim. I think everybody that's got their hand up has talked. So if you can remember to take your hands down in the Adobe room. Let me restate sort of the little conclusions that I drew mostly looking at the detailed version and then maybe we can draw a line under the poll conversation and head into the report discussion.

First conclusion is - and I'm looking at the initialreport.prelim.formatted.xls file - is that the conclusions - I arbitrarily called those conclusions - the three drafting team efforts exceptions, compliance and SRSU.

It seemed just looking at it that while we don't have complete agreement we have a reasonable level of agreement and a small enough group of people who oppose it that during the period while we're in public comments maybe we can touch bases with those folks and those who can live with it and see if we can tune up those drafts to bring people into the fold.

So, you know, I think we're on the right track with those three things. I think SRSU might improve with a little bit more concentrated drafting effort. To other, you know, just scanning across the page I don't start to see, you know, real oceans of green until we get sort of to the end where in the exceptions area which in a way is a repeat of the exceptions process, again we're seeing not quite the same level of agreement but fairly high levels of agreement.

And then the other one that I might lobby for us to at least consider for the final report there's no way we can get this drafted I think for the initial report is this question of whether to limit the results of our work to the first round of new gTLDs.

Again there seemed to be a fair amount of agreement there. And we might want to consider that as another in our conclusion section. Other than that my observation is similar to what the folks have been saying a lot on the chat especially which is that, you know, there's a lot of stuff we haven't arrived at consensus on.

And there you go. So I tend to agree that publishing - certainly publishing all this would be bewildering. So at least in the initial report and probably in the final report as well I think I'm tending to shy away from using these results at all except to guide our own discussion rather than as any kind of deliverable.

I think that's it on that agenda item. I'd like to get us on report...

Tim Ruiz: Hey Mikey?

Mikey O'Connor: Yeah.

Tim Ruiz: Mikey, this is Tim. Yeah, the - I just wanted to mention that I think that, you know, and maybe the SRSU on there is accurate. But it just seemed to me that when I looked at, you know, the thread of discussion on that that what's described in, you know, the rather scant document on that right now isn't necessarily what's in everybody's mind.

I mean, everybody seemed to have different ideas about where that should go or what the limit should be. And I think, you know, VeriSign just posted a position statement about it and included that there should be some limitations on registrations and all kinds of little details.

So I'd just want to be careful about characterizing that or anything else as just, you know, as necessarily having, you know, some general agreement that, you know, that that's pretty well qualified probably in various minds.

Mikey O'Connor: Yeah. Actually that's a great segue into an idea that I've had for the initial report. And I wanted to try this out on folks and that is, you know, normally an initial report comes out in a much more refined and heavily edited forum than we're going to have time to do.

And so I'm - and by the way pushing us on into the next agenda item here. And what I'm toying with and would be interested in people's ideas about is some sort of disclaimer at the front and then also some sort of disclaimer in the footer of every page of the report that sort of describes this in the following way.

And I haven't thought this through so I don't want to declare this as perfect. But I want to get across the notion that this initial report is a snapshot of where we're at but it's going to continue to move probably substantially during the following 20 days while the public comment period is open and should not be treated as anything except a working document by people reviewing it.

But that we wanted to get out for public comments on this to draw people into a conversation and also because we're under a deadline, etcetera, etcetera. What do people think of that idea? I don't want to hijack the whole report discussion with that but I would be interested in feedback on that as to whether this is the right approach.

You know, I'm uncomfortable putting the initial report out there without some indication of how rough it is because no matter how hard we try I think we're going to go out with a rougher than normal initial report. So when people are commenting about the report if you could also just slip in a little guidance to me on that one that would be very helpful.

I haven't really put any kind of a skeleton into this hour in terms of how we want to tackle this discussion. I think what I'm going to do is sort of let it run freeform until the top of the hour and see how we're doing. And then if we seem to be making good progress I'll continue along. But if we seem to be getting stuck I'll try and invent some subtopics that we can work on.

But for now it's sort of freeform discussion of the draft that we've got, direction we should go, how we should handle it etcetera. And I'll take a queue and off we can go. Tom is your hand up from before or is this new? It's not new. Jeff Neuman, it looks like you're up.

Jeff Neuman: So we're talking about the draft, right, the draft report?

Mikey O'Connor: Yep, yep, let's talk about the draft.

Jeff Neuman: Yeah so I had raised something on email well I had submitted my edits to Section 2.2 which I think - and I'm going to be nice - reflect what actually happened as opposed to staff recollection of events. So I would encourage people to read that and make sure they agree with my recollection because people may not. But so that's on 2.2.

And then on Section 4 there's been some emails going back and forth so I'll start and I know Milton will probably jump in because he's got a different view. But I think my personal view is that Section 4, the Competition Analysis Evaluated by the VI Working Group, should be taken out completely or at least significantly modified.

First of all I don't think our working group did evaluate the competition analysis at all. We had one call where - which was 60 plus minutes where the two economists came on. We actually grilled them for that 60 minutes. But to say that they - we evaluated it or as Tom Barrett pointed out in his email to say that they assisted us in understanding the work is also kind of an overstatement.

I will say that what we have in the staff report is - or in this initial report is an analysis not of that discussion that took place but it's just a recap of the (Salup and Wright) report in general which I think is kind of inappropriate as well.

If we're going to include anything from (Salup and Wright) it should be in the background section kind of like the CRA report is included with maybe just a statement as to what the conclusion was.

But if we're going to include anything in addition to that we need to reflect the conversation that actually took place not, you know, I even noticed there's a footnote on another paper that was cited not in the discussion but in a report which cites himself, another article, but it's Footnote 6.

But so my main comment is, A, I think it should be completely taken out. If A is not adopted then what we do is we talk about this in this report was, 1, that the VI working group had to look at, that we had one conversation. And we could say this is what the report says.

But then we also need to include other statements that the economists made, like for example one that I know registrars didn't like but one that - where they said that, yeah, if we're using the same rationale to get rid of the separation then we, you know, the same rationale could be used to say that we shouldn't even have ICANN accredited registrar - or that there's no reason to have equal access among ICANN accredited registrars.

So I don't want to get into that debate. I think at this late stage since the initial report has to come out tomorrow or Monday please let's this group just eliminate it for now otherwise it's going to hold everything up because I can't in good conscience let this be in there the way it is.

Mikey O'Connor: Jeff, let me take a quick poll. People, if you could use your agree/disagree tick marks on Adobe. And I think on this one let's just get objections to Jeff's idea. I think that's the easier way to go. And if I don't see any objections to that I'll go ahead and revise the report accordingly.

So if you...

((Crosstalk))

Ken Stubbs: ...Mikey, I can't get the poll up. The draft initial report is covering it and I can't move the...

((Crosstalk))

Mikey O'Connor: No, no, no not the poll just in the same way that you raise your hand.

Ken Stubbs: Oh.

Mikey O'Connor: You have other options, you can either use it - put a checkmark up there or put an X so I...

Ken Stubbs: Okay so the X means you don't think the poll should be included and the checkmark thinks it should be is that correct?

Mikey O'Connor: Yeah but it's not the poll that we're talking about. We're talking about the reference...

Ken Stubbs: Sorry the economists' report.

Mikey O'Connor: Yeah.

Ken Stubbs: If you think it should be left out of the initial report put an X down is that correct?

Mikey O'Connor: Let me restate the paragraph...

Cheryl Langdon-Orr: And if we agree can we put a tick up?

Mikey O'Connor: I've framed the - this is the reason you don't want me drafting polls. I think...

Cheryl Langdon-Orr: Yeah, well you've got ticks and Xs so clearly we don't understand what you're asking us Mikey.

Mikey O'Connor: Yeah, let me ask the question again, if you agree with Jeff...

Jeff Neuman: Can I restate - can I restate what the agreement is since it's mine?

Mikey O'Connor: Yeah and if...

Jeff Neuman: My proposal - here's my proposal.

Mikey O'Connor: Hang on Jeff, wait a minute. If you agree with Jeff put a checkmark up. If you disagree with Jeff put an X. There you go.

