

**Policy Process Steering Committee (PPSC) Policy Development Process (PDP)
Work Team (WT)
TRANSCRIPTION
Monday 24 January 2011 at 14:30 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 Monday 24 January 2011, at 14:30 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-20110124-en.mp3>

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Participants on the Call:

Jeff Neuman - Registry Stakeholder Group - Work Team Chair

Alan Greenberg – ALAC

Wolf-Ulrich Knochen – ISCPC

Tatiana Khramtsova - Registrar Stakeholder Group

Avri Doria - Non Commercial Stakeholder Group

James Bladel – Registrar Stakeholder Group

ICANN Staff:

Glen de Saint Gery

Marika Konings

Gisella Gruber-White

Absent apologies:

David Maher - gTLD Registry Stakeholder Group

Paul Diaz - Registrar Stakeholder Group

Tony Harris - Internet Service and Connectivity Providers Constituency

Alex Gakuru - Non Commercial Stakeholder Group

Gisella Gruber-White: Good morning and good afternoon everyone on today's PPSC PDP call on Monday the 24th of January. We have Jeff Neuman, James Bladel, Avri Doria, Alan Greenberg. From staff we have Marika Konings, Glen Desaintgery, and myself Gisella Gruber-White. Apologies today noted from David Maher, Alex Gakuru, and Tony Harris. If I could please just remind you to state your name when speaking for transcript purposes. Thank you.

Over to you Jeff

Jeff Neuman: Thank you. It is our first Monday call in a long time. In fact, it may be our first Monday certainly this year, but this is the PDP Work Team. It is the 24th of January and today's agenda really is to just go over the couple of comments that have been filed to date on the draft final report from Avri, and from James, and Paul. And I know others are still getting comments in, but we're kind of getting towards the need to do another draft final that Marika is working on.

And Marika actually has merged the documents together, so what you see on the top left for people in Adobe is a merged document that contains the comments both from Avri and from Paul and James. And on the top right, you see the outstanding issues list that we've been working on for the last several weeks, and so I think that looking at them side by side should help us out in the discussion.

Marika already has her hand raised so I will call on Marika.

Marika Konings: Yes this is Marika. I just want to highlight as well that what I've done in the document on the right-hand side, outstanding issues document, the issues that I've added there are that in my view were deemed substantial issues where the working group might - or the working team might want to discuss in further detail the comments made.

There are some other edits that have been made by Avri, and James, and Paul that in my view were more editing and clarifying changes, so I would encourage the members of the work team to also look through the document on the left-hand side for those issues that haven't been added to the outstanding issues list. And if there are any items they feel should require further discussion, that they let me know so I can actually add them to the list.

Jeff Neuman: Okay, so with that said, then let's jump in to the comments. And I just want to actually - before we jump in, I just want to double check. So we don't have anyone from the Commercial Stakeholder Group on this - sorry. Yes, the

Commercial - sorry. The BC, the ISP, or the IP - there's no one from those groups on the call.

Okay, I'm hearing no. I'm just going to note that down and mention it on the list - the council list because it's been a while since we've seen anyone from the IPC. And for BC, we had John Berard for a call, but I don't think he has shown up since that one call.

Alan Greenberg: It just means they trust us.

Jeff Neuman: We will let the record reflect that Alan believes they trust us.

Alan Greenberg: Sorry. Yes, that was Alan speaking.

Avri Doria: But that it didn't pass the giggle test.

Jeff Neuman: All right, it could be possible that they just forgot there's a Monday call or weren't checking their mail, so we will see what happens on Thursday.

Okay, so let's jump into it. Marika is going to help guide us through this one because I have yet to be able to look completely at Avri's comments since we got them on Friday. I've looked through Paul's and James' comments, but so Marika why don't you kind of lead us to the first issue and then we will - and then if it's Avri's, we will have Avri speak a little bit about it. And if it's James' or Paul's, we will let James speak to it if he can.

Marika Konings: Okay, so this is Marika. So on the left-hand document, we will start on Page 3, and on the right-hand document, we will be on Page 15. The first comment is from Avri and is a more overall comment in relation to what should be in the executive summary. Avri, do you want to speak to that one?

Avri Doria: Sure. Executive summaries I guess - I mean a 21-page executive summary -- and I understand what's happening - seems a bit excessive to me. And really, there were two issues I had.

One is it's excessively long for an executive summary that just was basically to summarize it and not go through every single point. Otherwise, it gets really long, but then it seems like we almost had after those 21 pages we moved into the next section of approach taken. It seemed almost like it was repeating everything again. And I know there were some differences, so this was really a comment about the construction of the document and sort of recommending that there be an executive summary that was in the limit of the one to two page.

And that we find a slightly different way to one in some place just cleanly list all of the recommendations without any extra discussion. And then two, have the approach taken type of section that includes all the discussions and how we got to the recommendation, and how we treated the comments that we received, and how this was affected by the resolution and the outstanding issues, or overriding issues, or whatever you would call them - considerations and how they relate to each other.

That was you know how they relate to question this and question that. But at the moment - so the executive summary might talk about it too long and then too repetitive to the next section that it's really hard to tell why you have both of them. At least that was my you know editorial type view on it.

Jeff Neuman: Okay, James.

James Bladel: Yes, thanks Jeff. James speaking.

I tend to agree with Avri's assessment. It's something that Paul and I discussed, although I don't think it made it over to our comments that we submitted, but you know I understand exactly what's going here. We understand that ICANN people are pressed for time and they read the executive summary, so we don't want to

leave anything out, but the you know the final result is that the executive summary and then the next section approach taken are very duplicative and perhaps the executive summary can be compressed. So I just wanted to lend my agreement there.

Jeff Neuman: Yes, okay thanks, and Alan.

Alan Greenberg: Yes, I'm going to do the same thing, but even stronger. I'm one of the ones who hasn't made their comments yet on this, but I did finish yesterday the (Pedner) comments (to go through) and it struck me that all GNSO reports are getting awfully large and unwieldy. In the name of completeness, we tend to put everything in in excruciating detail and then often repeat with slight variations in section to section. And then the end result is I think people just don't read them at all. So the result of a 21-page executive summary means even the executive summary won't get read I think.

So I think we really have to cut these things back, and put these things in appendixes and annexes for someone who wants all the details, but make the salient material that we're really trying to get across much more accessible. So I support any activity or any action that will end up with that result. Thank you.

