

**Policy Process Steering Committee (PPSC) Policy Development Process (PDP)
Work Team (WT)
TRANSCRIPTION
Thursday 10 September 2009 14:00 UTC**

Note: The following is the output of transcribing from an audio recording of the Policy Process Steering Committee Policy Development Process (PDP) Work Team (WT) meeting on Thursday 10 September 2009, at 14:00 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting but should not be treated as an authoritative record. The audio is also available at:

<http://audio.icann.org/gnso/gnso-ppsc-20090910.mp3>

On page:

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

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Participants on the Call:

Jeff Neuman - Registry c. - Work Team Chair

Paul Diaz - Registrar c.

James Bladel – Registrar c.

David Maher - gTLD Registry Constituency

Tatiana Khramtsova

Wolf Knoblen - ISCPC

Brian Winterfeldt – IPC

Mike Rodenbaugh – CBUC

Alan Greenberg - ALAC

Gabriel Pineiro – NCUC

ICANN Staff:

Liz Gasster – Policy Staff

Marika Konings

Gisella Gruber-White

Glen de Saint Gery

Absent apologies:

Margie Milam

Gisella Gruber-White: Jeff, we'll do a quick roll call if you'd like me to.

Jeff Neuman: Absolutely, thank you.

Gisella Gruber-White: Good morning, good afternoon, everyone. Today's call we have Jeff Neuman, Tatiana Khramtsova, Mike Rodenbaugh, Wolf Knoblen, Alan Greenberg, Paul Diaz, James Bladel, Brian Winterfeldt. From staff we have

Marika Konings, Liz Gasster, Glen DeSaintgery, and myself, Gisella Gruber-White. Apologies, we have Margie Milam.

We are also currently trying to connect to Sophia Bekele and Gabriel Pineiro, thank you. If I can also, sorry, please remind you all to state your names when speaking for transcript purposes, thank you.

Jeff Neuman: Thank you. Good morning and good afternoon to everyone. It is September 10, 2009. This is the call of the PDP work team. I want to welcome everyone to the call, it seems like we got pretty good attendance compared to the last few meetings. As far as an agenda, what I'd like to do today is start with some administrative matters including, you know, the schedule for the next four calls or so.

Then to talk a little bit about draft one of the recommendations and conclusions, which was submitted to the list a couple of weeks ago and has been on the Wiki. So we'll just go through - we haven't received any comments to that yet, so we'll probably just go through structure and some areas maybe to focus on that we really need some comments from the team on.

Then we'll go through some outstanding items from stage two and finally introduce at the end of the call, towards the end of the call, some of the questions and issues of stage three. Is there any question on that or anything anybody wants to add?

David Maher: Just David Maher joining, but I'm in a car I won't be able to be on the Adobe.

Jeff Neuman: Okay, thanks, David. Anybody else with any questions or comments on the agenda? Okay, so our next call was, is normally at the scheduled time, would normally be on the 24th at this time, but unfortunately there is a council meeting at this very time on the 24th or maybe it's even, I guess it might be an hour earlier.

So I think what we're going to do is to keep the date the same is we'll send a doodle poll around to see if there are any other times that people can meet on this day - on Thursday in two weeks because we can't really conflict with the council calls, there's a couple of members of council on this work team and we would lose almost all if not all of our ICANN staff support because they all are on the council calls as well.

Alan Greenberg: Jeff, it's Alan. We got a note a little while ago saying that a meeting had been scheduled on the 17th. Was that just preliminary at that point, and it is not scheduled?

Jeff Neuman: Yes, that was just preliminary. And I think there have been a number of conflicts, people who have had conflicts with that.

Alan Greenberg: Okay.

Jeff Neuman: So we're going to do a doodle poll for the 24th and see if that works at another time. And hopefully it will. We decided after that on the last call to do weekly calls on, starting in October. So that would be the 1st, the 8th, and the 15th. The October 1 meeting could be at the normal scheduled time, there are no conflicts.

We have a similar conflict on the 8th as we do on the 24th with the GNSO council call, so we're going to send a doodle poll around for that day as well. And then the 15th we'll meet at the regularly scheduled time which is the week before the Seoul -well, a week and a couple of days before the Seoul meeting. We will be meeting on - Glen, has it been decided whether this team will meet on the Saturday or Sunday, I know there have been some councilors that have asked for Saturday and Sunday schedule to be switched.

Glen DeSaintgery: Yes, which is your preferred day because I'm actually just in the middle of doing the schedule for those two days Jeff?

Jeff Neuman: Well I think Sunday was the preferred day, but not if it conflicts...

Glen DeSaintgery: Yes, that's what I think too. And Saturday is actually a day that I think the council is trying to keep apart for the two houses to meet.

Jeff Neuman: Okay, the only thing I don't want to do is conflict with the new gTLD's discussions because I think we would pretty much lose everybody to those.

Glen DeSaintgery: Okay, yes, no, no, I'm very aware of that. So if I can fit us in on Sunday is that all right?

Jeff Neuman: Yes. That would be preferable.

Alan Greenberg: I of course will have conflicts with that, Alan, but that's expected anyway.

Jeff Neuman: Oh, because yes (large) meets on that day?

Alan Greenberg: Yes.

Glen DeSaintgery: Okay, I'll do my best, thanks Jeff. By the way, Gabriel is trying to get onto the call.

Jeff Neuman: Okay.

Glen DeSaintgery: I've had e-mail contact with him.

Jeff Neuman: Well hopefully he'll be able to join.

Man: He's also on the Adobe so he should be able to chat, if nothing else.

Jeff Neuman: Yes, yes.

Liz Gasster: I tried but I haven't gotten a response.

Jeff Neuman: Okay.

Liz Gasster: Good thought.

Jeff Neuman: It seems like Brian has also joined on Adobe, I'm not sure if he's also been able to join on the phone yet.

Brian Winterfeldt: I'm here.

Jeff Neuman: Oh, hey Brian.

Brian Winterfeldt: Hey how are you?

Jeff Neuman: Great, great, thanks for joining. So is there any questions on the schedule, again just to recap, the 24th is our next scheduled call but due to a conflict with the GNSO council, we'll send around a doodle to see if there's another time that people can meet.

The first is on Thursday the 1 of October is a regularly scheduled call at the regularly scheduled time. Then we're going to do the 8th and the 15th, but on the 8th we're going to send around a doodle for another time on that day as well because of the council call. So, is there any questions or comments on that?

Brian Winterfeldt: Obviously that will be confirmed in e-mail so we can put it on our calendars?

Jeff Neuman: Yes, we will send out a - right after this call or during this call maybe someone will send out a reminder of those dates. Okay, and the general schedule, what we'd like to get done just so from an administrative standpoint is, right now we have a draft of the stage one document that's out there. I'd like to have that have comments at least from the team sort of in by or

hopefully all in by the 24th, by the next meeting and then kind of close that out for now.

I think all of these stages are going to be revisited once we, you know, complete the entire process because I - there is a bunch of overlap in things and overarching issues that we'll have to go back and make sure are consistent between all the stages. But, so that's with stage one; stage two, the goal is to send out a survey on some questions that relate to stage two like we did with stage one.