Jeff Neuman: Part 1 which is the only one I'm going to ask right now is I believe that Section 4 should be eliminated completely.

Mikey O'Connor: And just describe Section 4.

Amadeo Abril: Sorry, exactly - some of us don't have the document in front of us...

Mikey O'Connor: Yeah.

Amadeo Abril: ...Jeff and I don't remember the sections by, you know...

((Crosstalk))

Jeff Neuman: All right. I believe that Section 4 entitled Competition Analysis Evaluated by the VI Working Group should be eliminated.

Mikey O'Connor: So if you agree with that put a checkmark up. If you disagree put up an X. And I'm sort of scrolling up and down. I'm seeing a fair level...

((Crosstalk))

Cheryl Langdon-Orr: ...in the room can make their opinions heard.

Mikey O'Connor: Yeah, if folks aren't in the room and want to chime in this would be the time to do that. Good point Cheryl.

John-Christophe Vignes: I can't check for some reason so (unintelligible). Yes, I think it should be removed. JC.

Mikey O'Connor: Okay thanks JC. Anybody else? I'm...

((Crosstalk))

Cheryl Langdon-Orr: ...have significant consensus on something.

Mikey O'Connor: Yeah. We don't have perfect consensus of course because this is VI but we're pretty close. I'm going to take that as a direction - I was a little uncomfortable with that as well because what we did in many cases in our charter is we deferred a lot of the major analyses beyond this very early first phase.

And I admit that that section made me a little uncomfortable as well. So...

((Crosstalk))

Jeff Neuman: ...let's be honest. I mean...

Mikey O'Connor: Yeah.

Jeff Neuman: ...that's not what this working group is about; we're not researching anything or...

Mikey O'Connor: Right.

Jeff Neuman: ...you know.

Mikey O'Connor: Yeah. So I'm comfortable with taking that one out. Okay everybody clear your checkmarks and your Xs so I can get back to a queue. Jeff Neuman are you done at this point or did you have another point you wanted to raise?

Jeff Neuman: Well so in order to satisfy Milton and Antony I do think that we should - we can mention the economists' discussion and report in the background section. You know, so, I mean, it should be stated that we actually did this. So I don't want to hide the facts of what happened but we could put it in the background section.

Again, not the detail that's in here which just recites their report but just the fact that we had a copy of their report, we had a discussion with the economists just like we had a copy of the (Cray) report, right? I mean, these are all stuff that we have.

Mikey O'Connor: Okay. Ken?

Ken Stubbs: Yeah first of all I'd like to support Jeff's second comment. I think that's a good place for it to go. And again getting back to what Jeff Eckhaus had said earlier that report's already been submitted at least once before in a public fora. If the board or the council wants the report as a reference document to help them understand it they can certainly request that staff provide the report

to them. And I think that's the appropriate way for it to be dealt with here.
Thanks Mike.

Mikey O'Connor: Okay thanks Ken. Tim.

Tim Ruiz: Yeah I guess that's okay. I wasn't real clear maybe it sounds better now after Ken's comment. But I was just concerned that if we - what are we going to say about it or whatever?

I mean, just the fact that we had them on a call or whatever but I wouldn't want to imply that we somehow considered, you know, this report or that report, you know, that, you know, that it was a discussion and debate amongst the working group or whatever. Because I don't see anything of that nature that has taken place.

Mikey O'Connor: No I think that's right. You know, that's really one of the many pieces of our charter that have been pushed into the sort of next phase of what we're going to do. Amadeo go ahead.

Amadeo Abril: Actually a question that probably is answered in the mailing list but I haven't seen that is there a deadline for commenting on this report - to this report - draft report?

Mikey O'Connor: Oh yeah, a very acute tight deadline. In order to hit all the markers prior to the board retreat we have to have this report done tomorrow. That's what happens when you get into a crazy schedule like this. So I'm going to be pulling an all-nighter tonight.

And my plan is to get a revision out hopefully late tonight, maybe even earlier, who knows, it depends on how many changes we identify for discussion. And I was going to raise this at the very end of the call but maybe I'll take a moment to do this now.

A question that I guess is on my mind is should we try and do one more call tomorrow to take a look at the draft that comes off my machine tonight? Would people be willing to do that?

Cheryl Langdon-Orr: Cheryl here. I think it's important enough to do that, yes. It seems bizarre for us to have put in the heroic effort so far and then leave it to go through the staffing gate without all the necessary due diligence and cross checking that many of us would want to do.

Mikey O'Connor: Yeah.

Cheryl Langdon-Orr: The question is at what time? If you can avoid what is equal to my 5:00 am because I have another appointment at 6:00 am tomorrow that would be good.

Mikey O'Connor: Is the time that this call started 5:00 am for you?

Cheryl Langdon-Orr: Yes.

Mikey O'Connor: So avoid 2:00 pm Central, 3:00 pm Eastern whatever it is...

Cheryl Langdon-Orr: Prior to that is fine.

Mikey O'Connor: You are a good scout, Cheryl.

Cheryl Langdon-Orr: Oh don't you believe a word of that.

Mikey O'Connor: Okay. I'll tell you what, why don't we use our little checkmarks again? If people would be willing to do a call at our...

John Austin: Mikey, this is John Austin. I would agree with Cheryl and I don't have access to my computer right now so you've got my...

Mikey O'Connor: Okay.

John Austin: ...support for that.

Mikey O'Connor: Let me try the normal Monday time instead of this time.

Cheryl Langdon-Orr: Yeah, that's fine.

Mikey O'Connor: The - for me it's two hours earlier than...

Cheryl Langdon-Orr: Yeah, 3:00 am my time.

Mikey O'Connor: Yeah you lucky dog. Give us checkmarks if, A, you think this is a good idea and, B, you can make a call like that. And if a fair gaggle of you give me checkmarks I'll go ahead and try and get something like that scheduled. Glen, I'm going to give you a heads up if you're listening right now that if we could maybe get that started that's probably not a bad idea. We're getting sort of mixed results on whether people can...

Sebastien Bachollet: Mikey, may I ask you one question?

Mikey O'Connor: Sure.

Sebastien Bachollet: It's Sebastien. You asked two questions at the same time.

Mikey O'Connor: Yeah.

Sebastien Bachollet: And I guess you need to split the question. Because for example I am willing to have a call tomorrow but I am not available in the beginning of the hours you are proposing.

Mikey O'Connor: I'll tell you what, I'll simplify the question.

Cheryl Langdon-Orr: Well let us clear our status first.

Mikey O'Connor: Yeah, let me - so let's do the are you willing to join a call, yes or no, first. And just...

Ken Stubbs: A call when Mikey? I'm still confused.

Mikey O'Connor: Well I'm trying to separate the two questions. I want to see if there are...

((Crosstalk))

Ken Stubbs: You can't answer that question unless I know when and what time, I mean, are you willing to join a call? I don't know I'm willing to join the Girl Scouts. I doubt it's going to happen but I've got to know when...

((Crosstalk))

Mikey O'Connor: That's an interesting concept. I, you know, it sort of boggles the mind actually but...

Man: Anything for free cookies.

Mikey O'Connor: Yeah, I don't think those cookies are free...

Cheryl Langdon-Orr: They're not free.

Mikey O'Connor: ...even for Girl Scouts.

((Crosstalk))

Mikey O'Connor: Oh now we've got smiley faces up there the whole works. And my - my computer has decided not to allow me to scroll anything in Adobe so I can't tell. So I think that - I'm going to presume that there's willingness to join a call

now all we got to do is find the time. So clear our statuses again and let's try...

Amadeo Abril: Can't you do a doodle it will take 20 minutes and then the people will answer before the end of this call and you will be done.

Mikey O'Connor: Marika could you do that for us if you're on the call still?

Marika Konings: Yes I could.

Amadeo Abril: If not I can do it.

Marika Konings: As long as you give me some indication of time. You just want me to pick some times during the day tomorrow basically?

Mikey O'Connor: Yeah sort of, you know, balancing the time zones that we've got people in. So...

Marika Konings: Okay I'll get that out during the call.

