Vertical Integration PDP Working Group
TRANSCRIPTION
Friday 16 July 2010 at 14:00 UTC

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http://audio.icann.org/gnso/gnso-vi-pdp-20100716.mp3
On page:
http://gnso.icann.org/calendar/#jul
(transcripts and recordings are found on the calendar page)

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Berry Cob -CBUC
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Jon Nevett   -CBUC
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Apologies:
Avri Doria
Sebastien Bachollet
Liz Gasster

Coordinator: The call is now recorded, please go ahead.

Mikey O'Connor: Thanks very much. Our agenda is pretty short today. This is a special
                  meeting of the Vertical Integration working group primarily to review the draft
                  of the initial report. And that's the only agenda topic.

                  And the way that I thought I would proceed certainly open to debate is to - I
                  flagged a series of emails that have come into the list over the last few hours.
                  And thought I would just sort of work through them. And then if there are
                  topics that are on people's minds that are left over after that maybe we can
                  touch on those as well.

                  I'm sounding a little distracted because folks are coming into the room. But
                  just to give you sort of the lay of the land I've got the thread between Jeff
                  Neuman and Kristina about SRSU flagged. And I think that, you know, we
                  can talk through that one.

                  I've got Sebastien's comments flagged. I've got Cheryl's comments - is that
                  me that's making all that noise? No.

Cheryl Langdon-Orr: No.

Mikey O'Connor: I've got Cheryl's comment flagged, I've got a couple of notes from Antony and it starts off with one from Jeff Eckhaus before the latest draft. So I thought I would sort of go backwards through those since the most substantive discussion is in the Kristina/Jeff conversation.

Margie, you've got your hand up. You want to...

Margie Milam: Yeah, I just wanted to point out I was able to upload the document but it doesn't preserve the redlining or the numbers - the page numbers. So we can refer to, you know, the section itself but we might want to go back to the Wiki page to, you know, to actually look at the redlining. Does that make sense?

Mikey O'Connor: Yeah.

Margie Milam: For some reason it didn't pick it up.

Mikey O'Connor: I think that is right. I should follow my own prescription and have a copy of the document open for me. Jeff, you have your hand up, any thoughts?

Jeff Neuman: Well just a quick...

Tim Ruiz: Mikey, would you put me in the queue please? This is Tim. I can't get in the room for some reason.

Mikey O'Connor: Oh sure. Funny that that's - but anyway, yeah, you're in the queue after Jeff.

Jeff Neuman: Just so - just a quick question and maybe it's just my confusion and this is not the subject that we were talking about on email. But I saw Cheryl's email about Pages 63, 64. I'm a little confused, the report I got only had pages 1-19. So...

Cheryl Langdon-Orr: Whoa.

Jeff Neuman: And if you open the document that's on the Wiki page the Word doc it's only 19 pages. So what's going on?

Mikey O'Connor: Oh well that's unfortunate because the one I worked on last night is 130.

Cheryl Langdon-Orr: You definitely went more than 20.

Tim Ruiz: That means that Jeff was looking at the text prior to last night's posting.

Mikey O'Connor: Yeah that must be it.

Cheryl Langdon-Orr: Yeah, the one that we had before the last meeting that was put out went only to 19 pages. But...

Mikey O'Connor: Yeah, Jeff, I didn't post the new draft to the list, I only posted it to the Wiki because it's so big that I didn't want to hit people with a 3 megabyte file on the list. So...

Jeff Neuman: Can you put the exact link then on the chat so I can go to it? I just...

Mikey O'Connor: Yeah.

Jeff Neuman: Oh wait.

Mikey O'Connor: Good, somebody's ahead of me.

((Crosstalk))

Cheryl Langdon-Orr: And there was some substantial changes in that, Jeff, so you really do need to look at it.

Mikey O'Connor: Yeah. Okay so Tim, you're up.

Tim Ruiz: All right well that answers part of concern. But it - it just gets to the whole thing here while, you know, I'm sitting here this morning a little blurry-eyed because...

Mikey O'Connor: You people...

Tim Ruiz: ...I can't even - I'm not even caught up on all the friggin' email threads that are going on. We're talking about the report that it doesn't sound like we all have the same even version that we're looking at and commenting on. I can't even get to complete a set of comments because everything's coming in so fast I can't get - it gets adjusted every time I think I'm done.

I mean, I just don't know - I think we're pushing too hard. I think one thing I know that I read in a thread and I completely agree with - with something Jeff said - that, you know, there's clearly no consensus on anything. So what we're doing is trying to complete a report that reflects the current situation is this is possible.

When this gets to the council it's not like, you know, the council is going to make its own decision about what recommendations to send to the board because the council is not a policymaking body, it is a policy management body. The working group comes to the council and there's no consensus on anything. The council is not going to try to arbitrarily figure out where it can claim consensus and send something to the board.

So, you know, it's not like this report has to be completed, approved by the council and in the board's lap before the board can do anything. Some of the board are on these calls. Some of the board have been following this list. The board has, you know, is perfectly capable of getting access to any of this information.

The council can make sure that they have access to it even if the council hasn't had a chance to actually take action on it. And the fact is that even when this report comes before the council and action comes up it's the tradition of the council that any constituency can simply request that it be delayed until the next meeting and it'll be delayed. And I have not doubt that that will likely happen.

So I think we're pushing for a deadline here that doesn't really exist. And I'm just asking that we think about this and that we give the working group enough time so that more than three or four people actually can, you know, read and comment on this report and make some kind of contribution towards it that makes sense. Those are my thoughts.

Mikey O'Connor: Ken is your thought on the same topic? If so - oh you took your hand down. Oh no there it is - because I know that you mentioned at the end of the call a week - at the beginning of the week maybe there was a way out of the timing dilemma.

Ken Bauer: Yes, can you hear me?

Mikey O'Connor: Yeah.

Ken Bauer: I'm sorry I say that every time but rather...

