ICANN

Moderator: Brenda Brewer
May 12, 2015
12:00 pm CT

Coordinator: Excuse me. Recordings have started.

Bart Boswinkel: Thank you. And just for the record are there any people who are just on audio and who are not in the Adobe room? None. So for the record, all those in the Adobe room are recorded as present to the CWG call. Over to you Jonathan.

Jonathan Robinson: Thanks Bart. Welcome everyone. We have an agenda as you can see up in the top right with a number of components. In fact I think it would be good Bart to add an Item 4 between three and four so that four and five will become - and six. And this is to just have a brief update and points from the (Client) Committee. So if we could get that in the top right please. Thank you.

So obviously the public comment period is running and we'll discuss that a little bit more in Section 2. There has been a request - I forget if that's gone to the list. I think it's gone just to the Chairs at this stage to consider extending the public comment.

I'm aware that clearly this is a challenge and probably - and this was highlighted in the request to extending in parallel with the work of the Cross Community Working Group on Accountability.

Unfortunately given the timetable constraints we are working to, if we are going to get a proposal out in appropriate time ahead of Buenos Aires and absorb public comment into that proposal, we are constrained by the calendar.

So the Chairs are not of a mind - Lise and I have discussed this and we're not of a mind to extend the public comment although we're very sympathetic to the pressure this is putting all of us under.

There is actually - on that point there is a timetable being worked on. And this deals with both the work of the group and something that Sidley was keen to receive some help with as to an indication of where the key milestones for their work would be. And I expect we'll discuss the timetable and some of the detail points more at the Thursday meeting.

I should remind you though it's worth highlighting that there is a plan to work in detail on absorbing the public comment work into the next version of the proposal, which we plan to be the final version on May 28 and 29. That's a Thursday, Friday we plan to have (a tense) couple of days.

This is not the first time you should have heard of it and you will hear about it more when we talk about timetable in detail on Thursday. But I think there's no time like the present to flag that that that that is the plan and remind everyone that that is on the calendar and coming up in just over two weeks time.

I think it's also worth in the opening remarks highlighting there was obviously - there's a recent letter that came - was sent from the NTIA to the - (strictly) it

says it's from the Department of Commerce via NTIA or NTIA as a part of the public comments to the ICG and talking about there is planning, timing and any impact that might have for the fact that the existing contract - IANA functions contract expires on September 30.

To that extent there is a call planned I think in a couple of weeks time to talk with the Chairs, co-Chairs or Chair and Vice Chairs of the ICG. And also we are actively - Lise and myself as co-Chairs of this group are actively planning to talk with other submitters of proposal - the other two submitted proposals to the ICG as well as continuing the ongoing coordination work with the Accountability Group, the CCWG on Accountability.

I think one of the things we haven't worked on with full discipline is checking over the actions from the previous meeting when we commenced each successive meeting. And it's very easy to just get on the treadmill of meeting after meeting.

I want to just go back and make sure we were tracking the actions from the previous meeting. And so as part of these opening remarks, I just want to briefly review those previous action items.

We said we would go back to ICANN finance and ask for the cost implications of the model as currently envisaged and for any feedback as to the implications of that and that sort of links to the point that we put into the public comment I suppose. And so I've written that note today.

We also asked the group, that is all of you, to review all of the relevant documents by Sidley that have been floating around. Now I know it's tough especially given the pace of which we're meeting. But just reminding you of

those various documents on the PTI (Board) the duties and subsidiary and costs.

There's an overall memo on the legal structure. There's obviously the punch list that we're working from. And then there's actually a table, which looks at the comparison of the structures of the public benefit corporation versus the limited liability entity.

So there's quite a few helpful documents that will inform discussions. And if you have read them, great. If you haven't had the chance, it's not too late to go back and look at those to inform any discussion or contribution you make as we go forward.

We talked about the Client Committee instructing (the need) to develop a first draft of the terms sheets concerning the proposed statement of work and to contemplate the - encapsulating the commitment to the SLEs in that. And the Client Committee did do that. I can confirm that that was undertaken.

We talked about Sidley re-circulating something from previously that they had done, which is a two page chart looking at the differences between the two models or in fact (unintelligible).

But I think this is poorly recorded and actually it's a difference between the public benefit corporation and the limited liability company. So it's not the two models between the two different company options.

Bart Boswinkel: Jonathan, two people have raised their hands regarding one of the points.

Jonathan Robinson: Thanks. Perhaps I can come to that now. Let's just - yes. Okay. We can come to that now and just hear some comment there then. Go ahead Paul.

Paul Kane: Thank you Jonathan. You touched on the SLE - encapsulating SLE in the punch list. I would just like to update the group. You may have discussion on the list.

I'm hopeful close of business today, early tomorrow European Time we should start receiving information from IANA to enable us to encapsulate those current practices that IANA undertakes to make SLE that we presented in Istanbul complete.

Once we have that, our intent is to go back to IANA and just run through everything in detail so that we have a current SLE based on current activity. So there's a quick update of the work of the SLE Group with respect to I hope getting information - the relative information from ICANN and IANA.

Jonathan Robinson: Thanks Paul. So actually I think that was - that's correct. That touches on that Item 20 under the punch list. And in fact I think that the slide problem we've got is that Sidley have committed to update the punch list. And it would be useful Bart if we could take an action on staff to update the punch list to the extent that it gets updated in this call.

There's a status column. And it would be useful to update with anything that comes from this call such as this point that Paul has just made.

