

**Policy Process Steering Committee (PPSC) Policy Development Process (PDP)  
Work Team (WT)  
TRANSCRIPTION  
Thursday 17 December 18:30 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 17 December 2009, at 18:30 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting but should not be treated as an authoritative record. The audio is also available at:

<http://audio.icann.org/gnso/gnso-ppsc-20091217.mp3>

On page:

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

(transcripts and recordings are found on the calendar page)

**Participants on the Call:**

Jeff Neuman - Registry Stakeholder Group - Work Team Chair

James Bladel – Registrar Stakeholder Group

Tatiana Khramtsova – Registrar Stakeholder Group

Paul Diaz - Registrar Stakeholder Group

Alex Gakuru - Non Commercial Stakeholder Group

Wolf Knoblen – ISPC

Alan Greenberg - ALAC

Avri Doria - Non Commercial Stakeholder Group

Marilyn Cade – Individual

Robin Gross – NCUC

Brian Winterfeldt – IPC

**ICANN Staff:**

Liz Gasster

Margie Milam

Glen de Saint Gery

Gisella Gruber-White

Margie Milam

**Absent apologies:**

none

Coordinator: Thank you for standing by. At this time the call is being recorded. If you have any objections you may disconnect.

Gisella Gruber-White: Okay. I guess I'll do a quick roll call.

Man: Yes please.

Gisella Gruber-White: Good morning, good afternoon and good evening to everyone on today's PPSC PDP on Thursday the 17th of December. We have Jeff Neuman, Tatiana Khramtsova, Alex Gakuru, Avri Doria, James Bladel, Alan Greenberg, Paul Diaz, David Maher. From staff we have Glen Desaintgery, Liz Gasster, Marika Konings, Margie Milam and myself Gisella Gruber-White. I do not have any apologies for today.

Man: Yes...

Gisella Gruber-White: (Unintelligible) (Wolf) joined as well. I'd like to just please remind everyone to state their names before speaking for transcript purposes. Thank you. Over to you Jeff.

Jeff Neuman: Thank you very much.

(Wolf): Jeff, (Wolf) joining. Hello.

Jeff Neuman: Hi (Wolf).

Robin Gross: And Robin Gross.

Jeff Neuman: Hi Robin. Okay. (Unintelligible). I'm sorry, someone else join?

Robin Gross: Robin.

Jeff Neuman: Oh okay.

Robin Gross: Hi, this is Robin

Jeff Neuman: Great. Welcome. It's December 17, this is the PDP work team call. I know it's a little bit later than usual, our usual hour but there was a GNSO council call

that actually is a marathon call that just ended about a half hour ago. So it was a three-hour call and I was on the call as an observer to address questions on our request, which they didn't get to until about I don't know, two hours and 15 minutes into the call.

So to make a long story short there was no, because of the number of people that dropped off during the call after the two-hour mark there was no real quorum to hold a vote on our motion. But there was a clear sense for those that were on the call, I'm sorry it seems to be a lot of noise there, if someone can, I don't know who's making that, just put it on mute or.

It seems to be a general sense of those in the council that first, it is their role as the council to determine whether there should be face-to-face meetings of any of its working groups, including obviously this one. It's also the feeling of the council that they should be looking at those requests in light of budgets that are apportioned to it so that they can make a determination of you know, a big picture determination of all of the funds and potential face-to-face meetings on that particular budget item so they can consider that in their role as, you know, being the administrator of the policy group.

So that's one clear sense that came out. Another one, I will say that although there were some comments raised there was, there were very few discussions on the actual substance of the request, you know, the non-commercial representatives on the council did discuss - or at least (Wendy) made a comment about pretty much the same comments that were made on this call last week about the way this face-to-face was set up.

And so those, that was made during one comment, but essentially the bulk of that, at least a half hour on the subject was spent on the role of the GNSO council trying to figure out how it interrelates with the budget.

I guess long story short, it's a little too late, is that they're, we're not going to move forward with a face-to-face meeting, that at this point the people that

were on the call it was kind of split when they were asked their informal opinion as to whether they thought it was this group should get any funding for a face-to-face.

So I think the next step that I'd like to explore is doing a either one or two-day conference call, or at least partial day conference call sessions. I've also asked the, in their discussion about the GNSO council's role of approving face-to-face meetings I also asked whether they thought it was in their role to approve for example getting better Web tools for this group so that we could, if we do these marathon calls we could actually have a, something better than Adobe. Something more akin to a Webex where we could actually in real time update documents and take notes and so everyone can see what's going on, basically to have a more productive or two more productive calls.

So before I get into discussing that Alex you, I'm sorry Alan, you are on the call and whoever else is on the call, and it might just be you Alan, do you want to give any, oh I'm sorry, (Wolf) is on the call as well. So do you guys want to give any additional input as to what the council, what happened at the council meeting?

Alan Greenberg: Well the only other thing I think that was relevant is you said by the time a vote would've come up there was no quorum. And that probably was true, there was at least other, at least one other statement made saying that they are not, their constituency is not prepared to discuss it or to vote on it at that point. And that was (Mike) from the business constituency, and typically that's enough for council to not make a decision so that probably would've been invoked should the other problems not have happened.

Jeff Neuman: Right. (Wolf).

(Wolf): Jeff. Yeah (Wolf) speaking.

Jeff Neuman: Yes. Great.

(Wolf): So okay, so it's the result is at it is there was no quorum as Alan said so what I see for the future is, and happily so we are, the existing working teams are lacking you know, from the, from the support which is going to happen in future. Because right now, as you have seen as well, today the council has moved on the motion about the toolkits and for support of the constituencies and working teams and so on.

And they're something in, so if you read that you know, there will be something but it takes time until it come, it will come out because staff has now to prioritize together with the council the kind of tool the kind of funds to allocate. And it depends also on the prioritization work, which is also in parallel going on in council level, so it will take some time you know, and so I'm really (not) happy with that, that we could not make an exception in our case for the PDP working team but okay, that's the case.

Jeff Neuman: Yeah so the, and then I'll go to Alan in a second. The other thing that came up is you know, I sent, I'm not a counselor so I just made a request that look, of the GNSO council wants to step into this role of approving all similar requests, it's got to do so in a more efficient manner than only at meetings. And only - you know, and then a constituency having the right to put off the vote because if that's the case then you're talking about it would take at the very minimum two months to put in a request for a face-to-face and then having a decision on it.

So I think that's not, that's not a very efficient and it's not a way conducive to ever have face-to-face meetings or whatever the council decides is in it's administrative purview.

So I brought up about the two Web tools and said that I would hope that the council would not feel it's in its purview if I, let's say I made a request to staff to come up with or spend a little bit of money on a better Web tool than

Adobe or something that works better, that the council wouldn't then say well we have to vote on that.

And then someone like (Mike) would say, well then my constituency hasn't thought about it so we have to put it off for another meeting, then you could see how those would be really inefficient. So what (Chuck) is going to do, I asked (Chuck) to do is put together an e-mail on the "sense of the council" that at least the members that were on so that he could send it to the, to the team and we'd have some sort of the formal or informal response to our request. Let me go to Alan and then Avri.

Alan Greenberg: Yeah. I find, just a little bit further, I found a couple of things somewhat disturbing. The one of them in the end was the council has never had access to explicitly to budgets and to make decisions on it and I found you know, this one a little bit presumptuous to suddenly say that council should be making these decisions in order to properly use the money that's been allocated to it.

Whereas, as you just implied, if we want to use money in the IT budget that's fine, you know, that's something we have the discretion of doing and staff in doing, and I found that a little bit confusing that I'm not sure I see the distinction between them.

The second is the argument that this is the thin edge of the sword and if this group were to be given a face-to-face meeting then council would have to give face-to-face meetings to every PDP working group and every other working team. And I think the fact that there are, there are funds allocated to this one puts it in a somewhat different position.