Mikey O'Connor: Yeah, no I'm happy to - I'm happy to say yes.

Ken Bauer: Okay. Yes there is very simply a way out of it. And if I'm incorrect I know that Dan Halloran or JJ or Margie or someone will indicate it. We are obligated to publish a report. There's no obligation to publish a complete report.

And as long as we put into the report a process that allows us the opportunity to continue to modify the report while it is out for public comment and most importantly at the beginning - literally in the first sentence we need to make it

very clear that this is an interim document and there will be additions made during this so that somebody can't come by and - back and say that they were misled, that they did not know this wasn't final.

You could hypothetically go ahead and publish the report with the areas that we know are essentially complete, background and objectives, approaches taken by the working group, appendices that include the comments from the various constituencies, but leave out those areas that Tim referred to it but other people have referred to it yet, you know.

Principals we need to work on principals. Kristina is busting her butt to try to get everything done in the area that she's been tasked with. And those areas can be included even if it's seven days later who the hell cares. I've rather give them a product on an ongoing basis that's continually refined and reflects quality rather than reflects the time pressure.

I really believe that if you check with the staff and council you'll find that you still need the basic requirements of this process. And also you've got people like Jeff Neuman on the call probably who could - is either going to say yeah it's going to work or Ken, it ain't going to fly; one of the two because Jeff has a deep knowledge of exactly how this process needs to work to be legitimate.

So that's - those are my thoughts. Thanks.

Mikey O'Connor: Thanks Ken. Tell you what let's spend - let's try to spend 10 more minutes max on the kind of gating timing question. Because Lord knows I could use some more time too. If we can see our way clear to easing the time pressure you certainly won't get any arguments from me on that.

So Jeff, if you're talking about timing why don't you go ahead otherwise why don't we wait? You're in the queue though.

Jeff Neuman: I'm sorry, I meant to drop it, sorry. S

Mikey O'Connor: Oh okay. Eric, go ahead.

Eric Brunner-Williams: I wasn't going to talk about time, I have edits to suggest so I'll defer to...

Mikey O'Connor: Okay why don't you leave your hand up and I'll keep track of it there.

Eric Brunner-Williams: Okay.

Mikey O'Connor: Kristina, were you going to talk about timing? Oh, Margie's got her hand up actually that's the person I want to hear from.

Margie Milam: I was. I completely agree with Tim. I've also noted in the chat for those who aren't on it that the current, as they apply today, bylaws allow the council to request at its final meeting on the working group report the advice of outside advisors. I've gotten an answer about what that provision means. I haven't had a chance to really fully digest it but I do want to flag it. And I also want to just note that I understand Ken's point about having this be a work in progress.

But I think we need to be careful about how we go about that simply because if we're too adamant that the version that goes out for public comment will be different three days later it will really make it very difficult for many entities and organizations and individuals to be able to participate meaningfully because by the time they get a comment drafted and internally approved it may be that the provision that they're drafting is changing.

So where I do think that we can take advantage of the public comment period to perhaps do some further refinement and where I think we should certainly be reading and taking into account what is coming in the public comments I think we just need to caution how much we intend to do that or at least be very clear about what we're doing because otherwise we could end up in a

situation where we've essentially designed the process in such a way that we get no public comments.

And I don't think that's what we want. I don't think that's going to be helpful for getting this issue resolved to the extent it can get resolved. And we need to be mindful of that.

Mikey O'Connor: Okay. Ken I assume your hand is left up from before so I'm going to skip you and go to Kathy.

Kathy Kleiman: Hi. Good morning all, good evening some. I wanted to second Kristina on this and anyone else who spoke on it. I just came on the call recently and I have a noisy bird in the background.

You know, what we publish will really be discussed and debated by a lot of people. And I'd like to - I'd like to recommend that we freeze where we are, work through what we've got because we've gotten some new material out in the last 24 hours - a lot of new material out in the last 24 hours.

If there's a way to kind of freeze it and work on it for a few days so that the wording makes sense to people that if there are new ideas they're debated a little bit. Releasing this document shortly - I don't think it's right. Thanks.

Mikey O'Connor: Okay. Thanks Kathy. Brian go ahead. Oh you're muted I think.

Brian Cute: Yeah I'm...

Mikey O'Connor: There we go.

Brian Cute: I'll just echo what Kathy said. And I would just say that in the normal course - and please, Mikey, don't take this as personal because it's really not - but in the normal course a report of yesterday's length with the important

(substance) in it was really something that we should have had a minimum of five days to review before putting that into final form.

I agree with Kathy, we need to freeze where we are and maybe take a step - a half a step back in terms of the overall content. And my last question is, is today an absolute hard deadline for public comment or not? It's just never been clear to me whether we're absolutely at the drop deadline.

Mikey O'Connor: Let me answer that because I'm the one that wrote the dates down. I need to get those dates into a forma that's not quite as ugly as what I sent Tim, I apologize, Tim for that. It came right off the spreadsheet.

But in answer to your question, Brian, no there are a couple of wiggle room areas. One is if you do the data arithmetic, the actual - the drop dead data on that set of numbers is Monday not today.

And then the second place that there's some wiggle room in that is that after the public comments come back - oh there may not be wiggle room in that. The 10 days between when the public comments are closed and - no because I think the bylaws say up to 10 days after the public comment period is closed staff must prepare a final - they must incorporate them and prepare a final draft.

So there is a little wiggle room in that that we can kind of play. There's your answer. Tim. Oh I think you're muted.

Tim Ruiz: Sorry...

Mikey O'Connor: Yeah, there you go.

Tim Ruiz: I was unmuted I - I muted myself thinking I - but anyway.

Mikey O'Connor: That's good.

Tim Ruiz: So I think, you know, if any deadlines are based on trying to reach a point where we can have council take action at a particular meeting I think we're spinning our wheels.

