

ICANN

**Moderator: Brenda Brewer
April 9, 2015
9:00 am CT**

Man: The recordings are started.

Jonathan Robinson: Thanks. Hi everyone. It's Jonathan Robinson. Welcome to our client committee call on April 4th. The attendance is as noted in the notes of the call, the representatives from (Sidley Austin) or (formers) of the CWG client committee.

We put together a brief agenda beforehand and obviously very pleased to have had the memorandum (unintelligible) which is an initial discussion draft and I - we figured that it would be an opportunity for you to, whilst not presenting the document, if there's anything you'd particularly want to highlight in terms of your thinking and getting there or the draft as it currently stands, that would be an opportunity in one.

And two, we wanted to give you a flavor of what the questions and issues coming up to the group are. We're very aware that elements of those questions are issues that we have to resolve but we - and picking about that, we - the feeling might be that - talking with Lise about this, that actually it's something that would very much like to work with you on this rather than say, well,

we've got some stuff - or some stuff is pure legal, some stuff is purely for CWG.

So we want to talk through with you. And an element of that will be then how much you're involved in our planned meetings. We have a couple of high intensity days on the 13th and 14th of April. That's Monday and Tuesday of next week, at timings which will accommodate our global participation.

But they are reasonably late in the European day, most of them anyway. So they should accommodate US participation reasonably well. So I think that's just a couple of introductory remarks.

Sharon, I suspect - let me hand over to you it's even you've got any comments either on the suggested agenda or if you'd like to launch straight into any comments or points on Item 1.

Sharon Flanagan: Thanks Jonathan.

((Crosstalk))

Jonathan Robinson: ...note that you've sent the schedule there. Thanks. Go ahead, Sharon.

Sharon Flanagan: Yes, thanks Jonathan. So why don't I just, at a very high level, walk through the proposal and then I'll stop in a few places where think there was more input needed.

So the first item is just the post-transition IANA. That's the IANA entity or the PTI as we're calling it. So as you remember, the PTI would be a - we're calling it a wholly-owned subsidiary of ICANN, really more an affiliate of ICANN.

And ICANN would be the sole member of PTI. And we would, at time of transition, we would put all of the IANA naming functions into PTI, so legally transfer them into PTI.

We would also put in place a contract between ICANN and PTI. We have one question on PTI, how it would be organized. It could be a public benefit, nonprofit corporation in California, just like ICANN.

Or we could alternatively consider a limited liability company. And then ICANN would provide all of the funding and resources to PTI through a budget and that budget could be approved by the PTI board and/or potentially by the multi-stakeholder community.

So the PTI board, I think is one open question of what is the composition of the PTI board? And there are two ways to look at that. One way would be for the PTI board to be more like a subsidiary board in the way we think of large multinational companies, where that subsidiary board is appointed by the parent, so that would be ICANN.

The alternative is for the PTI board to be a true independent multi-stakeholder board that would be appointed by the multi-stakeholder community. And if that's the path that the group wants to take, then that is a path we would need to talk about how do you determine with those members or the instructors would be?

It could mirror what's happening at the ICANN level. It could be a different process. So that's, I think, probably one of the bigger open questions. The next item is the periodic review function. And so the periodic review function

would be a group - wouldn't need to be a legal entity, and that group would review the IANA functions on some periodic basis.

And I think there's some discussion of every three years, but I think that's probably an open question. And so one decision point though is, does the periodic review function, does that fit as a standing committee group that's always there, and then, on a periodic basis, it conducts review?

Or is that a committee or group that springs into existence at the time of the periodic review, so in that example, every three years? It's constituted. It does its work and then it dissolves again until it's time for it to be constituted once more.

So I think that's going to be an open question. And then in terms of what happens after the periodic review function does its work, so what - in our schemata, what would happen is the periodic review function would make recommendations to the ICANN board.

And then it would be up to the ICANN board to either adopt exactly as recommended, adopt these changes, modify the changes or reject the changes. And then the question is what happens at that point? If the ICANN board doesn't just adopt them exactly as recommended, what's next?