And lastly I was disturbed that nobody raised the issue that this, this whole project is a little bit unique in that there's no participants who really have a financial stake in it. And most PDP processes there are at least some constituencies or some stakeholder groups that have money involved in the outcome.

In this case there is no involvement other than having ICANN work better, and nobody mentioned the fact that people are willing to donate, and their companies often are willing to donate their own time to go to this kind of meeting, which typically will far exceed the out-of-pocket costs that ICANN will have to put into it. And I thought that was a relevant issue that should've been brought up.

Jeff Neuman: Yeah I agree with that. The other one, and then I'll get to Avri, the other semi disturbing thing was you know, when (Olga) immediately raised, her comment was well, if the PDP work team gets money out of this budget or a face-to-face then the OSC team on whatever should, every work team should get allocated the same amount of money for...

Alan Greenberg: And we have to divide it equally.

Jeff Neuman: And yeah, divide it equally. And I thought you know that's, not that I'm against them having a face-to-face meeting but I think that was just I don't know, I don't know how appropriate that comment was at that point in time. Let me go to Avri.

Avri Doria: Okay. Yeah hi, thanks. I guess obviously I wasn't there and I'll listen but from the sound of it what you really seem to be hearing is that this is a new council with a new role to manage things and specifically a role to manage the policy process. And this is part of that policy process so you could call it meta policy, that you know, that they should have a grip on and they should.

So yeah, it is sort of frustrating being the first customer of that new process while they're still trying to figure out how to do it. But it sounds to me like they're trying to do the right thing because they can't take just one case as an out of band case because as soon as you do you do have other cases, so you really do have to come up with a process.

Now for a face-to-face it doesn't strike me as that strange or horrible that one would know two to three months beforehand that they were doing it. Again this group probably did and so on, but the change in transition and process is one of the things that's happening.

So I guess what from I'm hearing while the conversation perhaps should not go you know, exactly as one would hope, and I don't think a council conversation ever goes as much as anyone hopes, it sounds like they're trying to do the right thing to me, which is think this thing through, you know, and such.

And since we didn't have a consistent yes, we all agree that it's needed, we all agree with the way it's been planned. We all have this - they didn't even have a group 100% consensus in terms of what was being requested, they had a mixed bag which makes it all the more reasonable that you don't apply exceptional extraordinary rules to enable it.

It would surprise me if you know, spending money on new tools wasn't somehow different because new tools is a license gotten for everybody if they were to have Webex licenses and it would surprise me if ICANN didn't already have Webex licenses but it might be the case, once they have a license it's a larger purchase than that.

So that might fall in a different category, that doesn't strike me as strange. If it was bought just for the GNSO only to be used by the GNSO and nobody else could have it then certainly it would be a GNSO decision just as a face-to-face meeting would only be for the GNSO.

So I guess from what I'm hearing it really doesn't surprise me, the one question I have on quorum, once they had the beginning of the meeting and they hit quorum, I assume they had quorum at the beginning of the meeting, if so they had it for a vote even after three hours. People leaving doesn't mean they lose quorum as, as I understand the rules that they're operating under.

Yes, (Mike)'s e-mail to the list saying I had to drop off, my battery died, but you know, we're not ready to vote anyway, certainly would have been a different issue but (unintelligible).

Jeff Neuman: Yeah I think, so I think just a couple points and then I'll got to Alan. It went as I expected it to go, I'm not, I wasn't really too frustrated with the meeting, I think one important point Avri is that you're right, you should know two to three months at least before a face-to-face meeting but we're not talking about that now right because we're talking about this being a (unintelligible) item.

So you're talking about having to know six months in advance. Because you've got to get the approval of the council first to have the meeting, and then you got to do the logistics, you can't really do the logistics, I mean you could talk about it but you can't plan the logistics until you have the approval to do it, right.

So you're talking about five or six months at a minimum knowing, and I'm not sure work teams or work groups are going to know that far in advance. So I take your point but you got to consider that in the whole scheme of the, you know, the big picture of the face-to-face.

So you know, one point that staff did raise is that they did view the technology as something that was within their staff purview. And as you said it would be applicable to more than just one situation, so they're, they took an action item to go off and look at some of these tools and to consider the issues, you know, it's not just the tool that would allow let's say real time editing but it's an issue of bandwidth.

And actually Alex, I know you're on the call, maybe you're...

Alex Gakuru: Yes.

Jeff Neuman: ...you're one of the best people to ask about this. Has there been a tool that you've used that you haven't had issues with where there's been real time editing or you know, things that you haven't had such a bad issue with bandwidth, I mean you're probably the best person to ask?

Alex Gakuru: Yes I was about to comment on that. The tool that I, first of all I've been unable to connect with Adobe, the one that is currently in use, and for one that has suddenly where it has been illuminated, you have been using now an (unintelligible) group monthly meetings. And also I use it for the (IGS) meeting remote participation with Bill Drake, so that has been a good one.

Other than that I have been forced to always keep asking can I comment on the phone because I can't connect online with Adobe, so I do have a problem with that and (Illuminate) has served me well, that's what I could comment.

Jeff Neuman: Okay great.

Woman: (Unintelligible).

Jeff Neuman: Yes. Who (unintelligible).

Marika Konings: This is Marika.

Jeff Neuman: Okay Marika.

Marika Konings: And have you also used that for like live editing and working on documents to (Illuminate)? I'm just trying to, you know, get some insight from people that have used different tools to try to figure out which ones actually use, you know, apart from just sharing documents, allow like live editing, have you used it for that purpose as well?

Alex Gakuru: I have not used it for that purpose but since Robin is online maybe she could comment what (Brendan) and (unintelligible) maybe they might have uses for another (unintelligible). Robin are you on the call?

Robin Gross: Yeah. We haven't used it for that and I think it may have that capability, it's like an upgrade to the service that we could get. I'm not sure, yeah (Brendan) is the one who really kind of manages the system for us. But I think it's possible to do editing on there but it isn't something that we've done yet, so you, actually (Brendan) would be the best person to talk about what (Illuminate) technical capabilities are.

Marika Konings: Okay. But I can look into that, I was just, you know, curious to know (unintelligible)...

Robin Gross: Yeah.

Marika Konings: ...if anyone had used it for that purpose.

Jeff Neuman: Okay. Alan?

Alan Greenberg: Yeah, just a couple more things. One of the things I was surprised at is (Denise) made a statement early on that a face-to-face meeting could actually help reduce staff costs if we can bring this thing to closure a lot quicker, and no one picked up on that at all, and I think that's what she meant by it.

I agree with Jeff that the outcome wasn't different from what I expected based on the discussions ahead of time. What disturbed me more than the outcome was the tone of some of the comments made, which almost made it sound - no one said this, but almost made it sound as if you know, we think we're somewhat real special and we would need special treatment. And I don't think the work this group has put into this process warrants that kind of tone and attitude.

Jeff Neuman: Well, for the record Alan I do view this group as special so, no I'm kidding.

Alan Greenberg: Well indeed but in the opposite way too, to test that tone.

Jeff Neuman: So the good news is, so what we're going to do is we'll send around a doodle for dates. I would still like to do it that week that we had planned to do a face-to-face to have, you know, a couple conference call sessions, maybe you know, one maybe you know one one day for a few hours and then one another day for a few hours with the software.

So we'll send around a doodle I'm thinking that week because that week was you know, really fits within the schedule of milestones that we had hoped to achieve and also I'm thinking that people sort of reserved a few of those days in their mind in case there was a face-to-face. Hopefully they're...

Alan Greenberg: Jeff given that we're not locked into travel it may be wise to make it a little wider and go into the previous week also. In my particular case that may make a difference, I'm not sure yet but nevertheless you know, since we're not doing travel we, we could look at a little wider spread...