I fully expect just given how things typically go - and it's not because I'm planning to do it I'm just saying that for one reason or another that at the first council meeting where action could be taken on this it won't happen. I mean, it just won't happen; it never does. I rarely see that.

Even with all the deadlines and all the pressure just given where everyone's at on this I don't see that happening. So I just wanted to make sure we're being realistic because we could bust a gut here, have this come up for council and then all be very disappointed to find out that it was all for naught because the council won't take action before, you know, when we think it's going to anyway.

So I just wanted to make sure we're just dealing with real reality here and not just, you know, the timeframes that are in the bylaws thinking council will take action when they first get this because I highly doubt it.

Mikey O'Connor: So there's another council meeting after the - the one that's in the sort of timeline is the August 26 meeting I think. The next meeting I think is scheduled for the 16th but when I talked to Chuck about that he was thinking about moving that meeting forward in time because the 16th conflicted with something that a lot of council members were going to be at.

And I'm just curious if any of you council member-type people have gotten any - this was a week ago that I talked to Chuck about it. Is there any news on that particular meeting and the rescheduling of it that you...

Tim Ruiz: This is Tim. Kristina might know more or others but I - I think there's a doodle poll on it. I don't believe there's been a decision yet on a date; I could be wrong but I - that's my recollection right now.

Kristina Rosette: I don't have any information more than Tim does. If Glen is on the call she may...

Gisella Gruber-White: Glen's - this is Gisella. Glen's not on the call...

Kristina Rosette: Okay.

Gisella Gruber-White: ...and I don't believe that anything has been finalized yet, the doodle poll we have still had a few responses coming through but we'll get back to the list ASAP.

Mikey O'Connor: So, I mean, there is the possibility that - and if that meeting moved forward in time that there is time for actually two council meetings, the one of the 26th - August 26 where...

Tim Ruiz: Yeah, but again, Mikey just, you know, I mean, we've got to ask ourselves what is the council going to take action on.

Mikey O'Connor: Yeah, oh I think...

Tim Ruiz: It's a report with no consensus right? So I don't think that anything the board does will give the - anything the council does will give the board anything more than what they would already have anyway. See what I'm saying?

Mikey O'Connor: Yeah. No I do see that. And I guess the question then is, I mean, one way to - and let me reframe what I think I heard you say, Tim. I mean, one way to write this report is to aim it at the board and not necessarily pay a whole lot of attention to the intervening steps by the council. But just make sure that it's done in time for the board retreat.

Now the trick to that is that that's not aligned with the PDP process. And so -
but at the board retreat I don't know that they could take formal actions
anyway. Oh Margie's got her hand up. I always go to Margie on questions like
this. Margie, go ahead.

Margie Milam: Yeah and part of the problem we have is that the bylaws deadlines are all
essentially, you know, in Annex A are updated and we're revising them. And
the GNSS Council hasn't been following them for, you know, consistently for
years now.

So it's kind of hard to try to squeeze, you know, a report into a timeline that
isn't, you know, even their practice. So I don't really know what, you know,
how that helps other than to say, you know, I mean, it's not bad to try to fit
into the bylaws process but, you know, it's more important to get the report in
a position where people have had a chance to look at it, where we've been
able to gather the various viewpoints on it.

And that it's a little more, you know, at least concrete in the sense that
people, you know, may not reflect consensus recommendations but at least
reflects the viewpoints and a general agreement that there's something to
report. And that's the problem I have with the report as it is is that it's just kind
of talks about all sorts of things but doesn't give any sort of indication that's
helpful to anyone that's reading the report.

Mikey O'Connor: Okay. Let's see...

Tim Ruiz: Mikey, this is Tim can I...

Mikey O'Connor: Go ahead.

Tim Ruiz: ...just make one more...

Mikey O'Connor: Sure, absolutely.

Tim Ruiz: So I think Margie is absolutely right. And so what I think is that if we have a report that's published and - that, you know, that actually reflects, you know, that does a better job of reflecting the working group, you know, where we're at and public comment can be made and closed or pretty much done before, you know, some reasonable time before the board retreat then really we have - to me I guess I think, you know, so the summary - there could be some time given to summarize those comments or whatever.

Then maybe that's all we're really looking for because regardless of whether the council is able to put their - give their approval to it or not, I mean, that's what the board would need - at least what we have for the board will exist. Now I know that's not what the board wants but this is what we're going to have one way or the other is basically a report and public comment that's the best we can do.

So, but I don't think we need to try to shorn that all into something that the council can take action on before the board retreat. I just - I think we just need to shoot for trying to get it done before the board retreat.

Mikey O'Connor: I think I've got a protocol question here. Do we need to, I mean, that works fine for me. Do we need to confirm that with Chuck Gomes before we act on it as the chair of the council? I'd hate to have him come back and say Mikey, what are you guys thinking?

Kathy Kleiman: This is Kathy. Chuck's normally online, somebody should shoot him an email.

Mikey O'Connor: Oh I don't - Ken, you've got your hand up. It looks like it just went up. You got an offer here?

Ken Bauer: Yeah. A couple of things, first of all the only control that Chuck has really is whether or not to reschedule the second meeting. Chuck can interpret the

process but his interpretation has no more validity than Dan or JJ or someone else as a matter of an interpretation of the bylaws.

It really boils down to what are we trying to accomplish? If you take the Names Council's mandate the Names Council, correct me if I'm wrong, Tim, you talked about the process yesterday. The Names Council doesn't make policy; it manages it.

And I think we're trying to hit a deadline that has very little meaning. And let me explain what I'm talking about. In the 10 years that I've been involved with ICANN or more than that, I've never seen a situation where if a public comment comes in two days late they don't accept it, okay?

You know as well as I do that's a hole big enough to drive a truck through. So here we are killing ourselves to try to get into a public comment period that frankly is very, very flexible. As Margie said, in the past there have - you can't suddenly take a process that you've allowed exceptions to over and over and over again over the years and say oh okay this time I'm really going to hold you to the line.

