

ICANN

**Moderator: Brenda Brewer
May 15, 2015
1:00 pm CT**

Coordinator: This call is now being recorded.

Stephanie Duchesneau: Thank you so much. This is the Design Team N and Design Team X call for the IANA stewardship working group. This is Stephanie Duchesneau. We also have on the call Greg Shatan and we hope to be joined later by Avri Doria. And now we're just going to turn it over to the DTX Separation Review document and run through comments on that.

Greg, do you think it makes more sense to start with the Separation Review document or to start with the punch list questions?

Greg Shatan: I think it's a chicken and the egg question. I think we can start with this. Also I need permission to get into the punch list document which I've requested.

Stephanie Duchesneau: Great. Let me see. Okay so the first thing that we have, right, I just sent you permission to get into the punch list doc. But right now we're looking at the DTX Separation Review document. I don't think there's any disagreement about the first two points which is the creation of a fundamental bylaw or exhaustion of the other escalation mechanisms.

I would make a note that in this document it might be worthwhile to note what escalation mechanisms we would think that this had to go through before the separation review can be triggered. But I don't think this is contentious. There's an insertion here by...

Greg Shatan: I can't tell whose insertion that is.

Stephanie Duchesneau: No I can't tell whose it is either. Cross community of the SO AC (unintelligible) the IFR would be designated. Okay so I think this was actually probably Avri's original text. And it wasn't clear whether it was the IANA function review process that would carry this out or a cross community working group.

Greg Shatan: Right, I see. That makes sense or it makes sense that we haven't figured that out yet.

Stephanie Duchesneau: Yeah. Do you have strong feelings on this one, Greg, or do we want to leave the placeholder here until...

Greg Shatan: Well trying to think - thinking this through for a second, if the IFR itself is a part of the escalation process...

Stephanie Duchesneau: Yeah.

Greg Shatan: ...then I don't think they'd be the last stop because they would have already conducted a review that would have resulted in - I guess the question is whether the separation review is something that occurs after - after an IFR type review or if the IFR type review is just triggered by, you know, a performance problem and lower level escalations having failed.

So it really kind of depends where we're at. I mean, the IFR I guess, you know, is supposed to be a multistakeholder cross community group.

Stephanie Duchesneau: Right.

Greg Shatan: So a separate cross community group being formed doesn't make so much sense to me.

Stephanie Duchesneau: So my understanding is, I mean, I think there's two different processes. There's, on the one hand one body that is actually reviewing the performance and identifying any problems in that performance and coming up with a recommendation about what needs to be done, that's the review function of it.

And then there's another element that is like actually managing an RFP and potentially designating a new operator or potentially choosing to go with the same operator if that's what the outcome of the RFP was. Do we think those should be two different processes or that that is all integrated into the same?

Greg Shatan: I'm not sure. You know what I think might make sense is to work past this point in the document because this is kind of a summary, this paragraph is supposed to be a summary of what comes later. And I think if we work through the rest of the document that may resolve this issue.

Stephanie Duchesneau: That sounds good. I'm just going to make it as red so it's clear to come back. Okay. Now we're moving down to the section on triggers. And I think that's the first part where there's a lot of (unintelligible)...

Greg Shatan: Yeah, a lot of color on the page here.

Stephanie Duchesneau: A lot of colors. When you open it up it's even more. So, Greg, we had had this discussion before and you thought that one of the outcomes of the regular IANA review should be able to recommend the initiation of an RFP, that it should be able to follow that general process.

Greg Shatan: Yeah.

Stephanie Duchesneau: And I was wary of that. I think Martin here has captured something that kind of sits at the middle of it that initiation of this separation review process could be a recommendation - or separation process could be a recommendation of the review team. But I would still say that it requires some voting threshold to actually be accepted.

Greg Shatan: Yeah, no I think that makes good sense. And I guess there's, in a sense, thinking about it as if it were a working group the working group's ultimate decision would have to go back to its chartering organizations for review and approval.

Stephanie Duchesneau: Right.

Greg Shatan: So just like a GNSO working group goes back to the Council.