Jeff Neuman: Yeah I think that...

Alan Greenberg: ...in the doodle.

Jeff Neuman: ...I think that makes sense. Let me, Marika and Avri you have comments on this?

Marika Konings: Yes.

Jeff Neuman: Okay.

Marika Konings: This is Marika I have a question in relation to what kind of time slots you know, I was thinking about putting the doodle together, what kind of duration can people spend on the phone. Also taking into account of course that we're, most of are in different time zones. So are we looking at you know, two-hour slots, three-hour slots, four-hour slots or should...

Avri Doria: That's what I wanted to give a suggestion on.

Marika Konings: Oh okay. Great.

Jeff Neuman: Avri.

Avri Doria: Yeah. I've been thinking about that and I've done this kind of thing before and one model that works, and this is what I meant when I said sort of a marathon teleconference, is you take a two-day period, remembering if people travel they'd be jetlagged anyway, and that they've spent two days, you know, one getting there and one leaving. So you're talking about an enhanced period where you say two days it's a marathon and we're doing it.

And what you basically do is you do something like three hours on, four, five, six, seven hours off, three hours on and keep just going through the clock. Everybody gets the inconvenient times but you keep going and if people sort of say I am devoting these two days to this, I'm not doing my regular work anymore than I do when I'm away, and it's a focus.

And then you just figure out what the group's tolerance level is, is a six-hour break long enough, you know, is a five-hour break long enough, two marathoners or do it in a four to five hour break. But you know, it then they take an eight-hour break.

But you keep going through it in that kind of cycle, everybody ends up with a night session, everybody ends up with a day session, and you keep working.

It also gives you some intermediate time to think, to try and write something, to pull things around.

So I'd actually like to suggest that if we're looking at a two-day period we look at it in the same way we were looking at everybody traveling somewhere. And then we're not picking doodle times we're just saying we start at noon on Wednesday and we go three hours on six hours off, three hours six hours off for two days.

Jeff Neuman: Does anyone have any, James has got it his hand raised. James.

James Bladel: Hi Jeff and I wanted to compliment Avri on that, that seems like a way to spread the pain quite a bit, as much as possible. But one of my concerns about the face-to-face was just the disruption that it would occur in terms of to be doubling down of the volunteer commitment to travel to a face-to-face and then be out of you know, out of communication for my company to ask for that period and then to be traveling again. And I think that from that perspective this would almost be equivalent.

So while I'm not necessarily saying that this is a bad method, I'm just wondering if a marathon meeting isn't just a different way of packaging the same problems that other concerns that were voiced originally.

Jeff Neuman: One of the other things that would be helpful is to know what, what regions of the world people are going to be able to commit. So for example if, you know we do have a few people from the Asia-Pacific region on our team, but if they're not available on those days I'm not sure we need to accommodate the Asia-Pacific time zone.

So it'd be interesting to know who would be available in general on those days and maybe that's how we do the doodle is to just block out full days and then decide how we structure the hours.

So is there any other thoughts on that? (Unintelligible).

Liz Gasster: It's Liz actually, I didn't put my hand up though.

Jeff Neuman: Oh okay. Liz.

Liz Gasster: I think we should sort of maybe work on the times a little bit and see what would be optimal like I kind of been thinking that some kind of hybrid of what Avri's suggesting might be really useful where we spread it out over, you know, a couple of days or even more than that. I'm thinking about the STI in a sense, I mean we had four calls one week but they were all in the morning if that, you know, ends up being optimal, you know the time zone issue.

I want to make sure we address the time zone issue fairly because I really see how that could be a killer for some people and all, so I have that in mind, some kind of rotation that's fair on the time zones piece and gives everyone a chance to participate.

And then the second thing is if there's cleanup work for staff like as we go I want to allot some time for staff to do editing you know, in like some of these off blocks of time as well as rep. So I wonder if we could just play with some options like how would people feel about mornings for some, you know, slightly longer or afternoons or - you know, whatever it ends up being. But I suspect that it ends up being early morning for me at least and you know, mid to later in the day for others, but that kind of approach, sort of a hybrid of the two.

Jeff Neuman: Well I mean again I think it kind of depends like if (Liz Williams) like I'm trying to remember who else is in the Asia-Pacific region that's in this group, if they want to participate then you know, we have to consider that time zone, if not then we don't so. I mean I think...

Woman: Isn't Liz in the U.K. at the moment?

Jeff Neuman: Is she? I...

Woman: I thought she was in the U.K., actually when she responded to do it on the face-to-face meeting she said she actually preferred Brussels because she was coming from the U.K. I mean it might've changed since, since the (unintelligible) meeting but...

Liz Gasster: And I'm less focused on selecting time now as much as acknowledging that I want to be sure that we do rotate times so that we can address you know, make sure everyone can participate is my primary point.

Alex Gakuru: Yeah, (Jeff) I used to think in view of the fact that there will not be travel for the days prior to the previously envisaged face-to-face meeting we could also consider having a four day, so that in between we have longer breaks. And if you have to pull staff like the way the staff are saying you have to things around like (unintelligible) has mentioned, would have more time to just try and look around, get more input, maybe you have to consult to get more of the opinion. And we can consider even a four-day period and then have more calls in that period just about from here. And it's Alex just for the transcript purposes. Thanks.

Jeff Neuman: I think that's a really good suggestion. So I tell you what, rather than spend more time on this call on that because I really, because we spent the whole last call talking about another meeting and just move on with some substance, why don't - I'll take on the responsibility with ICANN staff to propose a plan to the group taking into all, taking into account all these comments, and then we could just comment on the e-mail on that plan. It's easier when you have some kind of straw men together.

Marika Konings: Jeff?

Jeff Neuman: Yes.

Marika Konings: Jeff it's Marika, if I make a last point on this, because one thing (unintelligible) I always take into consideration as well, because we are relatively behind on the timeline that we set ourselves to come to closure by the Nairobi meeting. Because of course if that line is there I think February that we need to have a document out if we want to discuss it I'll put it out for public comment for the Nairobi meeting.

So a lot of things to take into account if we're not, you know, as we are behind on our step timeline we're not going to have a face-to-face. Marathon meetings might compensate but you know, we don't know at this stage where that will really get us to the end, you know, the end stage.

Another thing might be to, you know, try to make a more intensive meeting but still try to have that maybe face-to-face time in Nairobi for some of the critical issues if we cannot you know, get to closure on those in the calls or if it becomes difficult to actually find appropriate times for everyone to participate for longer slots. And that might be as well an alternative to consider and you know, come into terms with the fact as well that the timeline would slip and you know, partly as well it doesn't seem to be such a priority for the council you know, to speed this up so I guess I'll accept as well that the original timeline cannot be met as we initially foresaw.

Jeff Neuman: Yeah so there are a lot of considerations and I think what's best is that Marika let's work on, we'll present a plan to the group and then they can take pot shots at it or they can you know, add to it and that's probably the easiest way to do it.

I will say that I'm not very comfortable yet with planning a long face-to-face meeting in Nairobi simply because I'm not sure how many people are going to be able to go. So and I, if they can't, you know the question for ICANN staff is they're not eligible necessarily for funding right, to go to the Nairobi meeting, so if they're not otherwise going. So let's take that offline and we'll

discuss it and we'll present a plan to the group and then we can go from there.

Okay. And the other interesting point I did want to kind of, it's kind of a transition is that the Stage 3 report is now, is now on the list or a draft, very early draft, preliminary draft and I see Avri has commented on some of the pages already.

The - an interesting part of it is there is one section that deals with face-to-face meetings in Stage 3. So I encourage everyone as they're reading that section, there's not much in it right now, frankly because we didn't really have so much experience with making the request, but perhaps this is our opportunity to get our own ideas in about a working group setting up a face-to-face or requesting one, and maybe trying to get that as some sort of standardized process to put that into the Draft 3 report.

