# Vertical Integration PDP Working Group
# TRANSCRIPTION
## Monday 02 August 2010 at 19:00 UTC

Note: The following is the output of transcribing from an audio recording of Vertical Integration PDP Working Group meeting on Monday 02 August at 1900 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-vi-pdp-20100802.mp3

On page:
http://gnso.icann.org/calendar/#jul
(transcripts and recordings are found on the calendar page)

**Participants on the Call:**
**Contracted Parties House**
**Registrars Stakeholder Group**
Volker Greimann
Jeffrey Eckhaus
Jothan Frakes
Statton Hammock
Amadeu Abril
Krista Papac

**gTLD Registries Stakeholder Group**
**Brian Cute**
Ken Stubbs
Kathy Kleiman
Tim Ruiz
Keith Drazek

**Non Contracted Parties House**
**- Commercial Stakeholders Group**
Berry Cob  -CBUC
Mikey O'Connor – CBUC- Co-Chair
Jon Nevett   -CBUC
Ronald N. Andruff – CBUC
Michael Palage - CBUC
Kristina Rosette – IPC
Scott Austin - IPC

**- Non-Commercial Stakeholder Group**
Avri Doria

**Individuals**
Roberto Gaetano – Individual - Co-Chair
Phil Buckingham
Katrin Ohlmer

**ALAC/At Large**
Cheryl Langdon-Orr
Sebastien Bachellot
Alan Greenberg
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**Staff:**
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Gisella Gruber-White
Mike Zupke

**Apologies:**
Margie Milam
Marika Konings
Vika Mpisane
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Michele Neylon

Coordinator:     This is the operator. Just need to inform you that today's conference is being recorded, if you have any objections you may disconnect at this time. I'd like to introduce your host, Miss Gisella Gruber-White. You may begin.

Mikey O'Connor:  Thanks (Lori).

Gisella Gruber-White: Over to you Mikey.

Mikey O'Connor:  Thanks Gisella. We'll do our usual routine where we fiddle around with the agenda for just a minute and then call the roll, let a few people join the call. Welcome to the newly rescheduled Monday VI call. I don't know if Jeff is on the call or not but I saw a note go by on the list that I'll reply to, I got a little behind but we did move to this new time and it seems like most people can make it.

And just for the record we have two important announcements -- we have Cheryl Langdon-Orr reporting that she's happy with her 5:00 am cup of coffee. And we have Mr. Ken Stubbs reporting the arrival of a new telephone at his house so I think that's - those are critical announcements to make at the beginning of this call.

((Crosstalk))

Mikey O'Connor: Today we're going to...

Ken Stubbs: Has the telephone been named yet?

Mikey O'Connor: Oh I don't know that sounds like a poll option to me.

Cheryl Langdon-Orr: Surely people don't still name inanimate objects.

Mikey O'Connor: He said there's a new arrival at his house; that requires naming.

Scott Austin: Hey Ken? Ken, I think Cheryl just named it Shirley.

Cheryl Langdon-Orr: Stop picking on my Australian accent would you?

Mikey O'Connor: Okay so the agenda today is somewhat more serious than the beginning of this call. It's - for those of you who are listening to the recording we are in the public comment period and we are all taking a well-deserved breather from the heavy work that preceded that initial report so excuse our levity.

But we do have a pretty important topic today. Jeff Eckhaus has gone ahead and put together the beginnings of a document that describes the possible harms that could result from either vertical integration or vertical separation. And I think that's the topic of the call today. I'm hoping that Jeff's on the call; I didn't actually notice.

Jeff Eckhaus: I am here.

Mikey O'Connor: Oh good so you can lead us through it in a minute. And this is the moment where we pause to see if there's anything else that people would like to put on the agenda. That's all I've got. Oh I guess the other thing is what we said last week was that if there were other things that we wanted to really focus on

during the interim period while the public comments are coming in we'd set today's call as the deadline for bringing those up.

So the other agenda item from my call for the agenda is to just spend a few minutes to see if there are any topics like that. But this is the moment to add anything else to the agenda. Are there any other things that people would like to talk about today?

Okay Gisella, why don't you call roll and we'll get going.

Gisella Gruber-White: I'll do that for you Mikey. Good morning, good afternoon, good evening to everyone. On today's Vertical Integration call on Monday the 2 of August we have Siva Muthusamy, Cheryl Langdon-Orr, Mikey O'Connor, Keith Drazek, Volker Greimann, Jeff Eckhaus, Barry Cobb, Ken Stubbs, Roberto Gaetano, Avri Doria, Statton Hammock, Jothan Frakes, Tim Ruiz, Krista Pappc, Alan Greenberg, Katrin Ohlmer, Sebastien Bachollet, Jon Nevett, Scott Austin, Ron Andruff, Kristina Rosette, Michael Palage, Brian Cute.

From staff we have Mike Zupke and Liz Gasster to be on this last and myself, Gisella Gruber-White. We have apologies from Margie Milam and Marika Konings. If I could also please remind everyone to state their names for transcript purposes, it's quite important on these very large calls to have an accurate transcript. And I hope I haven't left anyone off the list. Thank you, over to you Mikey.

Mikey O'Connor: Gisella, in the chat Amadeu is trying to get in on the phone. (Lori), can you check and make sure that this call has been rescheduled for every operator to this current time? Apparently Amadeu is trying to get in with our vertical passcode and failing. So...

Jon Nevett: Mikey, this is Jon. Same thing happened to me. I called up and the guy said the call wasn't until 8:00 pm Eastern.

Mikey O'Connor: Oh.

Jon Nevett: I just hung up and called back and got a different operator and she plugged me in.

Mikey O'Connor: Cool well maybe (Lori), you can take a look at that.

Coordinator: Yes sir. Actually I see someone dialing in. I'm going to step away from the call for just a moment.

Mikey O'Connor: Okay thanks a lot.

Coordinator: Thank you.

Mikey O'Connor: Okay well Jeff why don't you - the document that you submitted to the group is on the screen and maybe you could just take us through it a little bit.

Ken Stubbs: Mike its Ken Stubbs can I have a quick point of order?

Mikey O'Connor: Oh sure go ahead.

Ken Stubbs: Yes I'm sorry to bother you Jeff. Hopefully ICANN further down the road in terms of their engagement on a compliance officer if so I'd like to have you tickle ICANN or have staff tickle ICANN if they hire somebody I think it would be very good if they could their people involved early on in discussions like that. I think it would help bring them up to speed significantly faster as well and maybe get some input from them. Thanks Mike.

Mikey O'Connor: Thanks Ken. Liz and Michael could you follow up with the folks at Intergalactic World Headquarters and make sure that that message gets transmitted to them?

Liz Gasster:     Sure Mike. We don't have any update at this time on the personnel issue but
                 we are definitely keeping the compliance organization informed following
                 each of our calls and will continue to do so.

