

**Policy Process Steering Committee (PPSC) Policy Development Process (PDP)
Work Team (WT)
TRANSCRIPTION
Thursday 30 September 2010 at 13:00 UTC**

Note: The following is the output of transcribing from an audio recording of the Policy Process Steering Committee Policy Development Process (PDP) Work Team (WT) meeting on Thursday 30 September 2010 at 13:00 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting but should not be treated as an authoritative record. The audio is also available at

<http://audio.icann.org/gnso/gnso-ppsc-pdp-20100930-en.mp3>

On page:

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Participants on the Call:

Jeff Neuman - Registry Stakeholder Group - Work Team Chair

Alan Greenberg – ALAC

James Bladel – Registrar Stakeholder Group

Wolf-Ulrich Knoben – ISCP

Tatiana Khramtsova - Registrar Stakeholder Group

Alex Gakuru - Non Commercial Stakeholder Group

Paul Diaz - Registrar Stakeholder Group

ICANN Staff:

Glen de Saint Gery

Marika Konings

Liz Gasster

Gisella Gruber-White

Margie Milam

Absent apologies:

Avri Doria - Non Commercial Stakeholder Group

David Maher – Registry Stakeholder Group

Marilyn Cade – Individual

Jeff Neuman: Gisella if you could call the roll?

Gisella Gruber-White: Yes good morning, good afternoon, good evening to everyone on today's PPSC PDP call on Thursday the 30th of September. We have Jeff Neuman, James Bladel, Alex Gakuru, Paul Diaz, Tatyana Khramtsova. From staff we have Marika Konings, Glen de Saint Gery, Margie Milam, Liz

Gasster, and myself, Gisella Gruber-White. I do not have any apologies noted (unintelligible) anyone off the list. If I can please remind you all to state your names when speaking for transcript purposes.

Thank you. Over to you Jeff.

Wolf-Ulrich Knoben: Yes and myself Wolf Knoben just joined. Thank you.

Gisella Gruber-White: Welcome Wolf, thanks.

Jeff Neuman: Hi Wolf thank you. Well thank you everyone for showing up. It's September 30th or 29th -- I forget what date it is now -- Thursday. Anyway thank you all for showing up. I think the agenda for today is to just continue where we left off. Hopefully move it a little bit faster to get through these comments. We'll have some big over-arching issues to discuss at some point after we discuss all these comments so to the extent we can, you know, put a little bit more of a move on on these that would be great and so we can get towards a final report. With that said I think we will just get into it.

So where we left off on the last call was on Number - I want to say Number 27 which is actually it's on Page 17 of the Comment - the Public Comment Review tool and below on the screen for those of you on Adobe, excuse me, is the initial report so we can kind of go back and forth between the two of them.

So on the strategic plan, if you guys remember we - it was brought up as an issue in the brainstorming session a year ago and so we decided to tackle it was basically how does initiating a PDP relate to the strategic plan and budget of ICANN. And we sort of - not sort of, we definitely punted on this one because we couldn't really get our arms around it and we basically asked for comments on this and the only comment we got on this particular subject was a statement by the (INTA) saying that the initiation of a PDP might include consideration of how ICANN's budget and planning can best embrace

the PDP or its possible outcomes. The priority must be on ensuring that (unintelligible) policy development can address the public's needs and ICANN should address budget and plan to meet those requirements.

And I think that's a good comment. I'm not sure - does anyone have anything to add to that or disagree with that? I think it makes sense. It's kind of logical and probably something we should acknowledge. But does anybody have any comment on that? I see Paul agrees.

Alan Greenberg: It's Alan. I'm on - could you tell me what item we're on?

Jeff Neuman: We are on Page 17 of the Public Comment Review tool. We are on Number - well it's got the Number 27 on the left. You remember I correspond to the recommendation number.

Alan Greenberg: Thank you very much.

Jeff Neuman: Yes so basically I think the (INTA) made a good comment on - but I'm not sure it deserves a response. I think we should put that in our report and agree with it. I think it's logical.

If we go on to the next comment, this is in our Recommendations 28 and 29 which is on Page - Marika if you can help me out on the initial report. If you look at the Executive Summary on - yes I have it on Page 8 of the report - no I'm sorry. This is messed up here. It is on Page -- 24, 25, 27 -- okay it's on Page 12.

The first one - well the first recommendation was that we wanted to modify the timing in the bylaws to change it from - it says 20 days in the bylaws now, they are saying a minimum of 30 calendar days and what (INTA) is saying is that it should be 45 days and then in addition there may be a need for more.

What do you all think of that? Oh sorry the registries think that timeframes are better in the manual than in the bylaws so it's much easier to change and the - yes so why don't we - let's address the latter comment first.

Do people think that the timeframe should be nailed down, locked down in the bylaws or do people think that this is more appropriate for the guidebook?

Paul?

Paul Diaz: Thanks Jeff. I would just say the guidebook only because the sad reality is there's no penalties for every working group having consistently missed the timelines in the bylaws, but sort of don't see the point of chiseling into the bylaws just to see it ignored. Might as well maintain the flexibility, deal with the registries saying put it in the guidebook.

Jeff Neuman: Well we could and here's a suggestion that -- maybe I'm jumping on someone else's comment -- but would you object to a minimum period in the bylaws just so that, you know, in the future no one abuses it and makes it, you know, we could say what we recommended in our language was a minimum of 30 calendar days and maybe, you know -- whether 30 or 20 or 45 is the right number we can talk about in a second -- but do you think that we should have some minimum number and then leave it in the guidebook as to what, you know, that - the (genus) that would have discretion?

Paul do you want to...

Paul Diaz: I suppose Jeff. I mean, you know, I guess I'm more for flexibility and that seems like it would allow for more flexibility establishing a minimum rather than trying to set a maximum term that is just going to get ignored -- often for very good reasons, but the reality is it's always ignored.

Jeff Neuman: Yes I think that's right. Alan?

Alan Greenberg: Yes I - you did take part of my comment. I see absolutely no reason for setting a number which implies that the actual number that must be used such as the current version does. I think between the bylaws and the guidebook, we want to say what we think a typical one should be and an absolute minimum unless we can come up with real scenarios where the minimum would be a significant problem. I can't imagine doing a comment for less than 20 days or 21 days where we really expect to get substantive comment from the community. That's hard to imagine in today's model.

Jeff Neuman: Right.

Alan Greenberg: Maybe in some world in the future that could happen. You know, maybe a world where everyone's online. Sorry that was humor or an attempt. So I could - I don't feel very strongly about this. I could certainly think it's reasonable in the bylaws to put a minimum. I would not go into any more detail in the bylaws but the guidebook I think would - should give some parameters for what is reasonable.

Jeff Neuman: Okay, James?