So we now have Stages 1, 2 and 3 in a draft report that's out on the list. Avri is the first person, and that's today that actually has commented on those, on any one of those three stages. And so I please - that's really going to help us get further along in the work so we don't have to, there are a lot of open items as Avri notes, and things that we say we got to get back to. It would be helpful to try to get back to some of those ideas on those prior two marathon sections because it'll be much more productive.

The other thing that was put out this week is a summary of the, well not the summary the actual results from a Stage 4 survey. They were 11, I believe 11 people that have filled out the survey, which is a little less than what we have but still fairly good indication and a fairly good cross section of groups that responded. Again, just as a reminder the survey is not anything formal, it's not something that's you know a measure of consensus but is really just a tool so we can indicate some, some of the sentiments in the draft report.

Any questions on that?

James Bladel: Jeff this is James.

Jeff Neuman: Yes James.

James Bladel: Yeah, very quickly and I'm just, maybe this question is better directed at Marika. I was using a track changes and I'm not very far through the document, but would you prefer that comments are submitted offline or outside of the document and we keep that clean versus you know, putting mark-up into the word document or what are your thoughts on that?

Marika Konings: This is Marika, I would prefer track changes, I can integrate comments from others into one document but I think it's easier to see what people are suggesting and it's easier for me to edit that. So personally I would prefer if people want to do it in track changes. But otherwise like Avri has done, happy as well then to incorporate those comments or suggestions into the document which then will be visible as well using track changes. So I'm flexible but if you do it in track change that would be great.

James Bladel: Okay. Thank you.

Jeff Neuman: Okay. So with that said I'm not going to go over the survey for Stage 4. I think the best time to go over it is after we finish answering all of the parts of Stage 4, which also I sent around to just an FYI is I sent around proposed questions for Page 5, which is the last formal stage but then we would still have the overarching issues.

So with that said I believe if right now I'm on Adobe if you have access to it we have the Stage 4 document, and if you don't have access to Adobe and have access to the Wiki that document is also posted on the Wiki. So if I remember correctly and I'm trying to see if we finished off on Page 3, I know we did 3A, 3 was dealing with a delivery of recommendations to the board, so once the council approves it the question is what gets delivered to the board.

We had an extensive discussion on the different type of reports that go to the board now. One is a council report which has certain requirements currently in the by-laws as to what needs to be in that. And then there is a second report which most of us have not seen, right, I'm not sure if any of us have seen it other than ICANN staff, that is a confidential report that goes from the ICANN staff to the board, and to my knowledge have never been disclosed.

Maybe a question ICANN staff, I think on the last call, well two calls ago when we were talking about the subject, we had asked if there was any possibility to release any of those at least to the group so we could see the basic elements of what is in that report and try to make recommendations either to enhance the council report to the board to make sure it covers the stuff that's in the staff report, or so we can understand if there's any truly confidential items that are in there that we believe should at least be acknowledged.

Because right now the, so only some of us know that there's a confidential report that goes to the board, not everyone knows that. It's not written in any kind of documentation, it's not written in any kind of process, so with that said has anyone on ICANN staff been able to raise this issue to those that are in the know?

Liz Gasster: Let me make three points, it's Liz. One is I understand your point about not everybody knows that there is a second report, which is why I clarified on this list at least that there are two reports so that everyone would know that at least on this list it's not intended to be a secret and you know, I appreciate your concern about it.

The ingredients of, no I don't have any success releasing either the template or any examples and I think that's something you know, you just have to raise directly with the board.

- (Marilyn): I just need to announce, I just need to announce I'm back on, I'm going to go on mute, it's (Marilyn).
- Jeff Neuman: Hi (Marilyn). Thank you.
- Liz Gasster: It's Liz again. The contents of the report are basically what I put in one e-mail, which I have to find now. But it was you know, a summary of the issue and any documents that are relevant to the issue, a summary of the constituency and public views and ICANN staff advice to the board, those are the three primary things that are in these reports.
- Jeff Neuman: So if I can ask you a question on that, and so putting aside the third element which is the ICANN staff view, sounds like the first two elements, couldn't that be taken directly from the council report. Because doesn't the final report, the final report plus the council deliberations on it doesn't that have to include or doesn't that usually include like an executive summary and the constituency positions? Doesn't it seem like those two are at least in overlap or maybe you can help share with me the difference of what is in the staff items for those two versus what's in the council report?
- Liz Gasster: You know there's not much difference but I can't really comment, you know, I think to the degree that comments can be concise and thorough in the public report it should eliminate or minimize the need to duplicate that in any other report. So I share that view.
- Jeff Neuman: So to ask it another way, and please anyone that's got a question please (unintelligible).
- Alan Greenberg: Yes I do Jeff, my hand's up.
- Jeff Neuman: Sorry, I was not scrolled on that list. Okay. The list is so large that I...
- Alex Gakuru: You can also queue me, Alex queue me.

Jeff Neuman: Okay so let me go to, let me go to Alan, and then Alex and then Marika.

Alan Greenberg: Yeah. I've talked to a number of people about this in the last couple of weeks and a number of things came up. First of all, it would appear that at least some board members are not aware that the report they get is private. Not that they're sharing it with anyone but that the, they sort of just assumed that this was a document that has been seen by the people who worked on the, on the PDP and by council and stuff, so there's certainly lack of clarity in that.

I've also, the comment was also made is that although staff may have some confidential things that must be said to the board, staff's opinion in general of the recommendation should not be private. I mean hopefully staff has the nerve to say this is a stupid idea and you shouldn't do it, you know without having to hide that behind a veil of privacy.

And the last point is there seems to be a lack of clarity on who is insisting that these private, that these reports be private. Other than parts that may be redacted for legal reasons, the statement has been made to me by board members that it's staff who insists on it and staff, not staff people have said but I've been told that various people say it's the board who insisted on it. So a little bit of clarity would be really nice.

Jeff Neuman: Does anyone from ICANN staff want to comment on that or should I just go to Alex?

Liz Gasster: Just go to, I don't think I could add much more.

Alan Greenberg: I mean part of this may be, may be in history that four boards ago insisted on it and it's just been passed down from generation to generation.

Liz Gasster: Yeah, and I'm not discouraging, this is Liz again, that I'm not discouraging this group from raising any concerns with it that you think are appropriate.

Jeff Neuman: Okay. Let me go to Alex and then I'll circle back to Marika.

Alex Gakuru: Yes. My concern is that the, the Stage 4 service the report was included and it's part of what we should recommend where they should remain or they should be scrapped or they should be modified (unintelligible), etc.. So my - on a previous call somebody said there's no point of ICANN waiting until things blow out and now when you look at the, the openness and accountability under the affirmation then there'll be more accountability required by other people.

So this report is not discussed during work team and we don't even know what we are recommending should be done the issues that should be contained there and should be discussed by the (unintelligible). And we need to actually have clarity on this particular report so that the openness we have signed to infuse more openness I think it's done at this stage.

So it should be important I think we are told what is in that report and why. Maybe it's kind of the released and why we don't even know it is, because I'm concerned that it's then create a situation where after all (unintelligible) have done, whatever (lots) they have done in our policy then the staff (unintelligible) that report that nobody even knows.

And furthermore, like I said earlier, we are recommending on some things that we don't know, that is my comment. Thanks.

Jeff Neuman: Thank you Alex. Marika?

Marika Konings: Yeah this is Marika, two points. First were to Alex one, because what we're actually commenting on and specifically in the Issue 3 is the report that's mentioned in the bylaws. And I know people want to talk about the staff report, but I think it shows the focus on the council report and see how that should improve or can improve

And on a more general nature just look for that I've tried to capture here some of the points that were made on the mailing list. Because there was some discussion on that, you know I'd just like to encourage people as well when they see the comments you know, (unintelligible) put this document out before the call, so they review it and make sure that their comments have been reflected accurately. Because this is as well the basis for developing the actual report and recommendations, I just wanted to highlight that as well.