Hopefully by early next week, I'm hoping by the 14th or 15th, closing off responses on that survey by September 28 to discuss on the October 1 call. And then for stage three is hoping to get to a stage where a survey can be done before the Seoul meeting and to have some survey results talking to discuss those at the Seoul meeting.

That's the goal, I hope we can make that goal and if people can participate on the e-mail list and comment on the drafts and certainly respond to the surveys that will help us reach that goal.

Any questions on those kind of administrative milestones? Great, hearing none, let's jump into the stage one document which is on the Wiki, it's also posted on Adobe. And has everyone seen that or has everyone had the chance to read that?

Man: I've seen it, I've not had a chance to read it all yet.

Jeff Neuman: Okay.

Man: Same for me.

Jeff Neuman: That's pretty much what I was kind of figuring. I know that, you know, it's the end of summer vacations and just the start of the year, so I'm hoping that we all are now starting fresh that it's the fall and we can begin work in earnest.

I think what I'll do is then, just go through generally the document and the structure or have Marika actually go through that, as to what is the approach we've taken.

Marika, do I have control or do you - I know we all can look at the document but do you have ultimate control?

Marika Konings: Yes, everyone has control now but I can set it in such a way that everyone follows my lead now so I can take you through the document so, now I should have control.

Jeff Neuman: Okay, thanks.

Marika Konings: So, let me just start off and explain because the idea would be that in the end once we've worked our way through all the stages that everything will be brought together into one document that outlines the whole process.

So this is, you know, just looking at the first stage of that process, so basically there's a very short introduction; of course we need to work a bit more into here but this is just outlining the different stages that will be covered in this report.

And what I've basically tried to do is outline the different questions that we looked at and the table that we developed and for each of those, then outline what is the current practice or what are the current provisions in the bylaws. What were the concerns and questions that the group raised in relation to that specific question.

What was the PDP work teams response to these issues and a lot of information here has been either taken from the notes of the table document or from the responses received in the survey.

That's why I would like to encourage everyone as well to provide as much the information as possible in the survey where you have the opportunity to provide comments, because it will be easy to translate those into the report and, you know, have a broad representation of the views in there.

And then based on those responses, we - I tried to incorporate some recommended changes. Some of those we have concretely discussed as to how we would like to see them. But in some areas we haven't really discussed any concrete ideas or suggestions on how to deal with those, so in some you will see, you know, I've been - sort of some ideas.

Some of them might have been discussed but not in further detail or it wasn't obvious whether it was broad consensus around those, so it's important to review those and then maybe think about as well what are other kinds of recommendations might be put forward here for the group to consider. So that's basically the outline. I'll release the document now so everyone can scroll through it.

So for each of those specific questions, you know, the outline is basically the same, you know, what's the current practice, what are concerned questions, what is the PDP work team response and what are the proposed recommendations to - or recommended changes related to that specific issue.

And then I can already show you as well that in the annex but like (unintelligible) report there will be of course the background, you know, how did the group discuss this, how were decisions taken, how was the work process developed, you know, who participated in calls, the charter,

members of the working group. So that will all be incorporated in the annexes.

Jeff Neuman: The only thing I want to add is that when this document came out of is before the ICANN board approved the new set of bylaws, so in that actual, where it talks about old and new bylaws, so if you all go to page - I don't see a page number.

Page like five of twenty-eight, you'll notice that some of that it says original text ICANN bylaws. I think what we're going to change that to is the current ICANN bylaws and so you'll see a change between the approved - new approved bylaws and what we're recommending as opposed to the change from the old bylaws which are no longer in effect.

That makes sense? So there's that and then I think - so there is only a couple, one or two areas that I think are kind of blank which I think we would appreciate some comments on and I'm trying to find - so if you look at for example under our heading six which is on Page 16 of 28 so - or actually it starts on page - the role of ICANN staff actually starts on Page 14, which is number six.

But if you go to, you know, so you have there you have the role of ICANN staff, the current rules and practices, you have questions or concerns, discussion from the PDP work team, but then there is right before Section 7 it talks about recommendations and it just has a TBD. So I think it was a little puff from our discussions to actually think of some recommendations there or there wasn't a consensus.

So if we could have - if you could kind of focus on that for Section 6, is to think of from the discussion or from the notes if there's any recommendations to be made. Not only with respect to changing the bylaws, but also for things maybe for the operational rules or even just best practices, some sort of recommendations to come out of it.

Man: If we are preferably happy with the status quo, that implies no recommendations is that correct?

Jeff Neuman: No, that's a recommendation as well.

Man: Okay.

Jeff Neuman: Recommend staying with the status quo is a recommendation. So that's one area. There is another one on Page 19 which is in Section 7 and it's in the by - I'm sorry, it should start on Page 17, I said that my eyes are playing games here, where it talks about the recommendation.

These are really timeline questions that says TBD, so just to start giving thought to that I know we're kind of pushing off timeline discussions for a little bit but if people can just look at that and maybe if they have any ideas in there to make some recommendations. And finally I think that's...

Man: Jeff, if I remember correctly in both of those cases, we were looking for the ability to knock or the - we wanted to be - not constrain things unreasonably but not leave them completely open ended, is that correct?

Jeff Neuman: Correct, then that's in the discussion. So, but there should be some - we don't even have to have the word days after receiving, right. I think we did go through, if you could look at the notes, I think we - and we might have talked about it in stage two, so maybe that's, maybe we're going to have to look, Marika at stage two notes and kind of see if that if we did kind of answer that.

Marika Konings: Yes, we can look back on that.

Jeff Neuman: And then of course there's this in Section 10 which is on - starts on page - the economic impact analysis, which starts on Page 22. We have just TBD there,

should there be any recommendations on that, we kind of talked a little bit about it but you'll see 10A talks about our kind of what we talked about.

But there's no recommendations that we've put in here yet. And same thing with Section 11, we have discussion in there about prioritization. I think we kind of - we're going to now talk about that again in stage two for priority, so I think maybe that'll get filled in today if we can come to some sort of resolution. Any questions on the document, the structure?

Wolf-Ulrich Knoben: About - it's Wolf Knoben speaking here, Jeff.

Jeff Neuman: Sure.

Wolf-Ulrich Knoben: First of all, I appreciate very much this document. It's really well structured and it's self explaining, so what is it about. So I find it very easy to handle. The question is right now then, what are we going to do with that document and is it - are we going to deliver that document to the PPSC afterwards and as it is, so - including the recommendations, including the amendment or recommended amendments of (mode of) operation or bylaws and these things.

And including all the arguments we have put into that protest. How are we going to handle that? That's one question. And with regard to the recommendations, I understand until the - you said before, until the 24 of September you expect us to comment on those, to have conclusions.

That means (unintelligible) to come up with any recommendations if we are of the opinion to recommend something or shall we discuss it first or, what is your preference?

Jeff Neuman: Okay, so there's a couple of questions there. So just to go back, I mean, my vision and something we've talked about with ICANN staff and we obviously want your input, is to - that we're not going to submit anything to the PPSC

until we finish the five stages. That ultimately what we'll do is it's going to be one document, all the five stages.