Mikey O'Connor: Yeah, that's be great. Thanks. I think that would be extremely helpful. It certainly would be for me; I'm feeling pretty nervous about doing a draft and no review so having another round on that would be great. So let's go back to substantive issues in the report.

And basically build me a punch list of stuff that I could work on in the next draft. And what I'll do then is I'll listen to the MP3 of this call and pull those items off. Let's see if I can get back to my screen. Ken, go ahead.

Ken Stubbs: Yeah, can you hear me all right Mikey?

Mikey O'Connor: Yep, I can hear you fine.

Ken Stubbs: Okay fine. There have been a couple questions on the chat again, so if it's all right with you I think it would take us - it might be a good idea to just take a second on the timeline, correct me if I'm wrong now, the time the report is published there is a 20-day comment period, am I correct there or not?

Mikey O'Connor: Yeah.

Ken Stubbs: Okay. During that comment period we had already previously discussed that we're going to create - treat the report as somewhat of a dynamic document - in other words if we decide we want to start editing on the report based on the input that we get during that time, 20-day period, we're going to go ahead, revise the report and get a republished report out as quickly as possible so that as people move further into the comment period they will be able to comment on our revisions rather than waiting until the very end. Am I correct there?

Mikey O'Connor: Oh that falls in the gee, that's a pretty good idea but I hadn't thought about it category. It certainly seems reasonable to me that what we could do is publish a couple more snapshots during the public comment period. I imagine it's about three weeks long so maybe we could do one a week, something like that.

Ken Stubbs: Well I think that can be done providing the only thing you want to make sure we do and the premises on the report is fully disclosed, in fact, that this is still a dynamic document so that somebody can't come along and say well I commented on a report that's been revised three times.

I think we need to encourage in the actual preface to the report or the preamble or whatever the hell they call it that people come back and re-review this document because of the extreme time pressures that we're under. We're endeavoring to try to create a report that is as timely as possible and given our time parameters three weeks could be a lifetime, you know.

Mikey O'Connor: Yeah.

Ken Stubbs: There may be additional items that are agreed upon and so forth. So I'd hope that you'd at least consider this and the group would consider that - doing it on that basis.

Mikey O'Connor: I think I'm going to go ahead and exercise co-chair prerogative and declare that a darned good idea in my mind. I don't think anybody would disagree with that.

Okay there's nothing in the queue. Oh Marika's got the doodle pulled up. Everybody take note of the link in the chat. And if folks could fill that out we'll try really quickly to arrive at that. Marika could you send that to the list for folks who aren't on the call as well?

Marika Konings: Yes I was just in the process of doing that.

Mikey O'Connor: Terrific. Thanks a million.

Ken Stubbs: I did want to jump on one more time Mike, I'm...

Mikey O'Connor: Go ahead.

Ken Stubbs: Yeah. I'm not sure how you're handling the edits and so forth. I noted that Jeff had posted a couple. I had a couple of small edits to the report that I had stuck in. And I really need to get an elaboration on one item and that is that there's a reference - and I believe it's Section 5. I can't find my email right now to you.

To the word, "special," I wanted to know exactly what you mean by special, there.

Mikey O'Connor: I haven't - I haven't touched this document yet.

Ken Stubbs: Okay.

((Crosstalk))

Ken Stubbs: Okay in Section 5.3, special consideration for a single registrant, SRSU exception. You know, I need to know what the word Special means there or how they're using that or how you propose using that word.

Mikey O'Connor: Tell you what, let me - I've flagged all those emails that came in on the list...

Ken Stubbs: Okay.

Mikey O'Connor: ...but I haven't read them yet. But...

Ken Stubbs: Okay.

Mikey O'Connor: ...let me take a stab at rewriting that in the next iteration and see - special doesn't mean anything to me.

Ken Stubbs: Yeah.

Mikey O'Connor: So I think I'll...

Ken Stubbs: Also one other thing for what it's worth. And I'm not wordsmithing, just trying to - I want to make sure we do not get confused in the report. There are references in the report to the word, "model." Correct me if I'm wrong I don't think anybody is necessarily proposed a model.

We have various proposals on vertical integration but I don't think we've got a complete model. So I think it might be a good idea to take a look at the report and where they use the word "model" I'd go back and probably talk about a proposed model is really just a proposal that's...

Mikey O'Connor: Yeah.

Ken Stubbs: ...you know.

Mikey O'Connor: That's a good catch.

Ken Stubbs: Just trying to get clarity, that's all. I'd rather...

Mikey O'Connor: Yeah, no I think that - all that kind of stuff is great and you can either submit it and talk about it with the group here on the call or do it by email. And I will dive right in after the call and start cranking those changes into the draft.
Kathy, go ahead.

Kathy Kleiman: Hey Mikey. Sorry you're going to be up all night having pulled that one time...

Mikey O'Connor: Hoping not...

((Crosstalk))

Kathy Kleiman: So hope not. Silly question but it is in the chat and I wanted to ask you, are you anticipating a 60 or 120-minute call because it makes a difference for those of us trying to schedule...

Mikey O'Connor: Oh I don't know. That's what happens when you wing it, you know.

Kathy Kleiman: Can we say 60?

Mikey O'Connor: Let's say 60 with our fingers crossed, how about that? I'll cross my fingers behind my back and we'll hope that - you know, it seems to me that in 60 minutes we can have a pretty substantive discussion about the report. And then if something comes up that we just need to hang on longer I can certainly hang on longer and we'll certainly record the call.

And, you know, this notion of a preamble that says, look, this is a dynamic document; it's going to change a fair amount I think is really important. So if we get to the end of the call tomorrow and we still got some loose ends we'll just highlight those as loose ends and go ahead and publish it that way anyway.

Kathy Kleiman: Sounds good to me, thank you.

Mikey O'Connor: Thanks Kathy. Anything else on the report? Oh I want to give a plus one on the Marika, you rock from Michele. I'm not seeing anything else in the queue which could mean several things; it could mean that like me many of us haven't had a chance to really dig into the report yet.

And so I would heartily encourage people to dig in over the next few hours. I'm certainly not going to be quitting before 10:00 pm local time, Minnesota time tonight so that's probably about 4:00 am GMT. And so feel free to hit the list and I'll keep monitoring the list for changes like that.

And I'll sort of key an eye out also for disagreements. If someone submits something to the list and then it erupts then I'll be a little more cautious than if somebody submits something to the list and there isn't much commentary.

Now let me push us onto the three chunks that we've got, I mean, the meat of this report is in those drafting team efforts. And I think that - and again I quite literally haven't looked at the way they actually went in.

But when Margie and I talked yesterday I said to just take them as they stood right off the latest drafts that hit the email list and hopefully are also on the Wiki although I'm the one that put them on the Wiki so the definitive word is the drafts that are on the mailing lists.

Several observations, one, those clearly aren't quite done yet especially SRSU needs a fair amount of work. And so I think I'm going to reiterate the disclaimer at the top of each one of those just to make it extra clear that these are still very much in progress.

Does anybody have any further thoughts about those that you want to instruct me with at this time? I know we've hammered on them pretty good but no time like the present to do a little more. Jeff, go ahead.

Jeff Neuman: Yeah, and I think this was raised first my Milton. In 5.1 of the report that's on compliance...

Mikey O'Connor: Yeah.

Jeff Neuman: ...there's a sentence in the second paragraph that says many also noted that ICANN's track record raises serious concerns about ICANN's ability to develop staff and make operationally effective and enforcement bureau function.

I think that's kind of hitting ICANN staff in the head.

Mikey O'Connor: Yeah and actually that's language that came from Margie. And I'm pretty sure that it would be okay if I moderated it. I was in agreement with that as well that that seemed to me to be too harsh an indictment. And I don't believe it's really the sense of the group either.

I think that what I've been detecting is that we want to support compliance, we don't want to, you know, tear it down; we don't want to beat them up. We want to say yea verily, more of the same please. And also the sense I've got is that we want to make it clear that if they need resources we agree with them on that. So I was planning to moderate that already and appreciate your comment Jeff. Ron, go ahead.