Mikey O'Connor:  Okay. Thanks a lot. Jeff over to you. Take it away.

Jeff Eckhaus:    Thank you. And so - thanks - so what I wanted to do was I think, you know,
                 this is something I sort of had been talking about throughout, you know,
                 throughout the whole time of this working group that I thought one of the main
                 things we should be discussing is the actual harms that could occur to
                 registrants as a direct result of any level of vertical integration or co-
                 ownership not necessarily associated with, you know, a specific proposal or
                 attached to one of those.

                 So I just wanted to have these all out and have them work through because I
                 think a lot of the issues people have had it's sort of the harms have been in
                 abstract, you know, sort of things - there'll be higher prices or, you know,
                 things like that.

                 So what I wanted to do was explain, you know, have everyone on the list sort
                 of contribute and say here's what I believe is a harm and here's how I believe
                 it will be as a direct result of vertical integration or co-ownership or it could be
                 exacerbated by co-ownership or vertical integration.

                 So there's what I wanted to sort of get through on this list because to me it's
                 been sort of an abstract. So what I did was I looked through a lot of the
                 documents that have been submitted to ICANN that have been submitted on
                 this list, looked through a lot of the emails and looked through for specific
                 harms and I thought I would try and document them.

                 Now I know - one of the things - I'll go through sort of I know I wanted it to be
                 a brainstorming session which is what a lot of people had said but I didn't
                 want it to be just - hey let's just throw things down and see what it is because

then I'll use my sort of like, you know, global warming, you know, or somebody could say, you know, earthquakes.

So I wanted to like try and be - try and keep a little bit of a guideline of what it would be. So I said one of the things I kind of put down was I didn't put down one was - Kathy had mentioned she said - on an email she said I didn't have a category called Registrant Harms Consumer Protections.

And maybe I didn't do a good job of explaining that. I assumed that all the harms that we're looking at registrant harms and consumer protections. They might not be a direct result immediately but I think all of these will filter down and I think that's who we're looking at and that's who we're worried about at this time.

You know, the harms aren't for a specific people but for consumers and for registrants. So I think that could be the overarching view of the harms but I don't think there's one particular category because I think all of the harms that we're looking at and we should be concerned with affect consumers, registrants, individual users, whatever category or name you want to use that.

So that was sort of my thought process on that. I'll - I guess I'll sort of stop for a sec and ask if, you know, if people think maybe do we need a separate section on that or do - I mean, I thought - or does this - the harm sort of go - cover all of this?

Mikey O'Connor: Jeff do you want me to run the queue for you or...

Jeff Eckhaus: Yes if you can run...

Mikey O'Connor: ...do you want to just run the queue on your own?

Jeff Eckhaus: ...the queue go ahead.

Mikey O'Connor: Okay. Tim and Ken are you in the queue to answer that question of Jeff's or do you have a different point?

Ken Stubbs: Yes I am Mike.

Mikey O'Connor: Okay.

((Crosstalk))

Mikey O'Connor: Jeff - or Tim how about you?

Tim Ruiz: Yes sort of, I mean.

Mikey O'Connor: Okay.

((Crosstalk))

Tim Ruiz: I don't want to just respond to the question I'd like to respond to the - I have a question of my own actually in regards to...

Jeff Eckhaus: Mikey, I think that, you know what, I think this is sort of still in the - as Roberto said, sort of the brainstorming freeform so, Tim, I think - I'm open, you know, to ask any questions at this time, it's not specifically to that or conference so let's go through it.

Mikey O'Connor: Cool. Tim, go ahead.

Tim Ruiz: Well first, you know, one of the things I think would be good to do is to clarify what this is going to be used for so we don't run into what we ran into in the compilation of the interim report and that is that we, you know, some of us undertake a certain activity like the poll or whatever it was with one idea in mind about how it's going to be used only to find out later that it's used a different way and that others had something else in mind.

So, you know, if we're going to create this list and this group it would be good to understand, you know, what the initial use of it's for. And if that's going to change, you know, and if there's some discussion of that down the road. So if this is, you know, a list we're creating for internal use, you know, blah, blah, blah, for, you know, to help, you know, to try to find consensus or whatever that's fine.

But if we're going to turn around and turn it into something that's going to get, you know, put into some sort of poll or used to elicit public comment or something like that. And I think there should be some discussion about how it might need to change in order for that to happen so that's one thing.

And then in regards to the - whether this is just harms for registrants maybe I'm not recalling the right version of the list but I thought there were things on there such as, you know, reducing competition, etcetera, which might harm registrants but I think another thing that we should be concerned with is whether it's a harm to the other competitors.

In other words, you know, some of the concerns that I have about single registrant/single user for example is that it creates an unfair competitive - or it could create an unfair competitive environment for the other TLD operators or perhaps registrars. So I thin harms to, you know, existing or other operators as well as existing or other registrars I think is valid as well and something that should be included.

And then finally another question I have is that, you know, if there are - there might be harms or I'm not sure where they would quite fall for example, you know, the fact that if we were - one of my concerns is if we allow a vertical integration it will - it won't encourage innovation.

In other words, you know, we'll have - my feeling is we'll just have more of the - the incumbents doing more things instead of new players actually coming

into the field. So I don't know if that's - where that harm exactly would fall if that's a harm to competitors or to the competitive environment or harm to consumers or both or whatever. So I think some thought maybe should be given to how we might categorize the harms.

Jeff Eckhaus: Mikey, can I respond to that?

Mikey O'Connor: Yes, go ahead Jeff.

Jeff Eckhaus: Okay so I guess working backwards from your last question, Tim, I agree with you and so what I did was - and this is all subject to, you know, change, you know, whatever we think will work; I just put this down there as sort of a stake in the ground.

What I said was I thought that overall, you know, we should be looking at the end user registrant, whatever. And I think the harms you mentioned - and I think I had put them in there like for example competition harms or pricing harms - I think those all - to me those all filter down at the end of the day to the end user.

So that's why I did put in those harms like specific like competition to other operators, those sorts of pieces. I had put those in there as - let's call it subcategories. But those are open to change so I'm okay, you know, that was just my stake in the ground and I'm fine changing any of the categories; I'm not married to them that was just, you know, my suggestions.

The other piece - I guess - let me go circle back again so the uses of the report I thought that we never really put this down. And I thought, you know, I was actually open to what the uses would be. I thought maybe if we could get something together it could be included in our final report, I'm not sure of the process how that works; maybe we can't do it, I don't know the answer to that.

Maybe, you know, I just thought that this group we hadn't listed it yet and I didn't realize that people were going to watch what they said or respond in a certain way based upon who the user of this report will be. I thought people would actually - would just contribute; I didn't think that - who was the consumer of the report made a difference in the effort and how it would be.