Jeff Neuman: Yes, I mean it sounds like everyone is kind of in agreement on the executive summary being a little bit too long. And listening to you all but also to - I know a comment that was made to the working group work team final report that was made prior to - during the resolution that was passed by the council, which was to get a one or two pager.

Yet I'm not sure we can do a one or two pager on the recommendations here, but certainly to the extent we can pick out the major recommendations. And to the extent we don't necessarily have to follow this format of you know having each issue numbered. Maybe just to summarize a few of the important highlights, we could do an executive summary. We could do that.

Now one of our recommendations and then I will go to Marika. One of our recommendations as the PDP Work Team was to make sure that all recommendations or proposals are put out in the executive summary. If you go to - I can't remember what section of the report it - well obviously it's the section of the report that deals with the product or the output, but we do talk about all recommendations being put up front so that people could read them. Although here they are kind of long, so maybe there's just a different way we could organize it without restating it with so much explanation. So we will take a look at that.

Marika Konings: Yes, this is Marika. You already partly made my point because indeed when we try to do an executive summary we literally reproduce actual recommendations that are going to be acted upon so people know what's being discussed and what's on the table.

Of course here it's hard because you are looking at you know over 40 recommendations, so you know we need to make that a balance of which recommendations we do capture, which we don't, and making sure that people do look at the whole list.

And the other issue I wanted to highlight is also the understanding that the part of the document that will get translated is the executive summary, so there you will lose as well. If you only capture part of the recommendations, it might be a challenge for those that you know want to review the translated version. That they miss out on some of the other stuff that is not available in the translated version, so just for the work team to take that into consideration as well.

Jeff Neuman: Okay, how weird would it be to have an executive summary and then followed by a couple pages of recommendations followed by our full report, or would that be just too strange? I don't know. Alan and then Avri.

Alan Greenberg: Sorry. My hand was up from before, but that may be strange but may be the effective way to do it. And I will take my hand down now.

Jeff Neuman: Okay, Avri.

Avri Doria: Yes, one thing that would shorten it. First of all, you know having all the recommendations in the executive summary - we may want to actually look at that and we may want to have all of the recommendations right after the executive summary.

One thing that we can do is - I don't know that we need the questions. So I mean that's not a lot, but that already allows us to make it a table of recommendations or something as opposed to the thing having all these things that said, "The answer to this - see recommendation such and such." I mean that doesn't shorten a lot, but it makes it somewhat more dissimilar than the discussion (part) later.

So I mean I understand the desire to get the recommendations up front, but it may be even possible as you were saying to shorten them and perhaps eliminating the questions and just listing the recommendations to be made. And if the recommendation wording doesn't stand on its own without the question, then perhaps the recommendation needs a slight rewording to do so. And perhaps even in some of the recommendations there's extra wording in terms of explanations - so dividing the actual recommendation from some of the explanation and leaving the explanation later.

The other thing that I wrote inside the comments is one thing that I have found useful. That it's not only a long executive summary that's going to put people off; it's you download an 80-page document. And even before you've jumped into it, you go, "Oh my God. I've got to wait until I've got three hours to read this," as opposed to, "Let me jump into it."

And one of the things that I think may be helpful and may help in terms of translation division is to come out with short documents that have the essence with a longer document is the companion document as it were that has all of the gory detail, all the explanations of how we got there, all the responses, all the comments made and the responses to comments.

So you've got the here's the meat that people need to know in a minimal structure and here's all the gory detail that you need to know - everything about everything that went on and that those two together (I'll make). And if we got into that kind of mode that might actually help the document and help people read it. Because if they see a 15-page document you know that's good and they are more likely to set aside the time to read it. Thanks.

Jeff Neuman: Right. And one thing I was going to say too is that you know we are very good writers here at ICANN and you know we tend to write in full sentences in legalese when we don't necessarily have to. So perhaps we can just shorten words and just do a couple words instead of full complete sentences.

Marika.

Marika Konings: Yes, this is Marika. Another item we discussed I think in the past to Avri's suggestion is actually to break out the document. So when we post it, allow people download just the executive summary, or just the chapter with the recommendations, or just the chapter with the annexes. And also at the same time of course also offer the integrated version and indicate within each of those sections how many pages people are actually downloading so they have an idea as well beforehand you know what they are getting and how many pages it is so they can make an informed decision on which of the elements they want to download beforehand.

Jeff Neuman: Yes, so Marika we can then work on that. You know maybe that's one of the things - you know as Chair, I've been staying away from making kind of the formal - any kind of formal comments and leaving the registry comments to

David. Maybe one thing I can work with is to try to see if we can make some of those - see if we can make the executive summary a little shorter and maybe even table format, but I'm not sure that will make it shorter. That might make it longer, but we can work on that.

Do you want to go to the next comment that - I don't know if it's Avri's next comment, or Paul, or James.

Marika Konings: So this is Marika. So basically I've organized the comments basically on the order of the document so it will be mixed, but the next comment is also from Avri in relation to Recommendation 7 - what can the end result of the PDP be on Page 7 of the draft final report. Avri, do you want to...

Avri Doria: Yes, let me get there - Page 7. Okay.

Jeff Neuman: Is this the comment that it could be an (offset) or is that later?

Avri Doria: I don't know.

Marika Konings: Basically there's one sentence in there that says, "Some members of the community might be surprised to learn that there are more central outcomes of the PDP process than just the formation of consensus policies." And the comment Avri makes is, "Does the phrase really add anything? It seems a little less formal than the rest of the document."

Avri Doria: Right. Yes, that was an editorial basically. It was a folksy sort of - some people may be surprised. And I was basically just sort of saying that sentence didn't seem to add anything. And it seemed out of character with a lot of the rest of the document. That's all.

Marika Konings: And just to add, "And indeed to also mention this phrase. You might want to mention that this includes a (null) recommendation."

Avri Doria: Right. That basically what I think that's trying to say -- I never quite found the page in front of me - is that - because I can't see the page numbers because they are little. Age moment. Yes, that basically what we're saying is that the results can be (null) recommendation and that that's a perfectly fine result, and so those were the two different comments that I had there. And I think that's kind of what you were saying, but you know it's just slightly different.

And I just thought the extra sentence - you know it was a different character than others. It was a much folksier kind of not executive summary kind of statement. That's all. And I know put things like that in the middle - things that I write all the time because they make it easier to write, but then I end up taking them out because...