And that's a point at which we're integrating and with the CCWG's work because that we're looking at the accountability of ICANN. So what we were proposing as potential options is if ICANN doesn't implement the PRF recommendation, then that could be submitted to the member group for a veto right.

And soul of the member group could say, “We disagree. We reject that decision and we veto it,” and then send it back down to the ICANN board. And the thought is that if that works properly, then, in a way, that operates as a deterrent effect.

So if the recommendations are made in the ICANN board is going to reject them, they will understand that there is another layer of review and that if that rejection is not in keeping with what the multi-stakeholder community wants, there likely will be a rejection coming from the ultimate member group.

So that’s the mechanism. And then if that doesn’t work, if that doesn’t - that process doesn’t work, then the ultimate remedy is for the member group, the multistate quarter community, to recall the members of the ICANN board and replace with a new set of board members who understand the needs of the community and will implement the recommendations of the community.

So then the next item for consideration is the customer standing committee, the CSC. That is obviously a separate design team that’s been running the process so I think in some ways our work on that is a bit ancillary but you can tell me that’s not right.

But we understand that the CSC would be some kind of forum for escalation of customer issues and that in many cases, the customer would go first to the post-transition IANA with any issues. And if that - they’re not getting adequate remedy there, then could go to the CSC.

One comment that was made in the follow-up is that if there was some kind of systemic failure, the issue might go to the CSC as a matter of first instance and then I think that could operate that way as well. I think that could be implemented.

Once it's in the hands of the CSC, then the CSC can work with the post-transition IANA to try and resolve the issue and ultimately bump that issue up to the board of either the post-transition IANA or ultimately up to the ICANN board.

I think one question may have is whether the CSC is really a decider of things or if the CSC is a facilitator to try to help a customer or group of customers get a remedy. And so I think that would be a question. We can talk about it now or we can - I can just complete this overview and then we can come back to it. But that's a question that we had.

And then I think there's also the question of, if CSC is a single stakeholder group, then what is the ability of the multi-stakeholder group to ensure that the function of that is getting - is, you know, reflecting more of a multi-stakeholder view as opposed to just a - I think what people are calling a uni-stakeholder perspective.

And so then the last piece of the model is the multi-stakeholder community organization, and that is the same as the member group in this memo. It's the same - meant to be the same item and I think it's a question of what exactly it is and that's part of the work of the CCWG as to whether that member group is literally a member of ICANN or many members of ICANN or whether that's some kind of supervisory board of ICANN.

I think that's open but I think we know that there will be something that will be - that will hold and empower the member group and sore model just says whatever that ultimate resolution is, that's what we would be using to ensure accountability in the CWG work that's being done.

And so then what does the member group have the power to do? So we've outlined some of the items that the member group could have the power to do. It could veto certain of the ICANN board decisions. So, for example, that periodic review function recommendation that it's rejected by the ICANN board, that could be put up to a vote of the member group.

The member group would also have the power to elect the members of the ICANN board if it's a membership corporation or designate the members of the ICANN board through the process in California nonprofit law that allows designators of board members.

And with the power to elect or designate, is also the power to remove, so that's the power to recall one or more or all of the board members. And then lastly, the ability to prove or veto amendments to certain fundamental bylaws, the things that ensure that this accountability mechanism - all the accountability mechanisms are working.

Those need to be subject to a higher vote in order to change those. Otherwise they could simply be changed on day one or day two and that what obviously defeat the purpose of all this work.

We do need to talk about the status - or I shouldn't say we, necessarily at the CWG, but the overall working groups need to understand the status of that member group.

As I said, then needs to have, you know, some legal personhood and that would either - you know, could either be the entities organizing into some kind of personhood, the SOs and the ACs, or those SOs and ACs continue to operate more informally but they appoint natural persons or other - I think

natural persons is really what would be the were, you know, obviously legal persons.

So that's - and a high level, that's the legal separation variance. And in the functional separation variant is in many ways, very, very similar. I think the key difference is just that there is no formation of a separate legal entity that would house IANA functions. It just what operate more as a division.

So there would be some operational or functional separation of IANA but no legal separation. So there could be a separate budget. There're obviously separate people. But at the end of the day, it would still legally be part of ICANN.