Jeff Neuman: Okay thanks Marika. So what I'm hearing, at least from the people that have spoken up, and it'd be great if other people want to at least agree or disagree, even if it's just on this Adobe - what I'm hearing is even putting aside the staff issues the first point I think most people are making is that we believe as a work team that whatever report is sent to the board should always be made public, that there is a possible exception for legitimate privileged or things that are should legitimately be confidential.

But the rest of it, including the first two items that you referred to should either be written by the work team or the council or even be part of the council report. But that, it seems like what I'm hearing is that there's really no need for the staff to duplicate that and certainly if they do that should certainly be made public.

The next item on staff's opinion on the policy, it sounds like from a couple of the people that have made comments -- and again please agree, disagree or raise your hand -- it sounds like the work team is recommending or saying that if the staff has issues with the work that's going on or the output that that should be made known for the working group or for the council at least prior to even the council voting on it, so that those items can in theory be addressed by the working group or at least the council before it ever gets to the board.

So I'm seeing a couple people put a check mark to agree, I see James you want to add or have a comment?

James Bladel: Yeah Jeff, I agree with your summation of that. The only thing I have maybe some hesitation on is where if staff has any concerns or opinions what point that should come in - whether that should come in before council vote, or whether that should come in after a council vote before it's put to the board. And I haven't really played that out in my head yet, so other than that statement I think that what you've said is something I support.

Jeff Neuman: Well let me, thanks, let me ask a question on that since you're, it's good to hear your kind of stream of conscious thinking of it. If it's after the council votes then who would be responsible for addressing those concerns?

So let's, I don't know, let's make up an example, so let's say it was a domain testing issue and it hasn't been resolved. And so the council comes up with a report that says that all registries should be required to implement this, all registries that offer a AGP should be required to, to put this policy into effect. And let's say the staff had a question or a concern that says well they don't believe that they're going to be able to require registries to adopt this policy because it doesn't fit in with special policies or they don't think they'll be able to get into a contract.

That's something that who could address that or who should address that?

James Bladel: And again, this is James again, and I guess my, the issue I'm struggling with is you know, if we want, if there is genuine obstacle to implementation you know, we want to give every opportunity to get that addressed so that perhaps the, you know that can be addressed before this policy is approved. However we don't want necessarily those types of objections to affect decisions or the way the council votes, so that's what I'm struggling with right now Jeff.

Jeff Neuman: Okay, I see that. Alan and then Avri.

(Marilyn): And then (Marilyn) please?

Jeff Neuman: Yep, and then (Marilyn). Alan, Avri and...

Alan Greenberg: Yeah. We're wandering into an area that I have never heard discussed before and I think it has a lot of merit to discuss it. In general policy staff who works with the GNSO and the GNSO work groups is really, really superb in that they typically act as support staff and not voice opinions of their own, and as the people who are facilitating creation of a bottom up policy that's really, really good.

Often in discussions on PDP work groups we do, staff do make comments about implement ability of things and that's, that's valid and I think has a part and we need to make sure that continues to happen. What doesn't happen right now is staff's opinion on whether this is a wise move - not whether it's implementable, whether it's smart. And I think we need to put into the process an opportunity to explore that because if the working group disagrees the working group should have an opportunity to rebut it and the working group may well change their position because of it.

So I think staff, we need to give staff an opportunity to take off the support and facilitator hat and put on the hat they wear when advising the board and have an opportunity for those opinions to be voiced because right now they don't happen unless they're out in the hallway very privately.

Jeff Neuman: So that's a good point and maybe let me address a question to, and I'm sorry Marika and Liz to put you guys on the spot, but is it general - when staff puts its opinion to the board is it generally, does it generally come from the policy staff, or does it generally come from others in ICANN that don't interact with the policy process? You know like the lawyers, like the operations staff, or is it just there is no set formula, it could be from either?

Liz Gasster: This is Liz, a couple points. I think Alan's distinction is really important, this idea of implementation impacted, assessing implementation impact versus you know, advice on whether something's good to do, in recent years the policy staff has begun to prepare staff (unintelligible) notes on PDP outcomes as they get close to being considered and the timing is, you know, evolving.

But say you know, ideally before even the council considers it where we assess implementation issues and consultation with the general council's office and the services staff and the compliance staff and anyone else that would be involved in that implementation and then raise those issues publicly in staff implementation notes. There hasn't been a lot of occasions for this but we have done that, because I remember doing it on a list.

But Alan's right about you know, this other piece where we typically do not comment. So I think the staff implementation notes are an important contributor to this.

Jeff Neuman: Well let me ask, I'm sorry Liz can I...

Liz Gasster: Go ahead, no go ahead.

Jeff Neuman: Let me ask the question, you say typically you don't comment but you're saying you don't comment to the working group or the council but you do comment to the board or to others?

Man: Or would if it was appropriate.

Liz Gasster: Oh, the other point I wanted to make is that we, you know, these reports are not PDP specific. When the board considers issues they ask staff to summarize the issue for them regardless of whether it's a policy issue or not.

So you're really focused on this in the context of a policy situation where you know, it may not be appropriate for staff to have an opinion. But there are other issues that come before the board where you know any decision that the board makes if you think about it that way then you know, it might give you a different construct for the kind of advice that staff would typically provide say on a, you know on any other matter.

Jeff Neuman: Okay. Let me jump to Avri and then to (Marilyn).

Avri Doria: Okay thanks. I guess I would think that any advice, now I would make it global, I know this group is just going to deal with the policy issue but I would make this a global statement, that any advice that staff was going to give to the board should be made publicly. I think when it's on a policy or some other work item it's just makes good sense for the staff to also have a way to give that before the decision is made.

So it can be factored in as opposed to it being something that isn't factored in. And then you know, when it goes to the board it, well they didn't consider A, B and C or we think this is a really bad idea because of D and E when those things have never been presented as ways that that sort of works against getting work done.

As I say I think it would be a universal comment I'd make that except for things about people, about contracts, about you know whatever that need to be kept confidential between the staff and its board that anything that has to do with an open organization and that subgroups and that's whatever should always have to be made publicly.

It doesn't need to be approved by the group, you know, the stink test, the giggle test is good enough if they put out something and immediately there's a lot of e-mail saying but that's not the way it is, that's good enough (unintelligible) for it, but it does need to be made public.

Jeff Neuman: So Avri let me ask you a question on that and to kind of tie it to James' point when should that be made public? So presumably...I'm sorry go on.

Avri Doria: I can, you can qualify the question more before I answer it, sorry.

Jeff Neuman: Well I was, I'm not sure I was going to qualify it well, but what I was going to say is presumably it could you know, they could wait until after the whole council deliberations is over and the vote has taken place and it's just before it's going to the board, or even if the board - you know the board will oftentimes have a separate comment period. So maybe it's during that time period but you're saying at least what I thought I heard is that there should be some time for a public response to the staffs opinion as well is that, did I, did I hear that correctly or?

Avri Doria: Yes. I mean I think that that makes sense if we're trying to make sure that we're doing good work and that we're taking everything into account that needs to be taken into account to have the notion that there would be a group of people either responsible for implementation or just responsible for the advising a board that would have issues that we weren't told and therefore couldn't deal with is it's kind of like waiting for a gotcha.

It's sort of there's a hole you're about to fall in but we're not going to tell you it's there because we don't want to influence the way you're walking. And I think it's better for the group to be told about any issues that their recommendations face and then they have the option to say we don't care about that because of this, or you're right, we should do more work on it, or no we think this was handled in this way and that way, just like anyone in the public's comments.