Jeff Neuman: Yes, I think that's a good comment, especially for the executive summary. You know if we want to keep something like that in the main body, that's fine. You know we could discuss that, but I agree. On the executive summary as we look to make things shorter, we could take out some of the words or kind of colloquialisms like that.

Marika.

Marika Konings: Yes, this is Marika. For the discussion now, can we maybe just pretend this is not the executive summary, because I think most people have actually made the comments on the recommendations here in this part of the document. So I agree that's part of the executive summary and we can make it shorter or you know put (in) some of the key recommendations. But for the discussion now, if we can you know just focus on the language we want to have in the recommendation.

And then you know when I update the report, I will make sure that this is - you know the language comes in the real recommendation, the complete recommendation, and that you know we can adapt it in the executive summary. But that we don't mix those two up because otherwise we'd need to cover everything

twice basically, so if they could say clearly what they want from this recommendation so I can make the right change.

Avri Doria: My recommendation I guess on the (null) would be the next sentence, "Acceptable comments include development of best practices, recommendations to other supporting organizations for future development." You know we won't want to call it the (null) set, but basically you know a conclusion that (null) recommendations are necessary, et cetera, and that's the kind of thing I thought. Because you could have a PDP that looks at the issue and says, "No, everything is fine. Leave it as it is. Just keep going."

Jeff Neuman: Yes, I think that's right. Let's not use the turn (null set) or (null) recommendation.

Avri Doria: That was you know an old logician talking. I'm sorry.

Jeff Neuman: Okay. All right, Marika is your hand...?

Marika Konings: One clarification. Are people happy then to remove that sentence on the - where does it start?

Avri Doria: Yes, I wasn't talking about getting rid of the whole sentence, just the first phrase. So you might want to just have, "There are more potential outcomes of the PDP process than just."

Marika Konings: Okay.

Jeff Neuman: That's right. Correct.

Marika Konings: Okay, perfect. Thank you.

Jeff Neuman: Okay, let's move through.

Marika Konings: So the next one is also from Avri in relation to Recommendation 12 on the role of workshops and information gathering events on Page...

Avri Doria: This one may have just been a timing wording issue, but it kind of looks like we're saying workshops are important and there should be one, but then taking into account that workshops really only happen - I mean unless we decide to start having online workshops more and more, workshops only happen with face to face meetings. So maybe it was just something in the wording, but it looks like we kind of should have a workshop before we actually start a PDP and I didn't know that that was actually what we wanted to say.

Jeff Neuman: Well I think we didn't say it had to be face to face, so I think that's an important issue to make it clear that the workshop doesn't have to be face to face. But I do believe we said that it was a good recommendation. We didn't say it was a best practice, we didn't say they had to do it, but it was - you know I think we did it in a couple circumstances before. That it was kind of one of those things where we thought it would be a good idea. So again, we can clarify that we don't necessarily mean face to face because I think that's important. And that it wasn't necessarily to slow things down necessarily, but it was more kind of a fact finding that we discussed early on.

Alan.

Alan Greenberg: Yes, I recall this well. And I don't know whether we meant face to face. We were certainly talking about face to face because I remember making the comment that although this thought was viewed as something new, I can't remember a PDP in my history where we didn't hold at least one workshop somewhere along the way before the PDP was initiated. That just seems to be the normal course of events.

By the time something rises to the importance of perhaps warranting a PDP, someone has almost surely done a workshop at an ICANN meeting prior to it. So that is

what we were talking about. Whether we want to say it or not is a different issue. That's it.

Jeff Neuman: Okay, I was just taking notes on that. So Avri, if we made some of those clarifications, does that - okay.

Avri Doria: To just like put in a clause - such a workshop either online a face-to-face meeting as clause. Of course I talked about taking words and here I am suggesting putting words in, but something like that would certainly - and as I say, it was probably just my ignorance in reading. I saw workshop and I said, "Well those are always face to face."

And you know we talk about PDPs taking too long and I've talked about being again - necessarily having a fast track, but definitely it should be possible to accelerate through some of the steps even if you follow all the steps. And so saying something like, "It could be an online workshop," would help. Maybe it's just my ignorance as I say.

Jeff Neuman: Okay. All right, we can definitely make those clarifications.

Marika Konings: So this is Marika. So just to confirm that we'd like to add following, "In addition, the PDP Work Team recommends that the GNSO Council should consider requiring such a workshop, online or face to face, on a specific issue," dah, dah, dah, dah, dah. Did I get that right?

Avri Doria: That's what I would say.

Jeff Neuman: Yes. Again Marika, we may shorten these responses so that they don't necessarily have to be in full complete sentences or paragraph form. As long as you've got the concept down, I think let's just - we will move on and I don't want to worry about exact wording for everything at this point. Does that make sense?

Marika Konings: This is Marika. It would help to give me some guidance so we don't have to go through this whole process again.

Jeff Neuman: Yes, I understand that, but I think one of the things I want to do again is to kind of shorten these and maybe not even full sentences, but all right let's...

Marika Konings: Right, but for the executive summary you mean. I guess there's still going to be an annex that will have the complete language of the recommendation and intent or explanation or whatever is linked to it.

Jeff Neuman: Yes, you are right. Yes, thanks.

Marika Konings: Okay.

Jeff Neuman: Okay next one. Let's see.

Marika Konings: The next one is Recommendation 13 on impact analysis also from Avri.

Avri Doria: Right and just a note on the previous comment I had made in terms of Recommendation 11 as an answer to 9 - efficiency and flexibility during planning. I hadn't understood how Recommendation 11 applied to that and that just confused me, so said I didn't understand that one - that answer.

Oh yes, basically here were just - again it's one of the things where we're listing examples of impact analysis that could include. And one of the things that has been suggested various times over the years but rarely taken in was that one should consider on some of these things whether it's privacy issues, or freedom of expression issues, or just call it under the rubric of human rights impact would be a reasonable thing to add. Though we could find other wording, that was my recommendation there to just include human rights impact under the list of things that could be considered as prior impact analysis.

Jeff Neuman: Okay, what page is that on again? I somehow missed that/

Avri Doria: It's lines 225 through 231. I find the lines easier than the page numbers. The page numbers are tiny.