And that also means there's no contract because ICANN wouldn't contract with itself. It needs another party to contract with. So the idea of a contract would not be part of this model.

At the other parts of it, the periodic review function, the CSC, the ICANN board, accountability, all of that would be basically the same. And then in our memo, we've outlined the advantages and the disadvantages of the functional separation model.

The advantages and disadvantages of the legal separation model are basically just the inverse of those. They really kind of are mirror images of one another but that's the functional separation model.

So it's - as you can see, it's very similar. It's just this one key piece of different which is you drop it in to a separate legal entity or do you just keep it as a division? So why don't I just pause there and see if there are questions about that, any of those things?

Jonathan Robinson: Thanks, Sharon. There are couple of hands up. (Points) will come up in a moment. Let me just - I wonder if we should see if there any comments from your Sydney colleagues as well, if anyone obviously would like to add to that. I think there's - I want to make three quick remarks.

One is - well, is that I think it's been very helpful that you outlined this. I hope it will be useful to members of the CWG who haven't been - had the chance to read the document completely over just appreciated being explained in first person.

For me, one key point is that we need to be very clear about, and continually reiterate, the role of the CCWG and their work in supporting what we want to achieve. It strikes me that these are even more interrelated than we might have anticipated at the beginning, and in particular, with you're working on both and a requirement to depend on key elements of their work.

So that, I think, is really important that we make sure that the group is properly clear on that and that we explained that at any time - anytime where we are dependent on the work of the CCWG.

I think as far as the clients committee, we can do is help effectively channel questions and points from the group but we need to be careful in answering points that you might like to ask, for example, the point you made about the CSC as a decider or facilitator.

You know, I have my own personal opinion on many of these matters but that's not my role in nor is it the role of the client committee so we have to be careful how far we go in trying to answer them.

But when - thinking about this before the call, it certainly seems important that we hand over to and let you look at the (collated) queries we've prepared and we work with you on an ongoing basis including Monday and Tuesday next week in a collaborative way.

In other words, that we don't simply say yours are the legal questions, ours are the political, structural or other questions. I think these go hand-in-hand as we work. I'll stop there and recognize Josh, your hand is up so go ahead.

Josh Hofheimer: Yes, thank you, Jonathan. I was just going to make two points. One, Sharon went through a great summary and they sort of collated because she - as she went through, she made a couple of - she made several points about areas that would need some decision and also some - for some discussion and input from this group which, just to help facilitate our organization, I listed in the notes section or the chat section here for people.

And I also - the second point is that I wanted to highlight we just mentioned about the crossover or the overlap with CCWG and we know from several of us from (Sydney) were on the call yesterday with the CCWG working group and we actually were focusing on the key issue or one of the key issues that we've highlighted here which is the role of the stakeholder community in overseeing or in, you know, exercising some checks and balances on the board of ICANN.

And I can say to this group that it appears, at least, from those discussions that the CCWG is honing in on a stakeholder community that will either be, you know, in the role (sort of) organized as designators with certain powers are as perhaps a member group, you know, as members for ICANN.

And things like sort of a super board have been come I think, you know, are being walked away from. But it would be one of the important items here that this group, and perhaps through Jonathan or others, you know, the chairs communicate with their CCWG colleagues.

And we certainly can share in a role advising them that a key input here is that for this group's transition model, proposal to work, at least assuming that we get to a result where PRF - the PRF review and board decisions, you know, actions or inactions in respect to PRF could be subject to some community review.

We're going to need to empower the community to do that. And what it looks like will be something that the CCWG will have to work out but we need to communicate that that's a - kind of a critical factor, and obviously anything else that the CCWG had a responsibility for, but we need to communicate that that's a critical factor here that CCWG take into account in its, you know, sort of enumeration and consideration of community powers.

Jonathan Robinson: Thanks, Josh, and if I understood the point correctly, just to follow up what I put in the chat, that chairs of both groups are meeting weekly and communicating.

And I think our job, therefore, is to ensure that good communication between the chairs of the CWG and the CCWG, the transition group and the accountability group, is to ensure that effective communication between the chairs is properly communicated and understood by the members and participants in both groups.