And so I think that's the wise way to do things as opposed to doing it afterwards the main proper answer to a comment that comes in afterwards that's substantive is for the board to send it back to the council or the group

saying hey, you know, staff had this issue that you didn't deal with, deal with it and so that's certainly another way to do it.

But the council has to have a chance, the council or its groups has to have a chance to deal with every possible issue, comment, disagreement, whatever that there may be on the work it's doing.

Jeff Neuman: Okay. Let me go to (Marilyn).

(Marilyn): I'm, I've been a proponent for quite a long time that the reports that are sent to the board be made public. I'm probably more flexible on the timing of when those reports are made public because my comment about the staff reports that go to the board is a broader comment that does include the GNSO policy council and policy work but isn't limited to that.

So I think just as a general practice there should be rare instances when reports that go to the board that inform their decision-making are not made public. However, I would say that I do think it is appropriate for staff to be able to offer qualitative or quantitative analysis. Now hopefully that, of the process, hopefully that would be included in the public report, which is prepared some of working groups that goes to the council.

But I think we want to be careful about something and I'm going to be very direct about what I want to raise. The staff need to be able to offer a qualitative or quantitative statement which, and not be scapegoated about the position they've put forward or, and be treated continually as professionals within the rest of the process.

So we want to enhance transparency but we want to do it in a way that we don't fall into here's a staff assessment about a particular area that has not been addressed fully in the report and all of a sudden we get flame mail from you know, a variety of people arguing about whether or not their assessment is accurate.

So maybe we can figure out how to achieve all of those objectives and make you know, ensure that there is a safe harbor when staff - not just the policy staff by the way, the analysis might come from some other part of the staff about something that hasn't been taken into account by a working group or new information that now needs to be taken into account and we all know that that can result when you have a fatigue task force or a fatigue policy council in (unintelligible).

So how do we A, support as much transparency as possible but still enable the staff to make appropriate qualitative or quantitative comments and still make those public but do it in a way that doesn't create unintended consequences?

Alex Gakuru: Can I comment Jeff?

Jeff Neuman: Let me, is it on what (Marilyn) said or is it something?

Alex Gakuru: Yes it's on what she said.

Jeff Neuman: Okay. Yes.

Alex Gakuru: Yes. I think that's a fantastic way of looking at it. And just to add onto a proposal to that, perhaps to avoid a personalizing a comment or an opinion against a specific staff members, maybe the issues that are going on at any, at any one time (unintelligible) or the council the staff could create a sort of a space where the issues (unintelligible) are relevant and need to be addressed can be raised there without, while the work is going on.

And this will now gives the (unintelligible) more, the council or the relevant group a time to look at those issues and then you can try to address them so that we don't have the (unintelligible) she's taking about that are targeted or

directed at a particular staff member. I think that that is something we need to consider. Thank you.

Jeff Neuman: Okay. Thanks. Let me go to Avri you're hand was up from before, let me go to James and then Alan.

James Bladel: Hi Jeff this is James and I've been getting pulled away periodically so I apologize if this has already been covered since the last, last chat, but it sounds like we're starting to define a different animal here which is something like a implementation statement.

And I apologize if we've already gone over this, but the idea that accompanying the final report of any PDP working group that staff would without interjecting any opinions of the merits of the policy or the, or the intrinsic value of pursuing it should be able to put together a statement on whether or not they foresee any challenges or even you know, obstacles that would mean that would not be implementable and that that could accompany the, the final report, the motion and everything that's packaged up and sent to council.

If that were defined and narrowed so that it didn't include any, you know, subjective assessment of the policy merits, I think that that might be something we could design as opposed to convoluting the process of there, and it might even obsolete the idea of the confidential report as well.

Jeff Neuman: So on that implementation statement though just to kind of merge it with some comments, other comments that have been raised maybe when you were away, should the issues in the implementation statement that you refer to, shouldn't they be known by those that are deciding the policy prior to that point so that it doesn't come as a surprise to anyone?

So in other words, if the board is able to use that implementation statement as a reason to deny the entire policy then shouldn't that have been something that people have had the chance to comment on?

James Bladel: Just for clarification I was saying that should go to the council not to the board and you know, then the council would certainly have the latitude to send it back to the working group until the implementation concerns are addressed.

Jeff Neuman: Okay.

James Bladel: That's just a though, you know I'm trying to tiptoe around this without actually turning staff into a stakeholder group, which is kind of the course we're on so you know, this is the hazards of you know, thinking off the cuff, which certainly we do a lot of in these groups.

Jeff Neuman: Yeah I know that's an interesting statement of not turning staff into a stakeholder group, but in essence aren't they? I mean if a policy is being designed and they expect staff to implement it then staff should have, I mean to defend them they should have the right to voice their opinion.

Not only should they have the right they absolutely should do it and I think what we're saying as a group is that they should do it at a time when the community can actually, they should A, make it publicly known, and B, do it at a time when others could respond to it. Let me, let me go to Alan.

Alan Greenberg: Yeah. And what I originally said was staff have to be given an opportunity to put on the other hat, that is the advice hat and not the support staff hat. And (Marilyn) said it in a different way, the implementation report, although it may not be happening in a formal way, I see already happening that in the PDP process there is interaction with the various implementation staff and we do explore whether this is going to be able to be built if we recommend it.

So I see that happening already, we may need to formalize it a little bit and perhaps require it, but I don't see that as the contentious part. I disagree with James, I want staff to tell us when they disagree. If they're going to give that report privately to the board or publicly to the board we may as well have the benefit of it early and be able to consider it.

The issue of staff being flamed, that is they have their own private purposes and they're going to do things counter to the interest of the community that's going to happen anyway. It does happen. Maybe what we need to do is have that staff advice, which is really likely a combination of policy advice and implementation advice you know, be given without necessarily without a name on it.

But the, so the working group has the benefit of it and I think the more I think of it the more I think it's absolutely essentially and why didn't we ever think of this before.

Jeff Neuman: Okay. Let me jump to Avri and then to Robin.

Avri Doria: I actually I think Margie may have had her hand up before me so, you know, but...

Jeff Neuman: Sorry that's a scrolling problem. Sorry. Thank you, yeah Margie, okay.

Margie Milam: Yeah, I mean on the topic of the ICANN opinion, I mean I know there's this concern that we want you know, staff to be neutral on things and I (unintelligible) respect that, but staff we are the employees of the organization and probably (unintelligible) on how (unintelligible).

And so there's things that are organizational that are at, you know, (unintelligible) like a (unintelligible) risk issues or legal issues. And I just want to caution because in my (unintelligible) to get the input on you know, in an implementation report you know, you might - in other words it might be hard

to coordinate for example with the legal department to get their comments in time before the GNSO you know, evaluates it. I mean certainly I think (unintelligible) good idea just to (unintelligible) but you know, I don't want to advise (unintelligible) at that point.

Jeff Neuman: And Margie it was a little tough to hear you, because you were breaking up a little bit but I think the comment was that you're not sure that you can get all the comments in during the GNSO process and that it's you know, sometimes complicated. But I guess the question for you and for staff is but shouldn't that still be made known and shouldn't people have time to comment on it, right?

And because right now we're all kind of guessing here because the only people that have seen these reports frankly are you, Liz, Marika, you know, you're the only ones that have seen this report, we're kind of guessing in the wind here and so let me go to Avri and then Robin.

Avri Doria: Okay hi. Thanks. I actually do agree that, I think it was with Alan and perhaps Margie was saying something similar. But in a sense staff is, are I guess stakeholders, that they have to live with it, they're part of the community you know, they, etc., and yes they have a hard role because they have to most of the time be neutral, you know.

But they should get to state their viewpoints, I mean you know they're intelligent people that care and to say that the idea that comes from intelligent person that cares who happens to be staff isn't worth having is problematic.

