

**Policy Process Steering Committee (PPSC) Policy Development Process (PDP)
Work Team (WT)
TRANSCRIPTION**

Thursday, 1 September 2011 at 13:30 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 Thursday 1 September 2011, at 13:30 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-20110901-en.mp3>

On page:

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

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Participants on the Call:

James Bladel – Registrar Stakeholder Group – chaired the meeting in the absence of Jeff Neuman

Paul Diaz - Registrar Stakeholder Group

Tatiana Khramtsova - Registrar Stakeholder Group

David Maher - gTLD Registry Stakeholder Group

Alex Gakuru – NCSG

Avri Doria – NCSG

Alan Greenberg – ALAC

ICANN Staff:

Marika Konings

Margie Milam

Glen de Saint G ery

Absent apologies:

Jeff Neuman - Registry Stakeholder Group - Work Team Chair

Wolf-Ulrich Knoben- ISPCP

Coordinator: Please go ahead.

Glen DeSaintgery: Thank you (Saba). Good morning, good afternoon everyone. This is the PDP call on the 1st of September. And on the call we have Alex Gakuru, James Bladel, David Maher, Alan Greenberg and Paul Diaz.

For Staff we have Marika Konings, Margie Milam and myself, Glen DeSaintgery. We have apologies from Wolf-Ulrich Knoben and I have nobody else down for apologies.

Has anybody registered apologies from any - and from - sorry, and from Jeff Neuman of course. I am sorry. Can I remind you please to say your name for the transcription purposes before you speak? And thank you very much. Over to you James.

James Bladel: Thank you Glen and good morning or good afternoon everyone, and welcome to the second episode of the reconvening of this team, which I keep wanting to call the PPSC team but it's not the PPSC team.

So last week just for those who - oh, I see Avri and Alex are both here. Great. So we have a full complement of our usual suspects here and we can continue with where we left off last week, which was a review of the public comments received.

The only question I would have for the group before we dive in is do we want to first just continue to press on with the comment review, or do we want to circle back and look at the text that Marika has proposed in response to our items from last week, and give those just kind of a quick review and a thumbs up/thumbs down before we move on while they're fresh in our minds?

So I think either approach is valid and has its, you know, benefits and drawbacks. Is there a preference by the group? Paul, go ahead.

Paul Diaz: Hi James, this is Paul. For me I'd prefer to keep cranking through since our group is still not necessarily all of the folks that are typically involved. If we just crank through we can highlight the things that are missing, and then go back to them hopefully when we have more people once we get past the Labor Day holiday in the U.S., which is the traditional end of summer.

Hopefully we'll get everybody that's always been a regular participant at that point.

James Bladel: Okay, so crank through and then get them all at once at the end. And as far as attendance, I mean, this is actually pretty good if you look at our track record. So go ahead Alan.

Alan Greenberg: Yes I agree with Paul. I did note one thing that I think we didn't - wasn't perfectly reflected and I'll bring that one up. But other than that I think we should go ahead with it.

James Bladel: Okay.

Alan Greenberg: The one I'm talking about specifically is the IPC comment on whether the new rules lengthen or shorten the process. And the - what the comment says is, "The Work Group notes that the proposed PDP procedure in its view does not structurally increase or decrease duration of an overall PDP, but does provide opportunities for streamlining," and keeps on going.

And I think what we said is there - it - there's also the possibility of the increase because we have added extra comment periods and things like that. So I think the comment should reflect that we have done things which could increase it and could decrease it, instead of just emphasizing just the streamlining because I think we have gone in both directions.

We don't know what the final result will be, but I think we need to own up to the fact that we did add steps to the procedure.

James Bladel: Okay, so Marika maybe you can just make a little note there and we'll come back to that when we review all of the current responses.

Marika Konings: Yes this is Marika. I can just update it in the next version.

Alan Greenberg: Yes, that's all I was asking.

James Bladel: Okay.

Alan Greenberg: I don't want to debate wordsmithing on the call.

James Bladel: All right. Well then it sounds like the consensus is to push forward from where we left off last week, which was if I recall on Page 7, the second comment or actually the only full comment that starts on Page 7 of the document that's in the PDF. Does that jive with everyone's memory or...?

Marika Konings: Yes that's correct.

James Bladel: Okay good. Okay Marika, can you start us off with the comment there?

Marika Konings: Yes, so this is Marika. So right to the Number 14, the no fast track procedure or the first comment in relation to that recommendation is from INTA, and basically the INTA says, "The Work Team should clarify what recommendations will enable the PDP to move more quickly.

The development of a fast track process now rather than waiting for the GNSO to assess whether to create one later would ensure greater efficiency and time in your decision making."

Do you want to take the second one together with that, or you prefer first to do this one and then go to the next one?

James Bladel: How closely are they related? I think - okay, let's just take them separately then.

Marika Konings: Okay.

James Bladel: You know, I don't - I think that this kind of feeds back to the collection that Alan was mentioning is that we have added some areas that would lengthen the timeframe, and we've added some areas that provide the opportunity to streamline but don't require it.

What would those options be? What would - things that we provided that would streamline the process? Maybe we should just go back and highlight those.

I think one of them for example is we made one comment period optional, because it was coming in between - sandwiched in between two other comment periods. Alan, go ahead.

Alan Greenberg: Yes, I'm not sure we eliminated anything but we - and maybe we did eliminate a mandatory comment period. I'm not sure. But we did do a lot of talking and hopefully it shows up in the result of by doing things in advance, you can save a lot of wasted time in the process.

In other words by thinking it through carefully and making sure that the task set is something that has been researched ahead of time if applicable and, you know, and the case is made.

So that has the potential for not wasting time. I don't know how we, you know, we don't know how it's going to play out. It's clear - I don't think we did anything which can really be called fast track.

You know, I'm - I was one of the ones pushing heavily for it and I think ultimately we stepped away from that and said we - it should be considered at some other point after we have more experience.

So as you can see my comment on this one is I agree in principle. You know, that's why we talk so much about it, but the Working Group just couldn't come to closure on this and didn't feel it was a mandatory issue that we had to address before we could wrap this up and have a viable set of procedures for Council.

James Bladel: Okay thanks Alan. I put myself in the queue because I remember just a couple of things on this subject, the first being that there was a comment period that was - I believe it was either mandatory or it was

done as a matter of practice that was coming on the heels of another comment period, and we may have pointed out that that was an optional comment period which shaved some time out of at least the critical path for a PDP.

The second item was that we had formalized some things that were informally occurring, and like you said invested some time in the front end of the process to ensure that the Working Group's efforts didn't bog down in the middle of the process, and I'm thinking here for example of the charter and all the work that we did relative to the development of the charter.

And the third thing was, and I think this was the point that Avri made that really stuck with me during the course of the PDP, was that if there is a clear recipe or procedure for a fast track PDP then why aren't all PDPs fast tracked?

And so I think that that kind of addresses this question in a backhanded sort of way is that we didn't propose a fast track PDP. Because it was something that could streamline the whole process entirely, we didn't see why it couldn't be applied to all PDPs.

So those were the three elements I remember in this area, but I'll go to Avri next and then Margie.

Avri Doria: Yes thank you. This is Avri. I think part of that last one - I think there is something we talked about and not having read the book recently enough for it to be in my memory, I think that was that if you keep your topic narrow and if your charter process has defined a single work item, then you can streamline your way through it.

You've done the proper analysis up front. You've got a tight charter. You've got one work item, you know. You can get through it quickly. If your charter is to boil the ocean then it's going to take a while to do.