We'll do kind of an executive summary that's got a list of all the recommendations up front and then all this text, you know, for all the stages will be included behind that and so more in depth discussion. So that's kind of the thinking that it's not going to go to the PPSC until all of that is done, all the stages.

For the next couple weeks I just want comments on this document whether, you know, not only on the conclusions, but do you agree with how we characterized the discussions that took place.

Do you think that your - is your viewpoint represented in the discussion? So, did we capture everything, did we not capture everything. And then ultimately, for the recommendations, do you agree with the recommendations, do you not agree, do you have additional recommendations to add to that based on the discussion that took place. So those are the types of things that we're looking for.

Wolf-Ulrich Knochen: So, just to understand it correctly that means we will hand over a complete document, with one to five stages, is that correct?

Jeff Neuman: Yes, the goal is for one document, you know, in a couple months when we're done with this to send that to the PPSC as one document with recommendations up front and then the discussion behind that including at the - and you know, methodology in all that.

Wolf-Ulrich Knochen: Yes, for me the question is why I'm asking that is for me to understand what is the council thinking with regards to let me say to accepting the new, let me say the new PDP (positive) development process. Does it mean they are accepting - will accept it as a whole?

So from stage one to five, after all has been accepted or is it possible that let me say they will start with stage one and two with the issues reporting and the initiation and implement it step by step, step by step. Could that be the case?

Jeff Neuman: You know I'm not going to, I'm not on the council, so I'm not going to speak on behalf of what they'll do with it once - or even with the PPSC will do with it once they get it. Maybe, I know Mike, you're on the council, do you have (unintelligible) any discussion?

Mike Rodenbaugh: (Unintelligible). I wouldn't characterize what the council would or would not do with this but as you stated, it's got to go through the PPSC first, and obviously we in this group have to come to consensus before it goes to PPSC so we still have quite a bit of work to do.

Liz Gasster: It's Liz; can I get in the queue?

Jeff Neuman: Sure, sure.

Alan Greenberg: And Alan.

Jeff Neuman: Sure, Liz and Alan.

Liz Gasster: You know, one thing I do think at some point we're going to take this report or the conclusions in this report and we're going to need to convert it to bylaws language like something like appendix A today or annex A rather and rules of procedure, you know, whatever goes in the bylaws versus the rules of procedure.

One thing we should talk about, I don't know if you all agree but it strikes me that the report becomes the foundation and for drafting that revised language. And ultimately what gets the final product that, you know, the council approves and the board approves because I think the board has to approve

the new PDP process too, is actually bylaws changes that reflect everything in this that this group ideally would also either draft or, you know, staff would draft and it would review, you know, to make sure it's in concert with the outcomes of the report.

So I just want to throw that out in terms of deliverable because we are focused on the report rightly so, but it does have to get translated ultimately into a reference document that's memorialized. Does that make sense?

Jeff Neuman: I'm sorry, can you repeat that? I'm trying to - just say that again.

Liz Gasster: So when we revise the PDP, we're going to produce this report but it needs to - the PDP ultimately the revision of the PDP has to get translated from report to new bylaws language.

Jeff Neuman: Right, so that...

Liz Gasster: New rules of procedure.

Jeff Neuman: So that's in the recommendations right, so wherever there's changes to bylaws we've put that into the report.

Liz Gasster: But does this group not want to participate - I'm just trying to get at what I think the question is here in terms of the deliverables. It would strike me that this group would want a role in the process that is involved in taking those recommendations and translating into - them into bylaws and rules - bylaws actual bylaws language and rules of procedure.

Because it's one thing - I mean I'm not trying to presuppose this, I'm asking the question, you know, we can take the report, staff can take the report and draft bylaws and the council could review and approve the bylaws or the PPSC can review and approve the bylaws changes, but ultimately this report

has to get translated, has to get rewritten in the form of bylaws changes, just the recommendations part. Is that not understood by the...

Jeff Neuman: No I mean it's understood. I think some of it's bylaws, some of it's operations, and some of it's best practices.

Liz Gasster: That's exactly right, all three of those things. I just was trying to shorthand, I mean, so the report is one thing, it's going to be the penultimate result of the brilliant thinking of this group. But then there is a necessary next step that says okay and we're going to codify those recommendations in the following three buckets.

And this is what the actual language is changed or changes to the language are going to be. And all I'm asking is, doesn't this group want to participate in that or maybe they don't. Maybe they just want to make the recommendations and turn it over. But I think that's something worth discussing.

Jeff Neuman: Okay, let's push that off a little bit, but note that subject. But I want to hear - actually I'm sorry. Let - Alan, you were next in the queue.

Alan Greenberg: Well, I'm going to address part of what you just said and part of what Liz said. The outcome at the level of PPSC, at the level of the council and then at the level of the board and probably some board subcommittee, is that pretty much every stage along the way they can tear apart what we're doing. They can simply ratify it, you know, without a change and a comma anywhere or anywhere in between.

Based on as Liz pointed, the brilliant thinking and discussion in this committee I'd like - this workgroup. I'd like to think that it's going to be closer to accept rather than tear apart and start all over again.

That's the whole concept of delegating work to a group of people who you have some faith in. So I think we want to turn out something as clean as possible and I would support that if staff is going to at some point have to turn recommendations into specific rules.

In some cases we've already, you know, come up with bylaw rules. It's not clear to me exactly where all these rules fit in the future. Are they going to be in the bylaws or somewhere else? But wherever they're going to be sitting, I think we may as well have staff do that work under our auspices instead of putting it off to the next stage.

That is, work on the assumption that it is going to be accepted as whole and turn out a professional document that's ready to go with approval of all the bodies in between. You know if they choose to redo half of it, we've wasted some effort at that point, but I think that's the professional way to proceed.

Jeff Neuman: Okay, any thoughts on what Alan has said, anybody want to weigh in? I think that...

David Maher: It's David.

Jeff Neuman: Oh, hey David, okay good.

David Maher: I think we should participate in final writing the rules. I don't think it should be totally delegated to staff.

Jeff Neuman: I - sorry, I wasn't implying that but if - all I'm saying is if that phase which may be drafted by staff and then critiqued and revised by whatever group, that it should be on under our auspices and not someone else down the line.

David Maher: Yes, I agree.

Jeff Neuman: Okay, I don't think you're going to get any kind of disagreement on that, I think that's ultimately, I think this work team, and certainly the PPSC will want to be involved to make sure that what's drafted and what's approved is - or was proposed to be approved is what we've intended or what the outcome was from our group.

I think that is crucial. I just, I think we're jumping ahead of ourselves a little bit, which is kind of why I wanted to put off the discussion a little bit. But I don't think - is there anyone that disagrees with that whole notion?

Man: Which notion, Jeff?

Jeff Neuman: Which is that at some point when the ultimate bylaws are or, you know, the PDP process is rewritten either as bylaws, best practices, or operations that staff should involve this team and the board should involve this team to make sure that they accurately reflect the outcome from this group.