Ron Andruff: Thanks Mikey. I just want to come back to SRSU and just throw this out for the group because I'm a little confused myself. I'm not sure if SRSU is an exception or if SRSU is in fact a - is something that we have to look at and say it's actually a new type of TLD.

We have gTLDs, we have ccTLDs. I don't know if we have an SRSU TLD or if in fact it's just part of the exception. So for my vote it should be part of the exception, it's not a standalone TLD otherwise we're going to start getting a little confused there. Thoughts, questions...

Mikey O'Connor: I'd never dreamed of it being a standalone. Is that what you're interpreting from what's in the report?

Ron Andruff: Yeah that's - it looks a little ambiguous in that regard.

Mikey O'Connor: Okay I'll take a look at that. As long as we're on this part of the thing I guess one of the questions on my mind when I was looking at the SRSU one was whether that one warranted its own little section or whether it should be swept underneath the exceptions process as another exception.

Ron Andruff: That's where I would see it going; that was my thought.

Mikey O'Connor: Okay. Now the - just because I'm a member of the DI group I can argue both sides of this. The issue there is that there is a concern I think you've heard on this call I think it was Tim that mentioned it that a lot of this is in the details. And my thought about the SRSU section is that right now it doesn't have the level of detail that it needs before we're ready to go final.

And I'm curious sort of how we want to get to that. My thought is - and I'm going to disclaimer that says this is very rough and very preliminary and we're planning to sharpen this up a lot.

And the only problem from a kind of a report esthetics standpoint is that if we have three exceptions that are sort of briefly described in the exceptions process and one that's this giant detailed thing it sort of gets out of balance.

Ron Andruff: Well...

Mikey O'Connor: So again...

Ron Andruff: Well what that would show is that there's been a considerable amount of work done on that and it shows the work that still needs to be done. So I don't know if that would be too much of a concern for my part.

Mikey O'Connor: Okay.

Ron Andruff: Thanks.

Kathy Kleiman: I agree.

Mikey O'Connor: Thanks. Ken you're next. Oops you're on mute again or your phone is on mute.

Ken Stubbs: That's exactly why I start out by asking if you can hear me, I'm sorry.

Mikey O'Connor: Okay. It's all good.

Ken Stubbs: I want to comment on two things, the compliance and the exception. Let's take a step back for compliance. Clearly there's serious issues with compliance. The last thing in the world I want this report to do is become a pat on the back saying you guys have done a great job but you just need more resources and people because I can't agree with that statement.

They also need a real attitude check on how they view compliance. And I think it's really - boils down to a - we'll use the term that (David Geisler), God

rest his soul, used and that is they need to establish some sort of a culture of compliance inside ICANN that people understand that they need to give it the same amount of energy that they seem to do with the technical compliance side.

They're paranoid on one side and very, very lax on the other but that's my own opinion. With respect to the exceptions you talked about putting more meat on the bones of the SRSU. In the case of exceptions as well there is - the devil is in the details there.

And I think that it needs to be - we need a lot more clarity with exceptions. I compliment Milton and Mike and Avri because they went to great detail to try to explain the rationale behind the process they were proposing and outline something specific.

Either we need to make it clear - I'm not saying we craft in the next day a process. But we need to make it clear that that process needs to be thoroughly vetted with the community and with the council before you move forward in that area.

Otherwise the exception could just become the classic hole you drive the truck through or could be used the other way and tightened up so tight that deserving parties may not be able to get through that crack in the cement. Thank you.

Mikey O'Connor: Thanks Ken. Here's an idea I had about your first point and I just want to try this out. I sort of wanted to deflect that statement in the compliance part of the report upward. So take the aim of that sentence and instead of aiming it at the staff aim it at the leadership; primarily the senior management team and the board. And then make the points that you made, Ken which is that in my mind - and now I am venturing squarely into content for the first time.

And that is that in my mind compliance in most organizations is not a strategic function it's a staff function and thus sometimes it's outsourced, you know, it's often relegated to sort of a second tier. But I think compliance in ICANN is strategic, it's part of the mission of the organization. And it's not getting the attention that it needs.

Now I'm not going to go that far in the re-drafting of the report but that's to give you a sense of where I come from on that. And so my thought was to sort of redirect that sentence upwards towards the leadership layer rather than the staff layer of the organization. And I'll give it a try and then you guys can eat it up tomorrow on the phone.

Let's see, Tim, you're next.

Tim Ruiz: Yeah, my - kind of sort of we're back on the compliance piece too. And I think you're - at least in my opinion, Mikey, you're exactly right that this isn't - it shouldn't be an issue with staff it's an issue with senior management or direction of staff.

And I think that what some of the things we heard in Brussels kind of exemplifies that because again, you know, we heard mixed messages about compliance. And the one message that I heard that concerns me probably more than any other is that, well, whatever you need for compliance we'll - it'll be there...

((Crosstalk))

Tim Ruiz: ...we'll provide the money. And I think that's not a very realistic way to approach it because not everything can be enforced, not everything is as easy to enforce compliance as other things. In fact some things just, you know, may not be able to be done.

And I think that's the reality of it. And so what, you know, I think one of the comments on the chat was, you know, that it's an implementation detail not a policy detail.

Well true to some extent, but I think that from a policy perspective we need to be getting some sort of opinion as - from staff or senior staff or the compliance people, whatever, about, you know, looking at what it is we may intend to recommend, and getting some opinion as to, you know, how that could be enforced, if it could be enforced.

And if they believe it can be how that could be enforced so that we have - we can make informed decisions about what it is that we might recommend because clearly, you know, if it's an issue, if it's a problem it might change the way some of us feel about certain things that we might otherwise recommend.

So I think it's - some of it has to be a part of the policy consideration even though that enforcement itself and the compliance itself is an implementation issue.

Mikey O'Connor: Thanks Tim. Kathy.

Kathy Kleiman: I wanted to go back to the SRSU and the exception question. Although I think the compliance comments are really good that have been raised. I wanted to request that we keep them separate. And I think we polled them separately and I think they've been drafted very separately.

And I don't think we should be arguing about merging them now. I understand what Ron said; it makes a lot of sense that they could have been drafted together but right now the exceptions and the exception sheet are one, the SRSU is different and needs a lot of detail.

And I just wouldn't bring them together. We've actually got three types of exceptions that we've discussed over time. The orphan community - and I'll group those together, I know they're separate but I'll group them together because they're both included in the current exception statement.

A general exception process for any type of exception you might want is something we've discussed. And isn't part of either the exceptions or the SRSU right now and then the SRSU. So I'd just keep everything in the column that it is now because that's how we've been talking about it and thinking about it.

And maybe merge them later but for the report that's going out tomorrow I'd keep them separate. Thanks.

Mikey O'Connor: Okay, duly noted. Jeffrey Eckhaus, go ahead.

Jeff Eckhaus: Thanks. Wow, I'm thoroughly confused at this point. First I just wanted to say I think Ken said God rest his soul, I don't think (David Geisler) is dead by the way I think he's just no longer working for ICANN. So I wanted to state that.

The other thing - about - I was going to say something specific about SRSU but now I actually have a question about exceptions. And I've kind of looked through the report and it's an exception to what is I guess my question. If somebody - I don't know, Mikey, if you want to answer that or if Margie because what is it an exception to?

Are we saying that the baseline is the - is like the 2% or the Nairobi? I just want to be very clear on that because these are exceptions but I don't want to make a presumption of what the final decision would be that they might not be exceptions.

So I'm sort of...

Mikey O'Connor: Well the exceptions part of the draft, Jeff, is the result of the drafting game. So Margie and I are just copy and paste artists on that particular piece. So I'm going to - I'm going to duck that question. It's probably a good one...

Jeff Eckhaus: Just because by saying that those are exceptions then we're sort of establishing that the baseline is some sort of, you know, some sort of restriction. And that's fine if we want to do that but let's just state it and say the baseline is the 2% and that's an exception to that because if not, I don't know, you know, if we want to - what we want to say about that because it sort of is by including that there's sort of unintended consequences. So that was my point on that.