You know, that's - it just doesn't make sense. So my feeling is we continue. We put a placeholder in stating that the public comment will be coming in the next few days so that people know that we're aware of the fact that we're trying to get this finished up.

We set a deadline that is reasonable enough for us to take the product that we have right now and is either Tim or Brian or Kathy would set, we shut it off. This is it. We got all the input that we can take at this point now, it's a matter of taking the input and making it make sense.

I would rather take a few more days and give the public a quality product to comment on than to give them a hodge-podge that, you know, it's not - and

just go through the process, make the statement like Keith has mentioned before that there is no consensus and publish them; one or the other.

But I just think that we're only, you know, we're a reasonably few days behind having a real quality product. And Brian made the point, Mike, 130 pages; come on, we've had five hours to look at it. You know, let's be realistic. It's not a reflection on you Mikey it's just a reality check. Thanks.

Mikey O'Connor: Yeah, I know. No I get it. Well so let's see let me kind of draw a line under the queue for the moment. I am quite delighted with the idea of giving ourselves a bit more time. So you certainly won't get any opposition from me. I think what we need to do is just make sure that this tentative plan that's emerging - well we need to sketch out the plan then.

But then I think we do need to run around and check with people and make sure that we don't put in three months and all this work then discover at the end that we missed something and as a result, you know, our work doesn't have any standing. But surely that can be figured out.

So what if we...

Ken Bauer: And Mikey just a real quick comment. Just do that based on the fact that, you know, we all understand that we don't have - we're not going to have policy recommendations. It'd be different if we did and we wanted to hit some date but we don't, we don't have policy recommendations so whoever you're checking with make sure that's clear.

Mikey O'Connor: Yeah that's an important point. Now I guess, yeah, that's true. Okay so let's ask the happy question how much time do we really need to give this report a good review, write comments, etcetera, etcetera? Can we shoot for dropping back a week? If we shot for a week from today would that be enough time?

Anybody - let me frame it the other way around. Is there anybody who thinks that's not enough time if we sort of stayed pretty focused? Well why don't we shoot for that then? I could certainly use a day on the boat. I haven't been on the boat in months it feels like so.

Ken Bauer: If you want a - formalize just have - use the checkmark poll over in the attendee's list, Mike.

Mikey O'Connor: Yeah.

((Crosstalk))

Ken Bauer: ...there's anybody who thinks that seven days isn't a reasonable time period have them put an X up. Assume that those people who don't respond are...

Mikey O'Connor: Are okay.

((Crosstalk))

Mikey O'Connor: Let's see, Ron's got his hand up. It looks like everybody's kind of agreeing. I don't see any Xs coming. Speak soon if you want to put an X up. Okay so I love that idea. The only thing I want to make sure is that we do that checking. Margie, can I - well you're traveling soon.

Margie Milam: You mean checking with Chuck or what kind of checking?

Mikey O'Connor: Well I don't really know who to check with; I just want to make sure that if we lay out a plan where we get our initial report draft done a week from today and then we go out to public comment. We will not make the August 26 council meeting deadline.

Tim's point is it doesn't matter because we're not proposing policy that the council needs to approve. And the ultimate recipient of this document, the

board, will get it anyway. I just want to make sure that, I mean, I'm new enough to the ICANN process and bylaws and so on and culture that I just want to make sure that we don't leave ourselves open for a devastating criticism after the fact because we didn't do something correctly.

And it's murky because the board is a retreat, it's not a formal board meeting and I don't think they can take official actions at the retreat anyway. So it's, you know, the headline I don't want to see written is GNSO Council working group - or GNSO working group bypasses council and rules and board acts. And, you know, it invalidates all of this work that we've done. That's the only thing that I've been logging...

Ken Bauer: And that's exactly the reason why I said the people who can answer this question are Dan or JJ. You are talking about bylaw interpretation here. And the only way you're going to get an answer is from somebody who has the authority to in affect interpret the bylaws on a public basis.

Mikey O'Connor: Yeah, I think that's right. Margie would you...

Tim Ruiz: Mikey - Mikey...

Mikey O'Connor: Yeah.

Tim Ruiz: ...this is Tim. I just - actually Ken, I'm not sure I agree with that because I don't think it's a bylaw question. I think the real question is will, you know, what is the board going to do with what we have during the board retreat? I don't know if we're going to get an answer to that.

The - if we ask the board I think what the board will come back with is, you know, you guys are tasked with finding, you know, you know, with defining the policy, give us a policy. I mean, that's what they keep telling us over and over again. So I don't think we're going to get any different answer from the board.

But that's really the question, right? Is that will the board give more consideration to something that the council accepts because they can't really do anything else with it versus something, you know, the same thing that's done that just - the council hasn't had a chance to accept yet even though the working group is still ongoing and isn't completed yet but would like to continue going and doesn't consider that it's necessarily a closed issue yet.

So I don't know if we're going to get answers to that. And I think we do the best we can and we get things done when we can. And I think a week is a reasonable extension to see what we can do with that. And we are where we are. And I don't know if the board is going to do anything different one way or the other or if we'll get any other kind of answer. We could try I guess but I'm not sure if it's a bylaw...

Mikey O'Connor: I think it's worth a try because at least then if the headline was written we would have an answer that says well we were, you know, I'm glad you raised that question. We were worried about that too. And so we checked and this is the answer we got.

So it gives us at least an avenue to say, look, we were concerned about that as well. And, you know, we did our best. We checked with folks and they may or may not be able to give us an answer because of the circumstances. But it certainly doesn't hurt to check.

And Margie, if you'd be willing to take that action. I...

((Crosstalk))

Ken Bauer: ...response to Tim and not going on. But, Tim, you know as well as I do that if they want to postpone this thing for more than one meeting there's precedent that's there for that as well. So we have no control over what happens when it

gets to the council whether it gets there at the August meeting or the September meeting.