Bart Boswinkel: Yes. I'll record it and I'll do it.

Jonathan Robinson: Thanks Bart. I won't presume that you will do it or Bernie or anyone else. I'll just leave it with you guys to figure that out but that would be useful. Thank you.

And so Paul and others, what - the related point that we were discussing there was the commitment by Sidley to as part of an action last week and as instructed by the Client Committee to start to develop an overarching term sheet containing and contemplating the new statement of work - the PTI statement of work and including encapsulating the SLEs in whatever form they finally settle in.

So there's two different pieces of work there. There's the work that Paul is talking about doing, which is advancing, improving and hopefully finalizing and getting agreement on the SLEs. And then there is the work that Sidley will do to actually capture those ultimately in a contract but for now in a - (unintelligible) the precursor of course to a - to the contract.

So we also talked with - another previous action was to instruct and ask Sidley to share the work that they are doing on effectively what they call stress testing the PTI entity and associated Board against various scenarios.

They have not yet shared that work with us. They have and internal document which they mentioned and we asked that they could update that document and prepare is such that this group could see it.

So essentially that will take, as I understand it, the PTI in its different potential formats and the Board that goes with it and test that against various scenarios and help us to understand the implications of that. So that work should be very useful. And I would hope we'll have that to discuss properly at the next meeting. So that's really an open action from the previous items.

And then finally there was a commitment of the five actions. There was a commitment to reach out to ICANN legal to obtain input on the Question 2 and 3 or Points 2 and 3 in the punch list. And then you'll see I've prepared a

not and sent that across via (Sam) who is tracking the work of this group - (Sam) from ICANN legal.

So that's covered a lot in that introduction. I've covered some introductory remarks, the - some other background and including some of the background issues that are going on, the outstanding actions from previously and obviously an update from Paul.

What I haven't asked for, and although I did suggest and update to the agenda myself, is that change to include an update to the extent that (Heather)'s already been covered in the call from all the work of the Client Committee. Is there anything else that anyone would like to see on the agenda or would like to comment on at this stage before we start to work our way through the agenda? Good.

So Item 2 starts to look at the public comment and then Item 3 (envisions) us going through an update on the punch list as it stands. One of the items under Item 3 on the punch list will be - will naturally make us turn to the work of the design team working on the separation or perspective separation process.

And I know Avri has to leave at latest 30 minutes past the hour. So I'm going to invite Avri to come in (and let's start) where your information is really part of Section 3 of the agenda and it will be dealing with Item 24 through 29 on the punch list but (give) an opportunity to have an update from Avri. And I guess specifically Avri if there's any particular points you want to highlight that you'd like help from.

My sense is that you have not gotten significant participation on your document but that's maybe judged by email traffic rather than edits to the

document. So fire away Avri. Give us an update; ask for any help you need and let us know where you are with that.

Avri Doria: Okay. Thanks. This is Avri speaking. Yes. I mean there was a certain amount of (unintelligible). I got some discussion at the meeting where we discussed it. And a few people have contributed. And until somebody says otherwise, I think that in terms of responding to the punch list questions, we started to do that but we still have the fundamental questions pending.

So what's been done to the document is the document has now tried to describe this and I guess we're calling it separation review at the moment or - we've had so many names for it I don't know what it is anymore. But anyway, that's immaterial.

And trying to describe this process independent kind of of who's doing it because one of our fundamental pending questions was is the IFR - is the IANA function review going to recommend this separation process. Then - and then the question is is that set approved by the Board and does it come back and then they do it or is the IFR or some other possibility (unintelligible). I hope that wasn't me - that amazing static.

And then someone - yes, because I mean people have been editing it. And then just this - another group will be formed. So that's one of the fundamental questions that this group has to solve because what was determined is we're not working as a design team anymore. We're sort of working in the design team but it's of the whole essentially is what that determines.

So people have been working on the document. So that decision - we need a time. It's obviously not today. But we need to go through that particular

decision. Then there's - oh, I think there's been a bunch of edits to it since the last time I looked earlier today.

Then there's the discussion of the (unintelligible) triggers. And, you know, one of the triggers we had discussed was the IFR but I see that's been edited out. And now someone's suggesting that it's done on a recommendation of the Registry Stakeholder Group (instead of) Council. So taking all of us out of that.

So but anyhow, we're having a real disagreement on the trigger. Some of us believe that the trigger is the IFR for the community. Some people that figure that the trigger is just the registry - it's just the so-called direct customers. So that's an issue that has to be solved yet and without the committee as a whole handling that, I don't think that one will get solved.

And then, as I said, there's the how is the (unintelligible) group that does this constitute it. So there's really two main questions. I think that beyond that I don't - I think that the (sublet) questions are covered but those were two of their main points. Thanks.

Jonathan Robinson: Thanks Avri. Let me - it does feel like it's going to come back into a scheduled discussion of the group and there's obviously work ongoing on the process side, which sounds less controversial challenging. And then there's some fundamental - these couple of fundamental points that you make.

Eduardo, what did you want (coming on)? Go.

Eduardo Diaz: Thank you Jonathan. This is Eduardo. I just - this is a question for Avri. I read the document but I'm confused and maybe I need some clarification for you (unintelligible).

But we talk about this (unintelligible). I would like to understand if we're talking about different separating the (ICANN) corporation from the affiliates, you know, (unintelligible) affiliate or (unintelligible). Or are we talking about separating - the context of separating the stewardship and the operation outside of ICANN?