And I think that that's part of - a part of the answer with everything else that's already been said. Thanks.

James Bladel: Right, that's a good point - scope management and, you know, keeping it specific and actually it - thanks. I had forgotten that one. Margie, you're up next.

Margie Milam: And yes, I just wanted to remind you guys of the - one of the places where we did add time was in the notion of doing a preliminary issue report, public comment and then final issue report, which is the process that we're following for the UDRP issue report that, you know, I'm doing to be delivering in a few weeks.

And now having done that in this kind of a test issue it does take a lot of time. I hope that the end product is something that is more thorough, more thought out and has, you know, reflects the community input.

But that's kind of one area that pops in mind as to what may have linked them to the process, because even the - getting to the vote for example, you know, it's - we've added that extra step of two reports and - or, you know, and then the preliminary final and a comment period.

And so if there is ever a discussion about streamlining it or making it shorter, you might give the Council an option to just go straight to a

final issue report. But I personally think that the end product is going to be better because it does include the public's comment period, so I wouldn't want to, you know, just go back to the old practice but just point out that that's where there is additional time.

James Bladel: Okay, so that's an area where we've lengthened the time period in the new process.

Margie Milam: Correct.

James Bladel: Okay. So maybe that could be mentioned for Number 14 but I think more - that more applies to the previous discussion we were having about which items we changed that could possibly lengthen the process.

Avri Doria: Can I comment?

James Bladel: Yes, Avri and Alan and then if anybody else wants to chime in on this, we should probably close the queue there. Go ahead Avri.

Avri Doria: Yes, I would actually note that that's one of the things though while it may appear to lengthen the time before we actually start the PDP, that is one of the - an extra month spent there is the intention.

Obviously we have to see if it works. The intention of that was to keep a Working Group from wandering in the wilderness for a year, so yes that takes a little bit more time.

It's kind of like, you know, the standard engineering thing, "Oh I better get down to coding now because I don't want to waste time planning."

And all evidence shows that an extra bit of time and planning and an understanding what you're going to do actually speeds things up.

Now it remains to be seen if that's truly the case in ICANN, because ICANN can be counterpredictive (sic). But I - the intent of that was to speed things up, not to slow things down. Thanks.

James Bladel: Yes I absolutely agree. That was kind of meant to be a down payment on the actual work of the Working Group, so we did do a lot of things to frontload that effort to - into the planning phases. Alan, you're up next.

Alan Greenberg: Yes, two very brief comments. With respect to the - Avri's last comment, it does have the potential for speeding up the overall process, but I think our intention was not necessarily to make it faster but to make it better.

And, you know, to make sure the issues report really addresses the issue that was brought up I think is a rather crucial one, even if it takes more time. In terms of what Margie said, I think in any answer we need to be careful about differentiating between things we've added to the process and things we've put into the rules, which we have been doing in practice anyway.

So, you know, the Bylaws say, "An issues report has to come out in two weeks and the Council has to vote on it within two weeks." Well in recent times issue reports don't come out - didn't come out in two weeks and Council rarely or never voted on it within the timeframe allowed.

So in some cases we've simply been pragmatic and put into the rules what really happens. Other cases such as the extra comment period we have added it, but I think when we're talking about the things that we've done in the rules to lengthen things, we need to make sure that it's clear that not all of them really lengthen the reality. They just lengthen the rules, so just...

James Bladel: Okay thanks Alan. I think that's a good point. Is - yes, so it's that some of these things were already being done, but may just be giving the appearance that we're lengthening it when in fact we just have - qualifying things that were already there.

Alan Greenberg: Right.

James Bladel: Do we have enough on this issue folks to move on to the second half? I think that that's more than enough fodder for a response, but just to recap here - well, I don't know if I can recap from my memory.

But I think if we look at the transcript there's at least five different items - five different points that we've made on this first half of this topic about what we've done as to the timeline.

And Alan I just wanted to keep us moving here - if we can move on to the second paragraph.

Alan Greenberg: Yes. No, I just wanted to point out that in my short comment I put there I did emphasize a thing that we spent an awful lot of time talking about this over the last two years, therefore we thought it was important also but we couldn't come up with a viable way to do it that we thought would help the process.

James Bladel: I agree. So the next one says, "The concept of monitoring outcomes needs to have an accompanying method to make corrections to a policy if a policy is not working as originally intended without having to go through the full PDP process.

Once the new PDP is implemented the GNSO Council should charter small groups, but to propose such a change it should not wait till a full review of the PDP takes place."

So okay, I see Avri putting her hand up and also my hand's in the queue. And I think this is somewhat novel of a topic, compared to some of the other things we have. So go ahead Avri.

Avri Doria: Yes. Yes, I guess I'm not quite sure - are they talking about - and so this is partly a question on my part that it should be possible to modify the PDP process without having to go through a PDP for the PDP, or are they talking about modifying the outcome of any random PDP?

James Bladel: I'm not clear on that either.

Alan Greenberg: For the record the they is me.

Avri Doria: Oh okay, this is your comment?

Alan Greenberg: Yes.

Avri Doria: Oh, I thought this was the INTA comment. I was - I guess - oh, second column is us?

Alan Greenberg: No. I submitted a comment to the - in the comment period.

Avri Doria: Oh okay, so - oh that's right. It's AG. I thought it was still an INTA one. So can you explain then? Sorry. I thought I was talking about they, INTA. I apologize.

Alan Greenberg: Sure. I believe we have a loop that has to be closed in the report. We make a specific recommendation that PDPs should include provision for reviewing them to see if they're working.

And - but there is no way other than a new full-blown PDP of making what might be a minor adjustment in the outcome of a previous PDP if it proves not to be working.

Now in some cases making that minor change is going to be controversial, and there's no other way to do it other than a PDP process. But in the off chance that there is a change that can be made that all parties agree to or sufficient parties to get a super majority of Council, there should be a process by which that can be done.

Otherwise we have a loop that is not closed. We're recommending that things be monitored with absolutely no way to use the outcome of that process, other than a full PDP which all of us know is a rather onerous thing to do and that was the intent.

I don't think we're going to come to closure now, but I think it needs to be put on Council's to do list to address sooner than the next full revision of the PDP process.

Avri Doria: I actually think the option to do it is there, but I put myself in the queue for later.

Alan Greenberg: I'm done. Thank you.

James Bladel: So thanks Alan. So just if I could weight in on this, I think it's interesting. It does kind of answer the question of what happens next when we discuss the PDP review, because we did say that, you know, PDPs should have metrics.

A PDP should be reviewed for their effectiveness, but we didn't really elaborate on what should be done if they're found to be ineffective or going off course.

But my reaction to this, you know, seeing it for the first time my initial reaction is that this would be great and this would be something that I would put into, you know, my own business or our own teams, but I'm a little nervous about saying that this should be a formal part of an ICANN Policy Development Process for two reasons.

One is it either puts the material authority to change a policy in the hands of a small group after the fact outside of a PDP; or two, you have to - in the original PDP you would have to build a lot of trap doors for later adjustments, and it just - it feels like signing statements or other sort of - kind of side agreements that could - for a PDP that could be abused.

So while I agree in principle in the concept Alan with what you're saying, I just - I, you know, I'm just a little nervous about saying that yes, this is something we should charge off and do.

So that's - but I agree with you that there is a void in that we've - say that the PDP should be reviewed for its effectiveness, but then we don't really prescribe what happens if it's - if it fails that review. Avri go ahead.

