

**Policy Process Steering Committee (PPSC) Policy Development Process (PDP)
Work Team (WT)
TRANSCRIPTION
Thursday 08 October 17:30 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 08 October 2009, at 17:30 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:

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Participants on the Call:

Jeff Neuman - Registry c. - Work Team Chair
James Bladel – Registrar c.
Tatiana Khramtsova
Brian Winterfeldt – IPC
Robin Gross - NCUC
Gabriel Pineiro - Non Commercial Users Constituency
Paul Diaz - Registrar c.

ICANN Staff:

Marika Konings
Liz Gasster
Gisella Gruber-White
Glen de Saint Gery

Absent apologies:

Wolf Knoblen - ISCPC
David Maher - gTLD Registry Constituency
Mike Rodenbaugh – CBUC
Margie Milam
Marilyn Cade – Individual

Coordinator: I'd like to remind all parties that this call is being recorded, if anyone does have any objections you may disconnect at this time. You may begin.

Gisella Gruber-White: Thank you. Would you like to roll-call Jeff?

Jeff Neuman: Yes, yes, sorry, can you start with the roll call and then I will formally introduce the meeting?

Gisella Gruber-White: Good morning, good evening to everyone. On today's call we Jeff Neuman, Paul Diaz, Brian Winterfeldt, James Bladel, Gabriel Pinero, Tatyana Khramtsova, from staff we have Marika Konings, Liz Gasster, Glen DeSaintgery and Gisella Gruber-White, myself. And apologies we have Wolf Knoblen, David Maher, Mike Rodenbaugh and Marilyn Cade.

And if I could please remind everyone to please state their names when they speak. Thank you. Over to you.

Jeff Neuman: Thank you.

Marika Konings: Also, apologies from Margie Milam.

Jeff Neuman: Ah, thank you Marika. This is Jeff Neuman, I'm the Chair of the Policy Development Process Work Team. It is October 8, 2009 and I want to welcome everyone to the call that could make it. I appreciate you all showing up; I know it's a different time than our normal time and next week on the 15th we will return to our normal - our regularly scheduled time and that will be the last meeting prior to the Seoul conference.

So that said what I want to do now is - I know Marika you sent an update to the list but maybe just to read into the record as to the - what the status is of the survey and just where we are with that...

Marika Konings: Yes.

((Crosstalk))

Marika Konings: Yes. This is Marika. As so the last call and another reminder that was sent out, we had two more people completing the survey namely Mike

Rodenbaugh and Brian Winterfeldt so those results have been added to the overview that's upon Adobe Connect and it has also been posted on the Wiki.

Jeff Neuman: Great. Thank you very much. And, you know, it's less people than I'd like on this call but I think what will be good is to go through some of the other questions that we had on the survey - kind of where we left off just so that we can get good progress on a second draft - or sorry a draft of Stage 2.

So Marika, do you just want to go into where we are with kind of the draft for Stage 2, what you expect the timeline to be for getting something out? Is it possible to have something prior to Seoul?

Marika Konings: I'll do my best. I haven't started drafting anything yet. I wanted to wait for this call and, you know, last time we had some good discussion on some of these issues and, you know, some further input on maybe concrete recommendations so that's, you know, something I really appreciate and is helpful for drafting the report.

So following this call I'll start that process. And as you know, Jeff, a lot of other things going on at the same time so I'll definitely to my best to get something on paper that maybe can be reviewed in Seoul and discussed.

Jeff Neuman: Yes, I think - that would be great. I would be good to have - and I know it's not within the 15-day board requirement but this is not really a formal draft, it's kind of just a rough draft. Even if, Marika, it's more in outline from just so that we could have that to discuss.

And then if possible since I believe we are most of the way through Stage 3 if we could do a survey on Stage 3 and get that out prior to Seoul, maybe go over some of those results if we can do that within time. What are your thoughts on that?

Marika Konings: I'll do my best. It's all I can say for now.

Jeff Neuman: Absolutely. If not then possibly we could do - we can ask some of those questions live in-person at Seoul if...

Marika Konings: Yes.

Jeff Neuman: ...we can't...

((Crosstalk))

Marika Konings: If I can't get the survey out before Seoul I probably can do it during Seoul because I hope to have some time there. And it's not that hard to get the survey up and running so if I don't manage to get that, you know, done by that time hopefully during the week of Seoul it should be up.

Jeff Neuman: Great. Okay so with that said let's see if we can find where we - did you - I don't know if you looked at the results with the other two people responding Marika. Did you notice any kind of change?

Is there anything that's - I mean I still see that some of the ones that we talked about that pretty much went one way or the other - still goes that way and then a couple of them that were undecided or, you know, or that were close between a no and a yes like Question 6 are still pretty much that way.

Marika Konings: Yes, this is Marika again. To be honest I haven't really put the two next to each other because as we already closed the survey yesterday I only managed to put everything together today. I just know that there have been some additional comments added but as I said I haven't really paid close attention between the difference - between the two versions. But I can do so if you want.

Jeff Neuman: Okay well I think, yes, I mean, I looked at it really quick and I didn't really see much - like all it did was make the ones that were close - it stayed just as

close and the ones that were - one strongly one way or strongly the other way made stronger. It didn't change the results at all from what I noticed.

With that said do you happen to remember where we left off? I'm trying to scroll through it now and...

((Crosstalk))

Marika Konings: I think we left off at Question 13 if I'm not - we finished I think 13 and I think we were at 14 if I'm not wrong. Just checking back on my notes but I think did I make a note of it.

Jeff Neuman: Well I think it would be 16 right because I think we covered the entire - 15 - 14 and 15 are additional comments.

Marika Konings: What I have noted here is that we left at Question 13.

Jeff Neuman: Ah, okay, sorry.

Marika Konings: So...

Jeff Neuman: Right...

((Crosstalk))

Marika Konings: ...I don't know if anyone else remembers.

Jeff Neuman: Okay. Well I think - so 13 was - if anyone has got any comments I know James is on the phone and not on Adobe so I'll read the question then and so 13, 14 and 15 talk about the expedited procedure to be developed for issues that are deemed urgent. So I think what we'll do is on that one - Brian can only - there's only response that came out there. Is that right Marika?

Marika Konings: On Question 13 I think that was related...

Jeff Neuman: I apologize...

Marika Konings: ...additional comments on that two parts.

Jeff Neuman: Correct. Sorry, I looked at the wrong - I was looking at the wrong page. So should expedited procedures be available in cases of urgency? And I think the majority of people said yes. There was only one that said no and there were a few either no strong views either way or something to specify. And so the question was if you answered yes to the previous question how should a procedure look.

And I think, you know, it's kind of mixed there. One comment was that such a procedure should be determined by the working group. Another one said the council should hold that responsibility unless it's a board-initiated issue. And then another said the GNSO working in coordination with the staff, other SOs and the board should decide if it's urgent.

And then the count - so I'm noticing that there are a number of comments that you say that the council should have a role. There was one comment that says determined by the working group. And I don't know if that person is on the phone here.

Okay so but the majority seems to think that it should be dictated by the council or it should be within their purview and then basically to specify. There were additional comments that were submitted - okay, some questions are very critical, to be reviewed immediately.

We talked about how this would be complex on our September 5 call. Something truly urgent could be raised by the board under existing provisions, burdens - be on request to revisit, demonstrate need for the

action. And this is part of the management (unintelligible) council are some other comments that we'd gotten.

Anyone have any other thoughts that are not on here? Okay going onto the next topic was the advice from SOs, ACs. And...

Marika Konings: Jeff, can I ask one question?

Jeff Neuman: Sure.