James Bladel: All right, Jeff, thanks, James speaking. You know, I think I'm agreeing with Paul and with Alan that there should be a minimum in the bylaws because those are difficult to change but then the guidebook that offers some flexibility.

It's been a while since I've looked at our recommendations and I have a question about this timing and did we make any recommendations relative to when these minimum timeframes could begin and end relative to, you know, for example, posted ICANN meetings or other events because I think what we're learning over the last year is that all comment periods are not - or all the days on the calendar are not weighted equally when you factor in travel to and from meetings and then when ICANN is actually in session.

So, you know, I don't know if we made any recommendations to that regard but maybe we should consider that.

Jeff Neuman: And maybe Marika can help keep me honest. I thought we had said that at least four - maybe I'm confusing this with just the regular ICANN policy, but I thought that we said that a comment period shouldn't begin - it shouldn't end any later than - or how we worded it now, but I thought we had a directive that it shouldn't end during or within a certain time period that an ICANN meeting is going on. We shouldn't have an ICANN comment period that ends later than, you know, seven or eight days before a ICANN meeting. In other words if it's supposed to end at that point, you would need to extend it out a certain amount of time after the ICANN meeting.

James Bladel: And like the minimum I think that those recommendations should also be probably in the guidebook as opposed to the bylaws, but.

Jeff Neuman: So in the bylaws we would say a minimum of -- just to throw out a time -- 21 days and then in the guidebook we would say in the event that the 21-day period would end within, let's call it a week before or a week after the ICANN - an ICANN face-to-face meeting the comment period should be extended to at least end two weeks after a live ICANN meeting or something like that.

James Bladel: Yes something like that.

Jeff Neuman: Marika do you have a comment on that?

Marika Konings: Yes this is Marika. What we have in there now says on the public comment period for the initial report like we put in there (unintelligible) draft nine weeks but I think, you know, that's, you know, not set in stone or anything yet. The public comment period will last for 30 calendar days after posting of the initial report provided that it is the closing of the comment period coincide with or is within seven days after the end of an ICANN meeting. Such period should be

extended so as to close no earlier than 14 days after the closing of the applicable ICANN meeting.

So we have foreseen that there (unintelligible) that we actually put 30 days but I guess it should be - should last for a minimum of 30 days based on our discussion now.

Jeff Neuman: Well not necessarily. I mean I think what we wanted to do in the bylaws we could say a minimum of 21 days, but in the guidelines since we're talking about should we could talk about, you know, we could add that statement like that you just read. So it could be and we'll talk about it - it could be the recommendation of this group that it should be 30 days and same thing with the last part, you know, unless the 30 days is within a week of the ICANN meeting in which case it should end, you know, 14 days after an ICANN meeting because those are kind of should as opposed to must.

Alan?

Alan Greenberg: Yes I would support keeping the minimum at 20 or 21 whatever. And in terms of the should words I would not say should be 30 days but should be no less than 30 days. In terms of the words we have around an ICANN meeting, I would prefer to keep them far more vague than that. First of all there have been requests continually that ICANN itself - because many comment periods are not initiated by PDPs but by other processes and that ICANN itself should factor in the workload at ICANN meetings and travel to and from.

So I'd prefer to keep it a little bit vague and give flexibility for when it's needed and I'll point out that because of the kinds of things we're talking about we recently have had many comment periods starting just after an ICANN period and we ended up with three and four weeks after an ICANN - after an ICANN meeting and three or four weeks after an ICANN meeting being totally insane because there is, you know, a half a dozen or so major substantive comment periods that start running the day after the meeting.

So I don't think putting any specifics are necessary or warranted there but there should be some generic words of avoiding, you know, the peak times and times where it'll be difficult for people to comment and not saying those are the words but I think that's the tone we should use.

Jeff Neuman: All right. So let me just try to focus - let's do the first part first. Does everyone agree that our recommendation should be in the bylaws that a public comment period must be for a minimum of 20 calendar days - well let's take 21 because that's an even three weeks. Does anyone disagree with that that we say the bylaws? Okay James agrees.

Man: Yes agree.

Jeff Neuman: Paul. Alan agrees. Okay. Let that be our first recommendation and then the second one is what goes into the guidebook and we should say that - now Alan help me out with what you said. What I had proposed was that we say a comment period should last a minimum of 30 days and you seem to say that you didn't like the word should there?

Alan Greenberg: No I thought you said should be 30 days not a minimum of 30 days.

Jeff Neuman: Right okay. So we would say the comment period should be a minimum - should be at least 30 days provided that if the end of the comment period is within a week before or a week after an ICANN meeting and then Alan you didn't want something definitive in there to say that it should be - it should be extended by - to end until - we had recommended was it should be extended until 14 days after the ICANN meeting. You wanted more flexibility than that.

Alan Greenberg: I would say something like recognizing that comment periods ending immediately before or after an ICANN meeting are problematic or something like that.

Jeff Neuman: So we would say recognizing that if a comment period ends within a week before or after an ICANN meeting, the working group should have a flexibility to extend the comment period for a longer time to allow for such.

Alan Greenberg: Yes that's more detail than I would have given but that's fine.

Jeff Neuman: We got that Marika?

Alan Greenberg: We're assuming that - we're assuming their remedy is not going to be to shorten the comment period because of it. But...

Jeff Neuman: Right. So Marika basically we're taking out the recommendation that it be extended to 14 days and leaving in more flexibility saying it should be extended to allow enough time for those participating in the face-to-face meetings to actually respond - or not even - you don't even need to say that - to allow more time period - extended time period to allow for the greatest possible response.

Alan Greenberg: Yes. But if I may butt in, if you think about what happens in real working group meetings when we're having these discussions we factor in what day of the week are we meeting, we factor in whether we're meeting every week or every two weeks, how busy the staff person is, and how quickly they're going to be able to summarize it and give useful information. We tend to meld all that together and come up with a reasonable date that we think is workable without delaying the process all that much.

So I think we, you know, we don't want to prescribe that level of detail in the guidebook, but we want to allow for it.

Jeff Neuman: Okay. All right Marika you got that?

Marika Konings: Yes.

Jeff Neuman: Cool. So then we go to the next page of the comment (unintelligible). I'm sorry, Paul?

Paul Diaz: Can I just ask the group a quick question? I'm sorry if - it may have already been addressed but we started this with the recognition that so often these comment periods - the work the group in general goes well beyond whatever was prescribed in rules, bylaws, et cetera, comment periods certainly. Do we have somewhere in our recommendations that if a group understands that it's going to take longer than whatever has been set out in the rules that maybe the chair should send a note to council, something like that?

My concern is that, you know, we've never had any enforcement of the rules and if we set things up in such a way that they're so open ended that will become very quickly the default. And then if we at least had in our guidelines the chair should make note that, you know, at least you're making an effort to say this is not what we expected, this isn't the norm, but we're getting notice that this is the case. And that might act as some form of deterrent because chairs don't want to consistently have to send these notes out saying that the group can't function as quickly as possible.