Avri Doria: Yes thanks. I'm actually going to disagree and say that we've already put the tools in the toolkit for doing this if it's what the Council and the Working Group want to do in the PDP.

In other words - and we've already seen you can put in the original plan for the PDP in its milestones that they will deliver, and then they will stick around and they can do other stuff.

A - we've now seen in practice how a Working Group can deliver a final report on one topic and keep working on others. We've seen how a Working Group can come and have finished the work, but in their report say, "And we think that this group needs to remain perhaps in the low level observer/monitoring mode, and perhaps make other recommendations later."

So in other words you can deliver on the product of the PDP and use the mechanisms that exist to create a long review and propose a mechanism on a case-by-case basis if that's what the Council wants to do.

So I think the tools to do it are there and if over time we find people doing it a lot and it working, then people can amend the process. But I think that in an ad hoc way it can already be done. Thanks.

James Bladel: Okay thanks Avri. Alan, go ahead.

Alan Greenberg: Yes, I guess I disagree and I'll give an example. If you look at the domain tasting one let - we put in that the PDP recommended I believe a 5% limit on the number of add grace period deletes that could be done of - yes, add grace period.

Let's say after using the process for a while we found out that Registrars had a real operational problem with the 5% number, but we believe 7% would have been fine.

Now if there was significant pushback on that and parts of the GNSO, parts - that is Stakeholder Groups said, "No damn way," then we would have no resort but to go to a PDP.

But if everyone looked at the numbers and said, "Yes, I think we could all live with 7%," then that's an adjustment that could be made, which I disagree with Avri.

I don't think there's any other way to change that 5% to a 7% other than a full-blown PDP, and yet if all parties agreed then it's something. Now yes, if we had written that carefully knowing that was going to be the problem and said, "The number may be varied on Council's wish or someone's wish afterwards."

If we're pressing it enough to know what the problem was going to be, we might have been able to address it in a vague, slightly more vaguer stated recommendation.

But in this kind of case there is no process by which we can change that 5% to a 7% even if everyone says, "Yes I agree," other than going through a full PDP process with all of the periods and time elapsed that would - that it would take.

That's the kind of example I'm talking about. If we can't come to closure and agree on something then a PDP is the only answer, but if we can agree there should be an alternative to implement relatively minor changes.

Okay, I've done my part. I'll leave it up for the group now to decide whether there's merit or not in it. Thank you.

James Bladel: Okay Avri, do you mind if I defer to Marika real quickly and then we'll come back to you?

Avri Doria: Certainly I don't mind.

James Bladel: Okay thanks. Marika?

Marika Konings: Yes this is Marika. I recall that we had the same discussion in talking about indeed making changes to, you know, outcomes of a PDP or how to go back. And indeed there was no agreement on making that shorter, but I think the assumption in that discussion under conclusion was as well that if indeed there would be agreement that 7% is the right number, it presumably would go really fast.

You'll still need to have, you know, an issue report and a public comment period, but the assumption is then you don't need weeks of

Working Group discussion if everyone agrees that 7% is the right number.

You can produce, you know, an issue report and a final report in really short timeframes. You would still need to do the public comment period, but I think that's a requirement that's inherent if you, you know, make changes to consensus policies where, you know, that is a requirement under the Bylaws that there is - has been public consultation and people have had an opportunity to provide input.

And if I recall well I think that was the conclusion from that discussion in saying, "No, we don't want to have a specific process." But our assumption is if that's - there's indeed an over - a really wide agreement that a certain change, even if it's small, needs to be made, that should go pretty fast, you know, even taking into account that you need to have the certain number of public comment periods and certain, you know, products that need to be produced.

And that's my recollection from the discussion we had in the Working Group on this issue.

James Bladel: Okay Marika and I think that what you're saying there kind of supports what Avri was saying, is that we have this capability already if we choose to exercise it in some fashion or another. Go ahead Avri.

Avri Doria: Yes thanks. Just to quickly give the counterexample to the one Alan gave. In that PDP we asked the Staff to report periodically on how it was going, et cetera over the course of a year.

Had we thought at that time to say, "This - the Working Group will now go dormant. It and the Council will receive periodic reports over the next thing. It will do its metric work at a certain point and it will submit a, you know, an evaluation to the Council in a year's time on whether any further work is needed."

That can be the outcome of a PDP. The Working Group goes dormant but hasn't actually gone away and it can't. There's nothing in the rules we've got now as far as I can tell that prohibits that kind of action, and that's what I meant about the tools existing ad hoc that if we want to define that kind of mechanism on a per PDP basis, I believe the tools exist that would allow it. Thanks.

James Bladel: Yes, I saw a bunch of hands go up during this - during the course of your discussion there. So can we close the queue here and just get these last comments out and then decide how we want to respond? So Alan if we could go to Marika first.

Alan Greenberg: Sure.

James Bladel: Yes Marika.

Marika Konings: This is Marika. I, you know, I agree with Avri that you can write that in but probably still at the time if that group then comes back and say, "Oh well, you know, yes we got it wrong and there needs to be a change."

I'm assuming and, you know, I'm not a lawyer here so I might be wrong, but I'm still assuming that at that stage you would still need a

PDP because you're making a change to a consensus policy, and under the Bylaws you would need to follow the PDP process.

So you can - yes you can build in a mechanism whereby you request a Working Group to review and assess whether indeed the policy's working as intended, or maybe recommend changes.

But presumably you would still need to go through a PDP to actually enforce that change to make sure you've, you know, kicked all the boxes that, you know, require a PDP.

James Bladel: I agree Marika, particularly if the change - or if the PDP or the change results in something that's going to change a contractual obligation on the part of Contracted Parties, then the PDP is the only mechanism to do that. Thanks. Alan, go ahead. Alan?

Alan Greenberg: Yes, I was going to say something similar in a somewhat different way. I was going to ask the question that if we interpreted our PDP rules to mean after Board approval we could loop back and the Working Group could do something again and the GNSO could approve it a second time and the Board approve it a second time without going back to the very start of the process, then it would certainly satisfy what I'm talking about.

I would have suspected that Contracted Parties would not accept that as consensus policy under the current - how the Bylaws are currently written. If I'm wrong and, you know, you and David and Paul are happy to have that be part of an understood process, then there's no issue at all. But I didn't think that was the case. Thank you.

James Bladel: Yes I don't - I'm not for certain but it sounds like that is something that a good portion of Contracted Parties would not consider to be consensus policy.

So, you know, okay so let me see if I can encapsulate and we've got a couple of diverging thoughts here, so let me see if I get them all and do them all justice, and I'm sure I'm going to fail at all that.

So if I see a number of hands go up you'll know it - that wrong. So, you know, I think that the concept is interesting and it...

END

ICANN

Moderator: Glen DeSaintgery

September 1, 2011

8:30 am CT

James Bladel: (encapsulate) and we've got a couple of diverging thoughts here so let me see if I can get them all and do them all justice - I'm sure I'm going to fail at all that.

So I see it - a number of hands go up you'll know it's that wrong.

So, you know, I think that the concept is interesting it points out an essence in our original report, which is that we have a review and that the review process is measuring the effectiveness of a PDP against previously established success measured.

And that - but if that falls short, then what? Can we - do we have the mechanisms already in place? Can we center something if there's agreement?

Will it just naturally be a fast track process that everyone agrees on at the outset?