Marika Konings: And - because on of course on this question there are mixed views and, you know, there doesn't seem to be any consensus on how such a procedure should look. When you think would be, you know, do you want me to try to develop something in the first recommendations or is this maybe an item that should be further discussed in Seoul?

Jeff Neuman: Well I think we talked about some parameters of what goes into the complexity and what goes into the decision. We talked about that on September 10. And there may be some notes to go back from that. But, yes, I think this is a topic that needs to be further addressed and thought about.

Marika Konings: Okay.

Jeff Neuman: It didn't seem like there was - although this survey seems to indicate that there's a kind of a strong - well at least more than a majority feel like there should be - certainly people recognize it's complex and so we need to talk about it a little bit more.

So starting with Question 16 and 17 and 18 are - deal with the how involved advice from other (HD)s, SOs and obtain consistent input from the board. So the first question was, should everyone - all these groups - be invited to share their view on whether the council should initiate a PDP or not?

I would say that only one person said no. I'd actually be interested to see why that person said no. But the others either said yes or no strong view. So could the person who said no provide a comment? Looking down not sure I see - can you see - or anyone see anything where they said no for rational behind that?

Marika Konings: I think that was only question if they said to provide further details.

Jeff Neuman: Yes, yes, so that's why I was looking maybe an additional comment whether someone had raised something there. But obviously show - I think in general there was agreement or at least no strong view. There was an agreement that we could recommend that these parties should have some sort of input to the decision has to whether there should be a PDP.

I guess the answer is if it's yes is how should they be presented. And, you know, one person said via formal input statements. Another one said just basically request timely provision of written comments. And simply presented and used as the counselor wish; no formal rules.

I guess it says during a public comment period on the issues report which is presented to the council. I think they're fairly consistent. So I guess maybe any additional comments - one person said if the issue was raised by an SO or AC then their position is known otherwise they could comment on the issues report or in any pre-PDP public comment period. That might be the person that voted no.

Okay...

Paul Diaz: Jeff?

Jeff Neuman: Yes, Paul?

Paul Diaz: Hey it's Paul Diaz, Network Switches. Yes I can't remember - I believe that's my comment. I don't think I necessarily voted not but all I was getting at here - it wasn't meant to - certainly looking to encourage inputs. You know, I'm trying to remember - it's too long ago since we did this survey. But I do recognize that first comment is mine.

And my thrust - so I was going to note agreement earlier when you said most all the people feel the same. If I was the lone no vote, and I can't remember, that was accidental. You know, the thrust of my comment was really to seek out the opportunity or provide opportunity for people to comment and certainly ACs, SOs, everyone.

Jeff Neuman: Okay. Well that sounds - so unless we hear otherwise then maybe when we write the recommendation in the report then maybe if you weren't the one that said no maybe that person will emerge or say something.

The next couple questions deal with - are there any other questions on that? The next few deal with the prior - sorry the - evaluate the ICANN staff caution resources or PDP. And, you know, I kind of almost, you know, I really wish Marilyn were on the call because I think this was her kind of - she's the one who really brought up the issue in a lot of different context and it would have been good to get her input on this.

And I don't think - she one of the ones that responded to the survey or not yet?

Marika Konings: No she hasn't.

Jeff Neuman: Okay. So right now the responses say that ICANN must (unintelligible) stick to it but we need multiple mechanisms to raise or lower the priority of the PDP without it dominating all activities or be pushed to the back burner. And for any of this work the community must have more confidence in the ICANN calendar was one comment.

Another comment is, should consult with the OSC work team, may need broader community debate on expected workload for staff. The next one says an annual work plan based on longer-term strategic planning using established (unintelligible) best practice for project planning and includes resource allocation, management tools.

Should be used to create a public community-viewable master plan. The next comment says there is no system just question structuring the interest represented within the council. Next says that there should be - I just lost my spot here.

The council should prioritize issues but there needs to be a mechanism to question/comment on this prioritization before it's finalized. And Kevin seven it should be an informal process. So not sure anyone get any comment themes there? It says that - but I guess everyone thinks that it's a good idea to understand the resources that are needed and kind of understand that in a broader...

((Crosstalk))

Jeff Neuman: Sorry, what was that?

(Robin): Hi, this is (Robin) joining.

Jeff Neuman: Oh hey (Robin).

(Robin): Hi.

((Crosstalk))

Jeff Neuman: ...and you're on Adobe so we're just going through the survey from Stage 2.

(Robin): Great, okay.

Jeff Neuman: So we're going to use this survey result to draft the report on Stage 2 which is kind of the way we've been doing things, we've been going through talking about the issues, doing a survey, then using the notes from our discussions along with the survey results and then putting them into a draft report.

(Robin): Okay.

Jeff Neuman: So we are right now on - talking about Question 19. I think you can kind of the control the document from your end - talking about ICANN staff cost and resources needed to conduct a PDP.

And I'm trying to draw the comment theme from the comments that there should be an understanding overall of where each PDP fits into kind of the annual or the plan, what ICANN staff is working on and some sort of project management skills to understand whether new PDPs can fit in, how they fit in, the priority, who is assigned and whether the workload I guess is kind of realistic for staff.

And I think that's kind of the common - that theme. Then there was additional comments that said that adding more staff resources is not automatically the answer; need to consider scope, other community demands, whether other forms may be more appropriate.

I think this comment is important because I think it was - this was one of the ones that we raised on our call which is, you know, aside from staff resources you can in theory always add more staff - I say in theory - but you could always do that.

The problem is that you still have to get community involvement in the PDP process. And I think especially now there's a lot of frustration with the amount of PDPs that are going on and the amount of work that has to be done not

only just PDPs I would just say anything that's going on in the ICANN community where a PDP or just calls for comments.

And I think we're all being (unintelligible)...

((Crosstalk))

James Bladel: This is James, can I get in the queue?

Jeff Neuman: Sure, why don't you go, yes.

James Bladel: Okay and I know I'm creating a lot of background noise so I will be brief. But, yes, Jeff, that's an important point that it wanted to make sure we added to any discussion of workload is this concept of, you know, the available pool of volunteer contributions to PDPs is finite.

And we want to make sure that, you know, when we're creating PDPs and, you know, I don't - I know you didn't mean to be cavalier when saying, you know, we could hire more staff but we want to make sure that we're not just contributing to the upward growth of ICANN where they're just continuously adding staff. But, you know, volunteers have to come from somewhere in the community.

And I think that when we get to the a certain point where this is a part time or a full time job to manage all the PDPs and comments and other activities I think that that's an important consideration when we start talking about workload. And I'll go back on mute now so everybody can hear one another.

Jeff Neuman: Okay thanks James. And that is - that was actually the second comment that was filed in the additional comments as well that the other side of the coin is the volunteers. That may have been your comment. Paul?

Paul Diaz: Thanks Jeff. (Unintelligible) for the group, that third point in the first part where it asks, should consult with OSC work team. Do we have any insight into what the OSC team is thinking, what they're thinking is on this particular shoe?

Marika Konings: This is Marika. And I've asked my colleagues on the OSC team and as far as they are aware that issue is not on their agenda for now. They haven't looked at prioritization and especially in relation to PDPs or anything like that .

Paul Diaz: Okay so in other words they don't think it's necessarily part of their charter or rather they just haven't gotten to it yet?

Marika Konings: As I understand I think at this point they don't even consider it part of their charter. But I guess, you know, if this group would make a call for that, you know, it might be something that can be added.

But I would advocate I think as, you know, PDPs are specific kind of breed, you know, I would strongly recommend this group to look at this issue very carefully and come up with some kind of recommendation on this because I think we're all very much aware that there's too much going on and then I fully support what James was saying, yes of course you can add staff resources but I think the real question is is community overload.