Marika Konings: This is Marika. I don't think the page numbers or the line numbers add up. Because if we're about Recommendation 13, that's on Page 9. And on the document on the screen, it's actually in lines 395 to 399. I'm not really sure where that difference comes from.

Avri Doria: I started looking at your document itself as opposed to what's on the screen.

Jeff Neuman: Okay.

Marika Konings: I don't know how - you know why there's a mix up in the numbers like that.

Avri Doria: Okay. All right.

Marika Konings: It was just as well in the version Paul and James sent. Their line numbers don't add up either to the version, so I'm not really sure what...

Avri Doria: That's weird.

Marika Konings: Yes, I'm not sure what happened there. But if we're looking at the screen, it's on Page 9, lines 394 to 399.

Jeff Neuman: Is there - Avri just a question. Is there another word you can use instead of human rights? Would that be considered social impact? When people tend to use human rights, it sometimes causes...

Avri Doria: Yes, definitely. I mean it certainly causes the Chinese and Russians agita when someone says human rights. I wouldn't think that it had that kind of impact inside ICANN, but anyway perhaps you could just say rights impact.

You know leave out the human rights. That broadens it, but nonetheless is probably okay because you're talking about privacy rights, you're talking about you know expression rights, which may be an issue.

You are you know - which are both subtitles of human rights, but hey sure. I think leaving out rights since it's only human's that have rights unless the Supreme Court says corporations do too, but...

Jeff Neuman: Right. Okay, let's do that and you would also have - intellectual property would be considered as a part of rights too. It could be (read that kind of broad).

Avri Doria: Right, which is fine. I mean basically there should be a rights analysis. And you know if it's an intellectual property right, it should be explored.

Jeff Neuman: Okay, James.

Avri Doria: Because of PSG, (which of course I panned).

James Bladel: Thanks. James speaking. It's not that I disagree with this idea. I'm concerned that it starts us down a slippery slope and that this impact analysis gets very long as we try to account for all possible facets of online life and business and society that could be impacted by a PDP.

And I'm concerned that you know everyone will read into it what they want to read into it, and of course that it would cause - to conduct such an analysis would cause someone to want to take assessments of what human rights exist and the status quo before you know we can understand how a PDP would impact (them).

Just to kind of put this out there as a potential alternative that I think captures what we want for language would be to - I noticed what we have currently almost but not quite maps to some of the things that are listed in ICANN's

mission and in the AOC, which is you know preserving the stability and security of the DNS, the single you know exclusive and globally resolvable root. You know maintaining competition, consumer trust, consumer choice, and then something that kind of encapsulates I think what Avri is saying.

I think if were to maybe look for guidance from the ICANN bylaws or mission statement or possibly an AOC, we might be able to boil this down into like four general categories that wouldn't necessarily introduce curveballs into this recommendation.

Jeff Neuman: Sorry. What were those four categories?

James Bladel: I don't know. I was shooting from memory, but I think one is the stability and security of the DNS. Another one was you know consumer trust, consumer confidence - I think it's consumer trust. And then the competitive marketplace and another one was probably an unwieldy topic that describes human and property rights.

You know so I'm just trying to think if we can look to some other documents for guidance on this recommendation rather than invent it here, it might save us a whole lot of trouble down the road. But just a proposal.

Jeff Neuman: Okay, Avri you have your hand raised.

Avri Doria: Yes, just a quick comment. I have no objection to finding agreed upon text that one can substitute for us creating our own, though I would hesitate to think of human rights as throwing a curveball into the works.

Jeff Neuman: Okay, Marika.

Marika Konings: Yes, this is Marika. Actually an unrelated comment, but to Avri's previous comment on this. You know see Recommendation 11 as linked to. I just realized it probably is something that's screwed up in the numbering and it

should actually say see Recommendation 12. But I will check that back and make sure it's cleared up in the next version.

Jeff Neuman: Okay, James can you find that language that was used in AOC and just kind of circulate that to the categories and then Avri can make sure that - or she can check to see that she's comfortable - or her concerns for human rights would be included in that list.

James Bladel: Yes, I will take a swing at that. I think it's Section 2 through 8 of the AOC's pretty good you know list, but I don't know it includes what Avri - something that addresses Avri's concerns. So I think we will need to kind of just massage some of those or maybe add something in there, but I just didn't want us to create something from (whole thoughts) when we didn't have to. Thanks.

Jeff Neuman: Okay, I think that makes sense to the extent the language is there and Avri is comfortable with that. Let's proceed with that.

Okay, so now we're on Recommendation 14. Again, I'm just reading along with you all, so this is - that this has become a moot point. Avri do you want to...?

Avri Doria: Okay, let me look at my comment. I had gone off to look at AOC (wording).

Jeff Neuman: It's on priority and I...

Avri Doria: No, that's okay. Okay, yes. I mean this was talking about at the time this was written the council wasn't this whole you know massive prioritization exercise. Now I understand from listening and reading the council that while you still care about prioritization, the process, the ongoing GNSO Council prioritization activity is not going on in the same way it was that it was written, so this rings like a historical statement that may be a moot point and no longer applies.

Yes, you guys are still looking at prioritization, but you don't have a prioritization activity in the same way you did when this was done. In fact, I'm not sure I could talk to any three councilors and get the same idea on how you guys are treating prioritization at the moment.

Jeff Neuman: Yes, I think what if we just ended it at the first sentence and didn't even have the second sentence in there?

Avri Doria: Works for me. The other point I was making is that - and I've made this in a couple venues at the moment - is I understand and totally appreciate and think it's necessary for the staff to say, oops, we're not sure how we would do that.

But I think instead of coming out with statements like it can't be done or whatever staff has to basically give concrete, you know, incremental costs or something.

There's a fine line between staff giving a realistic projection of if they can do something, when they can do something and what the incremental costs of bringing somebody else in or of what they would need to delay to use the talent to give a real analysis of the labor impact is something that is needed.

But there's a fine line between that and sort of saying we can't do this.

Jeff Neuman: Yes let me...

Avri Doria: The second that they get to the we can't do this that becomes a control upon what policy can and can't be done based upon how they budgeted and managed their activities. And that becomes problematic. And so it's that fine line I'm worried about.

Jeff Neuman: Yes let me catch people up that weren't - maybe didn't listen to the council call. So we were discussing - the council was discussing an item that was

raised by the board in the resolution at the Cartagena meeting. And so the board said that the GNSO Council should take up this issue on consumer trust, competition - can't remember exactly all the words it was.