Or does it require some sort of process outside of the existing PDP to tweak or to adjust the outcomes of a previous PDP if everyone is in unanimous agreement?

And I think that the things that we're cheering are that we already have this ability, that we don't need this ability, or that we cannot use this ability because it wouldn't count as a consensus policy.

I think that those are the three possible just in general fact I hear she can take it.

I don't know. Marika, what have you captured so far?

Marika Konings: I think about the same things as you mentioned.

James Bladel: Okay.

Alan Greenberg: I'll note I'm the only one arguing for it. It's Alan, so. I think I've lost this one.

James Bladel: Well no. I think you pointed out an important point but I just think that, you know, there is a void there. I just think that it's probably a little late in the game to develop something out of whole cloth to fill that void and I think that we should at least allow this to happen once in the real world before we can (unintelligible). That's my personal opinion.

Alan Greenberg: But James, (it's stricken), that's why I didn't suggest that we fix it. I suggested that we highlight to council that there is a loop that needs to be closed perhaps before waiting for a full review.

James Bladel: You know I think at a minimum we can at least point out that this I think that if we all agree that there's - that it's the policy that we developed and the final report is not clear, what happens next if a review fails?

Alan Greenberg: (Unintelligible) that.

James Bladel: (Unintelligible) a specific course of action laid out from that and I think if everyone can agree on that, then we can just acknowledge that this is a blank spot and move on.

I see Alex is giving us a thumbs up. Oh, we got lots of thumbs up on that one.

Okay, great. Margie.

Margie Milam: Yes, this is Margie. One thing that maybe you'd want to consider is if the change is something that you'd want to happen before implementation, or after implementation.

In other words if you just look for example, take a look at the new gTLD Program, and say there was something that was, you know, being implemented in a way that wasn't necessarily what the working group had thought, you know, was appropriate.

You'd still think that the full blown PDP needs to take a place to address that or is it something that because it hasn't been implemented yet, you might think a truncated process would work.

In other words, you wouldn't have to go to the full preliminary issue report, (Publicana), final issue report, you know, working group, and then, you know, Recommendations.

I don't know. It's just something to consider.

James Bladel: Yes. Okay. It's a good point.

Marika Konings: And this is Marika. I'm just very quickly looking because I do recall that we did discuss it but I'm not remembering anymore now if we actually wrote something in there that clarified that.

Because we do have under amendments or modification of approved policies -- I'm just trying to look here.

There are a couple of ways that it can be done prior to the final approval by the ICANN Board. So it's actually before what we've now in the report would be before the Board actually approves it.

So not prior to implementation, but actually before the Board approves it.

So it would be at that point that the council or the working group realizes that that there's something wrong. And in that case we do foresee now in a report that the PDP working can be ravened, or reformed, and should be consulted.

That there should be proposed amendments or modification post for public comments and the GNSO council would have to approve those amendments or modification with a super majority.

So we do have a - I don't think it's exactly what Alan was looking for, but we do have something in there that, you know, you could change a policy before the Board approves it.

So that is in there.

James Bladel: Okay. Alan, I see a hand. I really want us to try to move off of this one.

Alan Greenberg: No I was just agreeing with Marika that does cover it before Board approval. That was not my issue. Thank you.

James Bladel: Right. Right. Your issue was, you know, after Board approval, after implementation, and some case, maybe even a year down the road, if I understand your comment correctly.

Okay so I think that we're, you know, we have a pretty spirited discussion here. But in the end we want to say something to the effect that it acknowledges that we don't really have a prescribed step after the review takes place.

And maybe this is something that if and when it occurs in the real world, that council should take a look at and possibly is fodder for the next generation of this review and reform team.

Okay moving on to Number 15. Marika if you could read the - set the (stage work) here.

Marika Konings: Yes, Section 15 relates to timeframes for the initiation of a PDP (unintelligible) makes a (unintelligible), our main concern that codifying this practice may result in additional delays. Discretion should be limited in terms of allowing for these delays.

James Bladel: Okay and by delays they mean the...

Marika Konings: This is the request to defer vote of a (contra-relation) of initiation of a PDP for one council meeting.

James Bladel: Okay. And I think that when they say discretion should be limited, I think that we covered this concern by saying that it could be deferred once and only once.

That, you know, maybe I'm misremembering but I think that, you know, the practice had been, you know, that councilors could defer this for

any reason. We've just put this into writing. But we've also we have put some limitations on this, correct?

I mean the same councilor couldn't come up and again and again and defer, defer, and defer a postponement a vote indefinitely. So it seems like we did limit the discretion in that regard.

But it's been a while since I've seen our report. So what was our Recommendation in this area?

Alan, go ahead. Oh Alan's got a thumbs up, not a hands up.

Alan Greenberg: Yes, no I was just saying that I think we did limit it as best as we could and still allow the flexibility council needs to make a reasoned decision.

James Bladel: Okay. I think their response then if we're remembering this correctly is that the discretion was limited. In fact, in the ad hoc arrangement that existed prior to codifying this, the discretion was much less limited.

So I think we made it better by just to - we've improved it, you know, in the context of (interest) there.

Everyone kind of agree with that, or am I the only one remembering it that way?

No it looks like Paul is in Chat and - okay, all right well then let's look at the second comment. Marika.

Marika Konings: The second comment is from Alan. This Recommendation allows any voting council member to request deferral excluding the non-voting nominating committee (unintelligible) to the GNSO's council.

This is deferral is a request to not only defer voting, but to defer a discussion. It is reasonable that this (NTA) was only tool is discussion be able to make a deferral request to allow him or her to further study the issue.

James Bladel: I mean I hate to go back and reopen this but I remember specifically we had a very spirited and lengthy conversation about the voting versus not voting members and the hazards of allowing non-voting members to defer.

And I would hate to reopen that but I do I remember that that was by design. That was not an oversight.

Go ahead, Alan.

Alan Greenberg: Yes. I'll point at one of the rationales for that was to make it clear that the liaisons cannot ask for a deferral. And liaisons are not council members according to the bylaws.

The only council members are ones representing stakeholder groups and the three (NCA)s. So this is a very target statement aimed at and in particular at one NomCom - at one council member who already is disenfranchised in not being able to vote and we're taking away an other privilege of that (NCA) and it's the only place in our whole set of rules that we do that.

And I think it's insulting with no real benefit in it since we're not only deferring voting, we're also deferring discussion because our words say we defer addressing the issue and I just feel that's inappropriate.

I know Avri when she heard about it, said she realized that this was - she hadn't been there the discussion would disagree. I don't know if she wants to - oh she has her hand up so I'll let her speak.

I just think it's adding insult to injury affectively with no real gain and it's doing something in the bylaws, which I think just shows bad taste.
Thank you.

James Bladel: Okay Avri (unintelligible).

Avri Doria: Yes, I want to endorse what Alan said although I think his language was by far too mild on it.

I - it's part of this whole campaign that they called the groups and yes, I know I'm in a stakeholder group now, but at least mine isn't trying to do this of devaluing the role of the NomCom appointees in GNSO. And I think it's despicable. Thanks.

James Bladel: Okay. I'll put myself in the queue and question.

It's a concern that -- let me see if I'm understanding this correctly. Is the concern that the NomCom appointees will not be able to execute a deferral if they're the only one wishing to defer the issue.

Or is the concern that someone will defer an issue over the objection of a NomCom employee. I think it's the first one, right?

Alan Greenberg: It's the first one. No one can object to a request for a deferral. It's - we've codified that a request from a single council member will be honored once.