Man: Of course.

David Maher: I was saying something slightly different. I was saying that we should consider that part of our task before we turn in a final product.

Jeff Neuman: Okay, so as part of the final product to the council or to the board...

David Maher: (GPSD). That doesn't stop us from turning over an interim (product), you know, tossing something over the fence and getting wider comments. You know, in addition to consulting the general community, we could also consult our parent committee.

Jeff Neuman: Right, I think the report is good for getting comments back. I mean at some point we're going to want to introduce public, you know, get some comments from the public on this and so I think a report is a better format initially to get those comments so people could see our rationale and our thoughts behind

why we came up with what we came up with. Did I just end that sentence in a preposition? I did.

David Maher: And it sounded perfect.

Jeff Neuman: All right, so any other discussion on the phase one document? So just to - I should have left a minute there, a pause; any other questions on that?

So again, just to recap, the goal is that to please, please, I implore you, almost beg you to read it in the next two weeks, provide any comments on any aspect of this, including the recommendations, the methodology, the reflection of how - or how we reflected the discussions that took place.

Make sure your opinions are reflected in this report. So if you could please comment on that by the, by no later than the 24th we'd be greatly appreciated. And with that let's jump on to stage two, so if - I'll give Marika a couple of seconds to get the phase two document on there, or stage two.

Okay, so if you look at this document and Marika, do you have control of this or does everyone have their own control.

Marika Konings: I think everyone has their own control but I'm happy to take control or give you control.

Jeff Neuman: Well I think let's just jump to question five I think is where, if you want to do that. We've put this topic off a number of times probably because it's kind of hard to think about in the abstract. And I'm not sure that any issues would (arise this), although maybe that's a good way of thinking about it.

But is our emergency procedures or - not emergency, expedited procedures for an emergency or urgent situation. I'm not sure if - well maybe let me ask, maybe this'll be telling.

Let me ask the question, does anyone believe that to date there have been any issues that have been brought to the council's level that had we had a procedure for expedited - for an expedited process it would have or should have been invoked, and maybe that'll help think about the subject in kind of a less abstract way.

Mike Rodenbaugh: It's Mike Rodenbaugh; I've got a couple of examples that might have been appropriate.

Jeff Neuman: Okay, shoot.

Mike Rodenbaugh: So main pacing and (unintelligible).

Jeff Neuman: Okay, so taking those two, and I'm not agreeing or disagreeing, but taking those two examples, what in your mind made that a need for an expedited process?

Mike Rodenbaugh: A lot of ongoing harm.

Jeff Neuman: Okay, so ongoing harm is - so you would say, would you say an immediate harm, I mean not just ongoing, it's not something - well, let me ask the question. Is it ongoing harm or is it something that's now presenting immediate harm?

So for example, there could be something that people have possibly may think has been a harm that's been going on for years, or is it something that, you know, just all of a sudden came about and now we need to address it before it gets out of control.

Mike Rodenbaugh: Well my two examples would straddle your two scenarios there. Domain tasting, the harm had been going on for a couple of years, two or three years at that point but had gotten, you know, to be a tremendous burden on businesses.

And fast (lock) hosting was a fairly new phenomenon when the (S-fact) reported on it and I felt it was pretty urgent as soon as the (S-fact) reported on it that the council take it up. And so we did as quickly as possible but that still took three or four months before the council even acted on their (S-fact) report at least.

Jeff Neuman: Okay, so I see there's a hand, James, and let me try to steer the discussion because what I don't want to do is get into a debate as to whether domain tasting or fast lock should have been expedited. I'm just trying to come up with factors that we would think about if an expedited process were needed and kind of keep it to that level. So James, do you have any comments on that?

James Bladel: Am I that predictable, Jeff?

Jeff Neuman: No, I just - I think we're all predictable. I think in this group we're diverse enough to foresee that.

James Bladel: No, my question was whether or not any of the Conficker mitigation efforts of trying to get ahead of that worm were ever brought to the council or was that something that was just kind of executed at different levels?

Jeff Neuman: So for that...

James Bladel: I don't know that it was or wasn't, I'm asking the question.

Jeff Neuman: Yes, so speaking as a registry that responded to that, it was never brought to the council level before we acted nor was it even contemplated. It was just something that we just needed to take action and as long as we have the contractual authority to do that we - or could get a waiver of something that we didn't believe involved policy...

James Bladel: Okay, was there a - did that group actively, you know, avoid, you know, some of the existing, you know, channels or because they were concerned about delay or I'm just trying to understand because that one has a timeliness component to it but or an urgency, I think, that may have been unique or unprecedented to that point, so.

Jeff Neuman: So, to be honest and so I was one of the founding members of the Conficker working group. To be honest, well now everyone knows the solution of how we came to it. What we did not want is to disclose that solution to anyone outside of people that needed to know because we didn't want the "bad guys" to find out what we were doing until after we had already executed the solution.

We didn't want the security measures to be undermined. And so it was more of a matter of not wanting public disclosure for security reasons as opposed to even thinking in terms of whether this was policy or not or whether it was something that needed to go to the council. And I'm just being open and honest with the group, that that was our thoughts. So I see Paul with - Paul and Alan.

Paul Diaz: Yes, it is Paul, thanks, Jeff. Yes, I was going to say it strikes me that Conficker's a good example and somehow in our report we might want to be clear and underscore this one as a potential precedent. Because, you know, it seems that what should the policies, what would the procedure look like and importantly, the determination that the issue is urgent. It's a recognition by some experts in the community that there's a very high probability of harm, that action needs to be taken immediately because of the probability of harm.

With Conficker, you have the advantage of having a deadline and you knew that if you didn't do something by such and such a date, there was the expectation it was going to get real nasty, real fast.

On other issues, we're probably going to get into the same kind of chicken and egg situation that we had when we discussed earlier should somebody proposing try to demonstrate making request for an issues, for a PDP make, develop some sort of, you know, background information and whatnot and fast (locks) might be a good example where there's a recognition of this thing going on, but there wasn't a body of research that you could point to.

And so, you know, some people might make the argument that yes, you've got an urgent problem here that needs to be addressed, but you don't necessarily have something very demonstrable to point to and say, you know, here is what's going to happen if we don't or there's a deadline or something of that sort.

I'm not sure exactly what the answer is here but, you know, we might try and capture this sort of dynamic that in some cases it will be far more obvious than others and, you know, perhaps as we treated the other development earlier on with the, you know, what reporting should be made available at the beginning, any sort of - when and where possible, those who are pushing for a PDP to provide or demonstrate what their expectation for harm and why there's a need for this policy work at this time. You know, we kind of use that same sort of sense and language, bring it in here.

I don't think that we'll ever be a one size fits all, I think you'll probably get a range of opinion even on what, you know, people describe as urgent. But in some cases it probably does rise above and Conficker is probably your best example. Now, all that being said is you just said that was a particular so that you didn't necessarily want at a very public forum like a PDP.

It necessarily had to be dealt with kind of behind the scenes by the experts so that the bad guys wouldn't be able to exploit whatever sort of remediation efforts you're putting in place.