If somebody wants to be entrenched enough and if that somebody is a large enough group that can actually get that pushed off - maybe they'll get criticized for it but what the hell, I mean, if they don't like what they see they could push it off beyond one meeting even.

Mikey O'Connor: Yeah, well I - so I think I'm comfortable with this direction. And Margie if you'd be willing maybe I could sit in on the call or something, you know, get one of those lads on the phone and let us put the question to him.

Margie Milam: Yeah, Mikey this is Margie. I'd be happy to do that. I'm actually in Marina del Ray right now and both JJ and Dan are around so I should be able to talk to them today.

Mikey O'Connor: Terrific. Well as always I don't have a life so any time, any time that works for you guys works fine for me. Somebody was, okay. Well sorry for all of you folks who were planning on a content call. I haven't even looked at the chat but I think, I think we're done.

I think we do need that week really badly and I think what that also means is we'll probably have two calls next week just like normal instead of one and, oh go ahead. Anybody who wants to talk just chime in; I've sort of totally lost control of the queue. So if folks want to speak just interrupt me.

But you know I think it's the right way forward. This is feeling just crazy type; even from some of the crazy type stuff I did back with (unintelligible) firm, just starting to verge on not putting out quality product. We certainly owe it to ourselves and everybody else in the group to make sure that our work is well represented in the report that we prepare.

So any final comments? Anybody? Hands up on the queue, hands not up on the queue.

Kristina Rosette: Mikey? It's Kristina. I have a question and some of this is, I hate to even say it because I know people are not be thrilled but I actually think it's a pretty significant omission that there's nothing in Section 6 in the body of the report about any of the proposals.

I think we're asking a lot of people to automatically assume that everybody is going to be able to wade through what by the time it's done it's probably going to be 200 pages to find each specific proposal and I personally think it would improve the quality of the report if in Section 6, it doesn't have to be a lot, a paragraph, you know two or three sentences, whatever the group decides, about each of the proposals.

And I frankly would be perfectly fine with having, you know, one person, one proponent of each do those. I just think it's so strange to me that you read this report, which is so long once you have all the annexes, and you get to Section 6 about, which is entitled if I can find it, major proposals and there's nothing there.

Mikey O'Connor: I'm open to a paragraph about each. I'm not sure that, you know, one of the things that is the back that we could probably use to craft those is Kathy, or Kathy, Kristina and I are in the late night, the night owl club from last night. Thanks to both of you for all the work you did.

And Kathy updated her matrix and maybe we could pull that forward, turn it into paragraphs, something like that but just give a sketchy summary of each of the proposals it seems like a pretty reasonable idea to me.

Eric Brunner-Williams: Mikey this is Eric if I may?

Mikey O'Connor: Yeah. Go ahead. You're sitting at the top of the queue for hours here, go ahead.

Eric Brunner-Williams: Well (unintelligible) I agree with Kristina but I'd also like to see a paragraph (edit) the executive summary which (takes on) the fundamental issue part if we can draft one for the past several months. So at present you actually were (unintelligible).

Mikey O'Connor: Speak up Eric. Speak up please?

Man: Eric you're clipping.

Man: Speak up Eric.

Mikey O'Connor: Okay, okay you guys. Relax.

Eric Brunner-Williams: In this current draft in the, let's take the 19-page draft, you don't find the issue of structural integration with some functional, I mean structural separations with some functional exceptions versus structural integration, that isn't actually present until you come to 12th page of the first 19 pages.

I think that that issue belongs in the Executive Summary so that it's clear what it is that we're actually struggling with. Similarly the motivation for compliance doesn't occur until Page 13 of the 19-page draft where there's the statement that there is a concern about gaming.

That too needs to be in the Executive Summary or could be in the Executive Summary because that would motivate why we're struggling with both the issue of compliance and where we have compliance, whether it's for the structurally separated or for the structurally integrated of the two basic model choices. Thank you.

Mikey O'Connor: Thanks Eric and I think those are both darn good ideas. So Margie could you take a stab at pulling both of those up into the Executive Summary and then we'll tune those up? Because I think it's...

Margie Milam: Sure. Since it's about compliance and what's the other, I missed the second one?

Mikey O'Connor: The other point that Eric raised was that we don't really lay out the issue, the underlying issue in the Executive Summary, you know what is the issue about vertical separation versus vertical integration, etc.

So I think it's mostly framing type of things so that...

Margie Milam: Sure. But I need some guidance on what you want that sentence to say, that doesn't give me enough to write on.

Mikey O'Connor: Eric could you fire off a first try draft to Margie to give her a kick-start on that?

Eric Brunner-Williams: Of course.

Margie Milam: Perfect. Thank you.

Mikey O'Connor: Thanks.

Margie Milam: And Mikey I was in the queue if you can.

Mikey O'Connor: Oh I'm sorry. I, oh that's why I didn't see you I goofed up my computer again. Go ahead.

Margie Milam: Sure. I was actually trying to make the same comment that Roberto made in the chat that we should perhaps do a little bit of scheduling here and put, set some deadlines for comments on this draft and Roberto says, you know and perhaps you can elaborate, new content, that sort of thing to, you know to

help guide us in the next week so we're not, you know, scrambling Thursday with the new content and things. I mean I think we're getting closer and it would be helpful to set some of those timelines.

Mikey O'Connor: Yeah. And I'll take the action item to do that, you know I think there are several things that we sort of need to get into that timeline. One is sort of a point at which things really freeze and that we're done editing the document, it's frozen. I'm a little groggy to do that on the fly so let me take an action to do that in the next couple hours and then I'll get it out to the list for review.

(Ron), (Don), Brian, any of you guys want to chime in before we wrap up here?

(Ron):   This is (Ron).

Mikey O'Connor: Go ahead.