Avri Doria: Right. And...

Alan Greenberg: And it's - it affectively stops any discussion at that meeting.

Avri Doria: And the NomCom appointee is a full council member who as Alan says, their only right is to discuss. So for them to basically be, you know, told, sorry you can't demand that we discuss this further.

Really deprecates the role even more. We've taken away their vote and now we've taken away the only tool they have, discussion.

Alan Greenberg: Yes. And we were allowing the two NomCom appointees in the houses to make this request because they'd have a vote.

James Bladel: Well if I have a question, are we deferring all discussion? Or are we deferring any appearance on the agenda? Or are we deferring just some votes?

Because I thought we were deferring the vote of an issue, but you're saying that we've - because again it's been a few months since I've looked at this report so.

Avri Doria: By deferring a vote we're allowing another month of discussion.

Alan Greenberg: Well and the words actually say, deferred discussion - defer addressing the issue. I think I'm not sure of the exact words. Marie could inject or maybe they're on the left-hand column.

But it basically says, defer, you know, let's stop talking but just go on to the next agenda item and we'll come back to this next month.

James Bladel: Okay. Paul said something in the Chat here. Paul maybe can you - I'm having trouble following the Chat and the conversation. Would you want to maybe read that for us or?

Paul Diaz: Sure James. I mean I was just pulling up the report and clipping the first instance I saw where we explicitly talk about limiting discussion, the deferral options, etcetera, it was Recommendation 16.

And so I just clipped the language and threw it in there. But quite honestly I'm still going through the report. I think there are other places that we also discuss deferral. This 16 is specifically referring to the launching of a PDP, the...

Alan Greenberg: But it's saying, deferral of consideration, which I...

Paul Diaz: Yes.

Alan Greenberg: ...(unintelligible) to the discussion?

Paul Diaz: I probably agree with that Alan and like I said I think we also I'm still looking for other instances I think that we address this idea deferral discussion, voting, etcetera.

I just haven't found it yet.

Alan Greenberg: No, I agree.

James Bladel: Okay. Well it sounds like this one is something we did - let me just see if I can encapsulate what we're discussing here.

It sounds like something that we possibly is goes beyond just a review of a comment and addressing it. It sounds like something where we need to get the working group on the same page before we can hope to do that.

So can I make a request that we put this Recommendation 16 and the issue of who is eligible to defer on an issue on council, that we put that to the list and we start to feel out some of the difference - see if we can get some of the different positions and the writing and what the folks can take a look at.

I mean I don't know if this is just a fixing of the language, or if this a material change to what we considered to be a voting council member, or if we can just, you know, just kind of tweak the Recommendation or if this is something that needs a wholesale rewrite.

So maybe, you know, I don't know. I think this one needs to go under a microscope a little bit more and I'm hesitant to do that in our, you know, in our scarce time that we have on the phone.

So rather than writing up a response, I would ask Marika to, you know, kind of chapter this last few minutes here onto a message to the list that we can start to sort of discussion thread on that.

And Alan maybe actually if we could save Marika some work here, Alan, if you would want to take a lead on getting this one to the list and then something we could - and maybe (Jeff) might weigh on this as well.

Alan Greenberg: Consider it done.

James Bladel: Okay. Thank you. And then so let's just put a placeholder there. Marika, go ahead.

Marika Konings: Yes, this is Marika, because my question was actually, is there anyone on the call that's opposing, opposed to this change because I know indeed we had this discussion indeed on maybe not extending it to liaison and there were concerns in relation to that.

But should we already see as well if anyone is opposed that is on the call today to this change so we can give an indication as well on the discussion on the mailing list and say, well on the call people seem supportive or these and these comments were made, you know, against this potential change that might help facilitate people expressing whether they support or against it, a change like that.

James Bladel: I'll just answer that real quickly. It's not that I'm opposed to the change, it's just that I feel like I would like to defer the discussion. Just because I don't feel prepared to, you know, answer.

I don't think I'm opposed to it. I think I support it, but I'm not sure.

But, you know, I want to make sure that we're just fixing something and not making a wholesale change to the Recommendation and then, you know, I mean I think if this were the context of our regular PDP call, if this were happening in April, I would be right there with Alan and Avri.

But we're pretty far down the road from there now and I want to make sure that this is something that we just overlooked versus something that we really are, you know, changing the landscape with this.

So that's just my concern. It's not an opposition just (unintelligible)...

Alan Greenberg: Let's go on. I'll address that issue in my comment on the list.

James Bladel: Okay. Thanks, Alan. I appreciate you doing that on the list and then we can have a more in-depth discussion.

Can we move onto Number 20 on Page 9?

Marika Konings: This is Marika, Recommendation 20 relates to input from supportive organizations and advisory committees. The commence - comment from INTA saying that a request that additional line which be added explaining how to best involve the ACs and SOs in a PEP.

In addition to explaining how input should be sought, details should be included for the manner and timeframe in which the working group should respond to AC and SO comments.

James Bladel: Okay thank you. And Alan, you indicated here that you agree in general but feel this is going to be involving a process.

Alan Greenberg: I think we're going to have to learn how to do it better and I don't think us sitting on high are going to have the right method.

James Bladel: Yes, I tend to agree. I see the caller agrees as well.

So yes, I mean I think if we can crack that individual response that we agree with the principal that INTA's raising here and think that's going to be an ongoing process to approve the PDP.

And make sure that it's supported by the SOs and ACs.

Alan Greenberg: I mean we all know how difficult it is to get active participation.

James Bladel: Yes. Here's one way, show up.

Okay.

Alan Greenberg: Touché.

James Bladel: Move on to Number 23. I'm sorry Marika, did you get that. I think there's some elaboration of Alan's point here is that, you know...

Marika Konings: Right. And this is Marika. Something you might want to add as well and of course, you know, if you put a time manner and timeframe depends as well on the comments received.

If, you know, you get a comment saying, this is great, this is easy for working we'd be say, oh well, thank you very much. But if, you know, it's 20 pages of very detailed comments is going to take a, you know,

long time for working group to dive into and respond to all those comments so.

I'm not really sure whether it's possible to set up a one-size-fits-all kind of framework for that.

James Bladel: Right. Okay, so Number 23, the second comment on that page please?

Marika Konings: So 23 - Recommendation 23, relates to the mode of operation for a PDP. This is the Recommendation we're talking about the working group is the basic mode, but there might be flexibility.

So the comment from INTA the Recommendation should clarify who may or who is responsible for suggesting and developing such alternate processes as well as approvals required.

Relying on GNSO council discretion is insufficient to address the concerns raised. And I do believe we discussed this on the last caller because there is specific language on what is required and how they should be done.

But I can try to find that while you all discuss.

James Bladel: Yes, Alan, you want to just kind of run us through your response here and then we'll dive into this as a group?

Alan Greenberg: Yes, I mean the comment there was simply allowing other things, other methods - and the last discussion we had was in response to the registry statement.

We're simply allowing them. We are not forbidding them but there will have to be due process and, you know, it's only going to get into the GNSO operating rules to see if we come up with something that satisfies all the stakeholder groups and the Board.

And I'm not sure how much more due process we need than that. I cannot imagine who else - what other God we're going to go to since, you know, the GNSO almost always goes on the public comment on these kinds of things.

The Board may well do it also, should they choose.

You know, our wording was simply saying that we may not be omnipresent - what's the word - all knowing. And there maybe something down the road that's a better alternative than the working group and we're not forbidding it.