To me I'm not sure we've (unintelligible) is which (unintelligible) is to be done. So I would appreciate it if someone can help me with that. Thank you.

Avri Doria: Yes. This is Avri again. Should I just answer that?

Jonathan Robinson: Go ahead Avri.

Avri Doria: Yes. It does not - it has not to do with the stewardship. It has to (unintelligible).

Man: Avri, we are not hearing you.

Jonathan Robinson: That seems like...

Avri Doria: ...with the...

Jonathan Robinson: ...Avri...

Avri Doria: ...function operator. The IANA function operator. So basically now (separability). So that's been triggered. Several things can come out of that. There can be a review that sort of says oh, we just need to reshuffle this deck and get things right. And so a description is sent down from that.

Some people could say, you know, this whole affiliate and we want to put out an RFP for a new IANA function operator. That's one of the possibilities. Another one of the possibilities is (unintelligible)...

Jonathan Robinson: Okay. I'm afraid...

((Crosstalk))

Jonathan Robinson: ...because...

((Crosstalk))

Avri Doria: ...currently contemplate...

Jonathan Robinson: Avri.

Avri Doria: ...(unintelligible) solution to this nuclear problem. So what this tries to do is leave that decision open of how they would deal with it. But it doesn't change the stewardship part, which is the (unintelligible) the direct customers being the ones that hold the stewardship. It's a question of what happens to the IANA functions operator. Hope that answers it.

Jonathan Robinson: Avri, it sounds like it was a little challenging because there were two significant (cuts) in your audio there unfortunately. So it's difficult. I'm not sure we got all of that. Well I know we didn't. So it seems to me that we need to bring this - it sounds like it's the work is quite unstable at the moment in terms of even some of the process details.

It's significant edits going on and discussions taking place. Do you plan to have any actual audio meetings of the group or is it all going via online editing?

Avri Doria: You guys determined that the meeting was the meeting of the whole. So all I can do is ask you to schedule it on your schedule. Decision had been made that it would not be constituted a group; that we would work on the document and email on the list. But I understood that this was now a task for the committee of the whole. And I was just sort of tending it. Maybe (unintelligible) misunderstood.

Jonathan Robinson: Avri, certainly it sounds like there's a couple of fundamental questions that could be usefully dealt with as - and we should schedule that. Quite honestly, I don't recall whether there was a firm commitment to saying it could only be done as a committee as a whole as the full CWG in session.

To the extent that you are able to make progress with yourself and the volunteers assisting you to reduce the number of questions or options, that'll be very helpful.

But let's schedule a detail session on this then either on Thursday or Tuesday next week and see if we can't - and if you could bring to us as you have done now but in as structured a way as possible the key issues for discussion ideally in advance so that people (unintelligible), you know, you might want to (unintelligible) certain point and then bring it to the group to do the work. I think that'll be very helpful.

And I see I have a reminder from a couple of people that we were committed to doing it as a committee as a whole in which case we need to (discuss) firmly as I said a moment ago over the next couple of meetings.

Yes. And Avri, you did send something earlier but it sounds like the document - there's some movement there. So let's see if we can't stabilize it and (unintelligible). Just reminding everyone that there's some background noise and so my phone's on mute please.

All right. That's a slight diversion off the agenda. Thank you Avri and we'll pick up and get back on schedule as far as the agenda is concerned now. So going back up then to Item 2 on the main agenda, which touches on the activity of the public comment.

I believe, and I would - would be great to have that confirmed but I recall that there is a draft of the template. And there you see it in front of you; the tool, which is a variation of what's been used before in dealing with public comment.

You'll see that it's divided up in sections according to the document and recalls elements of the commenter, some sense about the direction of the comment, key issues and considerations as to what the response of the CWG might be to that comment.

So I don't know how many of you had a chance to look at this. If any of you'd like to comment on this. I expect what we'll want to do is start to draft responses. And before we get even some staff help on those responses in the right hand column and then have those commented on and reviewed by the CWG for their accuracy and satisfactory nature of those responses.

So I'd like to hear from the group if anyone's got any concerns about such an approach, about the nature of the document, about any elements of that form for processing the public comment, the review template its' called (or that it be

a tool). Any comments, questions, suggestions, thoughts on that document? Go ahead Eduardo.

Eduardo Diaz: Yes. I have a question. So these are (feasibly new) responses that last column. Is that something that we're going to do after the public comment period or we're going to do it now? That's my question.

Jonathan Robinson: Good question. And my opinion is that it is something we should start to work on right away. I think it will give us the opportunity to consider and discuss our responses. And given the time schedule we're on, I don't see any reason why that couldn't be the case. I may be corrected by Bernie who has his hand up now. Bernie, go ahead.

Bernie Turcotte: Thank you Jonathan. No. I was going to go exactly in the same direction you are. If we've been following the comments quite closely and I do not see why we should not begin immediately working on responses. Thank you.

Jonathan Robinson: Thanks Bernie. And I see a checkmark from (Cheryl) in the group and Eduardo possibly - don't know enough at this stage. But essentially that's the plan. To work dynamically given the time constraints on the public comments and have this as a working and live document that the group can work with.

And so you will see the draft answers, if you like, responses and be able to comment on those. Donna.

Donna Austin: Thanks Jonathan. Given that said dynamic document, who will control it? I guess my concern is here that this really is a document and somebody needs to have control of rather than having many cooks in the kitchen.