On the other hand at the moment because they do do that, they do give their viewpoints but they give them only to the board and they give them in secret makes them almost beyond stakeholder or super-stakeholder and that's where I have a problem.

I want to hear the views of the intelligent people that we work with all the time. You know then on the issue between implementation and policy that has shown itself in all engineering, let alone in ICANN to be a fuzzy border.

And we've seen with some of the implementations of policies that we're doing now that that border is constantly being encroached. You know, the GNSO may push on that border a little bit when it's making policy and kind of indicating how it might be done and the implementation may sort of say, well this policy doesn't quite work but if I torque it slightly this way I can make it work and both sides there are sort of encroaching on that line, it's a fuzzy border, it's going to, that's going to happen.

So what makes it work is if you know, there's open knowledge and there's open dialog then the fuzziness of the border is less of a problem. As for getting flamed, no they shouldn't get flamed, none of us should get flamed. We all get flamed sometimes, you know, and that's, and you know, that's where we build a culture of tolerance where we learn to be flamed without taking it badly and so people stop flaming us because it doesn't get any reaction, but that's besides the point.

Jeff Neuman: Okay. Let me go to Robin and then after Robin I kind of want to cut off this topic and we do, you know Liz brought this up, we do need to talk about the council reports as well. So let me go to Robin and then we'll go to the council (unintelligible).

Robin Gross: Thanks (Jeff). Yeah I just wanted to comment on the role of ICANN staff and providing advice to the board. I don't see it as being a stakeholder group in and of itself. It seems to me that it's part of the larger community that you know, and ICANN as an organization is here to facilitate the community and the various stakeholder groups within that community. So you know, staff as employees of the ICANN the facilitator are an important piece of this process but I guess I don't see them as being a separate and distinct stakeholder group with its own interests if you will.

Now certainly we got to have advice on implementation given to the board by staff that's appropriate, but there's no reason why it should be confidential. I mean if there's a particular reason that staff can come up with that ICANN should not undertake a particular public policy decision then we should know what that reason is and the public should have an opportunity to comment on that reason.

I mean you know, what if staff's wrong in its analysis. I'm sure it's possible that at one point or another throughout the history of time staff might be wrong in its analysis and no one would know about it and no one could correct that, no one could further develop that view or comment on that view.

So it's really important that this advice be made public. It's important to not only to the community but it's important to the goal of developing the best policy possible is having the policy developed in open where people can point to mistakes and correct them and further develop them, and that can't happen if it happens in an environment of secrecy.

Jeff Neuman: Yeah I think most people in this group unless I hear otherwise I think agree with that notion. And I will say look, staff has at least in the past, and even with the vertical integration issues report that just came out, certainly staff has expressed their opinion at that stage. What we're missing is staff expressing its opinion at least publicly after the issues report comes out.

Now, a lot of us may not agree with what staff put into the issues report, you know, the vertical integrations report is an example that many I've heard take issue with. But at least they made it known and at least now we have an opportunity all of us as a community to comment on it before it gets to a, or if it gets to a formal PDP, and so maybe it's that kind of opinion that we expect throughout the whole term of the PDP.

Avri is your hand newly raised or is that left over? You might be on mute so I'm going to assume it's left over.

Alan Greenberg: Jeff it's Alan. Just one very quick comment that your comment on the vertical integration report is correct and the tone in that report is quite different than one we've ever seen before, at least that I've ever seen before, and I wonder is this a new direction or a one of case?

Jeff Neuman: Yeah. I think that's, I don't want to get into that issue...

Alan Greenberg: No, no. I...

Jeff Neuman: ...but I think, I think that's, it's but you are right in that staff certainly has expressed an opinion. And maybe what we're asking for as a group is that we know those opinions throughout the process of the PDP whether we agree or not, at least we know those opinions and can respond to them so that they're not just raised at the last minute and they're sent to the board and nobody ever knows what they are and nobody has a chance to respond to those, so...

Alan Greenberg: Yep.

Jeff Neuman: You know so Liz brought up a good point early on, she said look this is only the board report we're, the confidential report, now confidential report that we're talking about, but there are some requirements at least in the current bylaws on the council report.

So the one thing I want to make sure is that we agree that those elements that are currently in the bylaws for the council report are still the right elements, whether or not they're in the bylaws or in operations document or something else, are these the right elements.

So right now we have you know the first element is a clear statement of any successful GNSO vote recommendation of the council, does anyone disagree that, oh sorry Alan is it new comment?

Alan Greenberg: No, I'll let you finish first.

Jeff Neuman: Oh. So on, so there's the current requirements are a clear statement of essentially the vote of the council if there was a successful vote, and again that depends on whether something was in or out of scope but we won't differentiate here.

If there's a successful vote they want a clear statement of positions held by council members, each statement should clearly indicate the reasons underlying each position, the constituencies or stakeholder groups that hold the position, an analysis of how the issue would affect each constituency or stakeholder group including financial impact.

The analysis of the period of time that would be likely to implement the policy and advice of any outside advisors relied up including some background on the advisors, and I'm paraphrasing here, obviously the final report would be attached to it and a copy of the minutes of the council's deliberation on the issue.

So, and I'll turn it to Alan, are these the right elements? Should there be additional elements? Should we change these? Let me go to Alan.

Alan Greenberg: Well I'll just make an observation as you were reading them and I was thinking about them perhaps ahead of your words I suspect some of those requirements which are in the bylaws are what makes our reports larger and wildy and need, that staff need to summarize before they go to the board.

You can't include all that level of detail and the impacts on each constituency or stakeholder group and the financial impact without starting to make this a

long document and to some extent out of control of the working group itself since they're almost effectively minority, or not minority statements but statements of those groups without making it a report, which is not concise and to the point.

So those very requirements may be part of what requires staff to summarize things. Now whether it's secret or not is a different matter but I just question that, maybe we need to do a level set by talking to the board as to what the board really wants to hear and read from us.

Jeff Neuman: I think that's a good point, I think you know as I was reading through it I had some thoughts of hey, doesn't that, doesn't like Part C sound like what the staff is doing again in their report.

In other words in C it says is analysis of how each issue would affect each constituency or stakeholder group including financial impact. Then it almost sounded like when Liz was going through some of the elements that that was one of the elements that staff puts in its report.

So I hear what you're saying, let me go to James and Avri. James.

James Bladel: Hi Jeff thanks. This is James and I just wanted to mention something. I don't - I'm still taking in all of these different points, but this is the second time in this call, and I think multiple times in the course of this group that I wanted to address the concept of, in (light out) in Item C, whether or not there is a financial impact on constituencies.

You know there's always going to be a financial impact I think, some may be more direct than others, some may be a little more convoluted and I think that sometimes you certainly don't want to put a PDP working group or staff or the GNSO into a position where they're choosing between the relative merits of different financial impacts.

And I think that you know, there is this tendency to say that you know, if something is driven by a financial interest that it somehow you know, infused with some sort of a self serving nature, when in fact you know, I think that contracted parties are looking out for the financial interests of their customers, you know, in many respects. So I think that you know, it's important that we have them out there on the table, I'm sorry, there's some noise there.

I mean it's important that we disclose them and then they're out there. But I certainly don't want them to be used in any way to diminish or discount the views that are put forward by those folks who are you know, more engaged in the commercial aspects of a given policy, so I just wanted to get that out there.

Jeff Neuman: Yeah. And I think it's a good point and something that occurred to me while you were talking is shouldn't all of this stuff be in the final report of the working group as opposed to being in the council reports of the board?

In other words, in kind of merging your comment with Alan's if this was the information in the final report then perhaps just a summary of some of this stuff would be in the council report to the board, which would make it shorter.