But then the council didn't really know what that meant and wanted some clarification on it. Bruce Tonkin wrote a long email on what he believes the board was looking for.

And during the discussion Liz Gasster put a comment on Adobe basically saying staff needs to know which item or which items the GNSO was going to put on hold so that staff could have the resources to work on this particular item that the board gave to the council.

And I think many including myself had sort of a visceral reaction to that basically saying wait a minute the board was not consulting us; it was giving us an assignment that we didn't ask for; we didn't necessarily want.

And now staff was saying not only do you have to - not only is the board saying you, the council, have to do that but now staff is saying we have to do it and we have to put something else that we actually want to do on hold.

And so that didn't really - to many people that was not a good message to deliver to the council kind of that abruptly. And, you know, there have been - there's been some discussion back and forth on a number of different lists, you know, kind of in line of what Avri's saying, you know, you need to know the opportunity costs, you need to know, you know, what the incremental cost is of working on an item.

Part of my issue also is that we don't necessarily know if ICANN policy staff is being redirected on other projects that aren't necessarily related to GNSO activity. You know, that's not something that's necessarily shared with us.

So to the extent that some staff has been assigned to work on other things, you know, I know Margie works on some board items and that may be true of other policy staff.

To the extent that they are put on those we have no say in that nor do we have insight into that so it's not really - my comment is it's not really appropriate to tell us we have to put one of our things on hold when we don't know what other things could be put on hold.

So that's a long discussion item but essentially I think you're right, Avri, as far as, you know, we need to have that information in order to make a point or to make an assessment. Alan?

Alan Greenberg: Yes a couple of things. My reaction when Liz made that comment - and it was made verbally in addition to one on Adobe - was I had two completely different reactions. I applauded the fact that it was being raised; that staff resources are a major issue and we need to focus on it - we the global we.

And I was quite offended that a board issue, because it was raised suddenly becomes more important than other issues and it may or may not be depending on the actual details so I was very much of two minds.

In the case of this recommendation dropping the second sentence fixes it somewhat but it's essentially making a recommendation that we've already talked about at great length and don't know how to do.

And I have some problem with making a recommendation that we know, you know, doesn't have an answer that we've been able to figure out even though we've worked on it a lot. So I think we need to do something here but I'm not quite sure what the something is.

Jeff Neuman: Well it's always possible that we could then - we can reflect obviously the discussion in the subsequent part of the paper. But we could also push this

off and basically say, you know, we were - in our discussion say we were counting on the GNSO Council's prioritization activity to kind of produce something it didn't.

And maybe this is one of the items for the - a future work for the standing committee that maybe set up by the time our final report comes out. Or, you know, we don't have to answer it in our report.

Alan Greenberg: Yes, I mean, I think we need to say somewhere in the report that resources are a critical issue and it's a factor the council needs to factor in when making decisions. But I'm not sure it's a - I'm, you know, as we're going on I'm convincing myself I'm not sure it's a recommendation but saying it's an issue that must be factored in but not a step as it were.

Jeff Neuman: Okay, Marika.

Marika Konings: Yes this is Marika. And we've discussed it before as well and I don't know if needs to be better reflected in this recommendation. But I think it's important to recognize as well that it's actually not PDPs that are the main issue it's mainly all of the other work that's creating the resource issue because at the moment I think we only have two actual PDPs going on.

And, you know, they are struggling getting their work done because of all the other things that are happening and, you know, drawing away resources from those efforts. So I don't know if that's something that should be captured here or is clear enough but I don't know either if it would be a solution, you know, just to have a prioritization effort focused on PDPs as such because I'm not really sure how much that would help the overall issue.

Alan Greenberg: No I support that. The GNSO and ALAC for that matter could be completely fully occupied not doing any policy work.

Jeff Neuman: Yes.

Alan Greenberg: You know, when you consider the AOC projects and the other board-mandated things and the nominating committee and all the other activities that people participate in not to mention all the GNSO reorg stuff who has time for policy?

Jeff Neuman: Avri.

Avri Doria: Yes, I think...

Jeff Neuman: Not Avri, sorry, I didn't mean to say that Avri has time for policy I meant to call...

((Crosstalk))

Avri Doria: That's quite all right, I'm quite used to it. I think that the prioritization problem - and it goes beyond this and so I think it's worth just saying something needs to be done.

The prioritization problem really can't work except inside a system where you control the priority of all the resources you're doing a prioritization of. As long as there's some undefined set of controls that can say well we think this is important because - but it's not a GNSO activity therefore it bumps, you know, the time of a person or however that works which is of course not transparent to the GNSO there's no way for them to do it.

So, you know, you can't manage a resource you don't own; you can't manage a resource you can't see completely. So until you've resolved that issue, you know, the staff priority time becomes a real sort of undefined variable in all of this and you've got a problem.

So, yes, something needs to be done. I'm not sure that it's a PDP recommendation so I think I pretty much endorse whether it's a

recommendation or not that, you know, prioritization - I mean, that defining a PDP has to be done with full knowledge of resource availability and leave it at that is a recommendation of this group is that, you know, the council to manage its resources has to know what resources it has and how they're being deployed and leave that as the recommendation of this group.

Jeff Neuman: What does everyone think about that - what Avri just said about the recommendation being kind of changed into, you know, they should be aware but not having any more - any more than that? I kind of think that makes sense...

Alan Greenberg: Yes.

Jeff Neuman: ...I mean, I think that in light of - in light of the fact that the prioritization activity didn't really produce anything. Okay...

Marika Konings: This is Marika. So could you just clarify how you would like this recommendation changed because I didn't completely catch what Avri meant.

Jeff Neuman: Avri you want to just - I don't want to...

((Crosstalk))

Avri Doria: Yes, let me so - okay the PDP work team believes that GNSO Council should take into account full - I mean, should take into full account resource availability both GNSO, you know, both GNSO - both staff and volunteer in deciding upon the initiation of a new PDP...

((Crosstalk))

Avri Doria: It's an awkward sentence because I was thinking it up as I went along. So it's not saying they should prioritize PDPs but it's basically focusing on in deciding on a PDP the GNSO needs to take full account of available

resources, staff and volunteer, in making its decision; that's another way to say it.

Jeff Neuman: Does that help, Marika?