And we're really seeing that people are getting spread thin. And, you know, we challenged in getting the work done just because so much is going on at the same time. So I would just encourage the group to really closely look at this question and see if there's any kind of resolution that could be offered.

Paul Diaz: No problem. Then, thank you. And I would just offer Jeff if - as you've tried to summarize, you know, there are just still the key points that came out of the comments made to underscore, you know, those two additional comments because there seems to be plenty of concurrence there.

And also to note that our group, this particular group, addressed it but we were not expecting the OSC group to so that down the road nobody can say wait a minute why were you doing this in the other group; we're trying to move forward and be constructive.

I think something to that effect should be in our draft report that we decided to take the lead on this.

Jeff Neuman: Okay. So do we have - on this topic do we have thoughts on how this is accomplished, right? Because so if you go back to some of the previous topics that we talked about which all bear this relationship right, there are a number of people - and some of them are not on the call now - but there were a number of people that did not want PDPs to be delayed.

They were afraid that, you know, at different stages that, you know, whether it's the issues report - we talked about this particular issue kind of in every single area where it's Stage 1, Stage 2, Stage 3 and it always got to the point where people weren't able to - we weren't able to come to a consensus because there was on the one hand the view that if there's an issue that needs to be raised we don't want to prevent it from going to a PDP, we want to allow flexibility thought.

But then there was the notion of we don't want things to drag on forever. So we need to kind of reconcile all of those concepts whereas, you know, at different stages for example we said well what if there's already 10 PDPs going on how long could the - the council could delay voting on whether to issue a PDP and we talked about that.

And we talked about, you know, but that has to be bound by some period of time. So you kind of get into these things where we say well we don't want that to last longer than 90 days. But what if there's already too much going on.

So we need to kind of balance all of those at every stage to make sure that PDPs that need to happen are happening but in the - but also balance the need that what we've just been talking about that there's just a limited amount of resources.

This is kind of a big topic and I think it's something we should think about and maybe try to brainstorm for ideas. I don't know, maybe it's a topic in Seoul that we kind of - that we address? Any thoughts on that? All right we'll jot that down.

James Bladel: Jeff, this is...

Jeff Neuman: Yes.

James Bladel: ...James. I just - I wanted to say - and I apologize I don't have a place where I could raise my hand but I wanted to say that I agree completely. I think that it is a balance when you look - when you stand back a little bit and look at a PDP, you know, in and of itself this can be a year-long commitment.

You know, I think some of us who are familiar with congress, you know, would say that even government moves a lot faster than some of the PDPs are able to work themselves through the system. So I think balancing workload but making sure that things don't pile up or get queued up.

And I think one of the concerns that a lot of folks have about PDPs getting delayed is because they recognize that it takes so long to get one through the system that any delay at the front end can translate into months at the back end so I think that's probably what's driving a lot of the concern for delays.

But I agree it's a good topic for Seoul.

Jeff Neuman: Okay good. And, you know, I mean the other thing you have to remember is that if there's a PDP it's usually because it's important to at least one group of

people if not more. So that group of people that want this issue whatever it is resolved they certainly want - they're not going to be the ones that want to hear that I'm sorry yours is not deemed as important as the others going on and we're going to push it in the back of the queue.

So that's - I agree with that and let's - why don't we move on a little bit to the next question and kind of flag that one Marika. I think that's flagged along with the urgency. I think those are two good topics that are still kind of - still need to be more flushed out.

Marika Konings: Okay.

Jeff Neuman: The next one's an easy question - at least I think it's easy because everyone responded yes to it and that's should the - it all relates to options the council should have at its disposal to ensure that - to make an informed decision as to whether to initiate a PDP.

The first question is, should the council be allowed to invite experts and/or interested parties to provide additional information and/or answer questions on the issue. And everyone said yes. It's fairly an easy question but I don't think the council has really - except those face to face I'm not aware of too many instances where the council actually invites input from anyone out of community I mean other than ICANN staff right?

It's very rare that I've seen the council actually - and Robin, you're on the council, have you noticed any - in the years that you were on the council did you notice any GNSO ever really inviting any experts in? Okay well we may have lost Robin.

In the years - I think I was on the council for a year, I didn't notice that happening at all. And frankly I was always kind of surprised that the Council doesn't even invite the chairs of the working groups or work teams in to its meetings to give an update; it really relies on the liaisons to do that.

I'm not sure if that's a good or a bad idea. They do ask the chairs to produce some sort of statement as to where they are in their process and maybe that's enough but usually I have not really seen them invite others in.

Question 22, should the council be allowed to defer a vote if it feels that that there are still questions that need to be answered before it can take an informed decision on whether to issue a PDP or not.

And I believe we talked a lot about this in previous meetings. And I think the answer reflects that and I think the answer was yes from - 91% of the people responding said yes.

In fact I think it was on the last call that we talked about - or the call before that where we talked about there should be, as of right, the opportunity to defer to a vote one meeting without really necessarily asking for - or giving justification.

But if they ask for a deferral on the second meeting that we wanted some substantiation of that in the form of questions that still need to be resolved or some sort of substantial justification for it. So I think that represents what we talked about.

And anyone please feel free to raise your hand or interrupt if you have questions. The next several deal with public comment periods after the initiation of a PDP. And I think here we've had - we've talked about this on a number of occasions.

Are the provisions in the bylaws still relevant? And I think we had a number that said yes and a number that said no. And the comments that came in, I mean, 64% of the people said yes and the rest said no or other.

And the additional comments that we received were if the issues report is open for comments and the PDP working group calls for comments as an early function of their life cycle there is already sufficient opportunity to submit comments and these periods are redundant.

I think...

James Bladel: Jeff, this is James. And that was - I think that was my comment. And I think that what I was getting at was just it seemed like the first thing after a PDP working group is formed the first order of business is to get input and to launch a public comment phase.

I just felt that that was, you know, it just seemed redundant for possibly if there was an issues report that was released and that had a comment period or if there's a draft or an interim report due that that's going to have a comment period. So it just seemed like there were a lot of comment periods stacked up on the front end. And I'll drop back out on mute now.

Jeff Neuman: Thanks, thanks, James. I think - and actually you pick up a good point because I may have been one of the ones that answered yes in the sense of that's kind of what I was thinking. And maybe it's others that have said yes. I think we discussed - well I know we discussed that one of the - as you just said one of the first items for business for the working group is to do that call for comment.

And I think the bylaws state that it's before the working group actually comes to meet. And I think there may have been some confusion on the question I think.

And if anyone that answered yes other than myself I certainly agree with that notion, James, that one of the first items of business should be to call for comments but the working group can meet first to talk about what specifically they want to solicit from that first call for comments.

And I think the bylaws should reflect that as opposed to just mandating that 15 days after the vote or whatever it says after the vote for - to initiate the PDP there should be a public comment period.

So I think it's kind of, yes, there should be a public comment period at the outset but that should be called for by the working group after, you know, as one of its first items up for discussion.

Does that kind of summarize where I think we've been? If Paul is...

Paul Diaz: Yes, I agree with that, Jeff. This is Paul. Good summary.

Jeff Neuman: Marika, you got that?

Marika Konings: Yes.

Jeff Neuman: Great.

James Bladel: Yes, this is James. I agree and I also would like to see something in there about that call for comment, that initial one that brought out the (unintelligible) is also solicitation for additional volunteers.

Jeff Neuman: So there's - well there'll be a solicitation for volunteers that's usually sent out by the council and usually posted. And you're saying that, okay, then the working group meets and then should do further outreach efforts to get more participation in that call...