((Crosstalk))

Greg Shatan: So I think that's right that the IRF, sounds like some sort of Israeli secret service, shouldn't be able to just initiate it on its own, it should go back out to the community or at least to the chartering organizations before they can actually, you know, pull, you know, initiate anything further otherwise they're kind of drunk with power.

Stephanie Duchesneau: Right. And that - it was with that mind that I had deleted that first option. It wasn't because I thought that it shouldn't be able to be recommended by the IANA function review, it was that I think a separate step has to follow of that being approved and the question is by whom; who is approving the recommendation of the IANA function - the IRT or whatever the acronym is right now?

Greg Shatan: Right.

Stephanie Duchesneau: Or - like I think there's two separate ways that it comes about. On the one hand you have a recommendation coming out of the regular review process. That's approved by whomever this - whatever this threshold is that we're identifying here.

Otherwise it's on - it's not a part of the regular review process. We identify that there's a problem, a special review following a structure similar to the one that we do for the periodic review comes about. Like I think if it's coming out of a regular review process there might be less that has to be done in terms of information gathering so the process should look a little bit different. But I think the trigger could be the same maybe for these two circumstances.

Avri Doria: Hi, this is Avri joining just to let you know.

Stephanie Duchesneau: Hi, Avri.

Avri Doria: Hi.

Stephanie Duchesneau: It's Greg and Stephanie.

Avri Doria: Oh okay, sorry.

Stephanie Duchesneau: So we're just getting to the triggers for the separation review. And I was talking about the context that I deleted the first bullet. And it wasn't because I don't think that it can come out of a recommendation of the IANA review team but that I think that that recommendation should subsequently have to be approved by some subset of the - this is the voting threshold that we're defining herein but some subset and then that would go forward. And it can be a recommendation but there has to be some community and also customer approval of the recommendation by the review team before it goes ahead.

Avri Doria: Well I thought the customer - the review team would have - have to go through a board approval in any case.

Stephanie Duchesneau: A board approval?

Avri Doria: Doesn't - that's what I was thinking. I mean, isn't that sort of a norm on - I guess that's what had been written - sorry, I just got out of the (IT) building. Yeah, especially since the review was done in the sort of same context as other reviews most of those do go to the board. Now if the board didn't approve it then it has all the, you know, the escalation procedures for, you know, for getting around board disapproval. But who else would approve it?

Greg Shatan: Well I think we're thinking that maybe - and maybe this comes before the board approval that there'd be approval by the chartering organizations or by some, you know, multistakeholder - at the organizational level, you know, in the sense if you analogize it to a working group the working groups have to take their end result back to their chartering organization or organizations and then bring them to the board.

Avri Doria: Right, but this doesn't have chartering organizations in that same sense, does it?

Greg Shatan: As groups that will seek people in it. So in a sense even if they're not chartering organizations per se they're kind of sponsors of it.

Avri Doria: Yeah, I mean, that is one possibility. And I had, I mean, we had listed in there board was one of them, you know, the SOs was another. I certainly - by the way, I certainly don't see it just being approved by the customers. That I certainly didn't see.

((Crosstalk))

Stephanie Duchesneau: Personally, I don't see how a separation process would make sense or should go forward if all of the customers were satisfied - there was (unintelligible).

Avri Doria: I don't see how we would even get to the recommendation for it. I mean - and out of (unintelligible) IFR would be because the CSC or the GNSO and ccNSO had asked for it. So we wouldn't have even been talking without that.

Stephanie Duchesneau: (Unintelligible) are you differentiating the IANA function review from the regular periodic review?

Avri Doria: Well the two, I mean, they're both the same but, yeah, I personally wouldn't expect a regular periodic IFR to come out with a recommendation.

((Crosstalk))

Greg Shatan: ...IFR they could recommend a separation.

Avri Doria: They could. A regular periodic IFR could but even then - and I agree that an IFR recommendation for going into the separation review has to be approved by someone. But, I mean, even the IFR panel, the way we've set it up is registry-heavy, I mean, with more registry people in it than anything else if I remember correctly.

Greg Shatan: I think that's the case.