I thought maybe we could just leave it out there and say we'll try and put it for public consumption but if we don't make it or if we're not happy then it won't be submitted. I don't know, maybe I'll leave that - maybe Mikey and Roberto can talk about the process better than I can on what we need to do.

Tim Ruiz: I just think that, you know, okay for my part in looking at the polls if I had known that the polls - and I think ultimately in the interim report, you know, we did okay with that. But I think there was some attempt or thought by others, you know, to use those poll results in a different way.

And that concerned me because, you know, we didn't - a lot of us didn't look at that poll in that particular light. And so we didn't comment about its substance or the content perhaps to the extent that we would have if we'd understood, you know, later that this could have potentially been used to support consensus one way or the other on any of these, you know, proposals and that kind of thing.

So I just want to be careful we don't end up in the same boat with this that if we're building something that we want to use to substantiate this or that, you know, in our recommendations and conclusions that's one thing if right now this is just a tool to help us all, you know, try to understand each other's concerns and try to come to consensus, you know, then that's fine.

And it's going to exist, it's going to be a public document; people are going to see it. But then if we want to use something like this, you know, later in our final report to substantiate or back something up or to prove this or that I think

then we might need to give that some additional thought, that's all I was saying.

Jeff Eckhaus: Okay, I mean, I - as I said I thought it was just something that was overdue; I didn't have - when I put this together I know I had seen this on the list as well so I said hey let me take a stab at starting this off. I had no specific agenda on where this would be, what that would be.

You know, if the group wants to put together ground rules or something like that in advance I'm fine. I mean, I thought, you know, looking at the chat I thought Avri had said that, you know, that the whole idea is everything would come out, it would try and get us towards consensus and towards that - towards some sort of agreement if possible.

So I thought that's what this would be for but I don't know what sort of internal tool versus a public output and how that changes, maybe somebody else has a different thought on this.

Mikey O'Connor: Well this is Mikey, let me chime in. One of the differences between now and pre-interim report is that we have more time. And a lot of the poll confusion, misunderstanding, was due to time pressure. So I think we have time to figure this out and just tell ourselves what we're going to do.

I have an inclination but I don't have nearly the time pressure feeling that I had during the pre-interim report period. And so I think what we should probably do is kick it off to the list and have a conversation about it and see where we wind up, make it really clear.

My inclination is that everything we do should be done with an eye to the possibility that it's going to show up in a report because if it's good it should. And that's - but that's just really...

Tim Ruiz:     And then Mikey, then I'm just asking then that we need to decide, you know, what - where we're going with this so that when we contribute we understand what we're contributing to.

              If this was just an ad hoc brainstorming of this and that and the other thing and, you know, and whatever and we're just kind of pulling stuff together to come up with some ideas we may be ending up with something that we want to refine into a document at a later date for some specific purpose then fine.

              But if we have a specific purpose in mind at the outset, you know, then that's a different story and we should be contributing - making sure that we're all contributing under the same understanding.

              And, you know, because I think, you know, in one regard I'm fine with the way this is going and if we look at it another way then in some ways I think, you know, Jeff's been a bit of a Nazi, you know, as far as, you know, what he's requiring for - for this.

              So that just had me concerned, you know, if we have - if Jeff is laying out requirements about what goes into this list, you know, if we're going to have that view then maybe it ought to be more of a consensus view about what goes in or not goes into the list.

              But without understanding what we're doing with it or what the goal is, you know, that gets difficult. So put together a list of harms is fine but when we start brainstorming and throwing that in there then if some people have concern well we can't put is, we've got to have that. Well if you're going to put in a harm then you've got to have this and this. And that starts implying that somebody's got a purpose for this and I just want to know what it is so I can contribute appropriately.

Jeff Eckhaus:  Yes, so let me respond. I would say instead of being a bit of a Nazi I would say, you know, trying to be focused on this because what I'm afraid of and

what I've seen is in my point of view (unintelligible), you know, could say, you know, there's been a lot of, you know, harms thrown out with no explanation of how they would come about and why the result.

And personally, I mean, I do feel that there's been a lot of fear mongering going on out there saying this will happen as a result of, you know, if you could - if there's co-ownership all these bad things are going to happen. And then when it was asked how will that happen, you know, there was sort of silence.

So, what I asked was could we have an explanation of how these things go on. You know, sometimes - it doesn't have to be a full explanation and nobody is going to validate it but just to give some background on why people believe it because just throwing out saying higher pricing doesn't really help us understand what are the, you know, what could happen with vertical integration, co-ownership.

How we could have compliance work on this, what are the issues, you know, just throwing out things is - I don't see that as helpful and that's why I was asking, you know, for people to give a bit of an explanation of why they believe it because they didn't just come up with these off the top of their head, you know, there's not like a list of harms that they're just pulling things off of and throwing to the list; they have an actual reason why they believe it.

So I was asking why not give an explanation or some background to it so this - the group can help understand why that is.

Mikey O'Connor: This is Mikey. I want to jump in on two things. First off, Tim, I'd caution you on using the term that you used to describe somebody's behavior on this call. Try and pick a less inflammatory term in the future.

Tim Ruiz: Yes, got it and as soon as I said it I was trying to grab it back in my mouth but it was a little too late so I apologize for that.

Mikey O'Connor:     Yes. Thanks - thanks Tim.

Tim Ruiz:              Yes.

Mikey O'Connor:     And then I think the second thing is that I think Jeff is doing what a good sort
of document leader should do which is he has opinions about what goes into
it and he's being pretty careful to say look I'm not married to this structure, I'm
not - but this is my view on what I think it takes to make is document work
well.

And I think that Jeff what I'm hearing back from Tim is let's surround this
document with a little bit of what I would call metadata which is the context of
the document; what are we going to use it for, what's going to happen to it
next.

And we had a pretty lively discussion about that on the list that we probably
should continue because essentially what we're doing in a way is sort of
backing into a methodology for how our analysis is going to unfold. You
know, in my simple minded way I started thinking of this as -- Step 1, define
the problems, Step 2, define the solutions, Step 3, pick a solution or
something like that.

And I think that it's great to have a document like this to work from because it
gives more texture to that meta-conversation and that we ought to run them
in parallel for a while. And that...

Jeff Eckhaus:        I think that's a good description Mikey.

Mikey O'Connor:     Okay.

((Crosstalk))

Tim Ruiz: You know, I mean, the fact that we're building it is - implies there's some purpose. And the fact that there's some structure or rules being put around what you put in it implies some sort of purpose.

But I don't think we all understand what the purpose is so, you know, let's be explicit about it, you know, if this is a tool to, you know, do X, Y or Z in regards to, you know, alleviating the (fud) or some believe to be the (fud), then, you know, I mean, let's just be explicit about that so that it's clear, you know, what needs to be in it and why it's, you know, why that's being asked for.

So I don't know how else to express it but I just think that...

Mikey O'Connor: Yes and Tim, I think - this is Mikey again...