James Bladel: Yes and that's - I don't mean to take this off track I'm just saying that if folks feel, you know, strongly and they want to get involved in the comments or that's a good opportunity if the working group is still in an early stage. But, you know, whether that needs to be reflected in the bylaws that's a different story but it certainly seems like a good opportunity to do that.

Jeff Neuman: Yes, okay. Well I think we can reflect that. We are on Question 26. Clarification of in-scope and we talked about this a lot so this is hopefully just a refresher. Does in-scope relate to ICANN's mission (unintelligible) and gTLDs or does it relate to consensus policy? How should this be clarified and see the - basically a reference to the bylaws.

Am I coming out with an echo? Hello? Is there someone that's not on mute? Yes, we're still getting the (unintelligible). Yes, is everyone still there?

Marika Konings: Yes.

Paul Diaz: Yes, Jeff, that's better now.

Jeff Neuman: Okay. Okay good. I switched to my handset just in case it was my phone too. All right so the answers in this are basically needs to be consistent with what we proposed for Stage 1. Both various subjects may be outside ICANN's mission and may not be applicable to consensus policies.

I think where the group came out at least on our discussions were that the - you could have a PDP on anything within the - well it's got to be within ICANN's mission but also GNSO mission.

But that at some point there needs to be clarification in the process as to whether something that is - that's being discussed by the working group is something that's ultimately going to be within the scope of a consensus policy if that's kind of where the group is heading.

In other words if the group is heading towards proposing something for a registry or registrar to do and we talked about this at Stage 3, is that ICANN staff whether it's general counsel or policy staff should be available to answer questions as to whether something they're thinking about would be within the scope of a consensus policy.

But I think we all agreed that in-scope at least with respect to a - whether to do a PDP or not is in-scope with ICANN's mission at the GSNO as opposed to the picket fence. Does anybody disagree with that?

And Marika I think this is going to be an important part of the paper because I know that there's a lot of people in the community including within the registries, certainly registries and registrars that may not understand this point and I'm sure within other communities as well so I think it's something that's going to be important to really be specific on.

Marika Konings: Okay.

Jeff Neuman: And even specific in a recommended bylaw change to make it clear that a PDP is with respect to what's in-scope of the - of ICANN obviously and the GNSO.

I think that reaches the end of the survey.

Paul Diaz: Yes, Jeff, can I just raise a point? It's Paul.

Jeff Neuman: Sure, absolutely, yes.

Paul Diaz: Just to your last point that is such an important issue I would suggest this might be added to your short list of topics for discussion in Seoul because the debate that this particular group may have will carry over into all the other policy work that's underway because I think you're absolutely right, this is so often misunderstood.

And it would be probably a good opportunity at the Seoul meeting to, you know, kind of clear up the smoke and make sure it's well understood by everyone.

Jeff Neuman: Okay and I think if Marie were here she would say that - she actually gave a presentation and where - Sydney - not was it Sydney or Mexico? I'm forgetting the venues now. But she gave a presentation on that difference; I'm not sure how well attended it was, I'm trying to remember.

But I think it always helps to bring that up especially when we talk about the draft report for Stage 2; I think that's certainly an area that we should call out because I think you're right it is...

((Crosstalk))

Jeff Neuman: Yes?

Marika Konings: This is Marika. Because one point this group might want to make to the working group work team is that for PDP working groups maybe it should be a requirement to have at the beginning of, you know, when they are formed to sit through one of those presentations on what is in-scope of consensus policies, what is in-scope for ICANN's mission to have a clear understanding because I don't think we completely solve the confusion by just clarifying this language.

I think there needs to be a little bit more education as well at the start of a working group, you know, what does it mean for it to be a consensus policy and when can you actually enforce a consensus policy, which topics fall in that, you know, picket fence that we always talk about.

So that's might be an element that this group might need to communicate or recommend to the working group work team to incorporate that in their working group guidelines and take that into account.

Jeff Neuman: I think that's a good idea. I think, you know, oftentimes we hear - and I've sat in on some of the calls of the - the abuse, the registration abuse working group. And oftentimes when someone says something there are some

registries and registrars that get on there and say well you can't enforce that because that's not what's in the picket fence.

And I guess the response to that should be well we could still make a recommendation whether it's enforceable as a consensus policy is one thing but we could still make the recommendation as a recommended practice. And, you know, whether it could be enforced on someone is a wholly separate question.

Paul Diaz: Jeff, can I offer a follow-up?

Jeff Neuman: Sure.

Paul Diaz: Absolutely agree with you. It's Paul again. I absolutely agree with everything you're saying. And I can't recall - I was not in Sydney so I think that's when Margie did the presentation. I remember reading the transcript about it but not seeing it.

What I - my offer is - and Marika take it back to staff - in the interest of better educating the community somebody ought to videotape the presentations even do it outside of the ICANN meeting and then have it posted so that it's available for anybody anytime anywhere.

Obviously the PDPs are not necessarily going to coincide starting a new process - it won't coincide with the international meeting so new participants to the process may not have the benefit of being able to sit in on one of those and kind of orient themselves.

If it's available it's a, you know, a short - make it a 10-15 minute overview. It's there forever and it, you know, will improve or burnish ICANN's commitment - in quotations, commitment, for, you know, greater transparency of process.

Marika Konings: And this is Marika. To respond to that we're actually currently in the process of putting together a number of, you know, short webinars as well to explain, you know, what policy issues are going on and give people some more in depth information.

And then I think it's a great idea to add that to the list. I do believe that Margie's presentation is available because she did do it also for the registration abuse policy's working group so it is somewhere in the files and is already recorded.

But I think we can probably do something nice with the video and have her give it give it again. So - because I do believe it's very important that understanding is communicated.

Jeff Neuman: Good, I think that's a really good suggestion. Okay, any other thoughts on that? Okay great. So, Marika, I think we have everything we need to go through a draft on Stage 2. And whatever you can do whether it's just an outline or, you know, partial; something that we could kind of look at and discuss at the meeting, I think that would be great.

And I think again that along with the survey on Stage 3 should give us enough topics to talk about in Seoul.

Marika Konings: Okay.

Jeff Neuman: Speaking of Stage 3 do you have that prepped to come back up on the screen?

Marika Konings: Yes, just give me two seconds.

Jeff Neuman: Great. I'm trying to figure out what we still need to cover from here. I think - oh that's right we skipped head. What we did is we did - we talked about the outputs of working groups. And I think we - we jumped to Number 10

because Number 10 kind of helped with talking about public comment periods which was back at Question Number 5 and, yes, which was Question Number 5.

Right so just to recap what we talked about the last time because I think again it's useful to remember that so we can go back to some of these other questions. It was, you know, what are the appropriate outputs, you know, we talked about whether draft reports, initial reports, we talked about the terminology.

And what we came up with was that an initial report would be put out before the working group does any work at all. And it's meant to set the path of a charter, the questions and frame the deliberations on the group.

A second type is an interim report which may or may not have initial recommendations for the public to consider. And the third being a draft final report which contains the recommendations and is at the end of the process; it essentially gives the public an opportunity to weight in prior to the working group concluding. And then the last report is the final report.

And it was pointed out that the bylaws - the current bylaws do not prohibit a working group to hold additional public comment periods on specific questions or comments than the initial report.

Marika Konings: And this is Marika. If I can add one points because I think the group did discuss or I don't know if there was consensus or agreement that possibly the only output that would be mandatory would be Number 3 and 4 whereas 1 and 2 being optional.

Jeff Neuman: Right. I think, yes, and one was a - it says an initial report and that - the terminology was meant to cover anything as it says later on. You know, if there are certain questions - focused questions that the working group wants

answered for public input that was really - that's what that was meant to address.