Sharon, I think we can hand back to you at this point if you would like to say anything more on Item 1. And if not, will move to Item 2 where we start to talk about questions and points raised by the group.

Sharon Flanagan: Jonathan, I'm good here. I think there are - in our memo, there're obviously additional considerations that we've outlined, but I think the - it's more important that we had on some of those high-level points and also hear the questions.

Jonathan Robinson: Yes, wealth, that was very helpful. Let me hand over to Greg now. Greg, you wanted to make a point.

Greg Shatan: Thank you, Jonathan. It's Greg Shatan. Not so many questions but comments. Maybe some of them can be formed as questions. Looking at the key items that I noted as you went through, which largely match up with Josh's list I think as well.

In terms of - I think the LLC versus NFP decision as to what PTI should be legally, I think is - if it is a separate entity. I guess we need some advice on that as to - my general leaning is toward keeping and as the nonprofit, public benefit corporation.

It just seems - to avoid opening various cans of worms, about having it be a potentially for-profit corporation. The only advantage I can see to it is that it could actually issue shares which can be held by ICANN and, thus, it could be a true subsidiary which has certain advantages especially in dealing with the other two communities, even though I know we really not supposed to anticipate that.

With regard to the PTI board, I'm wondering whether there's also perhaps a combination of the two which would be a partly insider, partly multi-stakeholder board.

And I - with regard to the PRT or PRF, I think we definitely need to decide what's -- I'm getting a lot of -- Jonathan, I think maybe if you could mute. I'm getting a lot of me coming out of your - thank you.

I think the - where I'm concerned is that, you know, we seem to be handing the escalation of things over to the group to be created by the CCWG and - which would be, by definition it would be a general-purpose group and not a special-purpose group.

I think that's - although I'm working closely with the CCWG as well, and I'm concerned that that group hasn't really gelled on the CCWG side and that we're kind of outsourcing a key function of this group to that group which is only good if our oversight of the outsourcing is good.

So we really need to look out for that because otherwise, you know, we would need to be thinking about whether we - you know, what our multi-stakeholder body is, or are we creating only uni-stakeholder bodies over here on the side of the CCWG/CWG divide?

And that relates to the next point as well which is the escalation role of the CSC. This seems to contemplate escalation only by the CSC at all levels and not any multi-stakeholder aspect to escalation of issues.

And I think that that concerned me and several other people who commented on this plan. I think the idea was to have - or at least an idea was to have the CSC be the first line of escalation or the second line of escalation, but that at

some point in the escalation process of specific issues, that there would be a multi-stakeholder aspect to it.

And then, again, I come back to the issue of this member group and whether it's, you know, for the CCWG to create and what our role is in helping them to define it so that it meets our specific needs as well as the general needs of enhancing ICANN capabilities.

Jonathan Robinson: Thanks, Greg, and there you'll note that a bit of dialogue in the chat between myself and Josh. And Josh is suggesting that we need to make sure that WP1, for example, in the CCWG needs to be informed of our needs and requirements.

And so this - it strikes me more and more that this dialogue in this interdependence needs - it's the crux of it because I think if we have trust between the groups, that their needs will be - well, probably more from us to the CCWG that our needs will be met.

We run the opportunity of making a less complicated solution. I'm very conscious of you and myself, Greg, not necessarily taking - expressing too much of our own views or thoughts and just acting as the facilitators we need to be in this clients committee. Sharon, your hand is up. Go ahead.

Sharon Flanagan: So just to respond to a couple of points that Greg raised, I think the first one is, are we handling - are we handing escalation to a group that is more of a general-purpose group rather than a special-purpose group?

I think ultimately, yes, it's the general-purpose group, the multi-stakeholder community, but I think there is a periodic review function, I would imagine would be - that is really more of a special purpose group.

And they would be looking at issues at the first instance and then, you know, the ultimate, more significant remedies would fit more in the general purpose group.

So I think one thing we also need to - for the group needs consider is who is on the periodic review function and how is that constituted? And that's going to be one work stream itself.

The other thing is we have this - if we have the legal separation variant, it would have a PTI board, so that's another place where you have more special-purpose rather than a general-purpose entity.