((Crosstalk))

Tim Ruiz: ...complete understanding with everybody about that.

Mikey O'Connor: I think the reason that there isn't complete understanding is because we haven't defined it yet. And I think that's what I'm trying to get it as that we're defining the methodology as we go here. And I got pretty roundly trounced at the beginning of the working group for being too much of a process guy so I've sort of backed off on that.

And I'm letting the process sort of evolve on its own. But believe me just like if you yell the word poll in a crowded theater with me in it you'll get polls until you can't see straight. If you yell methodology I'll go nuts and start writing stuff for people to discuss like crazy and would be happy to do that because I think now what's going on is the beginning of really the true PDP as opposed to the sort of prosaic process that we had to go through under those unbelievable deadlines. And...

Tim Ruiz: Right, right see now here's the thing Mikey, here's what I'm trying to (unintelligible). I just read on the chat Volker says my view for the list of harms add your harm now or be forever silent. So, you know, this is...

Mikey O'Connor: Right well...

Tim Ruiz: ...you know, what is this document about? Is this - here's your shot at adding harms that this group's going to consider in future discussions. Add it now or not. If that's one of the things this document is for then let's put that out there.

Mikey O'Connor: Right.

Tim Ruiz: Make sure everybody understands what's going on here so as time is going on and their time is short and they're trying to figure out how to participate and, you know, blah, blah, blah, they know what's happening so that they can participate effectively where they believe they need to.

And so we've got to be explicit here about what we're doing or that's going to get lost and down the road you're going to have people coming in, the 11th hour, all kinds of issues and complaints and firestorms and whatnot.

Mikey O'Connor: Right.

Tim Ruiz: And I - it's just clear to me that there's different ideas in different people's minds about what we intend to do with this list.

Mikey O'Connor: Well and I think it's important that we get those out and that we agree and so that, you know, I don't really want to stop the whole brainstorming process while we figure that out because I think that the brainstorming process itself gives insight and texture to that.

But, you know, I mean, one approach is we could stop this thing cold and agree to a process on how it's going to be built and how it's going to be used.

Tim Ruiz:     I'm not talking about process. I don't think you need to stop it. I'm not talking about process. I'm talking about purpose.

Mikey O'Connor:  Well...

((Crosstalk))

Tim Ruiz:     I was just making sure that, you know...

Mikey O'Connor:  ...that's part of the process.

Tim Ruiz:     ...if this is going to be, you know, if this is contribute now or forever hold your peace to the harms thing then let's make sure everybody knows that. It's that kind of thing and that's what I'm - that I'm worried isn't getting - so in other words, you know, I'm supposed to be on vacation this week, right, and last week I was traveling so, you know, I could have spent two weeks, you know, maybe not on a call - I'm trying to watch the list thinking oh, you know, they're doing this harms thing that no one's really talking about what the purpose.

              And then, you know, down the road find out crap, you know, that was my two week period to get my thoughts in on what the harms were but that was never really expressed anywhere. How am I supposed to know that? You can't spring that on everybody later...

Mikey O'Connor:  Well I think...

Tim Ruiz:     ...so a month from now well you didn't speak up and put your harm on the harms list so it's too late now.

Mikey O'Connor:  Tim, you've got a choice; you either have to put up with some process definition which you don't seem to be keen on or you have to cope with a fluid process; which would you prefer?

Tim Ruiz:         Oh I don't think that's the choice. I think - what I'm asking for is that, you know, if we - what the intent of this document is, you know, or at least, you know, what some - feel this document can do or provide or whatever is out there.

                  And if as a group we've decided that this harms list, this is your shot at getting your harms in there that that's made known. I don't call that process; I'm talking about the purpose of the document.

Mikey O'Connor:   But I think you and I are splitting hairs at that point.

((Crosstalk))

Jeff Eckhaus:     Mikey it's Jeff. Can I just jump in for one second on this?

Mikey O'Connor:   Yes go ahead Jeff.

Jeff Eckhaus:     I think that - Tim, I think that what - I'll repeat earlier - I didn't have a specific deadline on this when I put it out there, I just thought we should do it. I wouldn't take what Volker said on the list as - what he just said on the chat because I just read that myself. I don't agree with that; I wouldn't say there's a deadline for it.

                  I think it's - I just threw it out there because I think it was just something that we needed to put down on paper as I said and I think it's - I'd like it to evolve into what this group believes it should be saying here's the harms, this is - maybe it could go to help compliance, maybe it could go into the final report.

                  But I think that it just hasn't been documented and I wanted to start that. I didn't have a specific purpose or deadline. And I think maybe what could help, Mikey, if you could tell us as a group what are just so we have it in our head and maybe we could discuss this on the list, what are the specific

timelines on a go-forward basis knowing that the board retreat is the 25th or whatever those dates are.

You know, going back what is the timeline that we have to work with because then it would help us as a group understand. It might help us figure this out because if we said, hey, we have four days for an initial - for the final report then it's going to change versus we have four weeks. So maybe if you give that it would help us understand it.

Mikey O'Connor:    This is Mikey just to...

Tim Ruiz:          Sorry, this is - you know, is this a document then that we're putting together for the final report? You know, I don't think that's been said yet. Now, you know, granted, you know...

Mikey O'Connor:    Tim...

Tim Ruiz:          ...all kinds of things...

Mikey O'Connor:    Tim...

Tim Ruiz:          ...go in the final report.

Mikey O'Connor:    Tim, let me get a word in edgewise here Tim because I want to restate what I said on the call last week. What's going to the board in time for their retreat is a revised version of the initial report. We are not going to submit a final report in time for the retreat.

And so...

Tim Ruiz:          Right.

Mikey O'Connor: ...we only have one thing that we absolutely have to put into that document and that's the summary of the public comments that's prepared by staff. At our option as a group if we want to we can revise the initial report in other ways as well.

And one of the things that we kicked off last week was essentially a process where, you know, we would essentially catapult ourselves right back into insane deadline land if we wanted to by saying topics that we might think about putting into the revised initial report need to be identified by this week, by today's call.

And so far the only topic that's come up is the harms discussion. And then we would have to agree to essentially new language within a week or so if it was going to make it into the revised initial report.

And when this harms thing came up my initial reaction was - and this is just personal, this isn't official co-chair reaction; this is just personal reaction to the scope of the job that's ahead of us - that there is probably very unlikely that this document that Jeff is working on could be gotten to a point where we could agree to it within essentially a week which is effectively the deadline that we would have to get it into a revised initial report.

Because the deadline to get it to the - the revised initial report has to be - I have to get my calendar going - done by the - we have to work back from the late August council meeting which is the 26th. So I think public comments are done like on the 12th, is that right? Still don't have a calendar in front of me. Hang on a minute.

Yes, public comments close on the 12th so we would need to be - in order to hit the deadline for the council meeting we need to be done by the 17th of August with any changes that we want to insert into the revised initial report.