And again that's kind of tied to what we were talking about when the working group launches just earlier on we were talking about with the survey questions. In Phase 2 it's that one of the first outputs of the working group could be this - what's here called an initial report. It may not actually be a report but maybe just a list of questions that you want public comment on.

So those are the kind of the four - with 3 and 4 being mandatory, 1 and 2 being suggested or possibilities or alternatives. If you go back to Number 5 which is when should there be public comments and how do you kind of write that in the bylaws.

We talked about public comments generally being 30 days. Actually I don't know if we finished that discussion. I don't know if people weighed in - I think we said 30 days sounded reasonable and no one kind of presented any other alternative as to whether that was too short or too long.

So the public comment periods - Marika I think when we do this 5 and 10 are really related. And we'll have to figure out how to write that into the bylaws.

Marika Konings: Okay.

Jeff Neuman: So we finished on those and now it comes down to Number 6 which is the implementation - actually I'm sorry I wanted to jump to Number 8.

Marika Konings: Jeff, one second because we didn't finish 5. For 5 we only covered one of the questions that were outlined on the duration. There were a number of other questions. I don't know, maybe you want to do those later but there were a couple of other ones that we didn't specifically address.

Jeff Neuman: Oh right, I'm sorry, you're right. I was already thinking of - the reason I was kind of jumping to Number 8 is because Number 8 talks about constituency statements which are also in the bylaws and I kind of wanted to group them together before we go back to 5 - before the workshop.

So Number 8 calls for - is on constituency statements. And what happens is there I believe that there's constituency statements at the - in the current bylaws it says that, let me read this here.

Can you guys help me out? Marika, the current bylaws call for a constituency statement right at the beginning right with the initial public comment period correct?

Marika Konings: I think that's correct.

((Crosstalk))

Jeff Neuman: The general question is - and this is only on the timing - should we merge the two concepts? Any time there's a public comment period there's also a call for constituency statements during that public comment period and just group them together or should they be treated separately?

Marika Konings: This is Marika because I, you know, I don't know the answer to this one but I have been wondering as well because we now have a situation where in certain public comment periods constituencies actually submit their comment - the constituency statement in the same spot.

And the issue is then that certain constituency statements get summarized together with the other public comments while others don't. And so personally I would advocate maybe in deed doing everything together or clearly separated.

So the question I guess what it comes down to in the end like do constituency statements have a different value than normal public comments? Should they be treated and reviewed in a different way in a different light because they do represent a whole constituency while public comments are made by - most of the time made by individuals?

So is that a reason for working groups to review those separately? And I think that's an approach that most working groups take now - most of the time as well because constituency statements tend to come in later than the first public comment period. So that's some of the questions the group probably will need to consider.

Jeff Neuman: So all right so let's - there are a couple things there. If we can just stick to the timing part of it and not - and then address the weight of those I think maybe elsewhere. But just for timing purposes my initial thought (unintelligible) is does that delay the process even further if you have two separate public comment periods; one after the other?

And let me - James has his hand raised so let me turn it over to James.

James Bladel: Yes, thanks Jeff. This is James. And very quickly just - this is getting to my earlier comment in Stage 2 I believe regarding the redundancy or overlapping of the comment periods.

And I think that any opportunity we would have to just include constituency statements with the public comments would be - would just help to, you know, shorten the whole process.

Jeff Neuman: And would you just - as for the question do you think constituencies need to go longer time period than the public? Would you maybe...

James Bladel: Yes, I can't speak to other constituencies. I know that, you know, having participated in generating the registrar constituency statements while at the

same time working on an individual statement on behalf of Go Daddy I think that it just strikes me that, you know, both could be done in the same comment period.

Jeff Neuman: Okay Marika.

Marika Konings: Yes, this is Marika. Just to answer your previous question on - whether those comment periods should, you know, whether they should delay the process but actually now they are running in parallel. But often the constituencies request or need more time than the practices of, you know, recent working groups partly as well as a lot of stuff is going on the same time.

And of course in the public comment period an individual can decide whether they want to submit something or not while constituencies are often, you know, requested to expected to provide some input so they often need more time to deliberate also because they have a larger group to consult with and come to agreement to which, you know, is not the case with - normally with individual comments.

Jeff Neuman: So if we said then - if we have a recommendation that said something like public comment period should be at least 30 days the working group can obviously always - can extend that. Or, well, I mean, of the (unintelligible) there.

But let's for this part go the working group can extend that but that we basically combine - the public comment period is for any individual, group or stakeholder group or supporting organization for that matter, right?

I mean there's - in 5B - question 5B or 5C I think talks about, you know, ACs and SOs. I mean, should we just have one public comment period that maybe extended - at least 30 days - may be extended by the working group for any public comments including stakeholder group, SOs or AC comments.

And maybe have also the rule that the council adopted that if the comment period falls in the time in which - within a certain number of days in which there is a public meeting that the comment period gets extended - whatever that rule is?

Marika Konings: This is Marika because I do have a question. Do you then, you know, do you want everything done as well like currently have them end up in the same place basically so there's one email address to which everyone sends their public comments and they all get summarized all together. Is that what you have in mind just to clarify?

Jeff Neuman: Well if you're going to - if you're going towards the weight, I mean, I mean it's for staff to collect so that's up to you guys to where you want to collect it. Ultimately as long as you know - and there's a format for a stakeholder group statement which I think we're going to go into a little bit, as long as staff knows who it's coming from you guys - you let us know is it helpful to get it to different addresses?

I mean I think that's a different question than the weight each one is given.

Marika Konings: This is Marika again. I mean, just more for out of practical experience constituencies normally, you know, do provide responses to all the charter questions or, you know, when we provide the template which sometimes make it easier to, you know, review those all together separately while, you know, public comments can be from two lines to, you know, ten pages.

So if you take that all together I think from a staff perspective it might be more challenging to have it all in the same spot instead of separating it out and, you know, having those delivered to the secretariat and dealt with in a separate way - more of a practical matter than anything else.

Jeff Neuman: Well I have no problem with that recommendation; that's - does anyone have any thoughts on that recommendation?

Marika Konings: Another issue that might be considered in that extent because if you're limited to 30 days because, you know, we normally do give constituencies, you know, they can request on working group meetings or in council calls if they need more time because I think for most working groups it's very important to have the input of constituencies.

So for example in post-expiration we've, you know, extended that with another month because people needed more time. And of course if you do that with the public commentary and if you link the two together, you know, you might run into a situation where you are extending and extending with, you know, no real stop which normally is easier with public comments where you just okay that's the (unintelligible) unless there's strong demands or, you know, people have indicated individuals want to provide input.

((Crosstalk))

Jeff Neuman: So I think just for ease though without being too overly complicated is there any harm with, you know, opening it up for others to make comments in the public just as you would the stakeholder group? Like I don't understand what the harm is of saying the public comment period for everyone is extended 30 day so whatever it is. Is there a harm?

Marika Konings: No I mean it's already open for everyone. I mean my question to you is actually do you just mean that you still run separate processes or do you mean that everyone goes into the same process? That's my question.

Jeff Neuman: Oh I guess the way I interpreted what we talked about was it's the same process, it's the same opening of comment periods, same closing of comment periods but I just understood your discussion being they submit different things to different addresses.

So if it's a public comment, an ordinary public comment it goes to one address but if it's a formal stakeholder group or constituency statement that goes somewhere else. But it's one opening of the public comment period to anyone.

Marika Konings: If I can just make one other comment there because...

Jeff Neuman: Sure.

Marika Konings: ...if you want to open everything at the same time because we normally develop separate announcements and templates and in processes (unintelligible) normally it goes quicker to have the public comment period open than it takes to go through the constituency statement template.