I'm not sure how we can put any more rules into place about the future that we don't understand other than saying everyone and their brother have to approve it before it happens.

James Bladel: Okay. I think that this is something that was pretty extensively discussed and I think that we did leave at somewhat of a placeholder in there.

You know, to allow for council discretion - sorry I'm just kind of chiming in on my own capacity here, and Marika's (putting) pages and text in the Chat as well.

And I think I generally agree with you, Alan. I think we wanted to at least flexibility but we mentioned that, you know, before you charge off and invent something new, it has to, you know, some new structure it has to, you know, under the rules and procedures have to be understood in advance.

So I think in general the answer is that, you know, probably the council shouldn't be doing this as a matter of practice that only in those exceptional cases and possibility I think the contracted party might say, possibly whenever there's no concern that it would actually result in a change to consensus policy but it might be like for example a three PDP or some other Chat board.

But, you know, I think that there's probably a response there given what you're saying and given what Marika just posted from the report into the Chat.

Go ahead, Alan.

Alan Greenberg: Yes, just something not for the formal response. To be quite candid, we've made it almost impossible for this to happen.

That something...

James Bladel: Right.

Alan Greenberg: ...(unintelligible) working groups. We have split hurdles in front of it such that it is almost unimaginable that we had ICANN structure and video structure this is going to happen in our lifetimes.

James Bladel: So we've also ruled it out...

Alan Greenberg: I think we need to make things stronger.

James Bladel: Yes, I mean, you know, I think this is just more than a nod of respect to the idea that the council makes the rules, the council manages the process of the council to change the process, but we've made it - but we need certainty in the process.

We need some confidence in the process so, therefore, we've made it very, very, very, very difficult and probably like you said, practically impossible to do that.

But more acknowledging that it is...

Alan Greenberg: But all we're doing is not (forbidding) it.

James Bladel: It's not forbidding it. Right.

Alan Greenberg: We're not facilitating it. Surely.

James Bladel: Okay. So I think we're kind of all in agreement there. I don't know if that's sufficient to generate a response Marika.

But I think that we, you know, as far as what INTA is asking for I think that we have done that, you know, we've gone over and above with, you know, beyond what they're just saying is - really made that a difficult task.

Alan Greenberg: You know, they're asking us to clarify who is responsible. We already have by saying it's a GNSO working rules, which implies the GNSO with more oversight has to approve it.

But we can restate that in our answer to the comment, you know, if in case they haven't read it properly.

James Bladel: All right. Okay. All right well let's move on then to Page 10, Number 28.

Marika Konings: So this is Marika. This Recommendation 28 relates to the summary and analysis of public comments and they propose that the summary and analysis should be provided by the staff manager at the latest 30 days after the closing on the public comment period absent exigent circumstances and INTA comments that a delay should be avoided by defining and limiting exigent circumstances.

James Bladel: Okay and Alan's response isn't exigent already a pretty strong word? We'll go to Paul next. Paul.

Paul Diaz: Yes, thanks James. Totally agree with Alan here. I don't think we should be trying to define something like this.

We can anticipate a circumstance that we would attach the word exigent to already if we try and get so prescriptive for the INTA's requests we're going to wind up boxing in our ability to respond or to, you know, for the processes to move forward.

I mean like Alan said, keep it simple, leave it alone.

James Bladel: I agree with Alan, I agree with Paul. All right.

But I like the check box it's better than the thumbs up by the way, it's green and red. It would be good to see if they could do that.

Okay Number 29 from the registry.

Marika Konings: This is Recommendation 29 relate to the guidance on public common periods and the registry stakeholder groups says, in case where a few comments are received it may be realistic for the working group to respond to every public comment.

But when there are large numbers it will be time consuming and not realistic to expect the working group to respond to every single comment.

The just changing the word - the recommendation to read, encouraging working groups to explain their rationale for agreeing or disagreeing with the main themes of the comments received.

So basically changing different comments to the main themes.

James Bladel: I also put myself in the queue but I wanted to see if anyone wanted to go first.

Avri, go ahead.

Avri Doria: Yes, I didn't necessarily want to go first, but I think that, yes, we need to distinguish between addressing the substance of every comment and addressing every comment individually.

I believe that we have to address the substance of every comment. I don't necessarily think that we need a individual answer for, you know, each and every one of each and every commenter's point.

And so where that balance is and how it gets said, you know, I think it's indeed right. If there are ten comments that all say the same thing, one answer should suffice.

So, you know, kind of like it's being done here that there's topics, there's who made the comment, and then there's a general answer.

I think that - and that I think we have to do. But certainly individually answering each one, other than a response to fellow organizations or such, I don't think so.

So, I'm not sure, it maybe a word difference or something.

James Bladel: Okay. Thanks, Avri. I'll go ahead and jump and say, you know, well said and I agree with that. You know, if you can organize it so that, you know, eight commenters, you know, raise a particular issue that you should respond to that issue, if one commenter was, raised an issue you should respond. You should respond to the issues being raised by the comments not the individual commenters again unless it's some organization requesting a specific response. So I tend to agree with that as a response.

And I think that in fact in larger comments received I think, you know, I'm going back to some of the early versions of the draft applicant guidebook, you know, that's the only practical way that someone that, you know, that the

organization could hope to manage the feedback that was received.
Alan could we go to Margie first?

Alan Greenberg: You can, I was just going to suggest removing the word different. I think that addresses the issue but go ahead. I'll take my hand down.

Margie Milam: Oh okay thank you. This is Margie. I just completed the public comment summary for the preliminary issue report and my summary is 30 pages long. There was a tremendous amount of items that were submitted in the public comment period. Some of it was duplicative, some of it wasn't.

I think my, you know, having just spent the time doing that I would caution against requiring a comment, response to every comment because a lot of times you'll find that, you know, someone that maybe doesn't understand an issue and goes off on a random, you know, point that really, you know, isn't even, you know, affecting the issue at hand.

So as an example, you know, in the UDRP comments there was somebody that was complaining about a specific provider's practices. And it really had no bearing on the issue itself it was more like, you know, ICANN should terminate these guys or something like that.

And so rather not see a strict rule that every comment has to be responded to but something more generic about, you know, most, you know, the themes that are picked up in the public comment period are addressed, you know, in some way but not be specific to each comment because it might provide extra work that really isn't even relevant to the topic itself.

James Bladel: Okay thanks Margie and I think that that is in general agreement with what we're saying thus far. I would want to point out and I think I'm correct in this observation. Is that there's a distinction although it might be a fairly meaningless and subtle distinction but there is a distinction between staff commenting on or summarizing the comments versus the Working Group responding to the comments in their report.

And I think that with this particular topic or recommendation we're talking about the latter where the Working Group is actually responding to the comments that were raised and summarized by staff. I don't know if that matters but I do think there's separate functions although they probably have the same concerns and the same issues. Let's go to Alex and then Marika.

Alex Gakuru: Yes thank you, Alex speaking. The same as Margie has just said I'm concerned with us requiring or unbending requirement that overload Working Groups with a (unintelligible) to provide custom responses to every comment.

And it may actually -- there are two possible outcomes to this. It may make the Work Group work inoperable, it may, you know, just make the work impossible to perform because they have to provide lots and lots of responses in a certain certified format.

The second is that it can actually be used to game the system. When you find a certain Work Group is doing something that you don't like you could come up with lots of comments that require very specific details. And you could fight this very requirement to deliver the policy development process. So there is a downside to it.