And I will read it again fully but - and send in my comments but I thought maybe it would be better when we had the group on the call to sort of discuss that?

Mikey O'Connor: Yeah...

((Crosstalk))

Mikey O'Connor: ...actually if I could call on one of the exceptions drafting type folks to maybe just chime in with a quick thought on that that might be helpful. And if you want to sort of rattle something off that you want me to insert into that I'm happy to again listen to the MP3 and take a crack at a draft.

Jeff Eckhaus: And, Mikey, because I just wanted to add because, you know, I see, you know, people are saying it could be to current ICANN contracts but ICANN contracts are sort of all over the place so I just wanted to - and what we decide what the baseline is I think we should state it.

If we're going to state exceptions we could say these are exceptions to the 2% which is what you'll just put into the latest draft application guidebook.

Mikey O'Connor: That works for me. Does that work for others? Okay I'll take a crack at language that's kind of like that.

Tim Ruiz: Could you repeat that again Mikey I'm not quite sure I understood it.

Mikey O'Connor: Well I'm not sure I can repeat it, I'm relying heavily on the MP3...

Jeff Eckhaus: I'll repeat it. I'll repeat it. If Jeff Eckhaus. By saying exceptions we're not clear showing exceptions to what. So what I was saying is if these are exceptions and I think Kristina and the IPC had said it's an exception to the Nairobi statement. But that's fine as long as we say that the DAG-4 is the latest piece and if these are exceptions then it's exceptions to the DAG-4.

I just wanted to - I want it to be clear in the report so no presumptions, that's what I was stating.

Ken Stubbs: I'd like to comment on that even though I'm in fifth down if you're going to go...

Mikey O'Connor: Yeah, no that's fine, go ahead Ken. And also Tim if you want to come back on that as well.

Jeff Neuman: And Mikey this is Jeff Neuman, I'd like to comment just on that.

Mikey O'Connor: Okay. So we'll do Ken, Tim, Jeff.

Ken Stubbs: Okay I can understand referring to exceptions but I don't think you can refer at this point in time to a specific set of guidelines. I think what you could state in the report is that the exception process is created so that once a set of guidelines is established by the board as a result of their actions the exceptions then become a process to deal with or the process then becomes a methodology for dealing with exceptions to whatever guidelines are ultimately established.

The board has indicated at this point in time that they're looking to a process before they finally delineate the guidelines. So I don't think you can refer to a specific document or anything in this report because we're talking about moving forward...

Tim Ruiz: Vertical.

Mikey O'Connor: You were doing great there until the end Ken, and then you kind of faded off.

Ken Stubbs: Well I'm sorry, I didn't mean to. That's basically...

((Crosstalk))

Mikey O'Connor: No, no I just wanted to make sure that your phone hadn't struck back.

Ken Stubbs: Okay. Can you hear me now Mike?

Mikey O'Connor: Yeah.

Ken Stubbs: Okay. I apologize.

Mikey O'Connor: No worries.

Ken Stubbs: The exception process deals with guidelines that are ultimately established and put in place as a result of actions ratified by the board. Now Kristina's point is well taken, the proposal that the IPC put forward is based on creating a process to deal with what is in place at this moment.

But that's not what we were tasked to do so I'm saying that if you're going to discuss an exception process you need to base the exception process on guidelines that will ultimately be in place. There's no need to put a reference

into the DAG, to the board resolution or to anything because the board has asked us to give them recommendations so they can finalize this thing.

We have an interim product at this point in time. I think everybody here agrees. I'll take money that what we end up with not necessarily be exactly what we have right now in the DAG or in the board resolutions. Thanks.

Mikey O'Connor: Thanks Ken. Let's see I think it was Tim then Jeff if my memory serves correct. Tim.

Tim Ruiz: Yeah, I'll just say that, you know, and in my original intent in proposing the exception concept was that, you know, not knowing what the baseline is, you know, that there may be the need for an exception process blah, blah, blah. So I wasn't - personally I wasn't basing it on any - there's necessarily any baseline because there - we don't have one, I mean, that's the whole point at least in my mind.

So I just want to be a little careful about how we present it so we don't, you know, make some sort of a - indirect recommendation to the board.

Mikey O'Connor: So would you be comfortable with Ken's approach of essentially referencing Christmas future whatever it turns out to be?

Tim Ruiz: Yeah I guess so. I'd have to see it. I just...

Mikey O'Connor: Yeah, I mean, I'll take a crack at it that way...

Tim Ruiz: Yeah.

Mikey O'Connor: ...and then we can beat it up a bit.

Tim Ruiz: And you don't want to leave open that possibility, you know, if the group is in agreement so we could pursue it but, you know, not necessarily sort of

indirectly or backhandedly, accidentally, whatever, make some sort of recommendation.

Something similar with the SRSU I guess the concern I have there is just that that we, you know, there's some indication that, you know, we'd like to continue looking at that. I guess you could say the group seems to have some interest in that.

But, you know, do we have consensus that there should be SRSU? I don't think that that can be said and I wouldn't want the board to mistakenly think that oh we have consensus around SRSU we just want to work out the details because I think the details - and in whether there's going to be consensus on whether it should exist or not.

Mikey O'Connor: Yeah, I think that's...

Tim Ruiz: If that makes any kind of sense.

Mikey O'Connor: Yeah it does. I think that's - kind of informs my preamble a little bit, you know, so I'll try and work that notion into the preamble. Jeff Neuman and then we're going to go back to the queue.

Jeff Neuman: Okay yeah I just want to agree with what Tim said. And then just on a comment that Jeff Eckhaus had made about saying that it's an exception to the DAG-4. I don't agree that DAG-4 is the current state of affairs; I think that was a staff proposal.

I'm still not convinced it was approved by the board or that the board even knows what the stuff in DAG-4 means like beneficial ownership. So putting that aside I think if we just put what Kristina had said which is an exception to the Nairobi resolution I'd be fine with that but not if we say it's an exception to DAG-4 because that implicitly or that implies that we support DAG-4 and I don't at all. Thank you.

Mikey O'Connor: What about this notion of an exception to whatever is eventually approved which is essentially the gist of Ken's approach? Is that okay with you?

Jeff Neuman: Well, yeah, but if - but what could eventually be approved is free trade. I mean, I'm not endorsing that but in theory free trade could be approved in which case you wouldn't need the SRSU maybe. So all I'm saying is I think we say at this point if the Nairobi resolution is implemented this would be considered an exception to that.

Mikey O'Connor: I think I'm going to have to write two versions because that's got a pretty different meaning. I'll write a couple and we'll hammer on it tomorrow and see if we can come to something that we agree on. Milton, you're next.

Milton Mueller: Hello. Yeah, I'm a little bit concerned about how you're planning to incorporate the results of the poll and the different proposals into the report. I think there's a lot of kind of spin and games that are being played here. And I think it's a pretty straightforward task to just report on those results.

I think - I was a bit shocked to see that some people think that we should hide these results. I think that's unacceptable. And that one of the key responsibilities of a working group when it doesn't have consensus is to report on accurately and objectively on what people actually do support and what they don't support.

And so I don't see any problem with a simple tally of the final poll results showing, you know, what the four or five main proposals ended up with. And I think that the burden of proof really has to be very strong and anybody arguing that those results should be suppressed or somehow thrown away when we don't have consensus therefore we have to tell the board, you know, where people stood.

I think the other issue is I'm still puzzled by the approach to the compliance issue and the discussion of the compliance issue. At some point I wrote on the bulletin board - or the - what do you call it the Acrobat bulletin board, the comment chat period - that we seem to be talking about implementation rather than policy.

That is whatever policy we end up with of course we all want it to be implemented in a way that results in strong compliance. I think the question that we're faced with is what is the policy. And I think the message that, you know, whatever the policy is ICANN has to make sure that it takes seriously the problem of enforcing it is pretty much unexceptionable. Who really disagrees with that?

I think the only reason compliance became an issue in this discussion, in this working group, was that I think one of the major arguments of people opposing vertical integration across ownership was that cross ownership limitations were essentially a form of enforcing compliance, a very clear and effective form of enforcing compliance, and therefore if we're going to get away with it - or do away with those limitations that we need to have strengthened compliance in other areas.