Jonathan Robinson: Thanks Donna. I think we're leaning heavily on staff for this as we have in many ways. And the reasons it's important to be dynamic is that it will be circulated on a regular basis to the group so that the group has the opportunity to review and critique if necessary any (staff) responses, any draft responses that staff (unintelligible).

Donna Austin: Jonathan, just to follow up.

Jonathan Robinson: Go ahead.

Donna Austin: Given we're such a big group, I am a little bit concerned about the process by which people will respond to what staff has drafted. So we need to be - we need to have some reasonable process aligned with that too I think.

Jonathan Robinson: It's a good - it's a good point Donna. I hope that in many cases the answers will be uncontroversial and they'll be more potentially factual in nature or update as to where the current work is going.

But it's difficult to comment too much without specific examples. But I hear the concern that this, you know, we could go down all sorts of routes if it gets too dynamic. So I think to some extent it's - we'll have to work with it as we go. See how we make progress on that. I can sort of note the concern and see where we go for the moment.

Bart Boswinkel: Jonathan, this is Bart.

Jonathan Robinson: (Unintelligible).

Bart Boswinkel: Jonathan, may I suggest to put this as an action item on - to get back to the group by Thursday or the next call at least; how to handle - how to handle this? And the co-Chairs do a proposal.

Jonathan Robinson: Sure Bart. We can do that. Thank you. You can record that and we'll just come back to it. This is a important point to flag it as a (first) - the group gets to comment on the structure of the public comment review tool. Chuck.

Chuck Gomes: Thanks Jonathan. Chuck Gomes. I for one would be perfectly comfortable if staff when possible was to draft a proposed response and maybe recommended action in cases where that can be done for consideration by the full working group. And wonder if that would kind of facilitate us doing this rather than just opening it up broadly for wide discussion and then deciding that.

Now I don't know if - I want to make sure staff's comfortable with that. But I know we've done that in some other working groups. And it works pretty well. And it's not that we're letting staff drive it. But in some cases the possible responses are fairly straightforward just by referring to other parts of the proposal.

And if staff was to do that and then we were to either confirm or reject or modify staff's responses in our meetings, it seems like that might be one way to approach this that would be fairly organized.

Jonathan Robinson: Thanks Chuck. And I'm sorry - and I - Chuck - I see (Cheryl) put up a checkmark in response to that - a supporting mark in response to that. And sorry if I wasn't clear. Yes, that is the intention I think is to get an initial response draft from staff and to share this document.

And that's what I meant by dynamically this document will then be repeatedly shared with the group as it is updated to the input the answers are satisfactory and they don't attract any comments, to the extent that they are in some way not satisfactory to the group that attract comments.

So I would envisage us not going through all of this in fine detail on a line-by-line basis but asking for any concerns with respect to any of the answers as currently drafted.

Okay. And then in Item 2b we refer to the FAQ. And the intention there, as you know and will have seen, is to publish an FAQ document that is a link to - from the public comment area. And indeed we already have put that in place at this stage.

As it happens the FAQs are only quite specifically as previously prepared content from a (typically asked) memo on (to) strengths and weaknesses of the proposed structure.

And this was a - this was a rapid response. We took a decision to post and obviously some of you comment on list. In recognition that we haven't perhaps articulated as well as we should have or could have why we had the separate entity and what the potential strengths and weaknesses of that are.

So what we did was publish this set of FAQs that you see in front of you and I believe you have independent scrolling of and many of you may have seen it via the list or link from the public comment period already.

And the intention is in conjunction with - as the public comment period continues and as we develop answers or responses to element of the public comment that some of those can be published in the form of FAQs as well.

So the idea is that this document is a dynamic document that facilitates and (this is) the work from the public comment. These answers here that you see in front of you were not shared with the group prior to publication because they come direct from the Sidley memo.

They're not the view of the group and they're not - but the intention otherwise would be to share the responses to typical questions coming through either by that public comment review tool that we just looked at or just directly and for people to comment and critique the FAQs.

Many of those have started to come and effectively be developed by the Webinar because there were a series of questions and Lise and myself as presenters of those Webinars answered those.

So the next (traunch) of questions that you'll see added to the FAQ sheet will be those that arose out of the Webinars. And then we can add to those in addition. So I hope that'll come out to you in the next day or so - the FAQs.

Is everyone able to - Bernie or someone who's - are you able to comment as to what state the additional FAQs are in and whether we think we're going to publish those shortly to the group? Go ahead Bernie.

Bernie Turcotte: We're well advanced. I'm in charge of those right now. And we have a final format. We've got most of the questions from the first two Webinars. Well, we have all the questions and answers from the first two Webinars included.

We have included the same questions that we have published from Sidley and we're in the process of completing within the next 24 hours the questions and answers from the last two Webinars.

Jonathan Robinson: Thank you Bernie. So Bart, the intention there the action is to share the FAQs shortly with the group such that they can be then published for use by all who are responding to the public comment period and to the list with any work on the public comment period.

And really the objective there is to make the public comments as informal as we possibly can and also frankly to attempt to answer questions that might otherwise come via the public comment if they aren't adequately already answered. And it may in that sense head off unnecessary questions or issues being raised in the public comment if they are answered satisfactorily via the FAQs.

Bernie, is that - I think that's a previous hand. Any other comments or questions that anyone would like to make in respect of that? And that leads really into Item C - 2c, which is an opportunity for any of you who are aware of issues in your respective groups - communities that you'd like to raise with respect to the public comment period.