Marika Konings: Yes absolutely. Thanks.

Jeff Neuman: Okay. Let's move on then to - let's see, where are we?

Marika Konings: The next one is Recommendation 15 also sort of related to this issue.

Alan Greenberg: Yes, Jeff, before we go - it's Alan - before we go on just one comment. As we talk about this it dawns on me I cannot imagine the scenario where the GNSO wanted to do something and the staff come back and say yes we have spare time, people are sitting around doing nothing so this is just perfect.

Aren't we always going to be in a position where we're fully loaded? So I just think as we word this we need to phrase it carefully.

((Crosstalk))

Marika Konings: Yes this is Marika. If I can add something to that because one of the challenges that we've seen as well is not so much finding resources for new activities the problem is that the new activities draw away the resources from ongoing or existing activities because for some reason people want to jump on the next new thing and - or, you know, maybe see that some of those efforts - other efforts are taking a long time and a lot of discussion going on or, you know, not really at top of their priority list anymore.

So a bigger problem I see in practice is that new efforts just draw away from existing activities.

Alan Greenberg: Yes, my reference was mainly to staff time but you're right.

Jeff Neuman: Yes. James.

James Bladel: Yes I just wanted to echo what Marika was saying. I think that we're very good at adding items on a to-do list without - but we don't really have a clean or systematic way of getting items off the to-do list; they always seem to kind of linger out there as open issues.

And I think that, you know, we have to realize that goes hat in hand with the resource prioritization issues that we've encountered because, you know, until you have a way of completely closing down an issue, you know, you really should be, you know, have some acknowledgement of that when initiating a new issue that it's going to be a drain on that.

And we've seen PDPs, for example, where we start off with a good number of folks and then we're, you know, halfway to three-quarters of the way through the process and some new interesting topic comes up and then, you know, it's almost like you can hear the footsteps as everybody rushes to the next PDP.

Jeff Neuman: Yes I've definitely seen that. And certainly in this group we had much better participation much earlier on but you guys have all stuck through it.

James Bladel: Well so what's needed is a commitment at all levels from, you know, individuals volunteers all the way up to the board to closing down issues before taking on new ones because recognizing that the needs will always be infinite and the resources will always be finite.

Jeff Neuman: Yes. Does anyone disagree with that? Okay...

Alan Greenberg: I don't see how we can.

Avri Doria: It's kind of like apple pie.

James Bladel: I think it's kind of everyone's lifestyle right now.

Alan Greenberg: We could propose the reverse but I don't think it maps to reality.

((Crosstalk))

Avri Doria: ...you have to stay with it.

Alan Greenberg: Yes the problem is is these things go on to actually become work.

Avri Doria: Yes but we stick with them.

Alan Greenberg: Some of us do.

Jeff Neuman: Okay. Moving on then and I actually have to step away - I can go for maybe another 10-15 minutes so I think we might end this call a little bit earlier unless anybody wants to - has an urge to stay on longer. But let's see how far we can get.

So we are on - if I'm reading correctly are we on Page 11, Recommendation 18?

Marika Konings: No we're on Page 10, Recommendation 15 in relation to Fast Track.

Jeff Neuman: Yes, sorry I - we kind of went backwards and - okay got you. All right so this on the - as you say the Fast Track and Avri's comments. You want to go over that?

Avri Doria: Okay yes. I guess - and I was looking at outstanding issues. In terms of that we don't seem to have an agreement on a Fast Track. And I think part of the problem is - with that is when you look at a Fast Track what step you want to take out as a general Fast Track.

And I think we've largely come to a viewpoint that there's no steps that you can remove and still have a well-formed PDP, a proper and (do) PDP. However - and this is the point I was trying to get to in each of these categories, in each of these things there may be faster ways to do the work.

And one of the recommendations we might make is that for a faster PDP have a narrower issue. In other words if you have a PDP with 12 issues it's going to take you - well not quite - it's not quite (unintelligible) it's not going to you necessarily 12 times as long, it might take you logarithmically more.

But if you have only one narrow pointed issue then each of these steps should be shorter. And so if we're making a recommendation on ways to accelerate - so not form a Fast Track PDP but make recommendations somewhere on ways in which the PDP process can be sped up.

And so that's kind of the recommendation I'm trying to make there is - and, you know, I certainly didn't go so far as to craft language but trying to jump into this yes there's a need to do something faster issue but, you know, a PDP is a PDP and you can't skip steps sort of, you know, thought.

How you then resolve that and you resolve that by narrow issues and finding ways to move through the process quicker because it's narrower. Thanks.

Jeff Neuman: Okay, Alan and James.

Alan Greenberg: Yes, thanks Jeff; it's Alan. I think this discussion here is exactly at odds with our previous one. And it shows perhaps the difficulty that we have. I think we calculated it at one point that the shortest possible elapsed time for a PDP if everything goes as smoothly as possible is about nine months.

There's a certain commitment that it takes and a certain amount of work that it takes to go through that process even if it's a slam-dunk easy one. And I

think what we were really getting at when we were talking about this - and every time we've talked about it we said let's defer to later.

But what we were talking about is something that will require less elapsed time and less human resources. And no matter how simple we make it and how narrow the scope is there's still a significant resource in going - required in going through each of the steps.

And certainly my interest in pushing this - and I have - is to find something that has less elapsed time and less resources and narrowing the scope I don't think does that. There's a certain amount of critical mass of work that has to be done no matter how easy the situation is.

And the question is are there steps that can be bypassed and the whole process made faster and easier for the people involved? So I don't think we can pursue the kind of thing that Avri says and still, you know, try to minimize resources that are being used on things that don't warrant the effort. Thank you.

Jeff Neuman: Okay James.

James Bladel: Yes thanks Jeff; James speaking. I just wanted to lend my support for something that Avri said that I felt was important and probably bears repetition. The idea that an urgent or Fast Track PDP contains all of the elements of the standard or molasses PDP but we look for ways to expedite the different steps.

You know, I'm coming off of one AOC review team and beginning another one and one of the things that struck me was how much more productive folks can be when there are representatives from each of the various SOs and ACs and they meet, you know, in face to face environment and have a hit list of different things that they go down and they have staff support there as well.

So one of the ideas might be to try to examine ways to compress everything that doesn't have a timeframe spelled out in the PDP process so obviously like public comment periods and things like that wouldn't work.