I think the report needs to make that point a little more directly and more strongly rather than railing on and on about compliance and as you noted, Mikey, sort of suggesting that the staff is incompetent or ill-motivated or directing attention upwards. I think the point is simply that the main mechanism for enforcing separation of registries and registrars has been an ownership separation.

And if we're going to relax those ownership limitations then we do need to work on compliance that might lead to other forms of harms although there is a - no consensus that cross ownership will in fact lead to these charged harms that may be 1/3 to 1/2 of us believe they will. So those are my main comments about the report.

And I also - I want to be careful that we don't get into kind of a conversational assessment of what does and does not have consensus here that we need to be more objective and rely on the polls and surveys and formal expressions of opinion. I was a little bit surprised to hear Tim saying that, you know, he doesn't think that we have consensus that there should be an exception for SRSU.

And my impression which could be equally wrong and subjective is that we pretty much did have consensus that there should be some kind of an exception for SRSU. So whatever you're going to do to resolve those kinds of disagreements let's not make it this sort of banter on the telephone call, let's make it something a bit more objective than that. Okay.

Mikey O'Connor: Thanks Milton.

Tim Ruiz: Hey Mikey just real quick. I think I did say that there was - I didn't call it consensus. I did say there was some agreement within the working group that the SRSU thing should be looked at further. I'm not denying that.

What I said was to say there's consensus for SRSU is incorrect in that SRSU means different things to different members of the working group. So that's a, you know, a difficult thing to say without defining the details of what SRSU is. That's my point.

Mikey O'Connor: Thanks Tim. Milton just one clarifying point I think one of the troubles with the poll is the way it was constructed. And I'm the one that constructed it so I can criticize it. And that is that there were parts of that poll that were very confusing. And people found it difficult to answer the questions well.

Milton Mueller: Oh yeah. I think when you got into these complicated breakdowns that it was...

Mikey O'Connor: The atoms...

Milton Mueller: ...The atoms it was a bit confusing. But we pretty much know based on the first five or six rounds of that poll, you know, I think I just sent some results to the list. We know that, you know, that certain proposals have a lot of opposition. And you can almost say that there's consensus against them.

You can say - and I think we need to say very clearly that no one favors DAG-4. And that even though there is a substantial number of people, what is it, nine votes in my tally says that they could live with it, there's clearly no support for that.

And since the board is telling us that we are going to get DAG-4 if we don't have a consensus I think we might want to tell the board that we have a consensus that we don't want DAG-4, that it's too restrictive.

And that sort of leads me to something I forgot to say the first time which is, you know, when Ken says we don't need to specify the baseline I sort of understand his point. I don't think it's a wrong point but again my concern is without a consensus we've been told we're going to get DAG version 4. And we don't have a consensus.

So when we're specifying a baseline for exceptions we might I think it might be clearer for us to say if you're going to give us DAG-4 we want exceptions. If that's the baseline we definitely want exceptions. I'll shut up now.

Mikey O'Connor: That's nicely stroked though, I like that. One thing that popped into my head while you were talking, Milton, was the possibility - I want to go back to the group for a minute.

Is it safe to say that the part of the poll that was really bad was the atoms part, and that if we sawed that off that poll on the support for the - levels of support for the various proposals and the poll for the level of support for the

three - I don't know what to call them - conclusions - call them conclusions
arbitrarily - that that was like...

((Crosstalk))

Mikey O'Connor: ...a not-flawed enough poll that we could go ahead and publish that? I think
this gets back...

((Crosstalk))

Amadeo Abril: I don't think that we - it's Amadeo. I don't think we would say that we can not
publish that. I don't think that was the only problem. The other problems that
very often were voting on three or four different propositions. That this
Brussels one believe A, B and C, C being zero.

B being we don't like anything else and A being (unintelligible) right? And
while you may agree with one of them - but so there are several propositions
perhaps you should (unintelligible) sub-votes for each of them and not just for
being three different propositions together.

Mikey O'Connor: Yeah, no, that...

((Crosstalk))

Amadeo Abril: ...so confusing.

Mikey O'Connor: That's the atoms part. That's where I chopped them all apart and threw them
into little confusing pieces like that. But where the proposal was incomplete,
where it was described as a complete single thing so you could either say yes
or no I support this whole proposal, was that part of the poll structurally
rigorous enough that we could use it to indicate level of support for the
proposal?

And I think that one of the key - well there's several key points, one that Milton brought up about not a great deal of enthusiasm for DAG-4. And I think another key point is to show just how not at consensus we are on this and that's a good way to illustrate that.

((Crosstalk))

Mikey O'Connor: Go ahead Ken.

Ken Stubbs: Yeah, I'm sorry but I think you have to remember that you - if you're going to publish a poll like that with specific assumptions as to how the poll is to be used, those assumptions need to be stated. Because I think Tim is the one that pointed out - or somebody pointed out that we - we barely got even half the people on the working group.

And if people had necessarily understood that this was the poll that was cast in concrete, the results were going to be posted in and included as part of the vertical integration study, don't you think that everybody who really wanted their perspective to be approved and stuff like that would have gotten on the phone, gotten everybody else out, they would have had to get out the (unintelligible) type of a thing?

And I just think you're opening up something. I understand the idea of referencing to the poll and having the poll there. And I think, like I said before, if somebody wants the poll - if the board or the names council wants the poll and wants an explanation from you or Roberto as to exactly what the basis of the polls were and why was it being used and what kind of approach was taken that's one thing.

But, I mean, if you're going to publish one poll then you've got to go back and publish them all because each poll had a different set of circumstances surrounding it. And people can get very casual if they think it's a poll that's being used internally to help develop consensus.

People may very well have voiced a specific opinion rather than putting no opinion at all or they may very well, you know, there's a big difference between calling something a working document and a final statement. And that's where you're running into there and that's where you're going to get criticized in my opinion. Thanks.

Mikey O'Connor: Well maybe the way to do this is we'll - during the - because I think you're right, Ken, I mean, it's - I'm learning a lot about polls, that's for sure. Maybe the thing to do is try and do one more round of polling that's the real official gilt-edged...

Milton Mueller: Could I jump in here Mikey? I just think you're - I just think that you're being kind of - I can't make comments on the chat because of some kind of glitch in the interface like I would rather do this. But look, we don't need another poll. The point is you had very simple, clear questions about the level of support for the existing proposals from Brussels 1 and 2 to the ones that preceded it.

And I don't think there's anything ambiguous about that. The idea that you have to publish everything or anything because you published that I think is not - is obviously kind of a false claim. I mean, why would you need to do that? Is there something wrong with the poll results in the latest round that refers to the comprehensive proposals?

Why would the board not want to know those results? Why would anybody be particularly resistant to or embarrassed by those results? I think they're very inconclusive in most cases. I don't think they privilege one position or another. I don't think there's anything distorting about them. I just think they're useful information about where people stand.

Ken Stubbs: Yeah but Milton your own description is confusing because now you're referring to Brussels 1 and 2 as proposals. Those were not formal proposals; those were inclusion of atoms and there was a lot of discussion and

incomplete solutions and people who couldn't necessarily arrive at an agreement on something. But it was not a proposal so now all of a sudden...

Mikey O'Connor: Ken.

Ken Stubbs: ..Brussels 1 and 2 have become proposals.

((Crosstalk))

Mikey O'Connor: Ken I'm going to draw a line...

Milton Mueller: ...and we all...

Mikey O'Connor: Hey guys, listen, both of you listen. We're drifting into a debate that we've hammered on enough. I'll cogitate about it and put something in the draft and we can beat it up tomorrow.

Kristina you're next.

Kristina Rosette: Thanks. And I just wanted to let everyone know that I did not get any working list email while I was on my BlackBerry while I was out so I'm now going through all 1700 messages. Mikey, I just wanted to ask if you and I could talk after this part of the call is over so I can figure out what's been done with SRSU, what hasn't, what still needs to be done, etcetera.

I don't want to take up the time right now but just wanted to...

Mikey O'Connor: Sure.