Are there any points that anyone would like to raise given what you've heard? We've got the public comments out there. We understand it's a tight timetable and that is causing some pressure. We have a public comment review tool and we are working on FAQs.

Are there any other areas that anyone would like to flag, concerns, issues or revising feedback that they're hearing in their groups? Anything you'd like to raise in respect to the public comment period? Paul, go ahead.

Paul Kane: Thank you. I would just welcome knowing how to answer the question, which I've had from a number of CCs is that they consider that the proposal that is

being put forward is better than the one in December for which they're very grateful. But they don't think it is (complete) and not ready for their final consideration.

What answer should I give - do I give with respect to that? Is there going to be another opportunity to - once the work is complete before things more forward? You know, just what is the official answer?

Jonathan Robinson: Really good question Paul and it cuts to an important point here. This proposal has elements where it is incomplete. We plan that the final proposal will be complete and there is work in progress between when this one was send out or this draft was sent out for public comment and the final one.

Now clearly in an ideal world there would be likely less moving parts. You may be able to argue that this is insufficiently complete although it is the view of the Chairs and it is our intention that it is sufficiently complete to allow participants in the public comment process to give a - to make a full evaluation and give good comments on.

So the answer is the - if you like, the official answer (beaten) in the sense that I can provide it is that yes, we acknowledge that it's not 100% complete as it stands. But we don't think it's so incomplete that the critical components of it can't be understood.

And we expect, through a combination of the ongoing work of the CCWG and the input and receipt from public comment, it will be complete in advance of Buenos Aires that we can publish it for proper consideration by the chartering organizations in Buenos Aires.

There is one other kind of related point that I would expect people may make. And that is well how - the issue of the timing with respect to the work of the accountability group. And that dealt with in a number of different ways, but that includes the ongoing close liaison between the chairs.

The commitment that we've heard from the CCWG to recognize our needs and the fact that the chairs have indicated in (Thomas)'s presentation to our last meeting and in general that they don't - that the requests and requirements of this group are not deemed with the CCWG GHB particularly controversial. There isn't any sense that they aren't acceptable or likely to be part of the final proposal.

And then third, our requests to (Sidley Austin) to assist us in encapsulating the dependency of our proposal. That our proposal is essentially only made whole or fully valid on condition that the relevant accountability mechanisms are in place to support it.

So and LiseI know it's your point in the chat. And I how I didn't intensify it by extending my answer to call. I at least in part of that point. Chuck go ahead.

Chuck Gomes: Thanks Jonathan. Chuck speaking. And this is kind of a follow-up to Paul's question as well as your response. And the first thing I want to say is that all of us who are associated with the chartering organization will have opportunity for additional input to what you're referring to Jonathan as a more final proposal then the sponsoring SOs and ACs decide whether to approve the proposal or not.

But that does leave one open question I think. What - how will people who are not associated with one of the chartering organizations provide their input at

that stage? And should we consider some methodology by which they could provide their input?

And I'm not sure I know what that is right now, but I think it is an issue that we probably should spend a little time on.

Jonathan Robinson: Good point Chuck. Does anyone have any comments or responses or thoughts to that? Bart go ahead.

Bart Boswinkel: I just know say this is one of the major concerns currently discussed by the ccNSO counsel. And they are very aware of the issues, not just with say the numbers and non-members of the ccNSO. So with the whole ccTLD community, but also how to reach out to those in the community who are not showing very much interest to date in the process itself.

So it's a two-fold. And I think now wearing say staff support from the ccNSO, it's giving that they are concerned about it. It's almost a matter of the chartering organizations and their rules and procedures. How to deal with that issue and this important question.

Jonathan Robinson: Yes, I see there's been some other support to Chuck's point in the chat. I think it's more the less though Bart. And I think there's certainly elements of, I mean within so say for example the cc community ensuring that it's the broader cc community have the right avenues to deal with it.

I think what I would suggest is we take action on the chairs to work with the group to give consideration to mechanisms or processes whereby further input can be given to the final proposal or organization or entities that are not part of the chartering organizations.

(Mark) you asked for those three points I made to be captured. I think we can do that by - I'll just ask - take an action on (star) to just capture those three points which really related to an earlier question I think from Paul and to some extent part of that in the chat. So if I could ask - I've lost the - (I was going to give) bottom. I meant to catch up with two actions that need to be captured here. Does this capture your action Jonathan?

Jonathan Robinson: This one is related to the question by (Mark) about how to capture the three points about - relay (Paul Cain)'s question about how complete the proposal is and responding to questions as to - in and around the relative completeness of the proposal in its current draft versus the final draft. So (Mark) was looking for a response to that.

I guess Greg that's a good point. Greg makes a point in the chat about the public comment period being the channel for non-(unintelligible) input. I think the issue here Greg as that we need to be mindful of is a question over at the complete nature of the proposal and whether there's elements of it that are a work in progress.

And that ultimately in approving the final all and really for approval the final proposal, the chartering organizations have the opportunity to comment at that stage, whereas others may not. And to the extent that there's a material shift between this draft - this, if you like, and the final proposal, there is some dis - a chink of light there that would (unintelligible).

Perhaps others feel the need to comment or provide input on. All right. Some good points. I'm going to move us on to Item 3 on the agenda now, which relates to the punch lists and our standing items and issues on the punch list.