Given the nature of this document it seems unlikely to me that we would be done enough for it to get into the revised initial report but that's probably the conversation that would need to happen on today's call. And so I haven't been pushing it real hard but I guess I've been presuming that.

So Jeff, are you working under the assumption that the target is to get this into the revised initial report or were you just starting off what I think is a very important conversation for...

Jeff Eckhaus: Yes so what it was was I did want to just start this on the list and document it. I did have a hope that it could go into an updated initial report but I did not set myself for even think like here's a target date; this is what we need to do because I thought it was very tight.

And I think that with the number of vacations that people have and with, you know, everyone frantically trying to finish their DAG 4 comments and other comments towards the end of July that it would be very tough if not impossible to get it into the revised initial report.

But, you know, miracles do happen so - but that was sort of my thought. But I think we still needed this as a group and on this list and it could go into the, you know, the final report if we deemed still but that wouldn't be until, you know, October or whatever that timeline is.

Mikey O'Connor: Yes. So that's kind of the timing thing.

Tim Ruiz: So, but again, you know, so the list of harms I'm sure it's not just the list of harms, I mean, we intend to do something with this along the way right? So there's more - I don't know, I guess I'll just - I'll just shut up because I'm - it's clear I'm not getting my point across.

But, you know, just my feeling is that different members have different ideas about what they are going to do with this list. And so I just would encourage

everybody who hasn't been paying any attention or participating to really, you know, sit back, think about it and get your thoughts in because I got the feeling this is going someplace that you may not think about at this point.

Mikey O'Connor: Well I'm a little frustrated by the constant rebuffing of the process stuff. So I think I'm going to...

Tim Ruiz: Mikey there is no process; that's my problem. I'm getting a little frustrated too...

Mikey O'Connor: No, no, I'm - Tim...

((Crosstalk))

Mikey O'Connor: Tim, I'm reacting to the chat. I'm sorry, Tim, I'm reacting to the chat.

Tim Ruiz: I want to finish. We don't know what's going on from one day to the next. These things pop up. And then - but there's no understanding of what it's for, how it's going to be used, what our goal is with it. And, you know, (unintelligible) so there is no process Mikey, that's the whole point.

Mikey O'Connor: And that's because...

((Crosstalk))

Cheryl Langdon-Orr: ...some of the other people in the queue too please before we...

Mikey O'Connor: Yes I'm going to...

Cheryl Langdon-Orr: ...before we all die of old age and extreme frustration?

Mikey O'Connor: Okay. Tim, thanks very much. Ken, you're next.

Ken Stubbs: Thank you. All right I'm going to address a couple of things. First of all I think it's extremely important that we move forward here and try to keep everything civil and try to keep allegations out of this thing. I am really somewhat sick and tired of hearing the term fear mongering used especially - I'm sorry, Jeff, you're the one that's taking this forward.

Let's not take it forward in an adversarial way; let's try to do it in an unbiased way. I can take you back 13 years ago where I had to testify before the House Judiciary Committee because Network Solutions - the old Network Solutions - not the new guys - claimed that their customer list was intellectual property.

So I don't want to hear about fear mongering. All I'm saying very simply is in the early stages of the discussions about potentials for abuse and harms they were all couched around the fact that we had to put forward specific proposals.

We did not spend a significant amount of time and harm so as a result there were concerns raised. They were not elaborated. If you want 20 pages you could have gotten 20 pages. There are people here who have significant experience in dealing with the potential for abuses. So let's get that out of the way. Let's try to stay focused, number one.

Number two, Volker, I think you're - I'm looking - I'm responding to the list. I'm sorry you're not - I think you're being incredibly naïve if you just say well let's just wait until something happens and then we can deal with it. By the time the horse gets out of the barn the damage can be significantly more costly and more difficult to manage.

And so as a result if we're going to be looking at harms and if we identify specific harms we should try to set up a process to help to prevent the harms from occurring rather than assuming well what the hell, people are going to do bad things and we just have to wait.

One of ICANN's biggest problems over the last ten years was that they tended to be too reactive and not enough proactive. Over the last two years they started to realize that there were certain things that they needed to do.

But it's kind of like you don't wait until the registrar hasn't paid its dues for a year before you do something about it and that's literally what was happening a while years ago.

So all I'm saying very simply is the philosophy that I would approach is try to identify the potential harms and keep an open mind. As we all know Jeff, in the long run the beneficiary of the bad deeds is mot undoubtedly going to end up being the end user.

If you put other people out of business by offering preferred terms to specific registrars and other registrars can't compete then eventually the result will be higher prices in almost every case or a diminishment of availability because all the names got grabbed by somebody who had some sort of a preference.

So let's try to, number one, keep the tone away from inflammatory because I promise you if you use that I'm going to come back and raise hell with it, okay. Number two, I hopefully - we can try to look at whether or not we feel once we've identifies these harms do we recommend that ICANN use any sort of an approach.

And I'm not talking about a specific line item how to deal with this and that but rather a philosophical approach. And if so there's nothing wrong with putting a stake in the ground if we happen to feel that ICANN has not been as proactive as they should be, if we feel that there should be certain things to help prevent the harms.

And, you know, basically that's the point I'm trying to get to Mikey. Then I have one more thing and it has nothing to do with what I just said. There's

been some significant concern expressed on the list principally by Avri and a couple other people who expressed confusion about using this process at this point in time.

I'd very much appreciate if someone could step up and elaborate. It's kind of difficult to listen and read at the same time especially some of these get rather deep. Thanks Mike.

Mikey O'Connor: Thanks Ken. Kristina, go ahead.

Kristina Rosette: I'm going to kind of shift the tone a little only because, you know, if we all go back in time to the drafting team the IPC really, really, really wanted to have in the charter of this working group an exercise that would identify the potential harms and potential effects of either maintaining the separation or relaxing it. And that was soundly rejected.

So don't get me wrong, I think this is an important exercise but my point is I think we really need to go back first before we go too much farther down this road to the charter of the working group to make sure that we've actually done everything the GNSO Council asked us to do.

My initial review is that we haven't; there are some things where we've tried and we clearly haven't been able to come up to consensus. But there are other points where I don't think we have and I think we need to. And then let's circle back to the harms exercise.

And if we are going to continue with that I think we do need to be clear about the potential uses for it. And to the extent that there are requirements that need to be met in terms of a proposed identified harm in order for it to make the cut to get into the document I think those need to be identified in the document itself.

Even if it's only just a very simple straightforward footnote so that everybody is clear in the document itself these are the criteria that you need to meet in order to have your proposed harm or, you know, the harm you've identified, the harm you're concerned about, included in this document so that there's no doubt later in time as to what the criteria were. There's no allegations of well I submitted something and it didn't go in, it was very arbitrary.

There's going to be enough of that so let's just try and, you know, do what we were supposed to do, circle back to this because I do think it's important but make sure that we're all on the same page.