But at least it stands out, I think it's a good way of capturing people's minds, the range of issues that you can have here and how a definition of urgent can be very hard to strike upon but, you know, we can probably come to some agreement that some things really do rise up in particular when there's a deadline involved.

Jeff Neuman: Okay. So before I get to Alan, if I could boil down what you said. It's basically - and I like some of the words you used - you said a recognition of a high probability of harm.

And then you added some other factors like some sort of immediacy. Or, you know, urgency from a timing perspective. And the harm should be of such significance that it warrants the immediate attention.

I think those were some of the factors I got out of what you said. Is there - did I miss anything? Or does that kind of capture it?

Paul Diaz: No, I think it captures it and obviously open for discussion. It just seemed as we're trying to figure something out and it gets back to what we've discussed previously, recognizing the difficulties, you know, on some issues that there's not a lot of body of work that you can point to.

Or even sometimes the experts, people recognize it can't immediately tell you here is information that can guide the working group. But, you know, those key factors that you've just highlighted again for us seems like that's a good starting point.

Jeff Neuman: Okay, so Alan?

Alan Greenberg: Yes? First of all, I'll say I would've sworn there was something in the bylaws allowing the board to act when there's imminent harm. I was sure there was something and then which allowed them to act and then refer to the council afterwards.

Jeff Neuman: Yes.

Alan Greenberg: I haven't gone back and read the rules.

Jeff Neuman: But that's correct. It's actually in the contracts. I'm not sure it's in the bylaws, but it's in the contracts.

Alan Greenberg: Okay, but it's not only in the registrar's agreement, it also applies to registries, I believe.

Jeff Neuman: Correct. Where board action is - where something has to be done by the board as opposed to...

Alan Greenberg: Or where the board can take action which perhaps should have gone through a PDP, but...

Jeff Neuman: Well, I'm not sure it should have gone through the PDP.

Marika Konings: This is Marika. But I think it's in a very narrow - I think it's really related to very specific security and stability issues.

Alan Greenberg: Yes, it is.

Marika Konings: And as far as I know, I think it has never been invoked. And I either need the requirement once that's installed that procedure, it needs to be reviewed or go back to PDP procedure to continue, if I remember correctly.

Alan Greenberg: That's right. Okay. So the second column where it says it's only in the RA is not correct here. Am I missing something?

Jeff Neuman: The second column says that it's in the - correct. It's actually in the registry agreements.

Alan Greenberg: Okay. I think it's somewhere in the bylaws, but...

Jeff Neuman: Correct.

Alan Greenberg: ...whether it is or not is moot. We're really talking about something that's outside of the PDP at this point. We're talking about action which is not going to be taken by council.

I mean implicitly, to get taken by council, it's going to take a longer time than in the next two days. And it's going to be more public. So we're really talking about something outside of the PDP and therefore perhaps outside of the scope.

But surely if we feel that the current rules are not wide enough or are too limited for cases like Conficker or whatever comes next, then we need to make a recommendation that they be more generalized or put in the bylaws, if that's where they belong or something like that.

I mean, this time, as you pointed out, you managed to do whatever you needed pretty much within the rules and the rights that you already had. We don't know if that's going to be suitable in the next case.

Jeff Neuman: Let me give another example. Let's say, let's do a hypothetical, maybe this is more of a - for an expedited.

Let's say, hypothetically, there's a request from a constituency to do a PDP on new TLDs. And we know that the new TLD process is imminent. This is not harm necessarily, or maybe it is. But let's take the request by the non-commercials for a PDP on registry/registrar separation.

Alan Greenberg: Okay.

Jeff Neuman: Okay, because it's been made, not because for any other reason. And they would like to see a PDP done on registry/registrar separation obviously prior to the introduction of new TLDs.

So that's a case where they want to make sure that there's some expedited process. But that's not...

Liz Gasster: But wait, are you talking about the current motion?

Jeff Neuman: The current motion.

Liz Gasster: It says specifically that it doesn't want to interfere with the liberty of...

Alan Greenberg: Let's pretend it was made without that statement.

Liz Gasster: Okay, thanks. Okay.

Jeff Neuman: Right. I'm just trying to create a hypothetical.

Liz Gasster: I got it, I got it. I'm sorry, go ahead.

Jeff Neuman: Okay, so I don't think there is a case of imminent harm there, right? Maybe there is, I mean, the registries might argue there is imminent harm. Maybe some others might argue there's harm. But let's pretend there is no harm.

Is there any mechanism that the councilor could just say, "Yes, we want to do an expedited process and here's the deadlines we want to set."

I mean, or is that something - do we even need to prescribe that? Is that something that council should be able to consider and set the timelines as it sees fit?

Alan Greenberg: The council has considered pretty rigidly the process that's outlined in the bylaws for the PDP. We've, you know, changed the deadlines sometimes. But we haven't said, "Let's skip four steps because..."

Mike Rodenbaugh: Well, that's true, Alan. And it's Mike. But, we can make things a lot faster than we normally make them, you know, generally we had extended deadlines to accommodate obviously staff workload and council workload.

We've never shortened deadlines and I don't know that we could under the bylaws. But we could at least hold to them.

Alan Greenberg: But that's the point. We haven't shortened them. And in general, all it takes is one objection to lengthen them.

Mike Rodenbaugh: Yes. That's true.

Jeff Neuman: So should there be a process to shorten them?

Mike Rodenbaugh: I think that there should be in extraordinary circumstances obviously requiring a higher voting threshold than to otherwise initiate an issues report.

But certainly there should be some way to expedite policy development. Especially as we have so many issues we're seeing on council now, you know, prioritization is becoming a real factor.

We'll be setting annual work plans, for example, which is generally a great idea. But that makes it all the more important to have the ability to deal with, you know, so-called emergency situations as they arise.

Jeff Neuman: Okay. So you used the term there "extraordinary circumstances" which I think is...

Mike Rodenbaugh: Extraordinary emergency, I don't know what the right phrasing is. Bottom line is it just needs to require a higher threshold of the council in order to take advantage of that process.

Jeff Neuman: Okay, so by higher threshold then normally to, under the new rules, to invoke the PDP, God, I should have this memorized by now. Anyone have it memorized?

Mike Rodenbaugh: I just a - I was just drafting comments on it. It looks like it says that it's 25% of each house or 50% of one house.

Jeff Neuman: Right. So would you then make an extraordinary circumstance just to fit within the definition of super majority as that's defined in the bylaws which would be what, 75% of one-half and 50% of the other? Is that super majority?

Mike Rodenbaugh: I don't know. But I don't think it should be that high.

Alan Greenberg: Jeff, the problem is let's - regardless of what we set the threshold at, what are we going to do at that point? If the result is we are going to bypass steps or, you know, shrink deadlines from three weeks to one week or whatever.

We are impacting the procedure we have crafted to try to get bottom-up input and consensus and all the other good things that ICANN says its policies are driven by.

And but still, but the end product is still going to be labeled a consensus? You know, or assuming it falls under the picket fence and a picket fence type issue is still labeled a consensus policy? Or is it like the board one that it will rule for two years and then has to be revised?