And I guess there's one other final point to make here. We will have a look at the timetable, as I said earlier, in a little more detail on Thursday's meeting. Timetable is an item which we should be looking at in Thursday's meeting as well.

Thank you Bart. All right, so Item 3 looks at the punch list which we've touched on in a couple of earlier discussions and points anyway. The - I'll do it in numerical sequence. And there is a latest draft of this punch list.

I have a latest draft dated May 6, which is the one that you have in front of you there. And so the punch list as it stands, I think it may be okay to go through it in numerical order today. And we just should be (useful) enough.

Item 1 goes straight into dealing with the legal entity and whether or not that's an operational benefits liability company. There has been this circulation of Sidley's April 16 memo which cover the side-by-side comparison of the two entities.

But my understanding is and I wouldn't mind confirmation from maybe one of the other members of the client committee here is that we, in discussing this with Sidley, we got a - this is where the comment on the stress testing of the scenarios is work in progress. And I hope we would expect to see that in the next day or so.

Rick or I don't know if Martin's on the call. I know Martin wasn't on the previous (time committing) call, in event. Rick, do you recall this as to whether we are expecting to receive some form of stress test pack analysis of public benefit with limited liability and indeed different forward structures as well?

Greg Shatan: (John) it's Greg for the record. I do think so. We'll need to double check with Sidley. I don't know if we have anybody on the line, it looks like we do not, as to what exactly you're expecting.

But I think that was discussed. And, you know, clearly could be a useful. Maybe useful document working groups without being too presumptuous. But I'll make it points to check back.

((Crosstalk))

Jonathan Robinson: Yes, yes exactly. Thank you Greg. But absent that confirmation, that is my recollection that they be working internally on a better scenario planning. And we talked to them in the client committee meeting.

And the records of the client committee meeting will show that in the end we settled on a couple of perspective or structures. One that has been refer to as a (minimalist) and a more extended board. I think they were going to test the different operation types as well against those.

And again, I strongly encourage you all to look at April 16 memo so that we really have an informed discussion on this. It highlights things like the implications in a bankruptcy of the two different scenarios. The governance issues, the ones flexible, but the ones more formal and so on.

I won't presume any outcome at this point, but certainly the combination of that April 16 memo plus some scenario testing. So the most obvious scenario testing springs to mind when one looks at it here is what happens in the event of a bankruptcy? Which is a more resilient corporate structure for like post transition entity? So it would be that - that's the kind of thing that I would expect a scenario or stress testing to test.

All right, so all that is really covered and dealt with in Items 1 to 5. And that needs work at this stage. As far as Items 6 to 10 are concerned, this is Design Team N for November.

And I think has that design team met since Thursday last week? Or is there a meeting still scheduled for Design Team N on the IANA function review? Thanks (Brenda). I see DTM for mother is meeting tomorrow. Is there anything scheduled or planned for N at this stage?

Stephanie Duchesneau: So this is Stephanie Duchesneau. I've reached out to Avri about possibly scheduling a call. This is a pretty narrow one. But right now we're just working through Google docs rather than having a call scheduled.

((Crosstalk))

Stephanie Duchesneau: Personally I think it would be (unintelligible) as there are other folks from the design team or from the CWG at large that are interested in working on that that would be happy to set the thing up. But the inclination so far has just been to use the drive.

Jonathan Robinson: Okay thanks Stephanie. Elise your hand is up.

Elise Lindeberg: Yes. Can you hear me? You can hear me?

Jonathan Robinson: Yes.

Elise Lindeberg: No, I talked to Lise about N. I think we can do it online. I don't think we need a meeting or a schedule anything special for it. I will send the guest opinion

on it. And I have already done that I thought. But I will do it again. Thank you.

Jonathan Robinson: Thank you very much. Then Stephanie and Elise, that's helpful. So and Bart, you know, in terms of capturing this update, one of the issues here is that I don't have an update in respect to that.

So if we could capture this kind of thing as we discussed earlier, which you've already got an action to do. That would be helpful. Just for example in this case that there's ongoing work via use of a shared document.

And second, I think one thing that - well I'll come to that later as to whether there is - let's hear from an update from (C and M) first. So Items 11 to 15 follow on and deal with - 11 to 16 actually deal with the work of Design Team C.

So is there anything - again, I think there has been a meeting scheduled or is a meeting scheduled. Anything to say about that at this stage Donna?

Donna Austin: Thanks Jonathan. So we did meet last Friday. I have circulated a draft of our responses to the team. And I'm just waiting for confirmation, you know, my capture of what we discussed is okay for sharing with the broader group. So we have addressed all the items from 11 to 16 I think.

I can, you know, run through the comments now if you want. But I don't know that there's much having me doing that.

Jonathan Robinson: Okay Donna let's do - let's - actually what would be useful I think, and at some point it would be good to capture those, at least as a point of status. Maybe you could run through them on the list and just post a point on each of

those as when you feel that's settled so that we can capture those in this punch list. And you can strike them off the list.

Donna Austin: Yes, will do. Thanks Jonathan. Okay.

Jonathan Robinson: Thank you Donna. Elise and Stephanie you have old hands up. So if those could be withdrawn, that would be great.

Going to section on IANA - ICANN PTI contract statement of work and SLEs. This is 17, 18, 19 and 20. Paul updated us earlier on 20 as part of the introduction. And then 17, 18, 19, the status there is that those are being dealt with by a heads of terms, which is again something for the client really to pick with Sidley and see if we can't get an update from that - on that by the time we meet next Thursday.