On the - second, on the escalation role of the CSC, maybe there's a way we think about, you know, this periodic review function - I assume we'll also be looking - obviously we'll be looking at customer issues.

And so - but if it's happening only every three years or however - every so many years, is that enough? And so is there - does that say we need the periodic review function to be more of a standing committee that could spring into action if there were an issue that the CSC had been working on but then there was a need for more of a multi-stakeholder approach to it rather than just a single stakeholder approach?

And then the third is just what is the work of the CWG in putting input into what the member group is? I agree with all the comments about the importance of that. I think - so, for example, this model is highly dependent on the ability to vote in hand recall members of the board of ICANN.

And so that is just one mechanism that's being considered by the CCWG, but that's a mechanism that will be very important to this model. And so that's a place where we are not indifferent as to what mechanism is adopted that's an important tool because some of the ultimate remedies that are needed for a separation are quite serious and significant and really would require the ability to have a say as to who the members of the board are of ICANN.

Greg Shatan: Okay, thanks just one thought as I was, you know, listening to all this is that it may actually not be a bad thing for the IANA oversight to be more of a general case rather than a special case when it comes to oversight above a certain level.

By which I mean that there could be, you know, specialized groups at a certain level such as the CSC and the PRT but that at a, at the higher level the or highest level if it's an ICANN or as an ICANN problem it should or it may well be best for it to be dealt with by a group, you know, a member group or a community group that has - that is universal in nature in terms of its ability to oversee and hold ICANN accountable.

So I wasn't necessarily objecting to the idea that it should be a general purpose body but just highlighting it or at least, you know, as I've come to think about it I think it's not necessarily objectionable.

Actually it might be systemically a good thing for it to be universal. I just think we need to, you know, as we discuss this we need that it just highlights the linkage we need to have with the CCWG.

And also I think that the non-registry stakeholder participating throughout regardless of their background whether they're GAC or ALAC or other side of

the GNSO I think are all or many have expressed concerns about, you know, where the multi-stakeholder aspects fit in.

So and also, you know, getting more of a look at what the CCWG is doing for those who aren't participating in it. Thanks.

Jonathan Robinson: Okay so we're touching on issues that really need to be worked on and dealt with by the group, the CWG or the client together with Sidley. I think we could make good progress on some of these points and we need to make good progress on them during our 13 and 14 meetings.

In the meantime and I'm moving us onto item 2 now. What we've effectively got is a bunch of questions and issues that have come out of the CWG. It seems to me that (Grace) has attempted to collate those questions.

What we haven't done is specifically in the initial collation separated them out into those that are in effect legal or legally oriented questions and those that are questions of substance for the group.

But it strikes me that Sidley had posed a set of questions in which you elegantly summarized in your opening points on one Sharon. And we have through our group created a whole bunch of other questions.

It struck myself in talking informally with Greg and Lise and Martin that really what we need to do is try and capture the key themes and concepts but probably more important is to give Sidley a chance to look at these questions that have emerged.

And to make a pass over those and think about some of the answers you might do and you could answer them in I think probably in a number of ways. You

might say well we think these are questions for the group to answer, these we think have already been answered in our memo and we draw you to point X or actually that's a good question and we believe we can give you this answer.

So it feels to us like we should give you an opportunity to go over those questions and I'm not sure well I know we don't have the time to go over those in full detail now but we could touch on elements of that in this call.

And in particular try and highlight any themes or concepts that could be easily discussed. So that's where I think we go next and I know your hand has been up Cam so we'll come to that before we talk about where we go next.

So Cam let's come to you and then we can start to look at the questions received and as I said I don't think we can systematically go through them. I think we can hand them over to you and see and have them on record and see what your thoughts are in coming back to our (unintelligible) call that you are able to answer and which of those you think we should be dealing with and pass most ideally together what you are dealing with. Cam go ahead.

(Cameron) we're not hearing you yet so maybe there is a toggle that needs to be modified on your computer or getting you off mike. It shows you mike is un-muted on the Adobe.

Cam Kerry: Is this better?

Jonathan Robinson: We can hear you now Cam.

Cam Kerry: Hello. Hold on I'm...

Jonathan Robinson: Go ahead Cam you're coming through.