James Bladel: Right. And I agree with that and I also wanted to point out that you know, and reemphasize that there's always the financial impacts. And if we are saying that we want to eliminate or make a change in a policy that eliminates one financial impact, what we don't realize is we're probably creating another one unanticipated financial impact down the road. So it's really just moving that impact around as opposed to attempting to work around it or eliminate it or control for it. So just wanted to get that into the conversation.

Jeff Neuman: And possibly James that could be right now it says financial impact on the constituency or stakeholder group and what you're trying to say is they could be on the group but it could also be on those that the group represents as

opposed to the group itself. In other words it may not be the financial impact on a, on registrars but it may be a financial impact on their customers.

James Bladel: Certainly. Or the users or just you know, the Internet community in general, there's just there's no way to disentangle those concerns from what we're doing from any stakeholder group.

Jeff Neuman: Right. So let me go to Avri and then also with the notion of maybe these are elements that are more appropriate in the final report and maybe we don't, right. Because right now we're putting the council in the position of creating all of this stuff when in theory they're supposed to be the managers of the policy under this new structure as opposed to the people writing the new policy. Well let me go to Avri.

Avri Doria: Yeah thanks, Avri. I guess I think it's important that this information all be collected, all be available to the board does not need to be collected twice in two different reports. It probably makes sense that it is collected as part of what the council considers in whether full and proper process and whether it has been a well formed policy development process, which is the decision it has to make at the end of the day.

I think the financial relevance and the financial impact is critical. I think it's right to say that there's always a financial impact on everyone. But the financial impact varies on who it impacts and how it impacts them, so it's very good to have an analysis that in one case the financial impact is beneficial here and it's detrimental there or it's neutral across the board or various statements. So certainly both a detailed financial impact per constituency, per stakeholder group makes sense a financial impact to the overall to the registrants to the whatever also makes sense.

So I think this information all has to be there. I think the board has to have all of it available to them. Obviously some in the board will always be the types that only read the two-page Executive Summary and that's it.

There will also always be those on the board who either they or some staffer of theirs pours through the whole thing and goes, gets down into the nitty-gritty details that they need to make their decision. So I think we have to give the board both, both an accurate, relevant Executive Summary that gives a good snapshot of what's there but then a very detailed collection of information that allows the nitpicker to nitpick.

James Bladel: Jeff this is James, could I respond to one part of what Avri was mentioning?

Jeff Neuman: Yeah, well Robin will you, did you have something different or do you want to respond also?

Robin Gross: Well I'm just, I'm not sure actually this is the right, this is the right moment to raise this issue but it's on this issue of including financial impacts and what kind of impacts to include in this report to the board.

And I just wanted to say that I think we need to broaden the way we think about it to being more than just financial impacts that are something that we think about as a general process. Particularly from the perspective of non-commercial users oftentimes it's not the financial thing that brings us to the table, and so the impact there might not be the important - might not be the important piece for us. Maybe the impact on civil liberties or the impact on access to information or impact on these other sorts of goals are the important piece for us as opposed to a financial impact.

So I would just like to broaden what we include, what we ask for from stakeholder groups to be more than just financial impacts but can be broader than that and can include these other types of impacts that a particular policy could have upon the stakeholder group.

Jeff Neuman: Yeah. And I take your point, the statement does say an analysis of how each issue would affect each constituency or stakeholder group and it says

including any financial impacts, but you're so maybe it's, you know, it's an including but not limited to financial and other...

Robin Gross: Exactly, financial and other, you know, it's just I just think we need to think more broadly than, I mean I think it's fine that we sort of focus attention there on financial, but it's not the only, particularly from our perspective it's not the only issue that brings us to the table. And so if we can you know, just have some kind of recognition that it's not the only impacts that we need to think about and it isn't currently worded that way but it just, you know if we could just be more welcoming in including other impacts.

Alex Gakuru: Could I comment on the same Jeff?

Jeff Neuman: Let me go to James and then I'll go back to you and then we actually have to wrap up the call because I know a couple people have to jump onto other calls, so let me go to James and then I'll come back to you.

James Bladel: Okay. And I hope this gets us out and then you can go back through the queue but just I think it's, we're opening up a little bit of can of worms when we talk about determining which of two competing financial impacts are acceptable. You know, certainly there could be cases where one would see a dramatic decrease in ICANN revenue to the benefit of registries, registrars and registrants.

I mean you know those types of decisions I think the information should be out there and the community could be left to make those determinations on their own, but I just, I get a little concerned when we start interjecting opinions into that financial impact analysis so I'll just leave it at that. Thanks.

Jeff Neuman: Thanks James. Okay and please, it was (Wolf) that had a comment?

(Wolf): I think it was Alex.

Jeff Neuman: Oh I'm sorry, I'm sorry, I got to learn voices better, Alex yes.

Alex Gakuru: Yes. Okay Alex yeah, I mentioned for my name again. Now, the contribution I want to make to this is that if for example the policy that had to do with the pricing of the new GTLDs right now is less than a million dollars or whatever it is. When you look - maybe if I speak from the African point of view, the financial impact of even a hundred thousand dollars is not the same from our view as maybe the registries who are up the developed countries.

So you find the impact, if we didn't have access to the financial impact of such a report then I think we are not able to offer more input into maybe the policy as well the price of the (unintelligible), that's general example of giving. So I'm just underscoring the importance of having this information in advance so we are also making more informed contribution into the discussion on (unintelligible) that may affect us financially in a different section of the world if you like, the community. Thank you.

Jeff Neuman: Okay. Thanks Alex. Any other comments on the council report? So one of the things that I think we need to take note of as you wrap up this call is that it seems like these elements, as we've talked about, these elements really appropriately belong in the final report even before it gets to the council, and that maybe these elements aren't necessarily the elements for the council report to the board, that they should have already been taken into consideration possibly.

We haven't explored this, but possibly a summary of that or some of those things go to the board. But I take - and I can't remember who made the suggestion, and I'm trying to figure out how we go about doing this, but someone had said that possibly we should solicit the input on the board to see what it wants.

And I think that's a very good question and maybe we draft something to the board governance committee and say hey, we're exploring this part right now

and say hey, we're exploring this part right now and we'd like to hear from the board what elements it thinks it needs to make an appropriate determination. So I will, offline I will talk to Margie, Marika and Liz and figure out the best way of getting that kind of, well Marika's get her hand raised so Marika?

Marika Konings: Yeah, this is Marika, just before wrapping up the call (unintelligible) as well confirm then the next meeting, which I presume in the New Year, is that, are we meeting the next, the first Thursday which I think is the 7th at the usual time?

Jeff Neuman: Yeah that's, yes I'm sorry I should've mentioned that at the beginning, yes. The next meeting, obviously because of the holidays would be the 7th of January at the regularly, actually (unintelligible)...

((Crosstalk))

Jeff Neuman: You know what we're going to have to move that because that's the day of the consultation that ICANN is doing in DC on the registry agreements.

Marika Konings: Oh, and then (unintelligible) here as well because that evening there's as well a GNSO council call that same day so...

Jeff Neuman: Right.

Marika Konings: ...we can try to find another time that week or there is, do we just do it a week later?

Jeff Neuman: No I'd like to do it that week. So let's send out a doodle for that week for either the 4th, 5th, 6th or 8th and see what time works.

Marika Konings: Okay.

Jeff Neuman: Okay? And in the meantime, in the meantime you and I and Margie and Liz will converge and figure out a way to get some of this questions to the board to see what they would like to see in a report.

Marika Konings: Okay.

Jeff Neuman: Okay? I wish everyone happy holidays if they're not already in the middle of it. Certainly and a Happy New Year to everyone, it's been a pleasure working with you guys this year and I'm sure it'll be just as much of a pleasure in 2010.

((Crosstalk))

Man: Thanks Jeff.

Man: Thank you Jeff. Same to you.

Woman: Thank you. Bye-bye.

Man: Thanks Jeff.

Man: Okay. Bye.

END