Avri Doria: Right, I mean, because you wrote that basically down and that was - I mean, it was GNSO-heavy but it was also registry-heavy and such. So I can't imagine the IFR coming out with a recommendation for separation without the registries having agreed. But it does make sense to go the SOs and such to get their buy-in.

But I have difficulty with just going to, you know, I mean, the way - one of the proposals we had was just going to the ccNSO and the Registry Stakeholder Group and that's something that, you know, I can't imagine me being able to get my stakeholder group to agree to. I'm surprised, Greg, that you think you can get yours to agree to it.

Greg Shatan: Oh I don't think I can get mine to agree with that either; I didn't put that in. And our comment will, you know, express disapproval of that concept.

Stephanie Duchesneau: Our comment will say that no review - or no decision to separate should go ahead without a majority of the direct customers.

((Crosstalk))

Avri Doria: Then I think we have an impasse on this one.

Greg Shatan: Oh I don't think we have an impasse entirely because I think that first off, let's just say there's a review by the GNSO in total, not just the Registry Stakeholder Group. The GNSO and the ccNSO seems to me that there should be approval by the GNSO as a whole and then the ccNSO, which is all registries anyway, and that the GNSO approval - any GNSO vote requires a majority of at least of the contracted parties house.

Avri Doria: Right. But you could do that with the registrars and the - and the NomComm appointee I believe. Now if you said a super majority I think you're right. I think without a super majority of the GNSO...

((Crosstalk))

Greg Shatan: ...that can take place without the Registry Stakeholder Group weighing, you know, coming out in favor of it. I just - I think - so I think we need to - that to my mind feels okay. Something that takes it out of the hand of the customers, you know, I understand the problem with that. Something that puts the bat in the hands of only the customers I have a problem with that.

Avri Doria: Right but...

((Crosstalk))

Stephanie Duchesneau: ...right balance, we just have to figure out that that looks like.

Avri Doria: Right. Because (unintelligible) did have the scenario, and I know it was a very farfetched scenario, but I did have a scenario where, you know, as I put it since Jonathan has asked for scenarios, where there was a new, you know,

IETF, you know, set of protocols but they required registry investment to do and so the registry said, sorry, you know, we don't want to do these new protocols. And, you know, so we can end up in issues where that could be a problem.

Stephanie Duchesneau: And, Avri.

Avri Doria: Yeah.

Stephanie Duchesneau: My response to that scenario is that this voting threshold is just the first part of the process.

Avri Doria: Yeah.

Stephanie Duchesneau: The actual process of designating who that's going to be and carrying out the RFP is like certainly going to be carried out by a body that's not only registries so there's no reason to believe that even if the registries wanted that when you initiated the process you would get the answer that people wanted, right?

Avri Doria: Well that's probably true. So we haven't determined who is doing the - because some people, for example, are recommending that it's the same IFR team that's doing...

Stephanie Duchesneau: I think the point on the list about it being a good balance to having a different body approving and carrying out the review process, having it be not exactly balanced in the same way, not exactly the same way composed, is a good check.

Greg Shatan: I would tend to agree with that.

Avri Doria: Oh okay because I thought I was in a severe minority on that one so I was concerned.

Greg Shatan: Oh when you have a good idea eventually people come around to it.

Avri Doria: If I argue with Milton long enough people will come around.

((Crosstalk))

Greg Shatan: There's no such thing as arguing long enough with Milton.

Avri Doria: I have been arguing with Milton for four years now or is it six? Okay so, yeah, so - yeah, if we could pull all those pieces together we probably can do it. I don't know how loud this train is being for you guys.

Stephanie Duchesneau: So you guys are comfortable if we change this second bullet back to what it was...

Greg Shatan: Yeah, yeah super majority of the GNSO Council and the ccNSO Council.

Avri Doria: Right, yeah, yeah, I'm comfortable with that one. And I'm also comfortable, you know, with, yeah, no that one was fine. Yeah. I can understand why you wouldn't want the one that was two SOs and, I mean, two ACs and just one SO because then especially could be the ASO and certainly that was a bad idea.

Greg Shatan: Right.

Avri Doria: And even if it was just one of ccNSO or GNSO that would probably not work either so that makes a lot of sense.