Cam Kerry: ...I am coming through now okay good. So what I was saying was maybe we could defer to (Stephane) in response to my sort of procedural question until after we have circled back on some of the specific questions for discussion.

But it was responding to what you said and what Greg said about sort of the limitations on (work)...

Jonathan Robinson: All right it sounds like we lost Cam there. Any other comments while he rejoins us any other comments or thoughts as to this mechanism. As I say I don't think we can go through all of the questions but Sharon or others are you happy to take these away and try and come back to us with a sort of pausing of these to say, yes we can deal with this, no we think you should be dealing with this.

And as I say many of them are I don't know how best to deal with these rather than trying to work through them, Greg.

Greg Shatan: Thank you Jonathan I would suggest maybe a third category, which is you should deal with this because ultimately it's a client decision or ICANN a CWG decision but here are the key legal inputs to consider or here is the part of our memo you should go back to.

So just to provide kind of a tools of the road with the lines for us to pain in recognizing that there are, you know, as always kind of questions that are mixed law and fact or the applications of law to fact.

So just kind of three categories those questions that are purely legal the second, which are just for us to answer and really there is no legal aspect to it it's just kind of cropping up here.

And the third would be kind of commentary on the second where there is some legal input that should be referred to in making the decisions, thanks.

Jonathan Robinson: Yes thanks Greg I agree with that (mechanism) except to add the point I made earlier, which is that with all of those categories we could probably still usefully work alongside Sidley but that doesn't stop the first pass in the way you describe. Sharon.

Sharon Flanagan: I would add just a fourth category, which is we need more clarification to answer it so there might be instances where the question presupposes some knowledge of inter-workings that we don't, that we just don't have.

So I'm looking for example at the first question, which is asking about whether new agreements would need to be put in place. So my request there would be a little more background about where the current agreements sit.

Are there - I know in some cases they are MOU's in some cases they are agreements. So there might be an instance where we need just a little bit more information and we should talk about how we can get that information and still keep moving forward quickly and maybe that's just through emails to this team or, you know, or emails to a broader team.

Jonathan Robinson: They can come to us on the client committee but certainly on the client committee mailing list certainly Sharon we're up against a horrible timeline and I don't need to tell you that.

So one suggestion I have is that we potentially reconvene tomorrow at around about the same time it may not be exactly the same time, give these to you for

24 hours and so we may then be able to help with any one of those three categories.

But the question is, you know, what can you do with this within given where we are we've got one more working day tomorrow, we've got the rest of today obviously and then we're hoping to get together with you in a number of sessions on Monday and Tuesday.

So that's really sort of the logistics that we've got to deal with and the pressure we're under. So Greg is that a new hand? Okay thanks so it feels to me like we might need to give this to you to work with over the next 24 hours and go ahead Sharon.

Sharon Flanagan: So I think our call tomorrow that works for me and so I think if we could do that if you can give us the questions. I don't know if this list that's up is the full set but if we could get the questions we will look at them and put them in the categories we talked about.

And then if we can talk tomorrow then we can ask any clarifying questions and give you a general sense of how we're grouping them and move from there.

And my other question is what is the work product you want from us on the questions? Do you want verbal answers, do you want a write p, what's the preference there?

Jonathan Robinson: My guess on a preference would be some sort of written response because it's easiest to share that with the group but maybe, it may be that that's challenging in certain cases. Greg agrees with that.

So I think ideally to just put into some kind of matrix and we, you know, you run through it and say, and give it one of those four categories of answer we discussed.

And then we meet tomorrow around 24 hours from now and just check if you need anything more from us and/or hear your initial short (unintelligible). And I'll note that Greg points out in the chat that these answers could be pretty short form.

We don't expect, you know, getting the core concept than a (diverse) answer in that. Josh your hand is up next so let me go and we'll come to Lise.

Josh Hofheimer: Obviously I haven't had the chance to go through other questions but my only thought is I see it's a 13 page document so it's a number of questions. And I suspect it might be a significant distraction from kind of their substantive work or the more substantive work if we do a written response to each question.

I'd suggest perhaps that, you know, we go through this tomorrow. We'll try to go through it today, we get on the phone tomorrow and have some discussion on it.