Mikey O'Connor: Thanks Kristina. Volker, go ahead.

Volker Greimann: Yes, hi, I wanted to get back at what Ken just said just to make my point clear - clear to everyone who wasn't reading the chat at the time. I was comparing the possibility of harms to bank robberies.

And I think that's - this comparison actually holds water in a lot of ways because there's - even though there's laws that prevent bank robberies, there's security measures that prevent bank robberies, there's always going to bank robbers because bank robbers are an adventurous bunch and they will all find new ways to what has been around since they have banks.

The only way to prevent a bank robbery would be to abolish banks actually. So we do not want to do that; we want to have a world with new TLDs. And we have to expect that no matte what we put in place, no matter what restrictions we put in place there will be bank robberies or abusive behavior.

The rules we need to put in place do not have anything to do with vertical integration or cross-ownership in my view; they have something to do with preventing those harms. So many of the harms that I have seen so far are just as possible, maybe not as likely but just as possible in the world whether

we have 100% full vertical separation as they are possible in a world where we have 100% vertical integration or cross-ownership possibility.

We cannot prevent all bank robberies; we need to find ways to punish those who rob banks when we catch them and to make it harder to rob banks before it gets to the point where the harm is done. That's just my two cents in there.

Mikey O'Connor: Thanks Volker. Jeffrey.

Jeff Eckhaus: Yes, thanks. I think, you know, what I wanted to - well first I just want to say that I do want to agree with Kristina's statement. I'm not sure - I'm not going to make, you know, opine on whether we have met or not met the charter but I do think that should be first and foremost before we go back to that so I just want to agree with that.

And second off I think, you know, the list from what I started, you know, I thought that people wanted to get this going and some of the discussions because I agree that it could help figure things out going forward. And if there are things that people say this I'd like to include it, you know, shouldn't be. And then feel free to add to it and change it.

I mean, I know it's very easy, you know, to sit on the sidelines and to criticize but I think it would be great if people, you know, added on and made changes to it. And, you know, put in say I think we should do this, here's the reasons why I want to add this to the list or maybe to say hey I don't think we need explanations; here's the reasons why.

You know, I think if we could have some sort of substantial discussions around it is what I'm hoping for not necessarily pushing for one way or the other - for the other, sorry.

Mikey O'Connor:   Thanks Jeff. That actually gets us to the place I thought we were going to be on the call. So...

Scott Austin:   Mikey, this is Scott Austin, could I ask - could I make a comment?

Mikey O'Connor:   Oh sure.

Scott Austin:   I'm sorry, I don't have access to a computer so I wasn't able to raise my hand. I just wondered, you know, Jeff is a lawyer, I'm a lawyer, the...

Jeff Eckhaus:   I'm not a lawyer - I need to respond - I need to interrupt. Sorry, I'm not a lawyer.

Scott Austin:   Oh Jeff Eckhaus you're not a lawyer? I thought for some reason...

Jeff Eckhaus:   No, no I'm not.

Scott Austin:   ...I thought somebody said you were. Well the point I'm trying to make is normally what lawyers - I know Kristina is - normally what lawyers rely on is precedent. And I guess my question is in all the discussions that we've talked about I haven't seen or heard anyone point to a specific harm that's related to an event that's occurred that's either been decided by a court or a tribunal or a regulatory body.

And I guess my question is some of these harms I would think would deal with accreditation. And there must have been some harms that were addressed when the original determination was made that there would be separation. My concern is that there may be many on this list who, like me, I don't run a Fortune 500 company; I'm not a registry service provider.

I don't have years with ICANN that I can hearken back to. I don't have some of those prestige factors; I don't have the number of years with IPC like Kristina does. But yet I'd like to make a comment and a meaningful comment.

And, you know, in terms of the intimidation factor or some of these other things that have been raised I think that the concern is there's a lot of people who have a lot of prestige, power or status power or whatever because of their involvement in the industry.

And for those of us who are just - work-a-day lawyers for example we want to make sure that we provide meaningful input and that is heard when it is made. And my most useful role it seems to me is to rely upon some analysis that's been previously done so that we don't reinvent the wheel.

And that's what I'm searching for is for those who are experienced like Ken and like Jeff if there are examples that can be pointed to where we say hey here's where somebody obviously created a harm because they got their hand slapped or because they got their accreditation taken away, you know, what is - there has to be an opportunity for us to look back at some of the rules that have been broken I guess that dealt with some of these harms. And that's my comment.

Mikey O'Connor:   Thanks Scott. Ken Stubbs, you're back in the queue, go ahead.

Ken Stubbs:   Yes, I thank you very much Scott for that - for those comments. I think those people that have spent a significant amount of time in the ICANN arena over the last 10 to12 years can take you back and discuss the potential problems that were - dealt with early on.

And some of the many concerns that arose at the point in time where we were dealing with not just an incumbent monopoly but a situation where someone who had significant market power also owned a registrar and was able because of the economic relationship to manage the process in such a way that it could advantage their registrar not just any ultimate pricing but in gaining additional market share.

The best approach I could take with lawyers would be to say you already have a precedent for abuse in vertical integration with case law that you have through SEC decisions. Also I think Brian Cute is on the call; I'm sure the FCC has had issues over the years that probably would apply and would work quite well with ICANN. And maybe that's the basis for some of the concerns that people have.

I get very concerned when you have corporations who refuse to disclose information like ownership and use the guise that, well we're a close-held corporation; we don't have to tell you who owns what. You know, I mean, you don't have to but the point very simply is it may be better for the community to understand the economics within a corporate relationship that make it easier for an organization like ICANN to manage and prevent abuse.

You know, I guess, you know, we're operating under a different set of laws in different countries. For instance European Union has many laws regarding ownership of close-held corporations that in fact make the information virtually public with respect to directors all the way down the line.

And I'm not just talking about who but compensation, percentage of shares owned. I believe Germany does; I know Ireland does. There are quite a few countries that do have. So let's not necessarily apply American law with respect to this because we're dealing in a global environment here.

And I can understand your frustration. Sadly it's very difficult to get people like Dan Halleran or, you know, if you sat around - I don't know if Mike Palage is on the call - if you sat around and listened to Louis Touton and Dan and people like Mike Palage chat for an hour or two over potential abuses or abuses they've seen you'd probably would learn an awful lot about this.

And unfortunately we don't have that opportunity, it's a bit sad. And the thing that concerns me to a great extent is there are very few people in ICANN - ICANN does not have the depth - they've lost over the last five to seven years

people who really could make significant contributions to this process who really aren't available or are working in other areas.

So hopefully what I'd like to see somewhere down the road would be a lot more cooperation from the ICANN staff. And I'm not talking about Margie, I'm talking about the people who are really going to end up putting the rules in place at some point in time.