So I would just like to advocate that there's some kind of flexibility at least there where, you know, one thing is already ready to go that it doesn't necessarily hold up the other processes. In certain cases working groups might want to take the opportunity to ask more specific questions to constituencies on certain issues when they know they might get more information than a public comment period.

So just like the why do we get two (unintelligible) it should all go at the same time and all for 30 days and that's it.

Jeff Neuman: Okay, let me throw out the question how do you balance that with the desire to avoid delay and someone interpreting it okay we'll have the public comment period first then we'll do a call for constituency statements and then instead of having a 30-day comment period between the two now you have 60 or 90 days?

Marika Konings: No but I don't mean that you wait with the other one. You just say each of those is 30 days but they don't necessarily need to all start at the same starting point. It might be that the constituency statements call goes out 10

days after you've launched the general public comment period, that's what I mean.

Jeff Neuman: Is that getting complex? I mean with multiple PDPs going on at once, having all these different dates for the same thing; it's just a question.

Marika Konings: It's how it's currently run. That's - if people think that's too confusing and too many things going on because, you know, I understand (James's) point as well where you're - as your own company or organization are submitting comments and at the same time, you know, you have to do constituency statements as well.

You know, is it better to do that at the same time or have some more time in between or, I don't know.

Jeff Neuman: Well this is the first time I've - just, you know, I've been doing this for - PDPs now for a number of years and this is the first time I've heard that it's not the same deadline. I always just assumed it was always the same deadline. Maybe because you guys don't really...

Marika Konings: No.

Jeff Neuman: ...maybe because you guys don't really close the public comment period for a little while after so maybe I'm just always late with individual ones but on time for constituency ones.

Marika Konings: Well one of the reasons why often that the public comment period at the beginning of a working group is run quicker because officially the bylaws say that that should be initiated I think 10 or 15 days after initiation of the PDP so normally we try to speed that up bit at least a, you know, a little bit close to the bylaws while on the constituency statement is more like when the working group is formed that is when you're supposed to ask for constituency statements.

And, you know, sometimes working groups spend a little bit more time on, you know, defining the questions they would like to ask that they want to have more details and there's, you know, sometimes more time. So...

((Crosstalk))

Marika Konings: ...why it has happened like that.

Jeff Neuman: So just to tie it to the previous conversations I think we said that one of the first items of business for a working group is to decide how it wants to structure the public comment period, the initial one and what questions it wants to ask.

And maybe that's just added to the agenda of the initial items, you know, and do they want to ask separate things of constituency stakeholder groups? I mean I think - my fear is that I don't want to become overly complex from a - I want to make it as simple as possible as opposed to having different dates for different groups to the extent you can.

If we can combine it all into one thing just make it an action item - the initial action item of the working group and have them delineate what goes out to constituencies, stakeholder groups or individuals. I think that's - I think that leaves them with the flexibility to do what - with is as they want but make the note that it should be done as contemporaneously as possible.

Marika Konings: I actually agree with that. I think as long as there's flexibility I don't think there's any issue.

Jeff Neuman: Okay. And I'm assuming the same thing that we've been talking about applies to SOs and ACs as well? Anyone think that they should be treated differently than stakeholder groups or constituencies or individuals?

Marika Konings: This is Marika. Maybe I guess this is more for a working group to consider, you know, on a specific issue they might consider reaching out to a certain SO or AC that they think might have, you know, valuable input.

I don't think it's, you know, you can't make that a requirement but it may be something to, you know, if we develop any kind of guidance or recommendations that might be something to point out to a PDP working group and say well, you know, if there are specific issues, you know, we should feel free to go out and, you know, approach either the ICANN organizations or going outside of ICANN to provide input if you think that they can provide valuable information to, you know, to the deliberations of the group.

Jeff Neuman: And on that can I ask as an action item, Marika, that you check or have someone check with the GAAC principals and communiqués to make sure that they didn't ask for - to make sure we're considering what they need for their input because they may have made some recommendations.

I seem to recall recommendations in the past that may have asked for certain timeframes and certain - when to be made aware of certain issues and things.

Marika Konings: I'll look into that.

Jeff Neuman: I don't know...

Paul Diaz: Jeff?

Jeff Neuman: Yes.

Paul Diaz: It's Paul. Just to follow up what you said about the GAAC. I don't remember the specifics but I do remember that they've often asked for significantly more

time than the rest of the community participants. And they claim it's a result of, you know, the coordination process that they have to go through.

Just understand that if we want to a one-size fits all then that might go to the lowest common denominator; the GAAC's timeframe which will stretch out processes pretty dramatically.

Jeff Neuman: Yes, that's why I asked Marika to check and - because they may have said like a full meeting - like a full - that we need to allow for a certain period of time plus a full meeting I think is - I'm trying to remember what they said.

Paul Diaz: Yes. I wanted to say it was like six months so what you're suggesting - a full meeting and then some time - the equivalent of six months, I think that was a - what they were seeking.

Jeff Neuman: So I think you're right in the sense that catering to the lowest common denominator is probably not - although I don't want the transcript - to call the transcript to...

Paul Diaz: I absolutely agree and I don't mean that to be pejoratively.

Jeff Neuman: Yes, yes.

Paul Diaz: Don't - absolutely agree - don't mean it pejoratively it's just the government guys necessarily - and, you know, we can - I think we should call this out in our report. It's recognized that the government representatives necessarily have a longer timeframe that they operate in due to their own coordination processes.

Jeff Neuman: Right, that we recognize this but we can't - we cannot - we do not believe that waiting for GAAC should hold up the work of the group but merely should be considered when received.

Paul Diaz: Sure, that sounds fine.

Jeff Neuman: And I think - well with the other ACs I don't necessarily see that. I don't see that of the at large and I don't see that for the SSAC. Okay going back I know we're kind of jumping but I think that those were all kind of related, the 5A, C and 8.

If we go back to 5B, should a public workshop to provide an update on the status of work be part of a PDP to solicit public input? Does anyone have any thoughts on that? I mean it sounds like a great idea the question I have is what if the public workshop doesn't - I guess we could - Marika, could a public workshop to a webinar?

Marika Konings: I don't know why not.

Jeff Neuman: Because initially when I thought of public workshop I thought of in-person at an ICANN meeting and then was initially thinking well that may not be, you know, it may not coincide with the time periods but certainly a webinar could be done as part of a process to solicit public input. I think that - personally I think that would be valuable. James?

James Bladel: Thanks Jeff, this is James. And while I'm not necessarily down on the idea of public workshops I just think that their maximum value tends to occur in the beginning of a PDP where you can kind of lay out the issues and take some real time comments from the community and then whether that's in face to face or through a webinar.

And then also use that as a opportunity to get interested folks to participate. But I'm thinking about this just in terms of being something that occurs later on in the process. I think the value decreases as the PDP goes along.

Jeff Neuman: Well let me test that a little bit; what about if the group wanted to - and then I'll go to Marika - what about if the group wanted to test out solutions with the

public - a webinar. Say here, these are our proposed solutions; what do you guys think of this?

James Bladel: I think that that could be interesting but - and I'm open to the idea that new ideas would come from that workshop that weren't touched on with the working group. But if the working group has done its job, you know, thoroughly and comprehensively I think a lot of those bases would have already been covered.

And then with the workshop you open up the opportunity that you're going to revisit a lot of topics that were in the rear view mirror of the working group when you started the workshop. So but I can see there's some benefits to that I just think the maximum benefit comes at the beginning.

Jeff Neuman: Okay last question then I will go to Marika. Would you recommend a public workshop - whenever it is would you say that the - it's required that the working group has one? Would you say it's optional or would you say it's recommended?