And those we might identify a handful or a subset of questions that need a little bit more elaborative - a little bit more response and some that, you know, would be deferred and discussed in the working group sessions on Monday and Tuesday.

And from their answers it may become obvious or there may still be some further, some additional requirements. But I don't think it would be a good

use of time or resources just to sort of task us to, you know, answer all of these at this stage.

So that would be my suggestion that we leave this at this point to a little bit more discretion to decide what's going to need a written response and the timing for that given the overall timing.

Jonathan Robinson: Now Josh absolutely I think that's right and you may choose to cluster them but don't forget we did agree that some of the you'll say are for our work and absolutely if you think these are best handled in session with the CWG that's a reasonable answer as well.

But it's really giving what we didn't have time to do was to work through these systematically and nor did we - so yes I think in short we should give you the discretion to answer them and to cluster them and to make suggestions around them.

Certainly not in the (boring) systematic winded answer to ever single question but it doesn't make sense to do it I that way I don't think so, agree. Lise.

Lise Fuhr: Thank you, I agree with you and Josh in the procedure going forward and I also think we have to have the aim of what are the questions for. They're for you to know where are the things that need to be more detailed for the group.

And to detail this it can be done in two ways either in writing or during the meeting or during the call we're having Monday, Tuesday. So I think what should - maybe you would have some questions that needs to be in writing others can be dealt with during the calls.

So I think this is an actual, an analysis of how are they best dealt with in regards to the meeting that we're going to have on Monday, Tuesday. And I think for us it was very important that we didn't sort the questions out so it's more for you to make that judgment on which ones are legal and which ones do you think the group can deal with in a better way, thank you.

Jonathan Robinson: That's a good point Lise and just to illustrate that I mean that highlights just to some extent there's a relatively high and there's been some sensitivity about the role of the client committee.

And our job is to make sure we manage the relationship between you and the client being the group. What we can't be, can't do and can't be seen to be doing is manipulating that relationship.

So that's really a good point you make Lise and I'll endorse that. We've got to, which it's easier for us to hand these over in raw form to you but that doesn't mean we expect a raw form answer back.

You are welcome to deal with these in whatever subject to the discussion we've had however you see fit. Good well I think that's, you know, its 13 minutes to the top of the hour.

I think it's worth talking a little bit about where we go from here. Josh can I just check if that's a new hand or an old hand I think it's from previously. Yes good okay.

So where we go next is and it sounds like Greg hopefully sent you that sort of sketched plan for 13 and 14 of April and we expect those meetings. We're going to run a half a dozen meetings on really trying to crystallize the key outputs from the design teams.

And move forward on the - together with you and the counseling you're able to provide on the sort of what I tend to think of as the structural aspects of this proposal as opposed to the technical and operational aspects that are coming through from the design teams.

Now clearly they overlap in parts and bump into one another most clearly illustrated by perhaps the CSC or the escalation and so on. So I think provisionally Sharon we're hoping to work with you in a similar way as we did in Istanbul over the 13th and 14th.

With a view to coming out of those high intensity couple of days with sufficient basis from the drafting teams and our work with you that we can pull that together into a substantial and materially well-formed proposal. There may be certain areas where key questions remain and we put those questions out as part our document for public comment. It is possible that the document isn't fully formed with single answers to all of the problems we're dealing with.

And that it has bifurcations or multiple answers in multiple views in particular or more than one view in particular places. But to the extent that we can produce a coherent proposal and one that resembles what we ultimately aim to submit all the better but that's not a necessary condition for putting something out for public comment.

So I guess the short question is are you available on the 13th and 14th to work with us to do those and does it raise any questions or issues for you?

Sharon Flanagan: Jonathan we are available for those meetings.

Josh Hofheimer: Yes surprisingly we don't have conflicts at 2:00 and 4:00 in the morning.

Jonathan Robinson: I know some of them are nasty and we were conscious of your time and the time zone that some of you at least are in. We will endeavor to work with you on the later sessions rather than the earlier sessions and we'll accommodate as best we can those ugly time, calls that aren't well timed for you.