See, I'm not quite sure what the end product is here. I understand the premise, that something may be urgent. But what does it give us the ability to do?

Jeff Neuman: So, James, you have your hand up. Do you have comment on this? Or is it something else?

James Bladel: Oh, it's this. And I'm trying to, you know, remember my original point while of course keeping up with the development for the last few minutes.

You know, I'm trying to think in the abstract here of whether there's an urgency or timeliness aspect to these types of issues, as well as what I wanted to add to that was the possibility that a new issue might invalidate or obsolete work that's already underway that might also cause it to deserve to be moved up in the priority, or the queue.

But I'm starting to kind of come around to a lot of what Mike and Alan are saying, as well as I think what you mentioned earlier with the Conficker example, is that, you know, are we really talking about policy anymore?

I mean, something that has to be opened, transparent, has to go through public comment, all of those things that kind of just slow down the output.

And so I think I'm kind of coming around to where Alan is right now, where are we really still talking about policy development?

Jeff Neuman: Okay. And so I think, you know, as a threshold, it's got to be within scope of - I mean, the first assessment has to be, it has to be within scope of the GNSO as a policy matter. But I think that's got to be what...

Alan Greenberg: Well, yes. But what we're really saying is are there cases where something is within scope of the policy matter, perhaps outside the picket fence or in, it doesn't matter. But within GNSO scope, and yet we feel that there's no way to craft GNSO rules which meet all of ICANN's core value and yet respond sufficiently quickly.

If there are such cases, all I can see is recommend that the board have wider powers to exercise things in emergency situations which may be wider than just the stability and security issues.

I think that's what we're getting because otherwise, we are giving the GNSO ways of bypassing the rules that we've put in place to ensure the bottom-up consensus driven policy. And I'm not sure there's - that's healthy or that we'll be able to do it that quickly.

Jeff Neuman: Okay, Mike, any thoughts on that?

Mike Rodenbaugh: No, nothing more at this time.

Jeff Neuman: I mean, it sounds like, Alan, you're saying that at this point, there - we shouldn't have expedited procedures for the council.

But you're arguing that maybe the board should have increased powers as opposed to a policy process.

Alan Greenberg: Yes, I guess I'm saying anything that is within GNSO scope should be within board scope in an emergency. I hadn't formulated those words before, but I think that's what it says.

Now, it may be, if you interpret the current rules loosely enough, that is the case today. I don't know. I haven't gone back to look at them.

James Bladel: Yes, and see - this is James. And I'm kind of coming around to what Alan was saying earlier which is that if we start to determine that something is urgent or time sensitive and we start throwing out steps in the process.

And how do we go about determining which of those steps are expendable or can be sacrificed to this? You know, I mean, are we talking about public comment? Are we talking about, you know, finding consensus?

Or, you know, what element have we worked on thus far that is ready to be thrown off the board?

Jeff Neuman: Or is it that - I mean, our recommendation is that PDP is flexible on timelines. But it could be that the council then does determine, "Look, this needs to be done on this date by this time, for each of the steps." I mean, it is possible for the council to kind of require a deadline.

Now what the ramification of not meeting that deadline is, who knows? But I mean, the council can short, can set short timelines within the bounds of the ranges that we think are appropriate.

Alan Greenberg: So you're saying something like with the super majority, council can shorten any deadlines it deems to be appropriate.

Jeff Neuman: I'm not saying that. That's a little broader. That's a proposal.

Alan Greenberg: No, no, no. But I think that's the intent of what you're saying, that if the council believes strongly enough that deadlines have to be met because of urgency, then it could set deadlines and perhaps even shorter than the ones specified.

Jeff Neuman: And so now that - I mean, is that something people agree, disagree?

Alan Greenberg: I guess, does that roughly map what you were saying or is it a different idea altogether?

Jeff Neuman: I think you took it a little bit further.

Alan Greenberg: Okay.

Jeff Neuman: But, since you said it, it certainly merits discussion. Thoughts on that?

Or even, you know, so let's say we - our recommendation is that for a certain phase, we think that should take between 60 and 90 days. Can the council say, "You know what? We want to set the deadline at 60 and we really believe you must meet that?"

Man: When we really mean it this time.

Jeff Neuman: Yes. Or can it even say, "Look, we know it's normally 60 to 90, this is of such an extraordinary circumstance, we want it in 30 or 45."

So, you're not eliminating a step, you're just taking away its flexibility or shortening it a little bit.

Alan Greenberg: I see nothing wrong with that, if it requires a sufficiently high threshold to pass.

James Bladel: And I think that's fine. This is James. I think that's fine as well. I'm just thinking of the practical implications of, you know, what that might mean for existing or ongoing work that might be paused or put on hiatus until something is inserted ahead of it into the queue.

Alan Greenberg: I mean, clearly it's got to be something which is - it's got to get buy-in from the people who actually have to do the work. But if it has that, why not? You know, if you're shortening the public comment period to three days, we may have some objection.

Jeff Neuman: I mean one of the factors that needs to be considered, the right that I wrote down, James, is your point about, you know, is there on - you know, so there's a recognition of a high probability of harm or an immediate and significant harm that may be other extraordinary circumstances we talked about.

And then one thing to consider is, is there work that's already going that either A, addresses that subject already, so is there an existing workgroup that's talking about that and can you just maybe give it to them and have them produce an output quicker?

Or is it something that puts other priorities on hold or moves priorities around? I mean, I think that's all things that the council should consider in its determination of whether to invoke these expedited procedures.

But let me ask the core question though. And I think I've heard agreement on this. That whatever the process is, we don't believe - or whatever the timeframe is - we don't believe that anything should be skipped.

I mean, I don't think - is anyone advocating that there are steps that we believe can be bypassed? Or are we pretty much saying all the steps that we talk about still need to be completed, but maybe on a more compressed timeframe?

Alan Greenberg: Unless it's of suitable urgency that it becomes a board issue.

Jeff Neuman: Right. The board can always, you know, create a team, right? Like it did with the (IRT). It could always create a team and, you know...

Alan Greenberg: Perhaps a bad example, but yes.

Jeff Neuman: Well, I mean - yes, okay.

Alan Greenberg: Good example, but inflammatory.

Jeff Neuman: Right. If there was an emergency situation that was creating harm, the board doesn't have to make, you know, the board could in theory create a work team to look at that issue for 30 days as opposed to debating it itself, right? In

order to come up with these emergency procedures, right? The board could always do that.

Now it might only be able to fit it in with the emergency procedures and not as a general policy matter, but - so I take your point, Alan.

Alan Greenberg: The board could always (unintelligible) appropriate.

Man: Yes.

Mike Rodenbaugh: It's Mike, Jeff, I'd like to answer your question. I don't necessarily think that all steps have to be followed in all cases.

I think that if you've got these situations and you've got the higher threshold voting on council, then you could dispense with some of the steps in a PDP, my guess, most notably, public comment.

Jeff Neuman: Well can you dispense a public comment or can you just make it a lot shorter?