I mean it's just a thought. It seems that if we leave things the way we're suggesting now, it's almost pushing the timeframe - guaranteeing that the timeframes are going to remain as long as they do. There's no - for lack of a better term no disincentive or no incentive to try and speed things up.

Am I making myself clear? Do you understand what I'm trying to get at?

Jeff Neuman: Yes I understand you Paul. And Marika do you have a comment on that?

Marika Konings: Yes this is Marika. I just wanted to point out in the working group guidelines they provide as well charter guidelines and in those charter guidelines there is specific heading as well for deliverables and timeframes where, you know, charters should include those different milestones. And then, of course,

attached to that - them as well the recommendation that, you know, a working group goes back to the council if they don't meet or see that they are not going to meet their deadlines.

Just maybe to note as well I think that is current as well in most charters of the different working groups that are ongoing. Like, to be honest, I don't recall any chair actually officially going back and saying, you know, we haven't met our target date. So maybe it's something as well that, you know, we need to create a bit more awareness around that even though of course, you know, status updates are provided for every council meeting where I guess council members can see, you know, the timing and the progress working groups are making. I don't think that there's a practice currently where working chairs really go back and say we know this is in the charter but, you know, we're not going to meet the deadline.

Jeff Neuman: Paul is that - before I go to Alan and Alex does that address your concern?

Paul Diaz: Yes I think so and I don't want to make a major issue of it. Certainly every PDP every work group is going to have different. Some of them move a little quicker, easier issues, what have you. Others more difficult. And in those cases where it's difficult, often it's for good reasons. Wouldn't want to put a chair on the spot make them feel like they have to defend why it's taking longer than originally expected.

Again my concern is just that if we leave the rules - and maybe it's more of a communication education thing but if the rules are left with much discretion, it almost assures that these things will continue to take, you know, a year and a half on average and more in the more controversial issues. And maybe that's just the way it's going to be. It just seems a little frustrating.

Jeff Neuman: Okay Alan and Alex?

Alan Greenberg: You know, I guess I can't worry about that all that much. We're talking about two comment periods where we're (essentially) saying we can add a couple of weeks on to each of them and I don't think that measurably changes the overall time that a PDP takes so - although I have the same concern and perhaps the same lack of belief that we're going to fix it as Paul does.

I don't think we need anything in this particular section. We may want to do something with respect to what Marika said of the, you know, working groups have a responsibility every end month to, you know, to do - comment on how they're doing with respect to the timeline and perhaps forecast a new timeline if they're way off. But I wouldn't put it at this level.

Jeff Neuman: Okay Alex?

Alex Gakuru: Yes Alex speaking. I just wanted to reinforce the fact that - the statement by Marika that indeed the charter the (unintelligible) groups is working and when groups find there is an issue that's outside their charter, indeed we are - they are not addressing it (unintelligible) consequently (unintelligible) to the charter and the deliverable.

So if it's working in terms of assisting and making sure that they don't need to go and work on issues that are not initially set out in their charter, and therefore when it's addressed from that point of view, then it's something that help us better so there may not need to ask for more time because then the chair has the right to whoever, you know, ask them to meet and from their group to report on their progress.

So we may not need to provide too much more details in limiting how much time they need to have a charter, is doing a good job of that already. Thanks.

Jeff Neuman: Okay thanks Alex. So I mean in the statement that we make...

Marika Konings: Jeff, let me (unintelligible).

Jeff Neuman: Sure yes Marika. Yes, sorry, I didn't know...

Marika Konings: I put a new hand up, but I don't know if you noticed. Because I recently looked at the process for the CCNSO and, you know, this goes back to like more overall timing and how do you determine what are reasonable timeframes. What they have in their rules is that the issues report actually incorporates proposed timeline for all the different steps in the process.

And I'm wondering as well - of course it often depends on the issue, the work load, and whether something similar could be foreseen where at the start of an issue basically staff and, you know, negotiations with the council develop this kind of tentative timeline which then is part also of the charter that tries to map, you know, hopefully on a reasonable assumption of what other priorities are. Are there similar issues that have been addressed? A timeframe that, you know, has more flexibility than the current one that can serve as a model.

And then I need to address Paul's point. Of course if a working group then sees that they're, you know, missing their timeline on one item or more, they are required to go back to the chartering organization to request a modification or indicate that certain things have happened and we're just not meeting the timeframe that has been set out.

But that might be a way of saying well we don't really want this open-ended, you know, we have all the time in the world but up front we try to, you know, make a reasonable estimate of how much time the different steps should take to give working group some guidance as to what is expected from them and what is estimated to be a realistic timeframe to get their work done.

Jeff Neuman: So in this section in the guidebook we can - when we talk about the flexibility to extend the time period out we can also say keeping in mind the overall milestones and timelines set by the working group at the commencement of its work because I don't know if it will set by the council or the working group.

It may or may not be in the charter but certainly should be an element - should be something that's addressed by the chair at the outset of the working group's work. That should cover it. I don't want to mandate a timeline before even the working group has a chance to meet and discuss it amongst themselves.

If we move - are we ready to move on? Sorry guys. Trying to get rid of a cough here. Okay there we go.

If we go to the next one which is Implementation and Impact which is Number 31, there's a comment by the registries and it's a fairly long comment but essentially it's - so let's look at our recommendation first before I go to the registry comment. Recommendation 31 is on Page - as everyone's scrolling through here.

Marika Konings: Do you want me to read it out? I have it in front of me in the report. It's Page 82 in the body of the report.

Jeff Neuman: Great yes if you can read it that would be helpful.

Marika Konings: The PDP working recommends that the PDP working groups provide input on issues related to implementation impact -- between brackets, economic business, social, operational, et cetera and feasibility -- and is considering the following options:

One, require an inclusion of implementation guidelines as part of the final report. Two, consultation with the working group council on the draft implementation plan. And three, the creation of an implementation team that consists of representatives of the working group amongst others which would be tasked to review/provide input during the implementation stage.

The PDP working hopes to receive further input on these options during the public comment period.

Jeff Neuman: Okay, so the registry's responded to this and let me see if they're the only one. I believe they might be the only one that responded to this recommendation. The registry's basically said that the first option seems like it could have value and it's not clear that it's practical in some PDPs.

The first option is requiring the inclusion of implementation guidelines as part of the final report. They basically said registry said that it may depend on what is meant by implementation guidelines, so that may need clarification. For example, the new GTLD PDP contains implementation guidelines but they were at a fairly high level. If the final report had to contain more detail, the PDP would've taken considerably longer.

And to the extent possible, it would be helpful to consult with the working group's (turning) from the (patient) process. For PDPs that last a long time, working group membership tends to change a lot so that reality needs to be considered.