But I just wanted to point out that I like the path that Avri is on with keeping all of the required elements of the standard PDP but exploring ways to compress the timeline of those things that do not have scheduled prescribed in the bylaws.

Jeff Neuman: Yes so I definitely think those are some good ideas. My problem now is that I think that we've discussed this a number of times and I'm not sure we have any kind of agreed upon approach that's been kind of unanimous consensus in this (group). I mean, we certainly can put forth the discussion that we've had on it but I'm not sure we have enough to make a recommendation.

Does anybody, you know, so you've got Avri making one kind of statement and, you know, certainly there are points I think that people agree on but I think in order to get our work done I think we have to kind of just say we had the discussion, you know, the discussion - not in the executive summary but maybe we take it out of the executive summary except to say that there's no recommendation from the group on this.

But in the discussion say we had the discussion, some good ideas emerged but this is really work that's required for another - or this maybe required if the council or the community believes that, you know, there's a definite need.

Because I don't think, you know, remembering back to our discussions and even something that James just said I'm not sure there's - within this group there's definitely a recognized need that we have to have a faster track.

As Marika has pointed out in the past, you know, I think the term of PDPs have shrunk in some recent years as opposed to three, four or five years ago

when it was a very long time. So, you know, I'm not sure we all agree as a group - and I could be wrong and let me know - I'm not sure we all agree as a group that there is a definitive need for a Fast Track. So Avri and then Alan.

Avri Doria: Yes I just wanted to say that - in agreeing with you that had been my first recommendation that if we don't have consensus on this we do not make a recommendation on it. I think the idea of including a discussion of is there a need and if there is a need is it a need to do things quickly or for a specifically new process, etcetera and to develop that conversation in either an addendum or the companion document or the longer document is a good idea.

But I don't think we have consensus on agreement so I agree.

Jeff Neuman: Okay Alan.

Alan Greenberg: Yes I certainly support that. However I put my hand up on another issue. It dawned on me as James was talking that I think he has hit the nail right on the head.

If we want to do things fast we need resources; you need representation from all groups, face to face meetings are infinitely better than teleconferences and lots of staff support and external, you know, support and things like that.

You know, the model that's been used for the AOC if we could follow it for PDPs we would implicitly have Fast Track PDPs; we'd get a lot more work done. And it would come to closure a lot quicker.

((Crosstalk))

Alan Greenberg: I don't think it's realistic to expect that.

James Bladel: No, no there'd be no incentive.

Alan Greenberg: But I think - as I said, James, I think you've identified exactly what the problem is; we're trying to do these things using a methodology which is somewhat flawed, you know.

We have conversations with only half the people there; no one has time to do the work in between. It's not rated as high enough to really put real resources into it. We can't afford any face to face meetings. And when we actually come face to face we don't have the time to do it. We couldn't set it up better to be slow.

Jeff Neuman: Other than that everything's great.

Alan Greenberg: That's right.

Jeff Neuman: Okay let's - okay I'm just looking to see how much time we have. What's - moving on I guess Marika what's the next overall issue or should we - is this a good place to stop?

Marika Konings: This is Marika. Actually the next one is Recommendation 16, flexibility when launching a policy development process. I can comment on - because Avri asked the question where the methods have been collected that show the histories of these times.

And just to note that I did do a table and actually I should probably update it again where I looked at the timeframes of the different PDPs that have taken place in the past like from, you know, request of an issue's report to a board vote. And you can see there quite clearly I think contrary to what Jeff actually said that PDPs in the past actually would move relatively fast.

I think, you know, partly due to resources some of them as well being very narrowly defined issues. But where you see a growing trend in the more recent PDPs of, you know, needing much more time and partly due to, you

know, lack of resources but also some of the issues being very complex and very controversial so needing more time.

I think - and we need to look back but I think the average would come down to a year basically from start to finish with some of course being much longer and some taking a little bit shorter. But I'm happy if people are interested to update that document and circulate it again.

Jeff Neuman: Yes I think that's a good idea to keep - to update that for this report. James.

James Bladel: Hi Jeff. Just very quickly Paul and I had a quick comment here and I just wanted to explain it; hopefully it's very brief.

You know, this recommendation could have been read in such a way that any person or entity within the ICANN community could request a deferral of a PDP. And so I just - I think that we wanted to tighten that up to say voting councilmember. So hopefully that's clear and noncontroversial but I may be missing something.

Jeff Neuman: I think that's a helpful clarification. Let me ask Alan, I mean, or Avri, has anyone who's not a voting councilmember ever asked the council to defer a PDP or defer anything and what is the council reaction to that - has been?

Alan Greenberg: There was at least one case where I did - I did it and it was deferred.

Jeff Neuman: So should it just be councilmember and leave it at that or - James, would that be okay or you need the voting aspect?

James Bladel: Well...

Alan Greenberg: Well...

James Bladel: ...you know, I kind of felt that that was an important part but we'll let - see what Avri...

((Crosstalk))

Avri Doria: Yes I actually think that the change to voting councilmember is a good one. I think that - but normally it's not just I want it it's voting councilmember on behalf of their stakeholder group perhaps it's - or stakeholder group or constituency. I would prefer just on behalf of their stakeholder group, you know, doing it.

I think that if someone like, you know, Alan who is such an integral part of the council, you know, even though he's a nonvoting member asks, you know, certainly a voting councilmember would endorse it so that's not a big deal. But I think extending that could get problematic so basically I'm agreeing here.

I also while talking wanted to just comment on one of the other things I said regarding the time. And I'm just asking is to what degree do the times - the times that things take need to be included in the bylaws and is it possible to just have the bylaws refer to times will be defined in the procedures giving more flexibility in terms of things like acceleration, etcetera. But anyhow thanks.

Jeff Neuman: Yes I think that may need to be considered kind of on a case by case because I think there may be some timeframes that are important for, you know, consented policies for contracted parties. I'm not sure that there's going to be a uniform answer so that - to basically say every timeframe is in the rules of procedure.

So - but I think it's an interesting question and one that we kind of need to take back and, James, I think you should take that back and I'll ask David as well from the registries to see if that - there's any sensitivities there.

On the voting council members two things, I think lets leave the language in there. It's interesting that the language says anyone may request it; it doesn't say that it should be granted. I don't know if that was intentionally - we intentionally left that out or, you know, we want to get a little more specific on that.