(Ron):   Thanks Mikey. I did scan through that, through the report, it's a kudos to all that have worked so hard to bring this together and I just, I give everyone a lot of credit for having to continue to hammer away. Where we're getting there, I agree with what Tim and others have noted, let's take the extra time we have right now and make it sharp.

I come back to also the poll, and I'm just trying to understand the logic for posting individual poll results or responses as opposed to the charts. The charts give a sense of exactly where everyone stood on each issue but without naming every individual person how they voted.

I'm just trying to understand the logic of putting forward and before anybody starts writing things on the list such as we're trying to hide something let's be very clear, it's not about hiding, it's already there, but the point here is just to say you know, let's give someone a graphic that's easily understood as

opposed to making people look at a chart to see whether or not someone agreed, they could live with it or they opposed it.

It's just, it's a very cumbersome situation as it is and as you know we all agree and you've been the first to say it, these are flawed so let's not put our flaws out there and in that way as I see it. Thank you.

Mikey O'Connor: Let me sort of package up the whole poll issue and let's take it back to the list since I'm the cause of much of the trouble because I've been inconsistent, and let's just figure out the right way to do it and do it.

I don't have strong opinions either way and apologize.

Woman: Some of us do.

Mikey O'Connor: I know some of you do.

Woman: But some of us do.

Mikey O'Connor: I know that's why I want to take it back to the list. So...

Woman: Do those of us who've put things to the list need to repeat it between midnight and dawn?

Mikey O'Connor: Oh I don't know, it's, I'm running on a low tank so you know, constant repetition never hurts with me, that's for sure. But anyway I think we just need to step back and reframe the polling thing and do it over again and I apologize for an unsteady hand on the pillar on that one.

Like I said on the list, who's perfect? Anything else before we wrap up? I don't tell who's in the list left over and in the queue. (Scott) anything? No. Brian anything?

Brian Cute: I just understand that the formatting problem because the proposals were already done, they were in Word document form asking people to redraft at this point in time while we certainly can do it is not very efficient, is an absolute impossibility to just take the Word document that contained the proposals and add them to the report in some way.

Mikey O'Connor: Oh they're in there. I think the issue that Kristina was raising is that they're right now way at the back...

Kristina Rosette: Yeah.

Mikey O'Connor: ...in an annex and that a summary of them needed to be pulled forward.

Brian Cute: Oh, well (unintelligible) I haven't had a chance to read the entire report yet so I don't even know they occurred.

Woman: Oh why not Brian.

((Crosstalk))

Mikey O'Connor: So it starts right around Page 100, I don't see why you haven't got to that yet Brian.

Brian Cute: Okay so the, so I understand the suggestion is within the body of the text that the proposers draft a textual summary that's not too long and clear and reflects the proposal for inclusion.

Mikey O'Connor: Yeah.

Brian Cute: Is that right?

Mikey O'Connor: Yeah. Just a, one paragraph, you know, two or three sentence summary of each proposal is sort of what we're headed for there. And I guess, I guess the

question is do the proposers want to do that? We've got a fair number of you on the call, or do you want Margie to take a crack at summarizing your proposal.

I think either way is fine but we should make that clear so that we don't accidentally get to the end and each look at each other and go I thought you were doing to do it. Any preference on that? It's probably safer if proposers do it because that reduces the risk of misstatement but it's more complicated. A little trade off for you.

Woman: Like you could send a proposal on the chat that fixed amount of space be set aside be given so that everyone, and we have this in the matrix too that some people put really long notes in and some people put shorter notes in.

So maybe pick a certain number of words, a certain amount of space. If you say one paragraph and someone makes it two pages long just pick something and let the proposal groups do it, and which proposals? Are we down to the proposals that were surveyed? Are those the ones that should be summarized?

Mikey O'Connor: Well I think we should go ahead and summarize the ones that were surveyed including the (RU1 and 2) and you know, do the same sort of thing that I started to do in the annex, which is to set them aside as a different kind of critter but important work to the group nonetheless.

Man: Mikey I need (unintelligible) for interrupting but I need to confer with (unintelligible) committee (unintelligible).

Mikey O'Connor: So this is yours?

Man: No, not the two sentences, this is about Section 6, whether or not the core proposal which contains the (unintelligible) which is touched on by both the

(JM) and (unintelligible) proposal is sort of the middle ground (unintelligible) Section 6 as well.

Mikey O'Connor: Okay.

Margie Milam: Hey Mikey it's Margie if I can get in the queue. And I think (Roberto's) in the queue as well it looks like.

Mikey O'Connor: He is?

(Scott): This is (Scott), I'm in the queue too, I'd like to have a chance.

Mikey O'Connor: God my computer is just letting me down here today. Well okay, so let's do, oh Gaetano that's why, these are Roberto thing, shows what kind of cognitive state I'm in. Margie then Roberto then (Scott).

Margie Milam: Okay sure. Real quick I really would prefer the proponents to come up with those sentences because it, they are essentially summaries and so I think what the statement should be is really the high, like what the proponents believe is the main, you know, difference or important point of their proposal and that's what should go in the summary.

I just don't think I'll do it justice and it'll probably waste time by trying to pick what that is from the proposals themselves so that, I mean that would be my preference.

Mikey O'Connor: Okay. Duly noted. Roberto go ahead.

Roberto Gaetano: Yeah. First of all I have no clue on why it appears Gaetano (unintelligible) automatically, but anyway it doesn't matter.

What I would like to say is that we need now to make sure that everybody is aware, that we have a fixed series of deadlines and that you are not shifting

anymore and that everybody is aware of what the dates are for changes to the report, for introducing new elements since there was this discussion about the single (unintelligible) multiple users so that if you don't get into a confusion in the last week.

I think that we have to come orderly to a close so we need to in the next hour to send out a step-by-step type of thing like a couple of days for substantial changes, does the date of the new teleconferences I would assume that we keep Monday and Thursday and then Thursday's going to be the last one and on Friday we are going to have the wrap up and send up, and send the report.