Mike Rodenbaugh: Or you can delay it until after the implementation of the policy. I mean, you've got to remember that you've got again a super majority, if you will, of councilors voting for this because they think it's an emergency situation.

So putting something out for a 30-day public comment period under those situations seems to be unreasonable.

Alan Greenberg: I guess I support what Mike is saying. If you look at the scenario of when could harm be done? If council decides to skip something that there's a general uproar about, number one, it's not likely to have gotten a super majority. Maybe, but not likely.

And second of all, there is going to be an opportunity for the board to say, "No, you didn't follow reasonable procedures. We're not going to do it."

Man: Right.

Alan Greenberg: I don't think there's any harm in putting those processes in for exceptional circumstances. I would think they were bloody and frequently going to be used.

Man: Yes.

Jeff Neuman: So let me ask, and then Liz is - I'll ask a question. Or let me let Liz speak and I'll save my question.

Liz Gasster: Two things, one I just had a question about whether the vote that you're talking about is the vote to initiate some, you know, quick and dirty working group to resolve an issue.

Or whether the vote you're talking about is on a specific - to implement a specific emergency recommendation to change something because I think that's an important distinction.

You want to be more flexible with emergency powers in the formation, but you don't want to be so flexible that if you're talking about a decision, a policy change, that you don't give any opportunity for this, you know, broad public comment or debate on an actual policy change.

And if the issue is - second, if the issue is so compelling that it really warrants that, and I could imagine that that could be the case. I don't mean to preclude that possibility. Then it would strike me that you would need a subsequent review pretty much right away.

That to think about it more almost as a sort of injunctive relief temporarily where you implement something but wherein you provide a mechanism shortly thereafter to consider public comment and to follow more inclusive practices in a review or a longer process that considers on the merits the options in a more thoughtful way.

Jeff Neuman: Okay. So there's a couple of comments on that. I'll start with Paul.

Paul Diaz: Yes, thanks, Jeff. I really like the term Liz used. Not that I necessarily want to sound like a lawyer but, you know, the sense of injunctive relief might be a better way to - a good way to capture what we're getting at here.

But I would also underscore what you said that, you know, it would be recognized and would be spelled out as temporary because I can just imagine, you know, situations that as well advised or well intentioned as the council may be, if they forego certain rules, you're almost guaranteed to have, you know, significant portions of the ICANN community start screaming about it.

But, you know, maybe it is for a good reason. Whatever the case, as long as our guidelines here note that this is, you know, injunctive relief and it's temporary because the standard policy process takes too long, you know, then we can move forward.

The other thing is I'd just be very concerned about, you know, the possibility is always of precedent.

If we don't have that sense or if it's not written into revised rules that this is temporary, that we run the risk that perhaps we find that these emergencies start becoming more commonplace and then we get away from the whole bottom-up consensus based approach for its policymaking.

It's supposed to be the sort of foundation for ICANN that, you know, you find too many issues coming forward as "emergencies" or "urgent."

I think it's very, very important that we note that whatever is put in place is just for a short term because it was deemed, you know, there was that immediacy of harm that we discussed earlier.

But that the more full blown-drawn out processes are still there available and in fact will be - will go through them in time once we deal with the emergent - the immediate need.

Jeff Neuman: Okay. So key is emergency, temporary, sort of an injunctive relief kind of sense from your comments. Let me go to Alan, I think is next.

Alan Greenberg: Yes. I think we're inventing a new stage which we don't need to.

The injunctive emergency, injunctive relief with a formal policy process afterwards is exactly what the board has or should have now. And I don't see a need to add a council version of it.

I support the concept that council can short circuit, either shorten or short circuit some stages if the situation seems to apply.

And there's a vast majority of councilors who agree, but that's still a policy process subject of course, to the board second guessing them and saying you didn't follow reasonable procedures. And that's up to council to justify why it was reasonable in this case.

But I see no reason to add a council level of injunctive relief, which is then followed up by another council action, when I think that's either what the board already has or we should recommend the board have.

Otherwise, we're just reinventing multiple levels that just add to the confusion and I'm not sure really solves the problem.

Jeff Neuman: Okay, I see James.

James Bladel: Yes. I disagree somewhat with what Alan was saying just in that I think that it's not necessarily a duplicate of the board process, but more of a method by which PDP can be given precedent over existing issues or something else that may be in the docket or in the queue.

But I wanted to go back to something that Paul and Liz were talking about, about the temporary nature of this.

And I'm wondering if built into whatever recommendations or guidelines we ultimately arrive at, if there can be a built-in commitment that there is a sunset timeframe that is associated with an urgent issue and that that is matched to what a formal PDP duration would be.

So that, for example, if you were to execute on an expedited issue A, you would also simultaneously launch PDP on that issue that would determine whether or not that emergency action was warranted or should be allowed to allow the sunset.

Jeff Neuman: So if you go with the injunction type discussion, remember an injunction doesn't look at necessarily the merits or the substance.

But more an injunction is an act, it is something put into place to really maintain the status quo of what existed before the behavior that was complained about, right?

So it's not like - so for example in a court, if you file for an injunction, like a preliminary injunction, which is sort of what this is like, the court doesn't look at the substance or really the facts.

It just looks at, "Look, if I don't stop what's going on to maintain what it was like before this complaint about behavior went into effect, then the harm is really going to explode."

Alan Greenberg: And it may not be able to be undone later on by a court.

Jeff Neuman: Right. So it's not - so I view personally, I view what Liz said as an injunction is not the best analogy because I think here, especially if something's in the picket fence, right?

If something's in the picket fence and it's something that people want to be a consensus policy and implementable against the registries and registrars, you really do need to look at the substance of the matter.

There needs to be a consensus on the substance as opposed to what the board can do as a temporary matter.

I mean, throwing that out there for discussion as well is to, you know, does it matter if something's in or outside the picket fence? And you know, I would think that maybe registries and registrars would have an opinion on that.

So and Liz just posted something on a - she says, "I don't think injunction is the best term. But it conjures a temporary action that needs to be taken."

So I guess that brings it back up to what Alan has said, is there ever really something or maybe it's not, maybe it's more - I'm sorry, I'm just going back and forth.

James said it's something where it's a reprioritization of work that's going on and a commitment to address this maybe on a quicker timeframe than the normal PDP process.

David Maher: This is David. I've been on mute and unable to get into this. But I agree with Jeff that analogy to a temporary restraining order, injunction is really the wrong analogy and I from listening to this, I don't see a need for an expedited procedure, given the powers of the board.

Jeff Neuman: So, David, but what about what we talked about before the expedited - we're skipping steps, right?

But more of the what we talked about before that which is, could the council set shorter timeframes necessarily than what we've provided guidance for in the PDP, so long as it meets all of the steps?

David Maher: I would have no objection to that.

Jeff Neuman: Okay. And then taking what was discussed after that was, are there some steps that maybe could be cut out because of the urgency of the situation?

So for example, Mike had raised that maybe if it's got a super majority support of the council, do you really need to necessarily go through all the public comment periods that are otherwise provided for in the PDP?

Are there things that the council could have discretion to maybe - skip's not the right word, or maybe it is - to...