Also it's important to do that in a way that does not too easily provide an avenue for redoing recommendations in cases where some parties have not been totally satisfied with the results unless there's strong justification to do so.

Consultation with GNSO should definitely happen during the implementation plan development and the GNSO council should mainly be a channel through which that happens. In cases where an implementation team is formed it would be useful to include members of the working group if possible. Marika?

Marika Konings: Yes, it is regard - I forgot to mention that this recommendation is sort of linked to recommendation 42 and that we did receive a number of comments more. So I don't know if you want to take those two together and just as a reminder, recommendation 42 says the PDP working recommends creating a working

group implementation review team which would be responsible in dealing with implementation issues.

The PDP working team has not arrived yet at a possible recommendation in relation to how the process for reviewing and addressing implementation questions would work and hopes to receive further input on these issues during the problem comment period.

Jeff Neuman: Okay and so in 42, the (unintelligible) said they agree with the recommendations. Registrars said they have no objections but just wanted to consider that overall contacts of being over - you know, over taxed staff and volunteer community.

At the Brussels meeting, a comment was raised that should there be a provision for when a sub element is determined not to be final or to be finished in terms of its policy implementation and that sub element needs to be returned to the council for further work.

Because there were a number of things in a number of reports that obviously aren't completely final even though it's in a final report and I think this comment recognizes that and says, you know, maybe the new model should consider that.

And they also said there are potential concerns that the working group transforming into an implementation review team - there's an antitrust component that was raised and should staff be responsible for implementation? The registry said that they support the idea and suggests that the recommended composition of such a review team needs to be made in the working group final report.

And then the review team could then be a resource for the council and ICANN implementation staff. So in looking at all the comments, they seem to, for the most part agree that an implementation team should be created.

Some of them have said that, you know, obviously you need to consider the context and maybe the composition of the team should be considered in the working group report but not necessarily full hard guidelines which is what we kind of recommended in Number 31.

Do the people - other people on the call see ways to reconcile these two to come up with a concrete recommendation? Alan?

Alan Greenberg: Yes, I sort of like the registry comment to 42 which says the working group should make a recommendation and that recommendation may vary based on the details of the report. And the kinds of things that are mentioned in our recommendation 31 could be in the guidebook examples. I'm not quite sure if that fits exactly right. You know, the consultation with council may not be what I would consider an example and I think someone - whoever pointed out that council should be managing the process not be the consultant is correct on that.

So I like the idea of it being one of the requirements in the final report to recommend- recommend if - and if so, how an implementation team should be formed.

Jeff Neuman: And that's combined now with the registrar's comment to also consider resources and priorities and to make sure that the community's not being overburdened with the - you know, another team. Marika?

Alan Greenberg: Well I prefer...

Marika Konings: (Yes).

Alan Greenberg: I prefer that community be overburdened then staff do it wrong or in the perception of the people who are involved in the PDP and try to fix it at that point. So, I mean, once you start that given process you're going to have to complete it. Sorry, to interrupt.

Jeff Neuman: Okay and - no, no, that's fine.

Marika Konings: This is Marika. I actually just have a question on why this fits in the overall process. Would an implementation team be gathered after the consul- (doctor) recommendation and the PDP as such is completed? Would we be the require- do we need to provide more details on what the requirements would be for adoption of this implementation package or plan?

Would that be sent together? Would we - you know, would the council wait for sending the recommendation to the board until the implementation group also has done its work or - I'm just trying to figure out this - it's actually several working groups I think that are currently ongoing - you know, might have a need for such an implementation group to work out some of the details on some of the more technical issues. So I'm just trying to figure out where that would fit in the process itself.

Jeff Neuman: Alan, do you want to respond to that one?

Alan Greenberg: Yes. I guess in my mind it's a post approval - it's largely a post approval model although I can see places where you need to consider implementation details along the way. There's no point in making a policy recommendation which is completely unimplementable.

But I think that's part of the investigation of deciding to set the policy and not really the implementation. It's just the feasibility of the implementation. So I think this is a post-approval process.

Marika Konings: Post approval...

Jeff Neuman: By po...

Marika Konings: ...by the council or by the board?

Jeff Neuman: Yes, that was my question too. Yes.

Marika Konings: From - because I see, you know, where you're coming - because I'm thinking of a very practical case from council in the IRTP working group. Are we looking at a certain process where the working group might come up with certain principles that they support but I would think that, for example, the final approval of any new, you know, policy, people would want to see the final details of how those principles are worked out.

So I'm trying to figure out where that they would fit. You know, would that then go back into a kind of, you know, PDP vote or is it then a separate item? I don't have any answers to it but I'm just wondering if we need to provide more guidance of how that would work in practice and where it falls within the process.

Alan Greenberg: I - my inclination is to keep it flexible because if you - you know, according to the current guidelines if a PDP report comes out council has to vote on it within a per- a very short period of time and the board has to vote on it when council decides within a very short period of time.

Clearly we're going to change some of those and give them more latitude because it never happens. But there could be a very significant amount of time before board approval comes out and I would hate to do a detailed implementation only to find the world has changed around it in the interim period.

So I'm not sure we want to be a lot more specific other than given examples of when it might happen. A lot would matter to - whether council approves things with the super majority or not. If it doesn't approve with the super majority there's a good chance the board will never approve it as a final policy.

You know, so if you sort of know slam dunk it's going to get approved by council unanimously it's a different situation then if it's a dicey one where you're not sure how it's going to unfold. So I'd be reluctant to make it very solid. I think just allowing for it I think gives people the flexibility to both think about it and perhaps take some action.

Jeff Neuman: Hey guys, I just got kicked of Adobe and actually kicked off the Internet. I'm not sure why so I can't see the queue. Is - Marika is there someone...

Alan Greenberg: There are no hands.

Jeff Neuman: Okay. Marika, do you have a response to Alan? I mean, I think (Alan's) right in the sense that definitely need the flexibility. It's almost always at a case by case and if we provide the mechanism and I think it's all we really can do at this point. I see your point on some of the working groups.

Marika Konings: Right because, you know, the reason why I'm asking is because I think in some of the PDP working groups they might come up with (five), you know, good ideas or suggestions but that just needs further thought or technical expertise to work them out or potentially test them or - and instead of a (need) bogging down and PDP working group trying to do everything, it might be something that, you know, they would like to pass on to a new team that specifically focuses on that, you know, target issue with the different principles that they outline.

So - and I agree there with Alan. I think they're - it's probably then something for that working group to take back to the council and make a determination saying, "Okay, so how do we handle that? Do we just, you know, put the PDP on hold while this group figures out the details and then plug it back in to the PDP report? Or do we just include the PDP and just note that this is a separate initiative that now we'll get started and we'll come back with this recommendation to the council in due time?"

So I agree there. I don't think we can create any fixed kind of rules but, you know, potentially a scenario where we could provide some examples and it might be helpful for working groups as well to take into consideration and making sure that they know that they don't have to work out every single detail especially if they don't have certain expertise as part of their working group.