And it's somewhat sad that we haven't had the interaction there. I know there are board members that listen to these calls. And I know there are former board members on the call and I think they understand what I'm talking about. Thanks.

Mikey O'Connor:     Thanks Ken. Brian go ahead.

Brian Cute:            Was Michael Palage ahead of me in the queue?

Mikey O'Connor:     I didn't hear him?

Brian Cute:            Oh I thought his hand was up ahead of mine.

Mikey O'Connor:     Oh I didn't see his hand up. Palage do you want to talk? Go ahead.

Brian Cute:            It looks like it's down.

Mikey O'Connor:     I think it's down.

Brian Cute:            Okay...

((Crosstalk))

Brian Cute:            ...yes, and Scott, just to echo some of Ken's thoughts. There's a couple of moving parts here that I see and one is that you asked is there precedent in

the specific harms. And there are specific behaviors that have exhibited themselves in the marketplace that could qualify as harms that we've made the argument in the past could be exacerbated through an integrated structure that has access to registry data. That's one variation.

So - but looking only to precedent is - as much as there is rich precedent there, as Ken said, if some of the folks who have been around for a long time like Palage and Jeff and others could really get into the details of some of the gaming scenarios that they play it's not precedent alone; it is more of an economic question, a competition antitrust question.

And, you know, in the past in this industry like others, not uniquely this industry, a framework has been put in place that requires separation, neutrality rules or nondiscrimination rules between and among competitors are put in place.

And those aren't specific harm-related but those are there because there's a recognition that in certain relationships in certain settings there are incentives to cheat, there are incentives to favor a related entity. So it's not just precedence, it's precedent on one hand, it's other aspects of the structure of integrated companies and related companies that have to be examined.

And, you know, with regard to this I look at, you know, the first section that Jeff put together and, you know, (unintelligible) for the job that he did in putting the whole thing together. The competition area, yes, that's talking about what's potential harm between and among competitors, between registries and registrars, between and amongst registrars and registries as groups.

You know, that's a fairly complex area. There's not a lot of folks on this call, myself included, although I've had access to very sharp antitrust counsel over my career, there aren't a lot of competition experts here. So, you know, flushing out a sound and robust list up front would be a challenge.

And so we always have to be mindful whenever there's competitors around a table talking about establishing rules that affect the marketplace that we can get ourselves into hot water too if we're not careful about how we structure our discussions and the exercises we go about in identifying potential harms and potential structures of the marketplace.

So there's a fair bit, Scott, a long winded way of saying there's a fair bit to consider here beyond just precedence in the past.

Scott Austin: Could I respond to that Mikey?

Mikey O'Connor: Sure go ahead Scott.

Scott Austin: Okay. And just to be sure who was that just speaking?

Mikey O'Connor: That was Brian Cute.

Scott Austin: That was Brian, yes, I thought it was Brian. Okay well, Brian, thank you very much, and same thing to Ken; that was very helpful. And I guess my point is I don't know that - yes I understand that there may be antitrust cases that apply, there may be Securities and Exchange Commission regulation and the need for disclosure and transparency.

And I know that I have been exposed to both the German and the Irish system in terms of being much more helpful in that regard, that you can't hide behind a privately held entity.

I just wondered that for the number of years that ICANN has existed and registrars and registries have been in operation if there are any examples of people - of particular entities being called into question whether it's under the Sherman Antitrust Act or whether it's under - from an SEC standpoint where

there was potential violation where people had taken the perceived monopolist to task in either the registry or the registrar area.

Because, again, I mean, it seems to me that would be helpful in giving us some guidance. And maybe the word harms is sort of a philosophical version if it. I mean, in some ways it's really what are the instances where the law or some authority - and I don't know if you want to continue this as part of compliance or enforcement - has had to come in and enforce the existing structure so that you didn't have harm.

I mean, harm to me is essentially damage; it's what happens - it's the result rather than sort of the preventive, it's the result that occurs when in fact a rule is violated or a compliance structure that's put in place has been violated so that it is has to - so enforcement has to come in and stop it.

Mikey O'Connor:     Thanks Scott. Let's see I think we have Jeff in the queue and then Ken. Go ahead Jeff.

Jeff Eckhaus:     Thanks. Yes, I think I'm just reading the chat and was listening to Scott and to Brian and, you know, I wanted to, you know, I don't know - I had said before - I've used the word fear mongering and maybe I should tone that done but what it was was people pointing out fears.

But I have to say that, you know, most - if you saw from my list and from where it came from I think that Brian and affiliates were, I mean, if you saw they were instrumental in where I pulled most of the harms from and with the details of how those would occur.

So, I mean, I commend them. That was - the majority of some of these issues were pulled from their letters to ICANN and their description of the harms. And I think that's where I got a lot in being able to use their institutional knowledge and to say this is what we saw in the past, this is as a registry

what we believe can happen. And those - I added those to the list and I think those were invaluable.

I don't think, you know, I never thought that this list was going to be comprehensive or complete because, you know, we don't know what is going to happen everything in the future. But, you know, I thought pulling these things in the past and using them as sort of a guideline to the future because there are going to be differences.

You know, when it was - we can't say well this is what happened where it was VeriSign and Network Solutions and there was just .com and how it's going to change when there's 300-400 TLDs. You know, it's not a direct application but we have to use it as a guidance.

And that's what I was hoping we could do not as a strict interpretation thing this is what happened in the past, we must do this in the future because I don't think that's, you know, I think we have an intelligent group of people.

We can use sort of the information in our analysis going forward not saying, you know, and as I said I'm not a lawyer so I'll probably screw this up but, you know, we can't go on strict - I think it would be foolish to go on strict precedent saying this is what was agreed to in the past so we have to do this.

I mean, that's why we actually have this group going forward is to think about some of the things that happened in the past and to use that in our decision making process going forward. That's it.

Mikey O'Connor: Thanks Jeff. Ken, go ahead.

Ken Stubbs: Yes, I'm kind of sorry Palage is not on the call right now because I think Mike would be able - Mike's a treasure trove of potentials for abuse. And I agree with what Jeff's saying but I'll just give Scott a perfect example of this.

In the affiliate (unintelligible) there was one guy in Austria who registered in the land rush almost 5000 names using trademark dates that were supposedly in effect 50 years before the Austrian Republic was formed. You know, I mean, there's been a lot of crazy things.

And there are significant potentials for abuse. And I guess what we're looking at is trying to create a level fair playing field for registrants and for competitors as we move forward in the - with the new TLDs.

And when I say competitors I'm not just talking about competitive registries but I'm talking about registrars as competitors. We need to make sure that the registry - and, you know, I have heard the argument from registrars who have proposed a new TLD and saying why in the hell would I want to discriminate against my competitive registrar?

I said, yes, you know, I need his business. Well, you know, there are also those who would argue that a registrar who becomes unjustly enriched has more money to be able to use the market against their other competitive registrars in other TLDs.