I think that would be very useful if we can have an update on that. I'm not sure what status that's at. But we can check (unintelligible). Thanks (Bob). We'll capture that action.

All I note in the chats is you have been willing to work with Sidley on a statement of work. At this point I mean two things really. One, just really practically the - Sidley's being instructed by the client really to control and manage that relationship.

And that includes - the work they will do includes a mechanism to capture the SLE work that's been done. So let's see what comes out of that first draft and how satisfactory or not that is. And then get some feedback by that group. Thanks.

I've got an early indication of the fees that we might expect to see coming from that. And they are what I would call material or substantial, the costs that have been wrapped up to date with the independent law firm. So I'm mindful it's incumbent of us to continue to be effective in how we manage that work with Sidley. Just so that you're aware what's in the back of my mind on that one.

I think we'll get - I hope that we'll get some more accurate and more comprehensive information as to where we are from a feeling point of view so that we can manage that as well. I haven't seen any actual bills or numbers, just an indication that the amount of cost is substantial at this stage.

Good, so you should have independent scrolling of this document in front of you. And the next area we go to is that work of escalation mechanisms which is being worked on DTM and DTMNC.

So I wonder if there's any comment that those groups would like to make now. And I think the intention is, as (Brenda)'s note, there's a meeting tomorrow. So there may be nothing to say at this point until tomorrow's meeting. Chuck go ahead.

Chuck Gomes: Thanks Jonathan. I just want to confirm what you just said. Let us meet tomorrow and then we'll have an update.

Jonathan Robinson: Good. Thanks Chuck. Go ahead Donna. Your hand is up.

Donna Austin: Thanks Jonathan. So (unintelligible) did actually consider these questions as well. So Chuck I'll make that available to you if I don't happen to be able to release this by the end of today. Thanks.

Chuck Gomes: Thanks Donna.

Jonathan Robinson: Thanks Donna. And that raises an interesting point that I was going to just raise with the group now. And I'm more than happy to receive any responses now or just to let it sit.

But essentially as some or all of you will remember or be aware, just prior to us sort of coming together and producing the final version of the draft proposal that we sent up for public comment.

We got together, and in fact, I acted as facilitator for that meeting being Design Team M, C and N if I recall. And the intension there was to ensure that the work was integrated because clearly, one of the issues with working in the fragmented design team type model is that the work isn't necessarily knitted together as well as it might be.

And while that can be covered at the CWG level, it was (felt). And I think we - necessary. And it was productive to do so for the groups to get together. So just letting you know that those that are on those different design teams that should that feel appropriate or necessary, I'm willing and available to run another session like that.

But just bear that in mind, if something is striking you that needs to be in some way coordinated. And it reminded me when Donna offered to share that information a moment ago. But please do let me know if I can be of assistance or if we're repeating a variation of what we did before.

We touched on separation process, well more than touched on it. We discussed it with Avri and agreed a way forward there on Items 24 to 29. And so that we've already dealt with.

And then the remainder of the punch list is not - there's nothing intended to be acted on at present (unintelligible) depending on other factors there for the purposes of monitoring.

Any other comments, questions or points in and around the punch list at this stage, Item 3 on our main agenda? Item 4 then, the new and inserted Item 4 is not here to comment or discuss the item - the work that the (unintelligible).

We've touched on that in a couple of areas are ready. We did have a meeting last week. And we are scheduled to have another meeting this week. There were a few instructions given to Sidley on some of those that emerged last meeting of this group.

Greg is there anything you would like to add or highlight with respect to the work of the client committee and the interfacing with Sidley. And then after Greg, if there's anyone else that would like to ask any questions or make any comments on that feed, go ahead.

Greg Shatan: Thanks Jonathan. It's Greg Shatan again. I don't have too much to say. I think that, you know, generally speaking we're working quite well, the streamlined group.

I think that, you know, on the going forward basis, you know, we'll need to be as we have been mindful of, you know, their time and resources and how we allocate them.

And how we, you know, use them and especially as we come into the public comment - the end of the public comment period and the - I think there will probably be a number of public comments where we are - we might be

scratching our heads about whether and how to ask the lawyers to get involved in answer them or refuting them or clarifying or fact checking them.

So I think that's something we'll need to consider both in the client committee and in the group generally so that we don't, you know, we can't turn this into kind of a continual quest - Q and A with counsel.

But generally speaking, I think, you know, happy with the progress and the work with counsel. And I think that, you know, we've settled into a good working relationship and into a good working team.

And I think everyone has seen that and hopefully agrees as well. Happy to, you know, if you have other thoughts and suggestions on how the client committee could improve any of the issues, not that I think they're issues, but methods of working with Sidley. Thanks.

Jonathan Robinson: Thanks Greg. There's clearly a couple of deliverables outstanding. And I think it would be good to capture those and make sure that the group is clear on those.

The other thing I think we're coming to the time that we want to do is review our original scope. And I guess that comes up when we see the first set of bills as well and look at that in the round.

And I think from this group's perspective whether we, you know, where the scope of our work with Sidley runs to. And if there is any need to - is there any form of extension or modification to that scope.

So the document we will want to dig out and just make sure that we know where we are in that scope. And we can - to the extent we can, predict where the scope will run and the implied costs associated with that. Greg.

Greg Shatan: And Jonathan, just a couple of kind of follow-ups to that. I did confirm and in the sidebar email that Sidley is working on the stress tests for an insider - small insider board versus a, you know, large multi-stakeholder vehicle and outsider board.