Jeff Neuman: Well, and remember, there's nothing prohibiting the working group from inviting others in - other experts in to get that, you know, that perspective. They don't have to refer to another group.

Man: Jeffrey, I've got Alex and me in the queue.

Jeff Neuman: Okay Alex. Sorry, I'm rebooting my computer so hopefully I can...

Man: No, no. I know. That's why I told you. Okay thanks. Alex. No problem.

Alex Gakuru: It's Alex speaking. I want to give an example - excuse me - give an example of a weird situation we find ourselves in in one of the working groups. And this is a (jazz) for the Nairobi resolution where a group was set up, a joint working group, to find ways of - various ways of supporting new GTLD applicants for that resolution.

But then after a little work had been going on in the work group, there isn't (board) retreat now (revised) and of course we had to be chartered. We lost all of that and decided that there's not going to be any financial support or anything. We just said we're only going to give two types support - outreach and education.

So I don't know how this (conceding) because the charter, the work that has been done by the work group has just been completely outed by a new resolution by the board. So I think we have been working on the assumption

that nothing changes. The issues have been done, the guidelines, the timeframe and the working groups are going.

But what happens when right from the top, things got changed and we need to assist future work groups and maybe help to handle such situations because it completely (unintelligible) had set out to do in the past (list). But I wanted to share that example so that in case we can factor it in here maybe we can advise and we can recommend something on that. Thank you.

Jeff Neuman: Yes, that's a tough one and that's not unique to the working group you were talking about. I think that was done a couple of times on vertical integration and it's certainly being done with a number of things with new (topple) domains that you have a group that's working and then all of a sudden you just get a complete reversal or some different direction from the board and I think that morality and public order is another example of that as well.

And obviously it does not leave people too thrilled with what's going on. But I'm not sure that we can address that in our documents. I think that's kind of an accountability transparency issue but it's something where the working group needs to have flexibility to go back to the council and possibly ask for a new charter or re- make recommendations in a revised charter taking into consideration of externalities that they can't really control.

Alan, do you have thoughts on that or?

Alan Greenberg: Yes, my - I - my vague recollection is that we started going into the concept of implementation teams as a reaction to what has happened typically is that a policy is recommended by the GNSO, adopted by the board and then it gets tossed over the walls of staff to work on for some indeterminate amount of time at which point staff comes back and says this is how we're doing it and perhaps adding some opportunity for comments at that point.

But a real disconnect between the people who came up with the concept and the people charged with implementing it. And I - my recollection is that we started talking about implementation teams as a way to make sure that there was a continued dialogue between those staff people who are charged with implementing something and the group that came up with the idea to make sure that it's tracking the way it was expected and not going in some other direction.

Again, my memory may be faulted but if that's the case, just introducing the concept and saying it's one of the options essentially raises the flag with the implementation people on staff that this is not something that's tossed over the wall that they work in i- complete isolation. So I don't think we need to be very prescriptive in terms of the details but just the existence of the concept and saying it's - it is part of the allowed process, I hope will change the landscape of it.

Jeff Neuman: Yes I think your memory is exactly right. I think that is how we started talking about it and that certainly was a concern expressed by a number of people even way back when we started this whole EDP work team review. And I think you're right. A suggestion of having it will hopefully change the landscape a little bit.

Alan Greenberg: Yes, I mean, we're - we wanted to get rid of - and we still - we want to get rid of the concept that it's none of our business how the implementation is being planned. That's someone else's responsibility. And that's the barrier we were trying to break.

Jeff Neuman: Yes. Okay I'm finally back on. Does anybody have any comments on that? All right, Marika, do you have enough direction on this number to move on? Actually on this and 42?

Marika Konings: Yes, I think so. But again, I really hope that people do review the notes I put in this document and tell me if I've missed anything or mischaracterized any comments.

Jeff Neuman: I think that's a good - good advice and I think that's a standing request for all of this (chia). Definitely please review it afterwards.

Okay on staff resources, recommendation 32 - recommendation 32 - are you there Marika?

Marika Konings: Yes. One second. recommendation 32, the PDP working (group) recommends that staff resources needed or expected in order to implement the policy recommendations should be evaluated as part of the working group recommendations and as part of the council's review of those recommendations, as part of the feasibility analysis and/or impact statement. And then it says also see recommendation 31. And 31 basically talks about...

Jeff Neuman: That's (already been) talked about - about implementation.

Marika Konings: Right.

Jeff Neuman: So I think we got strong agreements on the registries and the registrars and I'm not sure we need to talk about it unless I'll give the chance. Anyone disagree with this? Okay. (Unintelligible).

Alan Greenberg: It's Alan. It's not something that we can do unilaterally. So, I mean, this really says we need to be able to ask ICANN what staff do you think you'll need and is it going to be available. So it's not something the work group can do on its own. I'm not sure how we factor that into the wording but the way it's worded right now implies that it's something that we should simply factor in.

Jeff Neuman: Yes. I think - and maybe we can put some language in the recommendation that really it strongly encourages staff - policy staff - to get that information for the working group. And I think that's, you know.

Alan Greenberg: Yes, or do we - saying so- yes, that in cooperation with ICANN staff, the working group does something.

Jeff Neuman: Right. Yes.

Man: I think that's right.

Jeff Neuman: Okay, constituency statements - recommendation 33 which - if we scroll it, it says...

Marika Konings: (Do you want) me to read it?

Jeff Neuman: Yes I - yes if you want. Yes please. (It'll) save my voice a little bit.

Marika Konings: The PDP working recommends amending (flow) 7 of Annex A of the (active) bylaws to reflect the practice that stakeholder groups constituency statements are requested by the working group and the timeline for submissions should start from that point instead of the initiation of the PDP.

Jeff Neuman: Yes, I think that's just to mirror the language that we talked about earlier about when a comment period is initiated. I think that - I guess just kind of a carryover. So I think we already discussed that and the answer is yes, we read that. Change is still recommended.

Thirty-six, inter- okay sorry. Thirty-six was - (so it's) right here.

Man: Yes, in 33 they also suggested that we may want to note that constituency statements may be required - may be requested more than once and I don't think there's any prohibition against it.

Jeff Neuman: Right. I think we acknowledged that by saying any time...

Man: Yes.

Jeff Neuman: ...there's a public comment period we can get comments from the stakeholder groups constituencies, et cetera.

Thirty-six, this is talking about the public comment period on the initial report remains mandatory additional guidance on further optional public comment period. Example - where there are substantial differences between the initial and final reports should be included as part of the PDP manual or guidebook.

Okay, on the first part, we've already agreed that the comment period after the initial report is mandatory. And then they say optional additional comment periods as (the term) INTA may be useful in terms of circumstances when the final report differs substantially from the initial report.