James Bladel: I would put it in the optional category not even recommended. But that's just, you know, shooting from the hip.

Jeff Neuman: Okay.

James Bladel: And I should mention that I have some PDP experiences in mind when I'm saying this. So, you know, maybe that's not a representative sample of how a workshop could go but just in my experience the value comes at the beginning and if you open that up at the end you run the risk of kind of circling back and, you know, reopening a lot of discussions that may be the working group either has or should have had throughout the process.

Jeff Neuman: Okay. Hey Marika?

Marika Konings: Yes, this is Marika. I just wanted to comment on what James said earlier and something that we've been doing for some of the PDPs currently ongoing. We in the beginning of the - at the site of the meeting had like a brainstorming session which indeed one idea was like for people to throw out ideas to take into considerations for the working group on, you know, how to do their job or certain, you know, issues or items they might want to consider, you know, as well an opportunity to throw out possible solutions or ideas and also being used as a recruitment tool so it's something that we've been trying out already.

Jeff Neuman: Well let me - so let me ask is there anyone - let me do a little poll; does everyone on this group agree that it should be at least optional or that each working group should have the option of having a workshop or webinar during - I guess their working group's tenure? That it should be an option for them?

We're waiting for hands to come up. It seems like - so it seems like everyone agrees that - or at least people who are responding all agree, (Robin)'s got her hand raised; (Robin) is that a hand-raise for agree or hand raise that you want to speak? Agree, okay.

So it seems like everyone agrees that it should be at least optional. Now how about - okay. Thanks (Robin). Now let me go a step - because I actually think it's interesting to explore whether we should say it's recommended during a public comment to hold the webinar as just another avenue for people to get their thoughts out.

So let me ask that question. Would anyone say that it should be recommended that during a public comment period there should be a workshop or webinar, wherever it falls? Does anyone agree with that? Okay James does not agree with that.

Man: I'm sorry, would you say it again Jeff?

Jeff Neuman: So the question is - so we already said it should be an option for a working group to have right? That there should be a public workshop or a...

Paul Diaz: webinar...

Jeff Neuman: ...webinar depending, you know, where it falls. Right, if it falls between two meetings then probably - may not do the public workshop but just the webinar.

The question I have is can we have it at least optional - the question is do people believe it should be recommended - there should be like a best practice to have a workshop or webinar? Does anyone agree that it should be a best practice? And Paul and James are saying no.

Anyone else have any thoughts on that?

James Bladel: Yes, Jeff, this is James.

Jeff Neuman: Okay, James, yes.

James Bladel: Yes, I feel like I should at least, you know, justify that disagreement which is the idea that a workshop should be, you know, in the toolkit, if you will, for a working group. But I think that once you say that it's recommended then I don't see how it's going to not be used in every single PDP and in some cases where it may or may not be optimally appropriate.

And I think that then it falls to the working group to explain or justify why they didn't use this particular tool that's in their toolkit. So I think just saying that, you know, it's one of the tools or one of the options that's available without, you know, recommending it or without prohibiting it and then just kind of leave it to the working groups to situationally decide if it fits their needs.

Jeff Neuman: Okay. Well let me - just to play devil's advocate, right, what if it's recommended that the working group present their solution - or present whatever it is to explain to people during the public comment period so that people could better base their comments based on hearing from the group their rationale.

So let me - there have been some groups that I've been on whether they're formal policy groups or other groups that it may have helped to actually present the report that goes out for comment so that people could understand where we were coming from and ask questions about it to formulate their comments. Does that change your mind or you still think it's just optional and...

James Bladel: Yes, I think...

Paul Diaz: This is Paul. Sorry James.

James Bladel: No go ahead Paul.

Paul Diaz: I was just going to follow up with - I think we're all thinking along the same lines, Jeff. But I agree with James that it should remain optional...

Jeff Neuman: Okay.

Paul Diaz: ...on the prior working group. If the working group - if the experts - the people who are immersed in it anticipate that there'll be confusion, that there's benefit to it they certainly have the option to do it. But I agree with James, if you offer it up as a best practice that's basically ICANN-speak for you better do it or justify why you didn't.

And using your analogy in some recent PDPs that I've been part of if there was any such requirement later on it would very likely have just raised even more questions, concerns, drag the process out if the working group felt that,

you know, use a particular one, fast flux, I mean we were just pushing at the end to get this done.

It was a difficult issue and we just wanted to wrap it up. If there was any sense that there's an obligation to now have a webinar or a public meeting it just opens up all sorts of cans of worms again and it would have been detrimental giving - just leaving it as an option for the working group, for the chair and the participants in the group to say look we will benefit from it, great, go ahead and do it. But let's not write it in in any way as a best practice or certainly a requirement because it's probably going to create more problems than it helps solve.

Jeff Neuman: Okay. James then Marika.

James Bladel: Yes, and I just wanted to chime in a little bit with the idea that if it seems as though I'm being limiting to, you know, workshops or even earlier comments about, you know, opening things up for multiple comment periods - I understand that there's opportunities for clarification but my concern is that, you know, if there are folks that are feeling that they're, you know, closed out of the process, I mean, that's more of an incentive to get involved and join the PDP and join the working group.

I think that, you know, these are open to - as far as I'm aware they're open to everyone from any constituency or stakeholder group.

So it's this idea that, you know, continuing to go back to the community whether it's through workshop or public comments is commendable and should always be a part of the PDP.

But there should be some recognition or acknowledgement that the folks who are doing this on a weekly basis and investing their time, you know, are doing so with the expectation that they're being trusted to represent, you know, a certain segment of the community to some degree and that, you know, if we

were to throw something open to a public comment and to a workshop and end up circling back to where we were in let's say, you know, Question 1, Stage 1, that that's somewhat is a diminishment of the work that transpired to that date.

So I just kind of wanted to put that out there since we were playing devil's advocate earlier.

Jeff Neuman: Sure, no, no, I think it's good. I think - and I'm just kind of just trying to challenge and see if there's any other avenues that people might ask. Marika.

Marika Konings: Yes, this is Marika. I wanted to point out also if you would do it, you know, simultaneously, the public comment period, you know, the workshop or webinar as part of the public comment period a challenge there might be that often they're very general comments or questions put out during a public comment period.

And in order to run a workshop with some kind of valuable output you'll really need to structure it and probably provide more substance as well on what is the issue about and, you know, to see value there to some extent maybe as well at the start of the public comment period because what you do often see is that people submit comments that are not really related to the issue or they think it's related but, you know, those that have more experience or knowledge about the issue realize that it's, you know, in scope of the working group.

So another idea that might be considered that you provide the opportunity for people to participate in a webinar at the start of a public comment period to explain the issue in more detail and, you know, maybe as well have an opportunity for people to already provide input but just having a webinar and, you know, asking the same questions I'm not sure how much value we'd get out of that without, you know, either asking specific questions, you know, that

the working group has got within their discussions already or talking about solutions.

So it will I think require a little bit more thinking of a working group how to frame that and how to best make use of a webinar or workshop as part of a public comment period.

Jeff Neuman: I think that's really helpful. I think if we do say it's an option we should provide that kind of background, Marika, in the - as well. The next question on here is the first 5D - I think there's two 5Ds - which is how to expand the information available related to a PDP. And I believe this - does this refer to like expert comments or - I'm trying to remember what this one refers to. To expand the information available related to a PDP.

Marika Konings: This is Marika. I'm reading it now. Maybe that was one of the comments made in one of our discussions. Maybe that discussion relates to a specific resource, I mean, if there's specific information that a group realizes they would like to have how can you, you know, solicit or try to get that kind of information?