But I that people have to know what is going to happen in the next week and it shouldn't, we shouldn't change on the fly because that will put the people who are on a less flexible schedule that cannot accommodate variation in the schedule at, with some problems.

So I think that's okay for having this additional week but we need to plan it correctly and orderly. Thank you.

Mikey O'Connor: Thanks Roberto. And I see (Cheryl) agreeing on the chat. Let's see, so (Scott). Kathy is your hand up for more or is this a new one?

Kathy Kleiman: No my hand is up (unintelligible).

Mikey O'Connor: Okay so (Scott), Kathy, Tim, Jeff, (Richard) and then I think we're probably out of time. Everybody's going to have to speak...

(Scott): Is that for me to go next?

Mikey O'Connor: Good for you. Yeah.

(Scott): Okay. Hey Mikey. The main, first of all I'm sure it's been said but kudos to what you've done and I think that we all owe you gas in your boat to ship in and get gas for your boat.

Mikey O'Connor: Got really old gas in it, that's the problem. It hasn't run much.

(Scott): Well having said that the only thing that jumps out at me in looking at the compliance section, and I don't know how carefully we're outlining it here, so maybe that's just a procedural thing, but there's some multiple 5.1s and things that maybe can be cleaned up and I'd be happy to assist in that and one of my questions is, is that Brian? Is Brian taking this section with regard to compliance or who is the person if we have changes to send to?

Mikey O'Connor: I think at this point probably the draft is owned by Margie and me.

(Scott): Okay.

Mikey O'Connor: You know you should probably run your changes through that drafting group but in terms of folding the actual draft it's too complicated to keep track of multiple documents.

(Scott): Okay.

Mikey O'Connor: So I think your path is through the drafting group, Brian is the gateway into that group and then...

(Scott): I think the (can) group had gone into some of that and some of those materials were on the poll and I...

Mikey O'Connor: Yeah.

(Scott): ...don't see some of those in here and I think they'd be helpful.

Mikey O'Connor: Well, and the (RU2) had some compliance stuff as well. It's clear on the...

(Scott): Exactly.

Mikey O'Connor: ...list that compliance needs some tuning up so I think it's fine to tune up a draft on the list and then pull the trigger on a final version that then gets stapled into the report maybe as a complete replace for that section.

(Scott): Got it. Take care.

Mikey O'Connor: Kathy. Go ahead.

Kathy Kleiman: Okay. Mikey two questions, one is and maybe it's because I'm part of that late night drafting group but what did, on polling when you said we're going to reframe the polling thing, I'm sorry, where does that leave us? I apologize but...

Mikey O'Connor: It leaves us absolutely nowhere at the moment. I basically want to just do a complete checkpoint restart on that whole topic and I, I don't want to do it on the phone I want to at least take a nap and think the whole thing through again and frame (unintelligible).

Kathy Kleiman: So a publication summary redoing it's all open.

Mikey O'Connor: Yeah it's all open and if people have ideas I'd love to hear them but you know that one I'm chalking that one up as a misfire and also you know, sort of tentative course changes on my part which further confused the issue.

Kathy Kleiman: No (unintelligible) I was just wondering what the path is ahead. The second one on who owns, and I know we were just talking about this, on who owns the edits. We go through the drafting team or we go through Margie, I'm still a little confused on that.

And the one I'm fully concerned about is there's a lot of edits going around on the (SRS) use statement that Kristina sent out last night and how much it diverges from what had been out before, so.

Mikey O'Connor: Well I think that the, what I just invented on the fly should probably hold for the three principles, I think they're called, in the report, compliance, SRSU and the exception process. That edits should probably remain with the drafting groups until they are comfortable with the result.

I certainly don't want to leave those discussions and I'm sure Margie doesn't either and so I think once the drafting groups have settled on a acceptable compromise then that compromise should get forwarded to the document holders, me and Margie. But I don't want to run those for sure.

Kathy Kleiman: Okay. And we're going to set a deadline for that like middle (unintelligible).

Mikey O'Connor: Yeah I think so. I think it sounds like a...

Kathy Kleiman: Okay. Great. Thank you.

Mikey O'Connor: ...good one to get in there. I'll put that on the parts list for deadlines. Polls, drafts, done. Okay. Tim?

Tim Ruiz: Yeah I was just trying to I guess, I think we're getting it, I'm just trying to frame what we're doing because I agree with Roberto over the next week just having a good idea of what it is you know, what our goals are, what it is we're trying to get done so that we can, you know, be well focused.

So it sounds like we'll, one is we're going to get the, we're going to discuss exactly how we're going to frame the poll in the report on the list. And I like your idea about you know, maybe sleeping on it, (unintelligible) could give their thoughts again if they want to on a new thread on the list but I would

suggest maybe everyone just maybe give it a rest and let it kind of rattle around in their brain before we (unintelligible) it too quickly here.

But so that's one and then the other is that you will, we're going to try to put together summaries of the various proposals and so hopefully we can get both of those done by Monday and maybe even at, by Monday we might have a new draft with what edits we've already agreed on. I don't know, does that sound like where we're heading?

Mikey O'Connor: Yeah. I've got, I'm sort of building a little punch list, so if people have other things that they foresee...

Tim Ruiz: And then the other thing I, the other thing I would just want to comment on is that you know, maybe in order for us to get someplace maybe what we're, and what we're doing with these three things, maybe we're trying to do too much.

Again you know, there seems to be, and I don't want to call anything consensus, maybe that there seems to be some agreement on these three things that we should continue to you know, that we might be able to get somewhere with those or whatever.

But maybe it's, we're not looking for detail and maybe we're just looking for you know something more brief about each of those because in reality since we've decided that we haven't really focused on a lot as the working group.

I mean you know these things have been touched on a lot here and there enough to where we said yeah it looks like there's some agreement but you know, the thoughts about it are clearly varied in regards to compliance and SRSU and even the exception thing.