I think we've already agreed with this and I think we've - that's just in line with our recommendations. That'll - I don't see a need for further discussion. I think we've had this one many times. If anyone disagrees just jump in. Let me know. I'm trying to move through these a little bit quicker.

Thirty-eight - sorry, I'm scrolling through this here. Okay, recommendation 38 says the PDP work team recommends to provide additional values to the council in the policy development manual or guidebook on how to treat working group recommendations especially those that have not received full consensus and the expected desired approach to adoption of some but not all, or rejection of recommendations.

There was a discussion within the PDP work team whether the GNSO council should around flexibility to pick and choose recommendations. There's no agreement yet on what guidance, if any, should be given on

recommendations that have not received full consensus. The PDP work team hopes to receive further input.

Now we've got some further input. The registrars have said that they have no position on the issue but agrees it's an issue that deserves attention. Okay, 38 - I'm sorry - registries have said it's important to note that working groups do not necessarily have balanced representation. In contrast, the council structure is designed to facilitate balanced representation of its stakeholder groups.

Assuming counselors are consulting with their stakeholder groups and constituency's council decision should reflect the consensus or lack thereof of a broader GNSO community and hopefully the broader ICANN community as possible.

A comment was received - an individual comment - was received that says, G- no, the GNSO council should not have the flexibility to pick and choose. It's very important for the PDP final reports to give an objective description of the level of each consensus for each opinion recommendation. So we have some different viewpoints there.

You know, so I think the issue of working groups and not having balanced working groups I think is an important one (thus in) we've seen in light of a couple of recent working groups, whether it's one that (Alan's) chaired or whether it's the vertical integration. They certainly don't have the same number of people from each of the different constituency stakeholder groups or even, you know, some are broken down in interest groups and some constituencies.

So the comments on our registries is that council should have some flexibility because it's much more balanced than a working group necessarily is. This is a tough one. I think we need to spend some time on it. It's basically the line (item) veto for - well there're a couple of issues. One is a line (item) veto

essentially so - for council. And the second one is what does the council do when, you know, you may not have full consensus but there may be a rough consensus or there's a majority, a minority.

What do you guys think? Should we basically say that any recommendation that has full consensus or a series of recommendations that have full consensus, the council should not be able to pick and choose? But if there're recommendations with something below full consensus that the council has discretion? Alan and then (James).

Alan Greenberg: Yes, this has been something that's been discussed since the very, very early days of the proposal that the model for council change and that it become purely the group administering it. And the question as it was raised originally was what happens if there is a minority report? What happens if the working group does not reach consensus?

And the answers have varied over the years. In some cases it said well council will punt the minority reports to the board and they'll decide. The board, of course, came back and said we don't want to decide. You decide. And so the (session) left it, well, punt it back to the working group and say try again.

So everyone doesn't want to make a decision but ultimately we are investing huge amounts of effort and time in these things and I think we need a way to figure out how to go forward if we cannot get consensus. I don't know how many people saw (Anthony's) sort of brief analysis on the VI group yesterday. If people in this group didn't see it, someone should forward it.

But, you know, you're saying as you get more and more people involved in ICANN and more and more people with vested interests involved, we are not going to reach a consensus on really important issues - on at least many really important issues.

And we need a mechanism for figuring out how to go forward either with parts of the solution or decide how to, you know, pick and choose or I'm not quite sure what we're going to do.

If you look at the case of VI, well the Board really wants to announce new gTLDs and this is an impediment so they get the task. On things that are - that don't have quite as much weight behind them and a time deadline which is - where the clock is ticking they're just going to - I don't know who's going to decide.

It's never going to happen. It'll go into the wastebasket if we can't come up with some formal mechanism of saying, "How do we go forward?" So I - it's something we've been discussing for three years - 3-1/2 years now and I don't see we're a lot closer to the solution, but I don't think we can avoid talking about it.

Jeff Neuman: So Alan, it's our job to provide the solution.

Alan Greenberg: Right.

Jeff Neuman: At least to recommend one. James?

James Bladel: Which - this is James speaking Jeff, which raises a funny irony of course if we can't reach a consensus on how to deal with consensus. You know, and the problem is precursive, you know, add in some items.

So yes, I agree with a lot of what Alan just said and, you know, this is something that is - I personally have trouble getting my mind around a lot of these things.

I think like a couple of other folks on the call, I'm coming from a business environment where, you know, a lot of good ideas are hashed out but

ultimately somebody has to make a call and make a decision and, you know, step up and say, you know, be accountable for that decision.

And I know that that approach doesn't always play well in this particular arena. But, you know, I think that we did touch on the idea that certain recommendations should be acknowledged to be interdependent so that if the Council were to accept some and not others, that some of them were linked or associated and that those associations couldn't be broken.

They were an all or nothing package and I think that that is probably one good approach. Another approach might be to set the expectation with the Working Group out initially that, you know, anything, you know, below strong consensus is subject to modification or it won't make it past the Council.

I mean, all of these things are definitely on the table but of course each one presents a new avenue where a single, you know, a single organization or even a single individual could come in and, you know, pop it, you know, highjack the whole process or veto - give one individual veto power over the whole process.

And I think that we need to be very careful with this and recognize that at some point, and this has changed from, you know, from the Working Groups, Staff, to the Board, to the Council and then in all the different ways it can reverse course in that entire process, at some point decisions have to be made and that there will be some folks who are not in agreement either totally or partially in agreement with those decisions.

And does that mean that the process is broken? From that person's perspective it might be but, you know, it's just a - it raises a lot of really interesting questions.

Jeff Neuman: This is Jeff. So it may be easier to just kind of break this down to a couple different items. And what James said is important too. One is that the

Working Group -- we've already said this -- should have the - I don't want to say burden - should have the obligation to indicate in its final report to the Council what recommendations are dependent on the others or what interdependencies there are, and that the Working Group should strongly send a message to the Council that unless you adopt all of these particular ones in the package we don't recommend you adopt any of them.

Or, you know, it should be some sort of burden on the Working Group to make that kind of assessment to the Council and let the Council know that these are all dependent on each other, so that is one thing that we said.

We also have said in the report that it's not Council's job to change the recommendations that, you know, if there's any problems with the recommendations certainly that receives strong or full consensus, that the Council should not be substituting its own opinion or that of the Working Group and so we've said that already.

You know, but absent those indications by the Working Group, I think that someone does need to make the call unfortunately, you know. And that someone is going to be the Council, that if there's no indication that a Working Group, that there are interdependencies and if there is some level of support that the Council really needs to do that weighing and then pick whatever - these recommendations that they're going to send to the Board.

So we do have to have some, you know, the buck stops here. Someone's got to make the call as both Alan and James has said. So I think we do have some points of agreement within this Work Team. You want to add to that Alan as to what you...?