David Maher: Oh, I suppose you can conceive of emergencies or critical issues that would come up. And I would trust the council to shorten procedures or compress procedures.

But I would oppose elimination of public comment as a possibility. I think public comment is fundamental to this proceeding, this kind of proceeding.

And I'm - but I'm in favor of flexibility on the part of the council when the need arises to shorten or perhaps make procedures run simultaneously.

You know, that seems to be reasonable that...

Jeff Neuman: So, for example, let's say there are several different public comment periods usually in a PDP; could those be consolidated, as an example?

David Maher: Yes, something like that.

Jeff Neuman: Okay, Alan you have your...

Alan Greenberg: Yes, you just got into what I was going to say. It's hard to comment at this point when we haven't locked in what all the steps are.

Jeff Neuman: Right.

Alan Greenberg: I can easily imagine that if we end up saying there must be public consultation before the issues report can be discussed, before the request for an issues report can be submitted, and have enough other steps along the way that there will be ones that I believe might be (bypassable).

They are ones that may not show up in the final agenda at all. You know, in schedule of law, we may have bypassed them as in this committee.

So until we actually see the final list, it's hard to say are there steps which can be bypassed, but I think conceptually, there are.

And your example of multiple comment periods where, you know, obviously you need the last one, but maybe earlier ones can be bypassed in cases where the problem is obvious or something like that.

So I would support the ability of council to do it. Council is not going to do this capriciously because whatever council does is going to have to go through some level of public comment and board approval.

And it would be stupid of council to do something which is just going to get rejected after all the work.

Jeff Neuman: Okay. Mike, do you want to add to that? Do you agree with that?

Mike Rodenbaugh: I pretty much agree with what Alan just said, yes.

Jeff Neuman: Okay. So I think, and Alan, I think you made a real fair point that it's hard to, before seeing all the steps and before laying it out, it's hard to discuss which ones could be bypassed.

So I think we've gotten a bunch of points out of this discussion. I think it's been a really good one and we've gotten through a bunch of concepts that we can write down in our notes and ultimately in the report until we get to finalizing the actual process.

And then maybe save this as one of the items then to come back to after we get through all the stages. At least all the stages on the preliminary part, right? Because one of our stages talks about what happens after a PDP and review and monitoring, things like that.

So we obviously don't have to wait for that stage necessarily, but we can certainly talk about this again once we come up with all the timeframes.

Alan Greenberg: Well, and we've brought up the subject that it may be possible for council to shorten and/or eliminate some stages which I think is an important concept to revisit.

And I'm not sure we ever have to be more specific than that, but it's put something on the table we've never discussed before and I think it's a good - it's been a good conversation for that.

Jeff Neuman: Right. And let me actually, Liz has posted a couple comments on the chat which I think are actually really good.

Maybe it's not. Maybe there's other types of public comment we could use instead of emergency ones like to allow comments throughout sort of like a blog type thing where comments, you know, are always kind of received and can be considered.

That's it's not just okay, we're putting this out for public comment, you have 20 days. It's, you know, there's public comment throughout. So maybe that's another idea.

So I think we have enough to kind of jot down on the notes on this subject. It's getting towards the later part of our call. I just want to - I think we covered some of this, actually, when we were talking about the expedited procedures.

But I believe the next one we needed to talk about was kind of the prioritization, right, Marika? That's kind of where - what number is that in?

Marika Konings: To be honest I don't know it by heart either but we spoke about a briefing last time and then the question was raised whether it was something that the (OFC) was looking at.

And we checked internally and they're actually not considering prioritization, especially not in relation to the PDP process, but neither in relation to overall prioritization of council work.

Jeff Neuman: Right. Okay I see now it's in Section 7 of the issues. So Page 9, I think. We have a bunch of questions there. I think - I'm not sure we have enough time in this call to kind of go over those questions.

But I do want people to think about that and if you could comment on it on the e-mail lists, on these questions. Should there be a maximum number of PDPs that run simultaneously?

The role or identification of resources at the start of a PDP, development of a template to assess cost and burden, role of staff in making maximum number of PDP assessment.

I think we talked about just now kind of in our expedited review as to, you know, reprioritizing or putting something ahead. So we sort of addressed a little bit of it.

But is there a role for council or some other body or probably council, right? To say, "Look, you know, this is a great idea for PDP and we'd like to invoke it, but can we delay it?"

Or, right? So that's the next thing, right? Possibility to vote initiating the PDP but to hold the creation of a working group, or set a later date to allow for a better spread of activity.

James Bladel: Jeff, this is James. And I'm sorry to interrupt that thought. Am I the only one that lost the Adobe connect?

Jeff Neuman: I still have it. Does anybody else have a problem?

Man: No problem.

James Bladel: I'll reconnect, sorry.

Jeff Neuman: That's okay. So is there - so I think we're getting towards the end of the call and I'm not necessarily - does anybody have any quick comments or initial thoughts on that? Or should we just hold that off for e-mail discussions?

Alan Greenberg: If we can try to get an e-mail discussion going, that would be nice. I'm as guilty as the rest. But...

Jeff Neuman: So Alan, I think you just volunteered to start the e-mail discussion.

Alan Greenberg: No I didn't. I have volunteered for far too many things in the last few days.

Jeff Neuman: Sorry to hear that. Okay, so why don't we do that. Let's see if we can get an e-mail discussion on those questions and then I think we've pretty much finished out for now stage two.

And also, by the way, we'll ask some questions on that in the survey that we'll hopefully have out by next week. We'll ask some questions and maybe we'll help get some thoughts on that as well.

And please, please respond to the survey as soon as you get it or as soon as you have time after you get it because that's really, it was very instructive for phase one. And I think really moved the ball at a time when, you know, it just didn't seem like that group was moving. So I think the survey was a really effective tool. So I hope you all participate.

Alan Greenberg: Jeff, before the call is over, it's Alan, I'll go on record as saying you're in big trouble.

Jeff Neuman: Why's that?

Alan Greenberg: You've been a really good chair of this group. And we now know who to pick for all future difficult groups.

David Maher: No good deed goes unpunished.

Alan Greenberg: Indeed.

Jeff Neuman: Well, thank you for your vote of confidence. We'll see. I'll test the effectiveness or I'll do a self-evaluation once we get out the final deliverables and it's adopted and we have a new procedure.

Alan Greenberg: Well, that'll be another measure. And as a participant, I appreciate your work, thanks.

Jeff Neuman: Well, thank you, Alan. Thank you, everyone, for showing up. And so just to remind you, a doodle's going to go out for the timing of the next call on the 24th. The meeting after that's on the 1st, within our regularly scheduled time, this time. And on the 8th, the doodle will go out for that week and the 15th will be the regular time. So please respond to those as well.

Alan Greenberg: Thanks, Jeff.

Jeff Neuman: Thank you, everyone.

Man: Thanks, Jeff.

David Maher: Thank you, Jeff.

Man: Thanks, bye.

Man: Bye-bye.

Man: Goodbye.

Gisella Gruber-White: Thank you, (Tim).

END