So I think it should be left flexible so that the Work Group can deliver the results within the shortest time possible. And so long as they address the issues maybe to be up to point where they didn't address you is not a demand but they give you a custom responses to every comment you raise.
Thanks.

James Bladel: Thank you Alex and those are very good thoughts. Marika?

Marika Konings: Yes this is Marika. Just to confirm what you said that this recommend itself specifically relates to the PDP Work Team analysis of the comments. And I've posted in the chat the language that's currently in the PDP manual and I think it's worth for the Work Team to look at that because I have actually interpreted the different comments in a broader way.

Not taking it as each single comment that has been submitted but, you know, each comment can as well have different themes. And like we do here we've broken them down and addressed those specific themes or comments in relation to recommendations, you know, throughout a scheme like this.

So if this is being interpreted that we need to, you know, address, a Working Team needs to address each single comment in a certain way I think indeed we need to build in more flexibility.

One thing to note as well and, you know, partly this is of course related as well to the staff analysis of public comments because as it currently works most of the time the staff analysis or summary is the basis on which the PDP Work Team bases it's analysis.

Because, you know, for example what you see here is almost similar or identical to what was also in the summary document. Of course, you know, I always ask Work Teams if, you know, they feel that comments are missing or, you know, certain elements have been mischaracterized or not appropriately summarized, you know, Work Team can change that but, you know, there is a link.

But if a specific comment relates to that and I think yes we need to make sure that it is not limiting the way work or the, you know, not limiting the Work Team in how it reviews the comments received and not requiring certain things that, you know, practice either won't happen or won't make much sense.

James Bladel: Okay thank you. I think we're coalescing around some common themes here that will serve a response. Alan I see your hand is this real quick one?

Alan Greenberg: Yes in reading it I think we have given us flexibility both staff and then the Working Group and the only, different is the only word that seems to imply a response is owed per comment. And as I said taking out the word different I think puts the generality back into it and gives staff and the Working Group the discretion to answer it as they deem appropriate.

James Bladel: Thank you.

Marika Konings: And James has problems unmuting. Maybe I'll take over. Okay I'll read the next one because I don't think there were any further hands up. So the next one relates to recommendation 37, timing of consideration of

the final report. This also relates to codifying the practice of a new voting member can request deferral of consideration of the final report.

So the Registry Stakeholder comments here, "Allowing as late as eight days before council meeting before considering a final report is completely unworkable." And if I can maybe comment first this is actually a rule that's in the operating procedures and it's not something I think that the PDP Work Team has prescribed. James are you ready?

James Bladel: Yes I'm back. Sorry about that.

Marika Konings: Okay.

James Bladel: Okay so well so that you're saying that this is coming from a different document this was not part of our final report is that correct?

Marika Konings: Yes that's correct it's currently in the operating rules. I mean presumably this group could make a recommendation to have that changed but I, my guess is that would have to go through the standing committee to recommend a change there because it's not part - or I don't know maybe asking Margie.

So I don't know if we could write a different rule here and saying if it relates to PDP and it is a final report it should be delivered, you know, two weeks or three weeks in advance for council meeting and the rule that's currently in the operating rules doesn't apply here. I don't know if that's another option if people would feel strongly that this should be changed. But...

James Bladel: Well...

Marika Konings: ...as I said I'm not a lawyer so I'm not sure what is the approach.

James Bladel: Well we shouldn't - yes so maybe we can - if I'm understanding correctly the registries are just saying that window is just too tight up to the council meeting and I think that, you know, we might agree with that. But I think if they're pointing out that we missed an opportunity to fix something in the operating manual then maybe we should acknowledge that and then refer that to either follow-up work or to the standing committee. Alan go ahead.

Alan Greenberg: Margie had her hand up first.

James Bladel: Oh I'm sorry. Margie, first.

Margie Milam: Yes I agree with Marika that if we feel that there should be more time here let's just go ahead and include whatever the recommendation is here and then we can deal with inconsistencies in the operating rule separately. And the staff we can, you know, encourage the standing committee to look at it. But I think, you know, if this group is strong on what positive they'd like with respect to this issues let's, you know, let's clarify it now.

James Bladel: Okay Alan go ahead.

Alan Greenberg: Yes. In a private chat with Avri on another meeting she asked, you know, has there been any decisions in the last year or two where counsel hasn't deferred the vote? And that's not quite reality but it's close.

We instituted the rule that you have to have things in council at least eight days before to get on the agenda and people have been using

that more often than not to say we're going to try to force a vote on something that hasn't been discussed at all.

And in the last couple of meetings we've seen more of a trend to say if this is going to be something that requires substantive Stakeholder Group review you really got to give them enough time. And PEDNER I think is one of the first ones we did it on that it actually got voted on the first time the vote came up.

There had been substantive review for several meetings before but it didn't come up for a vote until it had been discussed. And I think that's more an issue for good council management than the rules. I don't think the Working Group rules can say you have to bring something up a month ahead of time before it can get on the agenda at all.

And so I think we have a good balance right now and with better practices we're going to see fewer things being deferred I think. Because, you know, we will be encouraging discussion and reasonable time for discussion within the Stakeholder Group before forcing the vote. But I think you can't substitute - I don't think you can substitute rules for good management and I think that's where we are right now.

James Bladel: Okay and I tend to agree. Margie is that an old hand or...

Margie Milam: Yes sorry it's an old hand.

James Bladel: Okay. So Marika new hand.

Marika Konings: Yes I'm just trying to write notes. So if I understood correctly the Work Team is saying that there is already sufficient flexibility with the one

meeting deferral so there's no need to change this? Did I understand that correctly?

James Bladel: Well I think there's and Alan is adding a little bit more as well saying, you know, in effect that is the practice and that this is, this concern gets to just effective management of the council's ability to manage its own operations and therefore probably beyond what can be codified in the rules. Did I - is that good synopsis Alan or did I miss?

Alan Greenberg: Yes I mean the eight days is there as a minimum. It doesn't say you have to come up with substantive motion that you expect to vote on only eight days ahead of time, you can do it in advance. And people should not be putting motions up on substantive issues on short-term.

James Bladel: Well...

Alan Greenberg: And I know...

((Crosstalk))

James Bladel: ...you know, I mean another way to look at this...

((Crosstalk))

Alan Greenberg: ...I know because of Jazz we've had a number of things come up on very short timing and the Board making other requests on council on very short, tight timelines but that shouldn't be the norm just because we've had some abuse of the situation.

James Bladel: Yes thanks Alan I didn't mean to speak over you there. I was just going to say that, you know, this is exactly why or one of the, this cuts to the heart or the purpose of having one meeting deferral. And if no one defers on an issue that comes in eight days before a council meeting then it must be one of those issues that everyone is just completely, you know, unanimous in their support of their objection or whatever and so - or noncontroversial.

And so now we've back into an opportunity to streamline the timeframe for something like .. So yes I think that we should just probably just leave to discretion of counsel - Avri?

Avri Doria: Yes hi. I totally agree. I think the other thing is that eight days is largely or should be largely enough depending on how things structure themselves. So that's why it requires a request.

And by the way we have softened, we have made the request easier. When it first started it was a stakeholder group or a constituency could ask for the deferral. We have actually made it easier by saying an individual could ask it.

So I disagree, not that I want to change anything but I disagree that we've made it harder we've made it easier. And it was always just once I don't think it's happened, that it's happened more than once. If it has it's been very rarely.