Greg Shatan: I think it should be decided by three of five RALOs.

Avri Doria: Yeah, that sounds great. I'll go for that. Okay.

Stephanie Duchesneau: You're trying to give me an ulcer.

Avri Doria: You're too young for an ulcer I'm sure. Okay, yeah. I'm not looking at the document now but I think I've looked at it enough times that I sort of remember it.

Stephanie Duchesneau: Yeah, we're still in that trigger section, Avri.

Avri Doria: Yeah. Yeah, yeah.

((Crosstalk))

Greg Shatan: Yeah. Yeah, I'm feeling unsafe, we should put a trigger.

Avri Doria: Yeah.

Greg Shatan: What about the first bullet?

Stephanie Duchesneau: If we modify that first bullet instead of it - I know you said you objected to it being removed, can we modify the first bullet to say on the recommendation of the IANA - on a recommendation of the IANA Functions Review Team approved by the same threshold, a super majority...

Greg Shatan: And I guess the question is would we have a separation review triggered without an IANA review function? I guess we would if it was a problem that arose outside of the cycle of the review? So...

Avri Doria: Well, no, I had been thinking that in any case because the first thing that the CSC and the GNSO and ccNSO would trigger would be an IFR.

Greg Shatan: Right.

((Crosstalk))

Avri Doria: Right. Now I know one of the arguments that we'll get from Milton and others on that is that that means that it'll take longer to do that. But I just don't see this as something we're going to want to do precipitously.

Greg Shatan: I agree with you. I think that the separation review comes after - I wouldn't put these bullets separately, I'd say these are "ands." It should be first an IANA review function takes place and then that - if their recommendation is to initiate a separation then it goes to the GNSO and ccNSO councils for super majority recommendation. So it's a two step...

Avri Doria: Okay.

Greg Shatan: ...process. So...

((Crosstalk))

Avri Doria: Yeah, I'm fine with that. Do you think we can get away without including the board in that cycle?

Greg Shatan: Well, no, I think we do need - can we get away with it? I guess the question is whether it should go from the Council approval to a separation. It does feel like we're getting away with something if we don't include the board at that point because we're basically telling them to - that we're going to initiate a process that will actually issue an RFP, RFP the board should approve the beginning of that process.

Avri Doria: Yeah.

Greg Shatan: Unless we have yet another, you know, system where we're actually going to, you know, where we're going to decide whether we're going to issue an RFP.

Stephanie Duchesneau: Can we call it - if we're saying that the IANA function review has to take place before this separation process, can we call the separation review something different? Can we call it a separation process?

Avri Doria: I was actually trying to call it, you know, a separability process and I was even trying to get away from the word "separation" and say because this is fulfilling that separability requirement. But we can call it anything. I'm fine with renaming it anything and getting rid of the word separation and getting rid of the word review.

Greg Shatan: Well I guess, you know, if we look ahead a little bit to the range of possible separation review outcomes the list of outcomes is no action needed, sanctions or, you know, against, you know, relevant to the identified deficiency an RFP or full separation or, you know, getting the other operational communities to share in the PTI so...

Stephanie Duchesneau: What we're actually talking about there, what comes before it, is what we're actually talking about there, the outcomes of the special review process that could precipitate a separability process.

Greg Shatan: Yeah, the thing is that trying to decide whether we're talking about the separation process - it seems to me that you wouldn't create - there's kind of (unintelligible) of steps - you wouldn't create an RFP unless you decided that...

Avri Doria: Right.

Greg Shatan: ...that you needed - that the things were so broke you needed to at least find a third party.

((Crosstalk))

Avri Doria: Yeah, I guess the way I had looked at it - and I've said it a couple times but is that basically you have the IFR saying things are really messed up here, you know, there is no quick and easy solution. Guilty. You know, we need the separability mechanism to take its place.

And then it's kind of like, you know, the punishment phase of a trial where you almost do it all over again. You say, okay, this group has done a review, they've said the following things, you know, they've brought up the following irretrievable issues, they've tried this, that and the other thing, nothing works and they've called for the separation mechanisms. That group then almost starts from scratch in terms of figuring out what to do about it.