So - but it says anyone may request it and Alan could always request it as a nonvoting member. But the next sentence doesn't say, you know, that we should go along with that request. So Alan and then Avri.

Alan Greenberg: Yes, no, no a couple of things; in terms of the wording I'm happy with it. You should note by the way that I'm not a nonvoting councilmember; I am - as a liaison I am not a councilmember according to the bylaw definitions. So changing it for voting or nonvoting doesn't alter it.

You're right that it doesn't say it has to be approved but it does say follow - codify the current practice and the current practice is the council does defer if a request is made. So it's implicit if you know what the current practice is that it will be accepted.

However I support the change. Whether a nonvoting member or a nonmember making the request will be honored will depend on to what extent council is feeling both generous and feels that this is a person they want to listen to.

Over the years that's varied in terms of me. Sometimes I'd be listened to; sometimes I'd be likely ignored. But I don't think you can widen it in a - in this kind of level without opening it up to things that we probably don't want.

Jeff Neuman: Okay let me go to Marika and then Avri.

Marika Konings: Yes this is Marika. On this timeline issue - just quickly check to the proposed bylaw language as it currently stands I think the only timeframes that are actually included there for now are the duration of the public comment period. I think all the other elements are proposed to be included in the procedure manual.

So that's something for now everyone to review whether people are indeed are comfortable with it, if more things need to be moved to the procedure manual or more things to the bylaws. But just to clarify that, you know, as it currently stands or as it has been proposed there are very few timeframes in the actual bylaws.

And I wanted to make another point but - oh just to clarify it and so on this one are people happy with the addition that Avri proposed that should be voting councilmember on behalf of their constituency and/or stakeholder group?

Jeff Neuman: No I...

Avri Doria: That is the current practice.

Jeff Neuman: Yes, I think in order to - I'm sorry I'm trying to gather my thoughts. On that, you know, each councilmember is supposed to be acting on behalf of their groups anyway. I think it's language that may add some - I mean, I could see that that's a type of language that a Marilyn or others would have problems with although that's, you know, the way we think of it that...

((Crosstalk))

Alan Greenberg: The different stakeholder groups have different rules to what extent their councilors are directed or not. I don't think we can impose on them and put that rule in.

Jeff Neuman: I think, Alan, you said it better than I could. But let me let Avri address that.

Avri Doria: Yes. I'm just talking about the current practice that even the NCSG which is the - probably the least binding of the - of, you know, the stakeholder group on its councilors that request is specifically made, you know, there was an example at a recent meeting where one person wanted to make a request to delay something but couldn't get the rest of the council members to agree to it which the rest of the council members are essentially the core of the policy group and therefore didn't.

And it's the one place where - and just the practice has always been that it's not that I want to delay it it's that my stakeholder group and/or constituency needs more time statement.

So whether you want to use the on behalf of or you want to give a standard reason and so therefore, you know, you're not saying that the stakeholder group has to make a prior decision however the stakeholder group does that but that the reason for doing this delay is because we need more time in the stakeholder group or constituency.

I'm just saying that's always been the practice. Everyone as far as I know both from when I was in the council and since then listening to the meetings has always said my group needs more time on this. So just that is the current practice if we want to codify the current practice. Thanks.

Jeff Neuman: Yes I think you're right, Avri, to an extent but nobody's ever asked, you know, like for example on this last call Kristina said that she thought - or she said that her group needed more time on the RAP motion.

You know, whether her group actually needed more time or whether her group gave her instructions to say that or whether she did that on her own who knows. And frankly it's not something that the council really inquires about.

I'm always afraid of putting in language that can be challenged by somebody, you know, which kinds of begs the question that nobody really - necessarily wants to ask, you know, so, you know, I hear what you're saying.

I think that if you just left it at as the voting council members and then we find out later there's a problem that they never had their support I would expect the stakeholder group to kind of use its own procedures to remove the councilmember or to admonish the councilmember or do something like that.

I would just hate for someone like let's say last example someone from the IPC then says they want a deferral because they, you know, the group needs more time. You know, if someone were to say well Kristina did you really need more time? Did you check with your group? Did you do this, this and this?

You know, it almost seems like we're kind of begging some more questions that - I don't know. So Avri, you have a response?

Avri Doria: Oh sorry I just left my hand up. No...

Jeff Neuman: Oh okay.

((Crosstalk))

Avri Doria: ...different opinions on it so I'm not sure. I don't - I guess, okay, I'll add. I don't think one needs to check. I think one is doing it - I don't think that everything - every councilor says in the meeting is always at the behest of their stakeholder group. People give their own opinions on things that they haven't been given instruction.

I'm sure in the - in the contracted parties house not every utterance made by a councilor has prior approval of the stakeholder group. But - and so you say well I think and I believe and things like that.

I think in this case you're asking them to make the declaration on behalf of their stakeholder group. You're not saying anybody gets to check it because that's internal to the stakeholder group. The stakeholder group hears it; the stakeholder group chair who's listening to the meeting and, you know, perhaps even chatting with them goes what do you mean?

You know, and, you know, we had enough time. We already said what we were going to say; why are you doing this? And so saying that they have to do it on behalf of them but, you know, you're right somebody could challenge it and then the answer is it's between me and my stakeholder group you know, whether this is a true statement.

But they're still making the statement that they're doing it on behalf of that as opposed to just - I didn't get around to reading it yet so folks, you know, let's delay it.

Jeff Neuman: All right let's put the change that Avri and others have discussed in there. And if, you know, we could see how people feel about it. I think this is a good place to stop and start up again on Thursday. Does anyone have any objections to that?

Okay and remember if you haven't gotten your comments in, you know, try to get it in now, today so that - Marika is continuing to update it but at some point very soon she's going to put out the next draft and on the next draft really the next draft review should really be on readability, grammar, you know, maybe a couple of formatting things but hopefully not on the substance. So that's the goal so we can get it out.

You know, we said we wanted to get it out February 1. If we get it out by mid - you know, by the second week of February we're still good as far as, you know, having it for discussion at the San Francisco meeting. Any other questions, comments? Great I'll talk to you in a couple days on Thursday.

Avri Doria: Bye-bye.

Jeff Neuman: Thank you. Bye.

Alan Greenberg: Thank you Jeff.

James Bladel: Thanks Jeff.

Marika Konings: Bye. Thank you.

END