Identify certain types of research or - I guess it relates maybe as well to Question 5; if you know that there's a group out there that, you know, might be really valuable in providing their feedback or their experiences on a certain issue - and maybe C and D are related in that sense then.

Jeff Neuman: Yes.

Marika Konings: I don't exactly recall why those two were separate.

Jeff Neuman: Yes, I think that's it. I mean, I think when we talked about the working groups here we'd be free to - I think the working group work team talked about this is to get expert opinion. So I want to - I think that's more - I guess the group could always tailor a question to a particular audience if it wanted to.

I think that's kind of, you know, part of their flexibility. Like we reached out to the (IATF) to figure out something about some of their procedures and we reached out to the World Wide Web Consortium as well.

Let me go ahead to Question 5F which is should we provide guidance on how to review and incorporate public comments received. And my first thought on that is I think we just need to look towards the affirmation of commitments documents, talks about how to - that ICANN should be doing a better job in - or that ICANN commits to doing a better job in incorporating comments and has some pretty good language in there about what to do with comments and - both comments that it accepts and comments that it doesn't accept in providing a detailed explanation.

I mean I think we can borrow some language from there. I know (Christina Rosette) usually - this is one of her pet peeves that she talks about a lot is that oftentimes groups have these public comment periods but they don't explain why they do - or mostly why they don't take certain opinions. And it's certainly one of my pet peeves as well when ICANN doesn't necessarily take a comment; it doesn't explain why it does not.

Any thoughts on that? Paul?

Paul Diaz: Thanks Jeff. Yes, I certainly agree with that. And I think the, you know, citing the affirmation commitments is probably fine. We probably want to underscore also that the, yes, the working group sort of has an implicit obligation to review and incorporate public comment inputs into the deliberations.

I know in the last couple groups that I've been part of or they're ongoing, you know, we've really bent over backwards to try and do this so it's not an issue but making it explicit is probably a good idea.

That said I wouldn't want to go too far and try to start defining for working groups and their chairs, you know, how to do this. It's probably more than enough just to make reference to the overall transparency commitment and to just underscore that, you know, working groups should do this as a part of their regular business.

Jeff Neuman: Well do we go further and say that working groups must do this as opposed to should? Should is, you know, it's recommended that they do that but I'm thinking because it's so deeply rooted in ICANN's mission that a working group has an obligation to discuss why it did not include certain concepts. Or is that too burdensome?

Let me take a poll on that. So let's do this poll - there are three options, right, the first option is whether ICANN - is it - sorry, let me go back and try this again. Three possibilities, the first possibility is that ICANN - that the working groups may respond or may provide a detailed explanation behind why it did or did not accept comments.

The second option is ICANN should - sorry, a working group should explain why it did or did not incorporate certain comments and the third one is a working group must explain why it did or did not accept certain comments. So those are the three options. Let me go back to the first one and take a poll.

Does everyone think that at a very minimum the working group has the option of providing a detailed explanation as to why it did or did not accept comments? So I'm assuming this one's probably going to be everybody but.

(Robin) said yes. So I'm thinking yes. Okay so it's at a very minimum an option. Okay now let's go to the next one. Should that standard be should - the working group should but not required - should provide a detailed explanation for why it does or does not?

Okay so everyone seems to agree that the minimum is at least should. Now let's clear that - let me ask the question, should the standard be must? That a working group must provide a detailed explanation as to why it did or did not accept comments?

So (Robin), Gabriel and myself said yes. James said no. So let me ask you, James, why is it not a must and only a should?

James Bladel: All right, I should have seen that coming I suppose. You know, I think the issue there I had, Jeff, was when you say must and then you say detailed. And I'm just concerned that if someone feels that their comment was not sufficiently or - in enough detail explained or still even after an explanation still doesn't agree with the conclusion with the working group then I just - I'm afraid you paint the working group into too small of a corner if you use the world must.

Jeff Neuman: Well is it the word must or is it details?

James Bladel: Well I think that when - I don't know how else you could say it besides details but I think that the concern that I have is that, you know, you're going to get folks that are going to comment - let's say if a working group reaches a unanimous consensus - if you can imagine a world where that happens - on an issue.

And there's one person in the community that feels that that consensus or wrong or disagrees strongly I think that, you know, I just feel that, you know, you're staying to some effect that the consensus of the working group is diminished or discounted somewhat because someone doesn't agree that either their comment was incorporated into it or wasn't explained in a sufficiently detailed enough reason or, you know, the bottom line is they just still don't agree with the outcome.

So I'm just trying to make sure that we don't tie the hands of the working group a little too tightly here.

Jeff Neuman: Okay. Paul, do you have a comment on that?

Paul Diaz: Yes Jeff. I largely agree with James and I'm just thinking again of some recent experiences. I think the challenge here is not so much the underscoring that working groups should be doing something like this and even use a strong word like must - that the challenge for us will be the actual language that we use in putting this forward.

Again just because thinking of experiences where we've had a long-running debate within the working group; we go to review comments. There's a question about what the particular comments it was trying to say. In some cases we've even reached out to that person another time of course which extends the amount of time it takes to get the work done.

And even then we're still not sure when we come back with an answer the working group is still not really sure and it almost becomes like this endless - potential for an endless loop of going back and forth. So...

Jeff Neuman: Okay so let me...

Paul Diaz: I was only going to say - I wasn't against the idea of making this, you know, something that is strongly recommended that we do but I think we just need to be careful that we don't get in a situation where, you know, one person who's being obstinate about a particular point they're making, that the working group feels they're bound to try and, you know, fully incorporate that person's input in the conclusions.

Jeff Neuman: Well so I guess - so and I think you're saying two different things, right? One is just the affirmation of commitments document says that ICANN is required

to provide a - it uses the word detailed explanation as to why it does not or does adopt certain comments.

What I'm kind of playing devil's advocate for is how could we - how could that be required of top and not of the bottom?

Paul Diaz: I agree with you Jeff but our question 5F uses two different verbs, how to review and incorporate. My hang up is on the incorporate part with James.

Jeff Neuman: Okay. So, okay that's fair.

Paul Diaz: Maybe split this into two parts as well.

Jeff Neuman: So if part - if the first part is reviewing...

Paul Diaz: Review...

Jeff Neuman: ...and respond...

Paul Diaz: ...then I agree with you.

Jeff Neuman: Well how about and respond? Not necessarily incorporate but you have to respond as to why you did or did not incorporate. Does that change things? You know what, we've reached kind of the hour and a half.

Why don't we leave that - we'll come back to that question on - and maybe think about. And maybe Marika, could we send around the - or I'll send around the relevant section of the affirmation of commitments just so we can possibly use the same language.

Because I'm not sure they have the word incorporate in their language but rather just a review. So why don't we send out the language and that language may just help to answer that question.

So I'm going to do that. The next call is - just to end the call - the next call is next week, the 15th, regular scheduled time which is - remind me it's 1400 UTC time which is 10:00 am Eastern US time, 7:00 am Pacific Time. And I don't know actually when people are actually changing over their clocks; I know the US does it later than most of the rest of what world this year.

So with that we'll finish up hopefully Stage 3 and we're continuing to work on this Stage 2 draft report and the Stage 3 survey all to have for Seoul. Any questions? Okay thank you everyone.

Marika Konings: Jeff, do you have some time to discuss now after this?

Jeff Neuman: Not right this moment but I will call you...

Paul Diaz: Thanks guys.

Jeff Neuman: We'll talk hopefully tomorrow morning or something like that.

Marika Konings: Okay that would be great.

((Crosstalk))

Marika Konings: I'll send you my number.

Jeff Neuman: Okay great. Thanks. Thank you everyone.

Marika Konings: Thanks.

Jeff Neuman: All right bye.

Man: Bye-bye.

END