Josh Hofheimer: Yes I know that - this is Josh and I was more kidding because I know that everybody is making some sacrifices. The real question is do you all want Sidley representatives on each of the six calls or are you planning to have some sessions without us and then come back to us and others? Just tell us what's your preference.

Jonathan Robinson: I think it's the latter and we'll be specific with you. That said I know that in Istanbul Holly and Sharon found it particularly helpful and I don't recall exactly which one of you was in on the CCWG meeting as well but to sort of absorb the discussion going on in the other areas.

So it's actually not a very easy call to make and we can make that over, you know, closer over the next 24 hours as we shape that agenda post this call and post the call tomorrow.

But certainly we are, my expectation and our expectation in crafting that agenda was that you would be involved in two or three of those calls in a primary role if you like and that may be sufficient that may be all that's required.

But it's possible that given the content of the other calls you may find it useful and we may find it useful to have you on those other points. So but essentially

you'll be primarily involved in two or three of the calls is our expectation at this stage.

Another way of putting that is that we'll give over around half the agenda to the technical and operational issues and around half to the structural and the structural issues.

Josh Hofheimer: Okay. Sharon and I are putting it out there, you know, sacrificing our team if you will but we'll obviously make ourselves available for, you know, whatever sessions you want us to be on and whatever the time limits.

And we'll, I agree we'll consider sort of using those that you didn't specifically request we'll see if we can't be there to listen.

Jonathan Robinson: Okay good thank you. Other members of the client committee, Sidley is there anything else that we should be covering and need to cover at this point or do you think we have exchanged sufficient information and thoughts to move ahead?

Sharon Flanagan: I think we're clear from the Sidley side.

Jonathan Robinson: Go ahead. Okay thanks Sharon.

Greg Shatan: Thanks Jonathan it's Greg I'm just noting your item 3B in the agenda, which is towards the proposal on the 20th and I guess the question is whether we want to think about now or only after the 13th and the 14th or maybe on tomorrow's call what the role of Sidley would be in the roughly week between the end of our high intensity work session and the birth of our draft report.

Jonathan Robinson: Good point and a good question Greg and it's kind of I guess why it's there it's I don't have a view at this point. I think inevitably we may want to have some form of dialogue or discussion with Sidley in the course of that period 14 to 20 but I'm not 100% sure how that's going to shape up.

And I think it's really more your earlier point we'll deal with this call, we'll meet again tomorrow and we'll meet on Monday and Tuesday but in all of that there should be an awareness that there's then going to be another intense phase, which is the drafting of the document.

And maybe...

Greg Shatan: Did we lose Jonathan somehow?

Woman 2: I can't hear him so yes I think we did Jonathan we can't hear you.

((Crosstalk))

Jonathan Robinson: I'm sorry I forgot to come off mute. I'll be very brief, I'll - it's a good point that Greg made and I think we need to figure it out still. I don't know exactly how we use Sidley in that interim period between 13 and 14 and the 20th.

It may become clearer to us tomorrow and indeed during the calls of the 13th and 14th but certainly we'll have to have an open channel and potentially share information and get views.

But I don't have a firm view of how that work is going to take place between the 14th and the final draft proposal on the 20th.

Any other hands, any other points anyone would like to make under AOB, any other thoughts before we close the call? All right well thank you very much, thanks Sidley that memorandum seems to have gone down well.

I know the CCWG appreciated seeing a copy it's clearly stimulated a lot of questions from the group. We'll very much look forward to you having a first pass over that in the way you see fit.

We'll come back to you and talk to you tomorrow. I think our suggested time is that we talk with you tomorrow one hour from when this call took place. So that will be now essentially, which is 1500 UTC, 1600 UK, 1100 Eastern.

So hopefully that will work for you and I know that's a tough on the West Coast. So if you need to do it a little later we may be able to accommodate that but I think preferably our suggestion is 1500 UTC.

Sharon Flanagan: That works for us.

Jonathan Robinson: Okay great, well thank you very much, thanks everyone and we'll talk to you tomorrow and pick up on anything to do with the Q&A from there.

Sharon Flanagan: Thank you.

Woman 2: Thank you and bye.

Man: Bye all.

END