Alan Greenberg: Yes, I mean, it's certainly - in my mind if the Working Team is deemed to - Working Group is deemed to be balanced, and I'm not quite sure who makes that call, and there was a very strong consensus in the Working Group then Council should not be rethinking the process.

It's been delegated, an answer came out and that should be passed on or not passed on as Council decides. But they shouldn't play and pick and choose and tinker with it.

The real question comes in issues where there is - where either the Work Group is deemed to not have been balanced or there was not unanimity in the Group, and the two probably go together and - or even near - or even strong consensus in the Group, and there's a divided issue.

And I'm not sure we can make a hard and fast rule who must do it. You know, if you look at the Vertical Integration one, Council's not going to be any easier able to address the issue than the Working Group was or is.

So I think we - I can see however a case and I'll give a far-fetched one and James and (Paul), don't hit me. But if the community in general decides that we fix - the Registrar model that we've been working with for the last ten years is the wrong one, it hurts the overall community.

It's a bad thing and we need to change it, and there is very strong support in all parts of the community except for the Registrar part of the organization. They should not be able to veto that if you get very strong support.

And if you look at the Council rules on voting for a PDP it explicit - they're explicitly set that a single Stakeholder Group should not be able to veto and you can still get the - a super majority model.

And we want to make sure that we don't put rules in that would stop that from happening if there was a groundswell, you know, that we get rid of Registries or Registrars or something like that - something that clearly will affect the businesses that part of the Council members are in.

So how we do that I don't know, but I think we have to make sure that we don't stop a radical move from happening just because it disadvantages some group if there is a groundswell everywhere else that it needs to be done.

Jeff Neuman: Okay Marika, do you want to jump in on the - on that and then I'll go to Alex? Marika, you might be on mute.

Marika Konings: Yes, sorry. I was on mute. This is Marika. Just on the issue of balanced Working Groups and representatives, there are certain paragraphs in the Working Group Guidelines that deal with that issue and point out how, I mean, the Chair that deals with that issue, how we can address that with the Council if they really feel - he or she feels that a certain group is over-represented or trying to dominate the discussion.

So there are certain mechanisms in there so I think in the ideal process it shouldn't be a question when the report comes to the Council that people say, "Oh well, but it was an unbalanced Working Group."

That should have already been addressed at an earlier stage in the Working Group by trying to find that balance in one shape or another.

Jeff Neuman: Okay, Alex and then James.

Alex Gakuru: Right. Alex speaking. I'm trying to address the point raised of people - different people pushing decision making about so that finally something is not decided, whether it's the Board, whether it's the Council, whether it's some issue.

And I'm just in looking right now at the NomComm rule in ICANN - by the Bylaws. And I was wondering just the same way I believe I think the American system works or the Supreme Court, these people seem to me like their mandate is closer to that.

Can we design a criteria where maybe if an issue is not decided or reach something - but in - lack of - what is the opposite of lack of consensus? An issue that is so contentious or maybe fails to reach a certain decision within a certain timeframe, might that be a way where we could make these people - also maybe pass those issues to them and then because they act in the interests of the global users quietly, maybe they can make a decision that would be binding to the Board and also to the Council and to call the group on such contentious longstanding issues that don't seem to be here at end of day - the light at the end of the tunnel. Just a quick thought. Thanks.

Jeff Neuman: Just to - who in your mind then would serve on this kind of third party body that you were talking about?

Alex Gakuru: I'm looking at the ICANN NomComm, the NomComm, the Nominating Committee because I'm just looking at them in ICANN.

Jeff Neuman: Yes, that would certainly change things a lot. I think...

James Bladel: Just for clarity are you saying the NomComm acts as this judiciary body?

Alex Gakuru: Yes, when there are issues of this nature that arise. Not all the time. You know, when there is an issue. Maybe then we can define the criteria and the - which such issues - maybe to avoid the issue of a decision not being taken by anybody.

So we define the threshold for issues that could be taken there and that decision comes from up there is binding on everybody - Work Group, Council and the Board. That would resolve a lot of the issues that nobody would have thought.

Alan Greenberg: I wouldn't have thought that we'd pick the NomComm for the - for those kind of skills but...

Jeff Neuman: Yes - like I said yes, I agree with Alan. That was certainly not the criteria by which we use, to pick people on the Nominating Committee, but it's certainly a thought. But Alex, why couldn't the GNSO Council do that?

Alex Gakuru: Because they are pushing the decision between them and the Board from what I've heard in this - on this call. Some decisions they don't make. They put the Board and the Board say, "No, no, no, no. You decide."

And then it goes to GNSO Council and GNSO maybe says the Work Group decides. So I'm avoiding this situation of going back and forth and nobody's making the decision.

So it's what I'm trying to say, how do you get it - a decision made on whatever issue it is with finality? That's all I'm trying to address. And I think somebody said, yes, it's been going on for 3-1/2 years. Thanks.

Jeff Neuman: James? Thanks Alex. James?

James Bladel: Hi Jeff. James speaking and I just had a couple of thoughts that I think - that touch on some of the things you were saying as well as Alex and Alan. You know, first off the question of balance on Working Groups I think is very touchy because I think that, you know, immediately I think that the thing that jumps out at folks is where the different participants are coming from in terms of Stakeholder Groups.

And that almost presumes that there's uniformity in Stakeholder Groups where - I think particularly in Registrars and possibly in the BC as well and Jeff may be in the Registry Stakeholder Group as well.

And, I mean, you can probably attest that those meetings are, you know, there's really not anything close to a uniform opinion on just about anything.

So I think it's a - it presumes some degree of - well I want to say cohesion in the positions among Stakeholder Groups which is in fact very rare.

And then, you know, going back and I realize Alan was just kind of making an example and doesn't, you know, secretly hate Registrars but we need to be careful about building into the Bylaws any sort of mechanisms that lead us into a recipe for, you know, the concept of tyranny of the majority where a super majority or even just a slim majority of individuals or organizations could, you know, disenfranchise or remove the participating capabilities of another segment of the community.

And I think that's something we need to make sure we're not codifying into the Bylaws. And, you know, I think that maybe perhaps we're looking at this issue incorrectly and we're identifying the, you know, challenges of reaching consensus as a problem.

I don't think that's necessarily a problem. I think what it says is that the status quo is, you know, has a certain degree of inertia and is going to prevail in just about all situations unless and until there is an issue and an approach or a policy recommendation that has broad support.

And so I think that, you know, that provides a degree of stability and certainty, not just for businesses but for, you know, all areas of the community and users as well.

And so I think that when we identify these problems in achieving consensus that we shouldn't necessarily jump on the side of this is a bad thing, because in some respects it is providing long-term security and stability for the entire ecosystem.

Jeff Neuman: Yes, and I think that last point is certainly important and one that we've seen discussed the last couple of days in the Vertical Integration group that just, you know, failure to achieve consensus is not failure or it's not necessarily,

you know, or at least it's not that the group hasn't done its job, so it is an important point.