Also on the - a separate memo, comparing and contrasting the public benefit corporation, the so-called non-profit under California jargon versus the limited liability corporation, or LLC as a, you know, structures so that we don't just, you know, make it a (unintelligible) that we are using a public benefit corporation.

At least we'll see why we would tend to make that choice or maybe people will see something different when they see that. I think that the other thing they are working on is, as they say, the term sheet or a - for the SOW or contract, however you want, you know, the contract with SOW, you know, initially at the term sheet level.

You know, drafting all of the word-for-word is another level. And another level of expense. But it's much easier to draft a contract when the concepts have been agreed at the term sheet level. Drafting a complete contract and trying to figure out what it is you're trying to say at the same time is while not uncommon, more painful and expensive.

And speaking of expense, I would just say, you know, there may be some sticker shock, especially depending your jurisdiction or your experience in working with outside counsel.

When we discuss costs, you may also see what a good bargain I was at a free almost lawyer or at least, you know, lawyer almost providing legal advice. But, you know, these things do add up.

And, you know, we have asked, you know, quite a lot of them. I know that they have been performing on a somewhat discounted rate, which is great. But nonetheless, just like the multi-stakeholder process can be characterized by (mess) and sometimes by (slowness). So frankly I think we've given somewhat the lie to that.

Working with outside counsel can be characterized by bills. But in the long run not much we could do otherwise. And I think that no matter who we had chosen to work with, it would be largely in the same place. And I am frankly, you know, way beyond satisfied with the quality of the work and the level of engagement, which is something you can't necessarily predict when you bring counsel in as to whether they're really going to get what you're doing or not.

And I think I'm, you know, quite pleased with that overall, especially for people who by and large, you know, had not steeped themselves in the deep springs of ICANN for years. In any case, thank you.

Jonathan Robinson: Thanks Greg. And all the avoidance about (to) I'm very happy with the support. And I think that may others (that we've) received from to date. So that's great and it's helpful to confirm those three areas of work that they are instructed to work on. And hopefully we'll see some progress on that (unintelligible).

And thanks (Joe) I like your checkmark in the chat. All right, I'm going to nudge us on then on to AOB, which is Item 5. And I must say, having being

party to the construction of its agenda, I'm not sure I fully understand 5A, which says TWG to send outreach to Bart for Section 6.

((Crosstalk))

Bart Boswinkel: Jonathan, shall I recap the point? It's fairly easy. It's the - say the CWG has captured its own outreach efforts to date. And they're all captured in the Wiki space.

What is needed, if you look at RFP 6 of the ICG RFP, we also need to capture the outreach efforts of the members. And we did in the first document based on input from the different members groups.

Say what they've done with respect to outreach to their own communities. If they - we send me an email what they've done since, I would say December until now with regard to outreach so we can include it in the next and in the final version, that would be great.

So it's the outreach efforts for members to their own groups in order, yes, to get feedback and to make them aware of what's going on.

Jonathan Robinson: Awesome. Thank you for reminding me of that for a second time in the last 24 hours or so. So really that's just - we really need to know what groups have done - what the works has been done. And please send that direct to Bart with respect to outreach so that we can record that in Section 6 as part of the proposal.

And thanks Greg for recapping the Sidley work that's going on as instructed by the client committee. So the group should be mindful of those three pieces of work.

Are there any other questions, comments or points anyone would like to raise under ARB at this stage? Paul go ahead.

Paul Kane: Just very briefly, and I may be behind the curve. Has anyone done anything on the foyer aspects where a state department has to approve CC change requests from certain countries?

Jonathan Robinson: You stumped me there, but you may not have stumped Bernie. Bernie go ahead.

Bernie Turcotte: Thank you Jonathan. Paul, yes. This has been double checked with ICANN. We're talking about the (OFAC) licensing I believe is what you're talking about.

Paul Kane: Correct, yes.

Bernie Turcotte: Yes. I confirm that they will be handling that and are familiar with those processes. And do not foresee any problems in continuing to do so. And the statement that we have in the proposal currently was drafted by again legal regarding this.

Jonathan Robinson: Right. Thanks from Paul and Bernie. Thanks for stepping up there. Yes, a couple of questions on service level expectations or service level agreement and statement of work.

So in - so that's being clarified in the chat. And in particular just highlighting that that term sheet is being worked on or possibly referred to. It's really a high-level description of what - bear in mind that one of the key (adlogs) just to the structure we have chosen, and in fact arguably, it's the Number 1

advantage is the opportunity for ICANN to contract with the post-transition IANA.

And however, in order to contract with that first transition, IANA entity, the PTI, that contract needs to have a shape and a form. And obviously the most natural reference points is the existing IANA functions operator contract. But that is the work that Sidley are doing the precursor for, which is the circle in the terms (unintelligible).

All right. I don't think I have many remarks to make. I think it's been a useful call. We finished a half an hour earlier, which is then we might have done so. I think it's pretty punishing having these two calls per week, not least of which is for the chairs. But it does keep us under the pressure of keeping the whole thing ticking over.

So I hope that it works for the rest of you as well. It certainly is challenging, but it's keeping us on top of the open issues. So there is a value in it. All right, thanks everyone. We'll be seeing you at interim calls or on the Thursday meeting. Thanks Paul for your contributions and participation. With that we can stop the recording and call the meeting to a close.

Woman: Thank you guys.

END