Greg Shatan: No, I still think it's a separation review because not all of the results are separation.

Avri Doria: Okay, yeah.

Greg Shatan: As opposed to separation mechanism.

Avri Doria: And that's why I was using the term separability review because the concept of separability, the possible outcome is separation. But what you're really doing is you're doing that separability function that we said needs to exist and that's what you're reviewing whether or not to do that. But I really don't care about the name.

Greg Shatan: Right. And, Stephanie, I'm not sure that we should delete that paragraph.

Stephanie Duchesneau: What paragraph?

Greg Shatan: The range of outcomes.

((Crosstalk))

Stephanie Duchesneau: I moved it up.

Greg Shatan: Oh okay.

Stephanie Duchesneau: So my thought is that this special review is what is happening before the separation process, these are the possible outcomes then it's the trigger to actually initiate the separation process that we're talking about below.

Greg Shatan: I'm trying to think this through.

Stephanie Duchesneau: Yeah, there's a lot of confusion around these issues.

Greg Shatan: Yeah, I mean, in my mind clearly the first thing that happens is that there is a special IFR or IFP or whatever the hell we're calling it, that conducts...

Avri Doria: It was an IFRT, right, an IANA Function Review Team, right, so an IFR.

Greg Shatan: Is convened due to, you know, systemic problems that couldn't be resolved through any of the lower level escalation steps. And that that IFR could come out with a number of outcomes. So I think those outcomes are either, you know, so one outcome is no action needed; somehow things get resolved along the way. Sanctions, it seems to me another one is not just sanctions but is really a remedial - you know, basically a remedial plan.

Avri Doria: Remedial program, right, a remedial plan.

Greg Shatan: Remedial plan or program is adopted and approved by the, you know, IFR. Sanctions doesn't solve too much, I mean, you know, maybe if, you know, if there were credits in an agreement for excessive downtime the credits are good but what you really need to do is make sure there's no more downtime problems.

Avri Doria: Right. Yeah, I think the sanctions were a holdover from a conversation I had with Paul Kane at one point where he had this whole sanctioned mechanism and such.

((Crosstalk))

Stephanie Duchesneau: Avri, pardon me for not remembering this offhand. In the language that we have about the IANA review process, I know we have the periodic

language well defined. Is there already a defined trigger mechanism for the special review?

Avri Doria: Yes, I believe that what you had originally put in here I think it basically has the whole, you know, CSC has - one of the paths was CSC has given an issue to the GNSO or the ccNSO and they have taken it. I'm in the process of pulling out my computer so I will be able to remember. That's why I use computers because I don't remember.

But, yes, we did have that whole escalation process, we did have a whole set of reasons for why an out of band - a special IFR was called.

Stephanie Duchesneau: So all of this is only following that.

Avri Doria: Right.

Stephanie Duchesneau: Okay.

Avri Doria: Now, well except for the fact that while I wouldn't expect it, you know, we did allow that it would come out of a regular IFR because we're not distinguishing - and we could - we could say that, no this only comes out of a special IFR.

But the reason I didn't want to do that is because we could have one of those situations where, you know, people really feel like there's a need for a special IFR but the regular one is only going to be in four months anyway so, you know, why go through all the bother of that, just take the regular one. And so that's why I didn't want to differentiate between those two in this process.

Greg Shatan: Well, I mean, I think that if there is a problem that's become acute I don't think you'd necessarily wait for the regular process. I guess it depends how difficult it is to initiate the special process.

((Crosstalk))

Avri Doria: And it really isn't all that difficult but...

Greg Shatan: Right, so I think you'd probably just initiate it four months early or, you know, whether you want to call it accelerating it or initiating a special process you wouldn't want to wait, you know, have four more months of suffering. But that's...

Avri Doria: Probably true.

Greg Shatan: ...you know, that's kind of an edge issue or a secondary issue. We should be so lucky that was our biggest problem.

Avri Doria: Okay, online.

Greg Shatan: I missed the Falun Dafa Falun Gong parade.

Avri Doria: The what?

Greg Shatan: The Falun Dafa Falun Gong parade on 42nd Street.