Kristina Rosette: ...make sure I had a chance to do that. Thank you.

Mikey O'Connor: Yeah, absolutely. I'm going to be spending the rest of the day and most of the night on this so we've got plenty of time to connect. Brian go ahead. You may be muted...

Brian Cote: Just going to weigh in on the question of the exceptions and whether they should be tied to a baseline. I'll be brief. I just - I'm going to agree with - in terms of not attaching it to DAG-4, any specific baseline. I agree with Jeff Neuman for the reasons he stated about DAG-4 and with Ken. I don't believe that's what we're going to end up at the end of the day.

And I would say change the word should we attach it to a baseline to can we or could we. I just think as a practical matter we really can't.

Mikey O'Connor: Thanks Brian. Milton, your hand's back up.

Milton Mueller: No I can put that down. Sorry about that.

((Crosstalk))

Mikey O'Connor: No worries.

Milton Mueller: I've got to lower my hand.

Mikey O'Connor: Jeffrey.

Kristina Rosette: Yeah, thanks. I just want to respond to what Brian just said and I think what Jeff Neuman said earlier. I - because I was the one who brought it up, I am fine not attaching it to DAG-4 and saying, you know, Nairobi or something else.

What - my whole issue - and I just want to be clear on this - is that by saying that we approve these exceptions to whatever the board puts in place which I have a feeling as well that they will not keep what the current one is. But by

saying these are going to be exceptions to whatever guidelines the board puts in place then we are signaling or making assumptions that there will be restrictions put in place.

Now everyone, you know, has their bets and their choices about what it will be and, you know, if, you know, what's likely and what's isn't. But I would not this - as a group to signal that we believe it's going to be restrictive going forward because that is not something we voted on, we've agreed to.

So that was my point about choosing what's an exception to. I am fine with everyone saying an exception - if we want to say it's an exception to a 2% or an exception if the board decides to do this. But I don't want to say it's an exception in general. That was my point.

Mikey O'Connor: So if I wrote a convoluted language that sort of acknowledged the range of possible outcomes, all the way from Nairobi up to 100% and saying that we very carefully don't want to telegraph an opinion about that because we aren't in consensus.

However if - I'm not writing language I'm just framing ideas. However if the ultimate set of restrictions, you know, if ultimately there are restrictions that require exceptions these are the ones we would support and this is the process we support. I got to write that - I'll try and write that. Let's not debate that one anymore.

Let me sit with a cup of coffee and try and frame a paragraph. I think I can come up with something that we can work with there. Kristina, I assume your hand is up from before? If not...

Kristina Rosette: Right, sorry.

Mikey O'Connor: ...you have the floor. No worries. Okay it's a quarter to the hour. Oh Michele is talking about alcohol. I like that. Let's move onto, you know, we sort of

dipped briefly into this. Basically the plan is as follows, I will come up with another draft tonight as quickly as I can and get it to you as quickly as I can.

I don't know where the doodle poll came out but presumably a time surfaced that we can get together tomorrow and beat up that draft. Oh Marika have you got an early read for us?

Marika Konings: Yeah, this is Marika. The preferred time that has come up so far is 1400 UTC and that is early for some. It might be helpful if we can maybe confirm that time now in the call so everyone knows and again can get a reminder out still tonight.

Mikey O'Connor: Okay. Anybody good at translating UTC real quick on the fly? I have to go and look at my computer to do that. What does that turn into on US time and time for Cheryl? That sounds pretty early for Cheryl.

Man: Ten am...

Cheryl Langdon-Orr: Doesn't matter.

Mikey O'Connor: Ten am Eastern? So that's fine for me, it's a little early for the West Coast folks. Cheryl's signed up.

Cheryl Langdon-Orr: I was going to say if I hear complaints from the West Coast folks then, you know, I am going to...

((Crosstalk))

Mikey O'Connor: They're just wimps.

Cheryl Langdon-Orr: Yeah...

((Crosstalk))

Mikey O'Connor: Yeah, 7:00 am, I mean, you know, we're talking piece of pie, right?

Cheryl Langdon-Orr: Yeah, get over it.

Mikey O'Connor: Okay. I think we can go with that time Marika. Why don't you go ahead and publish that and we'll roll. And...

Marika Konings: Will do.

Mikey O'Connor: So the hope would be that after that call we're either done or very, very close. And we'll proceed into public comments. I think that we can hit all the bases if we go to public comment on Monday morning but I would feel more comfortable doing it tomorrow if we can.

So we've got a little wiggle room if it turns out something really blows up tomorrow. But as I said people should feel free to dig into the report right now or this afternoon, morning, evening, whatever it is for you and send more notes to the list and I'll keep an eye on that and incorporate stuff into the draft and we'll see what we've got tomorrow.

Let's see, Marika, that's an old one. Kristina is that an old one or a new one?

Kristina Rosette: Old, sorry, just getting back to my computer.

Mikey O'Connor: Okay. Brian is that an old one?

Brian Cute: Yeah, Mikey and I - that was because I missed about the first 40 minutes of the call. But have we seen copies of the documents that are in the annexes and specifically the proposals and how they're represented - obviously I think anybody who has put a proposal forward is going to want to make sure they spot check it for accuracy.

Is the - is the grid included in there? What's the treatments of molecules and atoms? I understand there's an agreement that the poll we just did is not going to be part of the report. But are we able to see those before tomorrow?

Mikey O'Connor: Preliminarily yes that's one of my projects is sort of a massive cut and paste. However the place I'm going to go to get the proposals is the Wiki because what I did for the poll is I pulled what I think is the latest version of every proposal and put it in the Wiki.

So if you have a moment go to the Wiki page that's got all whatever it is, six or seven proposals on it and check your respective ones. And go ahead and change them because what I'll do is I'll get to that cut and paste exercise fairly late in the process.

And so you've got some time to sort of verify that the latest and greatest is there. And if it's too hard to change it on the Wiki just send me a note with the latest version and I'll put that in.

One of the things that I am debating in my own mind is the grid of atoms. That was an idea I had a while ago. And I'm cooling on it. So that may fall out of the annex all together partly because of the confusion factor that we've talked about.

((Crosstalk))

Brian Cute: Mikey, you're referring to the original grid of the proposals?

Mikey O'Connor: No.

Brian Cute: Or is this a new grid?

Mikey O'Connor: This was a new grid. What I was going to do is take the latest atoms and put them in a grid and I'm growing pretty un-keen to that idea. I was not planning to put the original grid in because it's somewhat out of date.

((Crosstalk))

Brian Cute: Had that been updated? I thought Kathy was doing that?

Mikey O'Connor: Not it hasn't really been updated for quite some time. And it doesn't include, you know, Brussels 1 or 2 and stuff like that. So I hadn't thought about putting that one in. You know, I could be argued into it but I need some help on getting that thing updated. I...

Brian Cute: Well I guess let's just walk that one out. I guess, you know, in terms of Brussels 1 and 2 there is this overarching debate about whether those represent proposals as opposed to, you know, partially formed molecules as, you know, by comparison to, you know, (JN2) and RAC Plus and (CAM) and free trade and the others that were put on the grid.

You know, I thought there was some utility in the grid - the original grid. But I'd question whether the BRU 1 or BRU 2 would be what we would have normally characterized as proposals so I'd be interested to know what people's thoughts are on that.

Mikey O'Connor: That's a good question. And let me preface that with if we did that then we would need to - somebody other than me would need to take that grid in hand and refresh it especially free trade has moved a fair amount since that grid was done. But I'm certainly not adverse to putting it in.

And I'm also not adverse to dropping out BRU 1 and 2 because the process that they were arrived at was quite a bit different. Thoughts on that?

Ron Andruff: Well Mikey, this is Ron. If I can - I would certainly add my voice to yes dropping BRU 1 and BRU 2. They were good exercises but they were not proposals per se.

Mikey O'Connor: I'll be Cheryl's got a hmm response.

Cheryl Langdon-Orr: Hmm, to say the least.