I don't think it means that it's an issue everybody agrees on, it just means that it's an issue that every group had a chance to talk and has made it's determination on.

Within NCSG practice by in large and in fact we haven't asked for the deferral as often as I think some others by in large we've had our discussion and since our council members vote their own consciousness, I mean their own conscience based on the discussions they've heard it can go forward. Sometimes we can't and its more discussion.

So I don't think we can make any determination that it's easy or there's consensus or there's whatever, it's just that there has been enough time. And I think Alan is totally right if, you know, you've prepared the ground for it before the emotion and spent two meetings talking about it then maybe you won't defer it but of course the elapsed time is the same. Thanks.

James Bladel: Okay thanks Avri. I think that we've got, we've beaten that one to death a little bit. We're all violently agreeing with each other. So can we move to the next one Marika? Is deferral - I'll just go ahead and read it deferral should only apply to consideration of the final report and any deferral relating to the initiation of a PDP should require a second. I think Alan is saying he disagrees it adds delays but we, reasoned consideration is needed. Paul go ahead and I'll put myself in the queue.

Paul Diaz: Yes thanks James. I strongly agree with Alan i.e., I disagree with INTA's comment and I think Alan's response is perfect for our response to them.

James Bladel: Okay thanks Paul and I strongly agree with Paul who strongly agrees with Alan who strongly disagrees with INTA. So can we just make that our response? Any disagreements I guess would be the question? Okay let's move on to the next one here.

We've got about a little more than ten minutes remaining in our time and this is a big one. So if we could at least, you know, maybe just take a first light out of this one I think that'll leave us at a good starting spot for Mr. Neuman's triumphant return next week.

Marika Konings: So recommendation 38 is in regard relates to the consideration of Working Group recommendations by the GNSO council. So the Registry Stakeholder Group recommends two changes to this recommendation.

They first suggest to add a sentence before the last sentence noting that the council in its policy process management role should cautiously handle any reconsideration of Working Group recommendations to ensure that the Working Group does not get the impression that their work was in vain.

If the council thinks that a particular recommendation does not have support from any particular group it should determine whether that groups input was reflected in the final recommendation. And the second recommended change is change the word encourage to require in the last sentence.

So then it would read the PDP Work Team would like to require the GNSO council that where it does have concerns or would propose change to recommendations it passes these concerns and/or recommendations for change back to the respective PDP Working Group for their input.

James Bladel: Okay and Alan you had an initial response here that you think that this comment is a bit strong and in is the context of IRTP-B. Can you elaborate your comments very quickly please?

Alan Greenberg: Yes. I agree, you know, that counsel shouldn't be rethinking the whole issues. But there are times, there have been times in the past where issues have been raised in council and a little bit of, you know, discussion with the Chair of the Working Group, you know, who may or may not discuss it with some others say yes some minor changes are okay.

And, you know, in fact again on to talk about PEDNER. You know, so when it was discussed first time informally in council, you know, someone raised an issue that we just have something wrong.

I don't remember what it was but Chuck Gomes identified something which was just stupid and it required a minor change in the words. And it's not clear that we need to go all the way back to a formal Working Group to fix that kind of thing. So I think we need flexibility and reasonableness.

James Bladel: Okay. Marika you're up next.

Marika Konings: Yes just in regard I completely agree with Alan. And I think, you know, for example in the PEDNER case that change was cycled back to the Working Group even though it was, you know, relatively short notice.

An e-mail did go out to the group saying this change has been proposed, you know, we - the Chair thinks, you know, it's not a substantive change and what we originally had there didn't make sense Does anybody have any

objections, you know, please let us know now and otherwise, you know, we assume that the Working Group is agreed with that change.

I mean something in the recommendation that we might consider changing is because we're now saying all proposed changes to recommendations maybe the word substantive is, you know, required there to make sure that it relates really, you know, substantive changes to recommendations not, you know, just a word.

Because, you know, there was a spelling mistake in one of the recommendations or anything that, you know, it's obvious when you look at it that everyone agrees that that is, you know, it wasn't intended like that. That those kind of changes, you know, shouldn't require or be encouraged to be taken all the way back. So I don't know if that's an addition that might help or just something for the Work Team to consider.

James Bladel: Okay thank you Marika. I put myself in the queue. I think that I'm going to go in the direction of Alan here and say that this is probably, you know, it's a good point but I think it's something that I think we've covered and we want to leave more general.

I think the IRTP-B issue incident does leave folks, I know it ruffled a lot of feathers let's put it that way. But I think that that can be handled on a situational basis. I don't know that we have to write specific rules in there. I think that there I'm agreeing with Alan about, you know, just having a general process involved.

But, you know, we should definitely keep an eye on this one. And I think we will because this is a balance between the PDP Working Group that makes policy and the council that manages policy. And, you

know, this is just goes right to the heart of where that line of demarcation lives. Alan if we can kind of...

Alan Greenberg: Yes I'll really quick...

James Bladel: ...can you put a bow on this for us?

Alan Greenberg: ...I think the word in the registry comment that I do think is good is the word cautiously and I wouldn't mind if we ended up incorporating that into something. I think the second part of make sure the Working Group doesn't get the impression that no one cares is, you know, is a bit over the top.

But counsel should be cautious in making any changes or in how it handles changes. I think it's a good word that we may want to incorporate. Thank you.

James Bladel: Okay and I agree if we haven't already expressed that sentiment we should at least borrow that word. Okay can we take a look the next comment is from INTA correct?

Marika Konings: Yes that's correct.

James Bladel: And it says it would be helpful for the council to develop standards and definitions to gauge the level of assent along these lines, strong consensus, rough consensus, no consensus. Alan notes that the intent is correct but this is a case where the Chair of the Working Group might be asked whether it needs to be referred back or not.

I think you're referring to the PEDNER issue where it was just a simple correction of a factual clarification as opposed to a material change in the recommendation.

My feelings on this is that while we can agree with the, with INTA's comments that it would be helpful it would also possibly establish new formalized procedures on council as far as, you know, what threshold's they would need in order to send something back from the Working Group.

I don't know that we really need to elaborate much further beyond what Alan has in his comment that, you know, we should keep this and I think it goes back to the previous comment as well that we should keep this as general as possible and not try to be overly prescriptive in this.

But we'll take a quick queue. We've only got five minutes left here so we'll take a quick queue and see if there's any objections to just noting that comment from INTA and folding it in with the response to the registries. Okay no queues, no objections.

Alan Greenberg: I'll just note that I don't think we can codify everything. We have to assume good sense. And when it done prevail react to it.

James Bladel: Right and I think, you know, in some kind of lengthy and painful way we saw this in the IRTP-B incident, right? Anyway it's a longer discussion but I mean I think we saw that. And that's probably a good stopping point folks. We chewed through about what four pages of this. And it looks like about four plus, it looks like about six pages remain.

So that's a good stopping point for today. We have a couple minutes left. I hope that everybody feels good. Please watch for the thread on I

think it was item number 23 that's going to be coming down the pipeline here pretty soon. And thanks Alan for taking the lead on that one and I guess we'll say thanks, enjoy your weekend.

((Crosstalk))

Man: (Unintelligible).

James Bladel: For those of you in the U.S. enjoy your holiday weekend for those of you in the U.S. and Canada and we'll talk to everybody next week and hopefully welcome back Mr. Neuman.

Woman: Bye bye.

Man: Great thanks James.

Man: Thanks.

James Bladel: Okay thanks everyone.

END