So the point I guess I'm trying to make very simply here is that the over - what I consider to be the overarching issue here is ensuring fairness across the field. And if - when we look at the harms we - sometimes it's easier to describe how the harms can affect at the first level taking it down to the fourth or fifth level where you finally get to the registrant it can be quite difficult. Thank you.

Mikey O'Connor: Thanks Ken. The queue appears to be done. Here are some things that I've jotted down as notes. And I think Roberto and I need to probably go off and huddle a little bit about this and figure out what we're going to do.

But it seems to me that a few things have come out not so much about the content of the harms document but about sort of the context of it, the meta

stuff. The point that Tim kicked us off with which is how are we going to use this?

Where does this fit in a process? Does it go into the interim report, revised or not? So that whole conversation. I don't really want to shoot from the hip on that; I want to talk to Roberto a bit about it before we opine - I like that word.

I think another thing that's just starting to emerge that I'd be curious to hear from the group about is the role in our work of experts and whether we need some.

Several people have mentioned in various ways the fact that we don't necessarily have all the expertise that perhaps we need. And again this is one that I want to sort of chat with Roberto about but would be interested in hearing about from you all as well.

And then the final one that I've got on my little list for this conversation with Roberto is the charter and the point that Kristina raised about making sure that we touch all the bases in the charter that we're working under.

We're in sort of a transitional state between the sort of scramble for a deadline which was essentially a negotiation now transitioning into a longer and, you know, I hope more orderly and probably a bit slower process where we actually analyze the problems that were put in front of us in our charter and try and work our way through it.

And I don't have instant ready answers on that; I want to think about that a bit - shoot off my mouth (unintelligible) situation for me to be in but there you go.

So I just wanted to acknowledge that those are points that I heard in the conversation and I don't have a whole lot more to say. We are about 15 minutes away from the scheduled end of the call. Do people want to break off

now? Do you want to use the rest of the call for more conversation? I'm all ears. Jeffrey, go ahead.

Jeff Eckhaus: Yes, thanks. I guess, I don't know maybe I'm stepping on another - on a landmine here or opening up a can or worms or whatever idiom you want to use on this. But I guess I want to renew my call for trying to help me shape and put together this list of, you know, the list of harms.

If you don't want to send it to the list and you want to send it to me, you know, privately I can add it onto the list or, you know, or - add it onto the list I'm putting together. And as I said I don't know where this is going to end up. If you're worried, you know, about contributing saying I don't want to put something in because of that maybe you could let me know.

And the other part is I thought somebody had sort of mentioned this and I want to be clear about this that, you know, it's sort of like I don't want to give the instructions on how to break into a bank because that would, you know, people might not know so, you know, if somebody's worried about putting a harm that they didn't think about they might say oh this is the thing I thought about and nobody would have thought of maybe sort of describe it or, you know, discuss it but not give the blueprints on how to do it.

And I probably think that if you thought of it then a lot of others might have as well. But that's it, that's my comments on the list of harms.

Mikey O'Connor: Thanks Jeff. Kristina, go ahead.

Kristina Rosette: This goes back to your original question about whether there were other topics we thought it made sense to talk about. And I'm just wondering whether there was enough of - what was the phrase - general agreement on the idea of SRSU as to whether or not it's worth spending some more time trying to see if we can come up with basic principals that we can get some level of consensus on even if it's only just a handful of them.

Mikey O'Connor: That fits perfectly into the rest of the agenda. What are people's thoughts on that? Do people feel like, you know, the - there's sort of two approaches. One approach is to kick off something which I think the harms list can be characterized as a pretty broad, pretty deep discussion that's probably almost impossible to wrap up in time to make it into the revised interim report.

Or is it a narrow enough topic that we could do one more round of conversation on the list to come up with a series of amendments essentially to the interim report? What do people think? Don't all speak at once.

Jeff Eckhaus: It's Jeff. Do we have to decide that today or right now? Could we do it over the next few days?

Mikey O'Connor: No I don't think so. Maybe the way to do that Kristina is to kick off a conversation on the list...

Kristina Rosette: All right...

Mikey O'Connor: ...sort of the way Jeff did with the harms thing. And we'd have to set some pretty aggressive deadlines. Basically what we probably would need to do - I'm looking at the calendar - we're going to have to have the revised interim report done by the 17th of August which is effectively two weeks from today. That's kind of the timeframe.

But I think within that window we can do whatever we can do. And if we can get something done that people agree to it could go in as far as I'm concerned. It's really up to the - I think to the response that you get on the list from the members of the group.

I think if there are huge concerns this would be a time to raise them so that, you know, to sort of replay Tim's point we don't get down to, you know, a

week from Friday and suddenly someone says holy cow that's not going to work for me.

I think we need to make it clear that this was underway so that people did pay attention and participated actively. But other than that it's certainly fine with me. Any thoughts from anybody else on that? Don't see much. So Kristina why don't you go ahead and fire something off on the list and see what happens?

Kristina Rosette: All right.

Roberto Gaetano: Mikey, I have my hands on.

Mikey O'Connor: Oh go ahead Roberto.

Roberto Gaetano: Yes, I think I personally - I think that having witnessed the progress we have made in the last weeks that it is very difficult that we - on that new front that we can achieve some sort of consensus within the tight deadline.

However I would be glad if we could have a new item to put as part of the report as consensus of the group. So I will be delighted if we could get somewhere with this and to have one more point. But I would like also to make sure that we don't - when we attack this new item that we don't do that in substitution to the discussion of the harms and the rating of the harms and, you know, then to get that done.

So if we can do that in parallel that is absolutely excellent. But we should consider that now we shift (unintelligible) from the harms list and we move to this new item. Thank you.

Mikey O'Connor: Thanks Roberto. And I would second that. We can get a little bit more into the interim report, terrific but let's not lose the momentum that's been started on this other thing at the same time.

Just reading the chat real quick. Just to touch on Kristina's point about the charter, the way that Roberto and I treated the first part of the working group was we basically narrowed the scope of what we could get done severely and deferred pretty much everything in the charter until we got through that sort of crazy deadline time.

And some confusion is emerging around the term, quote, final report. That's one of the things that I want to talk to Roberto about is whether we issue one or two final reports; one from the first chunk and then another one from the chunk that was deferred or whether we just wait and do one final report at the end. That's the kind of topic that I don't want to just fire off half cocked on.

But rest assured that the charter has not been forgotten it's just that most of it got deferred because of the timelines we were under. So anything else that people want to bring up in the waning hours of this call? Don't see any hands up so I think I'm going to give us 10 minutes off. And we'll wrap it up. We'll see you next week at this time. Carry on on the list. Thanks all for participating today and we'll see you next Monday.

Avri Doria:        Bye-bye.

Cheryl Langdon-Orr:  Thank you.

Mikey O'Connor:  Bye-bye.


                          END