Mikey O'Connor: Yeah. I don't really know how to proceed on that one people. I don't want to soak up a whole lot of time on the call because we're running out of minutes. But maybe we can jump quickly to the list. And I think the key is we need a grid updater if we're going to get that done in time.

We can always punt it to the final report but it would be nice to have the grid in there in this initial report. I think it would - if we're going to put it in because I think it would be useful for the public comment reader type people. So I could use some help making that choice and we'll go with whatever people think.

Let's see, I assume Brian and Ron, your hands are up from before so...

Ron Andruff: No, no I'm up now.

Mikey O'Connor: That's a new one. Okay go ahead, Ron.

Ron Andruff: Thank you Mikey. I just - with the fear that all of my colleagues on the working group are going to flame me right now I just wanted to - Brian asked a couple of questions and one was about this most recent (unintelligible). So four or five of us that I am aware of haven't - our votes were not counted for whatever reason, old poll, new poll.

So I've gone in and redone mine. I think others probably will do it shortly if they haven't done it already. Maybe we can put in a - if you would agree we

put in a cutoff date for that so we can finalize what that document looks like and have at least when it comes down to discussing the poll at least we have all of the votes tallied as opposed to discussing a vote - a poll that was half voted on or two-thirds voted on.

So could you perhaps give us a cut-off date on that? And then the question was when can you re-circulate those charts to us so we can have a look at that before the call tomorrow? Thank you.

Mikey O'Connor: I probably won't have time because my thought was to let the poll run a few more days before it cut off. It takes about three hours to crunch that data. So that's three hours I probably don't have so I'm not sure I can get it done for you.

Ron Andruff: Well if that's the case then we should absolutely not include the poll results or anything - anything about that poll in this particular report.

Mikey O'Connor: Yeah, I mean, we're so divided on the poll that I don't feel like I can proceed. So you can beat each other up on the list on that and I will observe the results. But, you know, not unlike many other issues on this - in this working group we're not in consensus on what to do with the poll and so I will not proceed on that.

But, you know, the cutoff is not imminent because there's, you know, folks have been away from their office, haven't seen it; it's only been out there for just a little bit over a day so it's pretty premature.

Ron Andruff: That's fine. I can live with that. Thank you Mikey.

Mikey O'Connor: Yeah. Ken.

Ken Stubbs: Yeah Mike, can you hear?

Mikey O'Connor: Yeah.

Ken Stubbs: Okay fine. I was originally coming on the list for one reason but I'm going to come on - make one real quick comment. With regards to the work products that were done, the BR 1 and the BR 2 I think you have to remember that those were done at a meeting or an impromptu session was called after a scheduled one.

There were people that were unable to participate in this meeting because it was called on a quick basis and I think the names council was going on; there were quite a few things - it couldn't be done.

And the spirit in which those groups were put together was such that we weren't being asked to craft a proposal. So I think you have to be extremely careful if you're going to start doing atoms. I mean, the atoms are the things that some people have just got me terribly confused with so that's the comment I was going to make there.

The reason I really came on was to compliment you. I think that everybody in this group knows how incredibly you and Roberto have worked. This is so far beyond the pale given the deadlines and the timelines. I'm hoping when we get to Cartagena if you're a drinker we can take you out and get you blind drunk and maybe something.

But I just think that - just sending you an email telling you you've done a great job just in this case is not enough. So thanks for hearing me out.

Mikey O'Connor: You bet thanks Ken. And thanks for the kind words. Somebody commented on my awesomeness. I'll go for a high awesomeness score. Jeff go ahead.

Jeff Neuman: Thanks. I should say can you hear me but I think you can.

Mikey O'Connor: Yeah.

Jeff Neuman: Sorry. On the comment of should we drop the BRU 1 and 2, I think as Jeff Eckhaus has said on the list, look, it was an important part of the work; it was something we did. It should obviously be reflected and so we should put it in.

I also think BRU 2 had something we hadn't done before which was detail on compliance and enforcement. And I'd like to see that somehow woven into Brian's compliance proposal that came out that's been included in this report because I think there's some - I think they kind of fit with each other in certain areas.

And unfortunately the work was so quickly done that it was hard to comment on that before we got this report. So I'd like to see that. On the grid I don't think we should be creating anything new from scratch now for this report. I think we should stick to edits to what we have but if we start getting into new things now this deadline is already quickly approaching and just mistakes happen when we work - try to work too quickly. So I would not be in favor of anything new.

Mikey O'Connor: Yeah, I think that's right. I had a bright idea that I want to try out on the group. What if we split the difference on the BRU 1/2 and put them in a separate annex with a separate description of what they were? So we've got proposals that were glued together by a group of people, you know, as essentially standalone, self-contained, self-referential documents.

And then we've got these two work products of, you know, let's treat them as work products as part of the face to face meeting in Brussels. And with that I could put a preface on that that says, look, you know, this was a face to face meeting which immediately excluded a bunch of people because they couldn't go to ICANN Brussels.

And it was scheduled in parallel with other meetings which excluded even more folks. But notwithstanding all that here's what they produced so we've

go the documentation. Does that work for folks? Brian. I don't know if you're responding to that or not but you're up.

Brian Cute: Yeah, yeah, I am. I think some of what you said is going in the right direction because I think it is a qualitatively different exercise. And, you know, I'm not going to push too hard on this one but, you know, earlier in the process when, you know, John and Jeff got together and baked in writing a proposal that in a number of parameters and details and others, you know, (CAM) and RAC plus and others.

I think what happened in Brussels is a qualitatively different exercise. And I wouldn't go to the mat objecting to applying the word proposal to it but I do think there's a qualitative difference that has to be recognized, has to be articulated. It just is different. I mean, some of us took the time to put together, you know, fairly comprehensive written proposals that some of which amounted to, you know, a very fulsome proposed framework for vertical integration. So that's my sense.

Mikey O'Connor: Okay I'm noting that we're at the top of the hour so I'm going to encourage Milton and anybody else who gets in the queue to be brief and then we'll wrap this up. Milton, go ahead.

Milton Mueller: Yeah, I'll be brief. So with respect to the status of BRU 1 and 2 as proposals it really strikes me as an irrelevant issue you don't need to worry about much because neither proposal or work product succeeded in getting anymore support than the other proposals.

So if you score them in terms of most livable they both came behind (JN2) and free trade and in terms of favorability they fell behind the top three proposals even falling behind RAC plus. And in terms of most opposed they were, you know, in the middle of the pack so nothing was really achieved in terms of moving towards consensus by those two proposals as far as I can tell.

Mikey O'Connor: Yeah, I know, I noted that too with a small tear in my eye but there you go. Okay thanks folks. Long call, second call of the week. I really appreciate your patience. I will go to work and hopefully get something out at a reasonable hour for me. And we'll see you tomorrow whenever we've signed up to get together. Thanks again. Talk to you soon.

Kristina Rosette: Mikey...

Mikey O'Connor: Yeah.

Kristina Rosette: Mikey it's Kristina.

Mikey O'Connor: Yeah.

Kristina Rosette: Do you have maybe five minutes to just go over kind of bring me up to speed very quickly so I know what I can do because my window to work on this is really tonight because tomorrow I've got to catch up on everything from work.

Mikey O'Connor: Yeah. Why don't you - take a look at the phone number and my signature on any one of those 2000 emails that you've gotten from me and give me a call.

Kristina Rosette: Okay.

Mikey O'Connor: I'm here. I'm, you know, and anybody else who wants to call and chat I'll put you on speakerphone and you can be my rating buddies while I work on this report. Thanks gang.

Kristina Rosette: All right thanks.

Mikey O'Connor: Talk to you all soon.

Glen de Saint Géry: Okay Mikey this is Glen. I'll send out the details for the call at 1400 UTC tomorrow?

Mikey O'Connor: That'd be great. And to the extent that the MP3 can get turned around really fast on this one that would be great because...

Glen de Saint Géry: Absolutely.

Mikey O'Connor: ...I'm relying on it for a number...

Glen de Saint Géry: Probably if everybody looks on their usual page, the calendar page, it will probably be up there within the next half hour okay?

Mikey O'Connor: Terrific.

((Crosstalk))

END