I kind of want to try to get us back to recommendation which is let's say something has - if it's got strong consensus or full consensus, right - Marika, keep me honest on the different classifications. If it's full...

Marika Konings: Hold on one second. Full consensus, consensus, no consensus and divergence, and no consensus one has strong support for a specific position - recommendation but also significant opposition.

Jeff Neuman: Right, so if it's full consensus or it's...

Marika Konings: Consensus.

Jeff Neuman: ...consensus, I'm trying to narrow it down and make it a little bit easier. It may not be easier, but if something's got full consensus it's probably the expectation of the group, the Working Group, that the Council adopt it without really doing anything to it.

If it's got consensus it's probably similar, but the question is what happens in those areas where there is not consensus but there's strong opinions one way or the other?

And it seems like to me it's definitely - I hate punting but it's almost like we have to punt it to the Council to make its decision because they are balanced in terms of the way that ICANN is structured.

They may not be balanced in the sense of - as James would say, and both Registries and Registrars for example, even within the Registrars you have divisions - definite divisions of different models and Registries don't always agree.

You look at Vertical Integration and you look at - Newstar's position for example is very different than Afilias' position or PRR's position. So you can't only measure it that way.

I think the only real way is that the Council has to decide those things and what to send to the Board because the charters of those Stakeholder Groups and constituencies, you know, have certain requirements of how their Councilors need to vote.

I'm not sure we can really do much more than that. I think we need to make the point that we have, which is that the Council shouldn't press to suit their own judgment but they should really be working off of what the Working Group report is, and that the Working Group should definitely indicate if certain things are interdependent on other certain recommendations.

And the Working Group should indicate the levels or- with the group but I'm not sure how much other guidance we could give. Marika, you have a comment on that?

Marika Konings: Yes, this is Marika. I do recall that we - somewhere in the report or at least discussed it as well that this notion that if the Council wants to make changes or has issues with certain recommendations, they could always give that back to the Working Group and ask for further clarification.

Another question or - question I would have is that how likely is it that if a Working Group comes with a recommendation that has strong support but also, you know, strong opposition then that would get Council consensus, because even if we look at groups that are disbalanced, you know, we are looking at input as well from different stakeholders and constituencies?

I'm wondering in the certain extent much of a theoretical discussion is it - that recommendation doesn't have, you know, either divergence or has - there's

no consensus, how likely is it that that would get consensus at the Council level?

Jeff Neuman: I think that's a very good point. I think it's probably not very likely that it would be different. So then the question is though, you would be saying to the Council, "Yes, you could pick and choose."

Obviously the ones that have consensus you probably as the Council should have consensus on," and therefore those would be forwarded up to the Board. But the ones that there aren't consensus on I think they get left behind.

Either the Council's got options - it could just say, "Thank you Working Group. That's, you know, you've done your work. That's great." It could start a new Working Group on just that issue. You know, there's plenty of options for the Council. Alan, is that a old hand or a new one?

Alan Greenberg: No, that's a new hand.

Jeff Neuman: Okay, Alan.

Alan Greenberg: Yes, just from what I said before I - when I picked the idea of abolishing all the Registries or Registrars, I was trying to pick something so outrageous that I wasn't trying to debate that particular issue, but just pointing out that there are going to be issues which - remember we're looking at among other things in PDPs and consensus policy, if consensus policy was so good that everyone believed it should be there we wouldn't have to have a policy.

Everyone would voluntarily do it and, you know, the world would be different. But consensus policy is there because it's held that it's important to add it to a contract to require something to be done.

So there's likely to be opposition and the opposition may be unanimous in a Stakeholder Group or constituency, or it may be split as you say in many cases.

I think a measure of the robustness of a Stakeholder Group or constituency is that there is difference - there are differences and they do represent different views.

But ultimately the issue - going back to what Alex said is not that there is nobody who can make a decision. The problem we're having is nobody wants to make a decision.

The Council either believes or has been told that it's an administrative body and should not be making decisions. The Board doesn't want to make decisions and the Working Group as we've seen in some cases is going to be stalemated and it's not going to reach a full consensus.

And I, you know, the challenge we've been given is to change the Board view of what the - what a Working Group should do and what Council should do or accept that if - that everyone can keep punting it forever.

And I'll point out just one more thing that Council makes decisions not by full consensus. It votes and you can have a strong opposition to something which gets a super majority vote.

And that's within the rules and designed that way so we need to make sure we don't get carried away by the consensus model when we recognize that ultimately the Board or the Council makes decisions by votes. So that's it.

Jeff Neuman: Okay. Yes, I think that's right. I guess it will also depend on how the Working Group Chair determines full or determines strong opposition. I think that's, you know, but you're right.

It could definitely happen that it may have strong opposition but they'll have a vote of the Council that passes it through to the Board. With that I don't think we should go on to the next subject since it will take some time.

I think that - Marika, yes.

Marika Konings: Yes, this is Marika. Before we wrap up just want to point out that this is the 30th of September and the closing date of the public comments forum - I was just wondering because I think Avri and Alex did try to find out whether there were going to be any comments from the NCSG.

So I would like to know if I need to leave the public comments period - comments forum open for longer or whether we're not going to receive any further comments than the ones we have received to date.

Jeff Neuman: That's a good question. Alex, do you have an answer for that or...?

Alex Gakuru: Maybe all I could say is that I don't - I have not seen anybody new saying they are going to comment on it. But I really don't - frankly I don't expect a comment coming from us at this point in time unless somebody decides to submit post the deadline that you just mentioned.

So really if it doesn't come through then I think we just will have sufficient time. We have notified them severally and maybe they just didn't have somebody to dedicate the time to comment on that.

And I - like we said Avri and I cannot comment because we always comment internally, so it can be assumed that maybe ours are incorporated in our contributions throughout the Work Group - Work Team. Thank you.

Jeff Neuman: Okay, thanks for the update and I think yes, I mean, at this point, you know, we're closing the comment period and we'll see what happens. Any other questions Marika?

Marika Konings: Sorry, what was your question?

Jeff Neuman: Anything else? Any other administrative items?

Marika Konings: No. No, I'll just go ahead then and close the public comments forum tomorrow and I'll produce a summary probably on the basis of the table that I've developed for this group, which I think is the easiest way to see on what issues people have commented.

Jeff Neuman: Okay, so I think that's right and next week we're going to have a call obviously on normal time, but we may just go for an hour because of policy Staff.

But ICANN Staff - they have a retreat next week so they have some continuing obligations so we'll take it - we'll play it by ear next week and I will talk to you all then.

Alex Gakuru: All right, bye.

James Bladel: Thank you Jeff.

Alan Greenberg: Yes, thanks Jeff.

Jeff Neuman: Bye.

END