So maybe instead of trying to get too much detail, because that's going to create a more lengthy debate, maybe we pull back and we try to be more summary oriented in regards to those, just a thought.

Mikey O'Connor: And it's a thought that I would entertain. I think one of the difficulties when we get to defining the details is that you know we're sort of building a plane while it's in flight and we don't really know if we've got consensus on the overall idea.

And we get into this sort of circular problem where people say well I don't know if I can agree to it until I know all the details, but you know, etc., and so I'm ambivalent on that one but I think it would be useful to have a course laid out so that we don't get to the end and then have half the group say no wait, that's not the way I want to do it.

So let's, I don't exactly know how to call that one, although I think it's important to call. Let's call it level of detail in parenthesis so I don't lose it.

Man: (Unintelligible) and make the call later by e-mail.

Mikey O'Connor: Yeah. I know I just want to get it on my parts list so I don't lose it all together. Okay (Richard) I think you're next.

(Richard):   Thanks Mikey. So I wanted to propose...

Mikey O'Connor: Oh you're really faint. Can you get closer to the phone?

(Richard):   How about that? Is that any better?

Mikey O'Connor: That's a little better.

(Richard):   Okay. Yeah I wanted to...hear me okay?

Mikey O'Connor: Yeah. Go ahead.

(Richard):   Okay. I wanted to propose two rules for the Executive Summaries that people bring together. The first rule we've been chatting about on the list a little bit and that is that we have a word limit, I think someone proposed 200 words, so perhaps on the e-mail list we could get agreement to what that length is and so everyone sticks to the same sort of size Executive Summary.

                  And then the second rule I wanted to propose is that none of the Executive Summaries should speak to the level of perceived support for their particular proposal, but rather simply describe what the proposal is.

Mikey O'Connor: Okay.

(Richard):   Want to see if we have agreement on that second one in particular.

Mikey O'Connor: Anybody disagree with that?

Kristina Rosette: Yeah I do actually. I mean I'm just kind of, I think it's helpful for folks outside of the working group to have a sense as to, you know, how much support is there for this. It doesn't have to be definitive, I mean it's an initial report at this point but I do think it's helpful information to have.

                  And it could be kind of super qualified in the way that I've suggested even on our list that it may be that the SRSU exception has got general support from the non-contracted party house, that's not consensus among the whole working group but it's an important piece of information for anybody who's reading the report to have again, assuming that that is in fact the case.

                  So I would disagree, but obviously you know, that's a consensus point here I think.

Man: So Mikey can I jump in?

Mikey O'Connor: Sure. Go ahead.

Man: I think problem though is that Kristina even your statement's a little bit misleading in the sense of yeah it's the concept of the (SRU) that has the support, but if you looked at the poll and you took the results of the IPC implementation of that SRSU I think it was something like 33 against, one in favor and one no opinion.

                  So that's the problem and so that's why I completely agree with (Richard) as far as you know, not, or staying away from any subjective statements about level of support.

Kristina Rosette: So are we going to, I mean I guess to me that raises a bigger question, are we going to issue a report that gives no indication of the level of support for any of these proposals?

Mikey O'Connor: I think that's the poll restart discussion, you know I think that that's a part of the polling issue.

Man: Which Mikey you know, that's and I had my hand up and...

Mikey O'Connor: Yeah go ahead.

Man: ...took it out or took it down, but the poll needs to be less on the explanatory statements because I think that's where you got a lot of the no opinions because there were, you know, maybe the concept was something people supported but then there were four or five sentences that were in there and there may have been one or two sentences that they didn't support because the explanation wasn't completely accurate or it was too subjective.

                  So like if you asked the question you know, in general how many people support a, an exception for or whatever you want to call it for single registrant,

single user, you may get a much higher response than the next question which may be and how many support the IPC implementation of single registrant, single user or the non-commercial.

And the next question the non-commercial employee, whatever it is I think that's kind of what the problem I had with the poll was, although I still think the poll is valuable and still think it should be reflected, but I understand (unintelligible).

Mikey O'Connor: Well maybe that idea ties in with what Tim was saying, and when he's saying you know look, maybe we should go up one level in terms of detail and describe these concepts at a broader level first and then poll on that broader statement without the details.

Get the general level of support for the broad concept and then defer the nitty gritty details for another day, but let the community know that these are the three concepts that we have pretty broad agreement on and then show who agrees, how about that for an approach? Somebody didn't like that. That was great.

Woman: That sounded awfully like yet another poll.

Mikey O'Connor: Oh yeah, I think you're going to get another, I think there's another poll in your future people, I'm sorry to tell you this but. It'll be shorter.

Woman: (Unintelligible) our wrists and go and bleed to death somewhere in a corner.

Man: Yes. One poll would be nice actually, anyway expecting ten.

Mikey O'Connor: Yeah. It won't be ten I promise that. We're getting tired here. Who's in the queue that hasn't that needs to speak, I can't tell whose hand is left over. Kathy, (Richard) are you guys leftovers? Okay. I guess that's it. The queue just disappeared.

I'm going to wrap the call up and go take a nap and then I'm going to listen to the MP3 and crank through my action items and I will get a first try at that very short interval schedule out this afternoon to the list.

If people think of other events that should be in that schedule send them to me off list and I'll pull them in. And with that I bid you adieu and thanks again for all your help. I'll see you on Monday.

Woman: Good night Mikey.

Woman: Bye Mikey. Thanks so much.

Mikey O'Connor: Thanks. See you later. Let's see (Louise) I think we can, if you're there we can wrap up the recording on this call.

Coordinator: Great. Thanks very much. Have a good weekend.

Mikey O'Connor: You too. Thanks very much for your help.

Coordinator: You're welcome. Thank you. Bye-bye.

Mikey O'Connor: Bye all.

Man: Bye-bye.

END