Avri Doria: Oh, I missed another of listening to arguments between the US - they decided to keep the meeting I was in going for an extra hour arguing text between Russia, Bahrain and the US and about IP issues in the ITU. But anyway...

Greg Shatan: Oh well...

Avri Doria: That's almost as good as the Falun Gong parade.

Greg Shatan: Well actually I would have been far more interested in that argument than the Falun Gong parade. I do a little IP on the side when I'm not trying to do the IANA transition.

Avri Doria: I meant IP Internet.

Greg Shatan: Oh Internet protocol, not IPR, okay sorry.

Avri Doria: Right, Internet stuff. But, you know, sorry, I'm deviating while I'm getting myself onto the Net, I apologize.

Greg Shatan: Yeah, all deviants.

Avri Doria: Yeah, well I deviate a lot, what can I say.

Stephanie Duchesneau: So let's just run through, without reviewing any specific text, let's just run through the points that I think we're agreeing on right now that would be necessary in this process.

So Number 1 is internal escalation processes are exhausted. Number 2 is special review of the IANA functions are initiated through the (unintelligible) placeholder. Number 3 is special review - special review recommends a separation or partial separation of the naming function. I think we need to dig into detail about what partial separation means and what the different separation options are...

Avri Doria: Okay, yeah. On the partial that was really a bad - as I said in my email answer and that's why I changed the text there, as I said in my email answer on list that was really bad wording on my part. That was really what I was trying to cover there. And I'm not even sure that this is in the right place to be totally honest is the notion of because I haven't figured out a scenario that would precipitate it yet and I'm usually pretty good at inventing scenarios is the scenario where, you know, it's - because actually we're not allowed to say that.

It's precipitated by the other customers basically, the IETF, the protocols and the numbers saying we've had enough of this, you know, we're going to go away and the rest of us said, wait a second, let us review the issues. And, you know, the outcome is including them in the ownership.

And so I'm not really sure that that fits in into this (unintelligible) and perhaps that's worth removing from the sequence because it isn't in this things are going bad for names escalation method, it's more in things are falling apart in general process.

Although it's quite possible, and I'm sort of rambling on, it's quite possible that we would get to a situation that sort of says where the separability review basically says, you know, having a single owner isn't working but we think it would work if there were three owners and therefore that was picked as a solution. I don't know if that if makes sense as a statement though. Okay that's right, appendix.

Stephanie Duchesneau: Avri, are you in the Google document now?

Avri Doria: Yes I am, I believe. And also I've picked up the - and I've also brought up the system so I can look at Appendix F of our draft so I have our reasons why - yes, okay I just wanted to get - I get stuck on things.

A special review may also be initiated upon recommendation by a super majority of both the GNSO and ccNSO following escalation by the CSC and then it goes on, CSC remedial action procedures are exhausted (unintelligible) procedures are exhausted, defined accountability mechanisms are exhausted. Decision to initiate a separation process is supported by super majority of both naming supporting organizations. So the only way we'd get to a special one is because CSC raised an alarm flag.

Okay, yeah, in the document, I am and I see you typing in red. Yeah.

Stephanie Duchesneau: Okay so do the kind of five bullet points that I've written so far make sense to everyone? Not complete but...

Avri Doria: Well, I wonder why repeat those here as opposed to just saying an IFR recommends it. Because it says - should these things keyed off an IFR, right, and those - the IFR as it's been designed is keyed off by these issues. So that's why - in fact you had originally written those in here and I moved them to way back when we were still doing DTN as those were what kicked off the IANA function - the special IANA function review. So we've had a special IANA function review, it has recommended this. Are you suggesting that we could get to this without going through the IFR?

Stephanie Duchesneau: No.

Avri Doria: Is that what you're trying to suggest?

Stephanie Duchesneau: No, that's why I have a Number 2 special review of the IANA functions initiated.

Avri Doria: Okay so Number 1 here is just basically that's how we got to the IFR.

((Crosstalk))

Stephanie Duchesneau: ...remedial action mechanisms have been exhausted. We haven't been able to resolve the issue.

Avri Doria: Okay.

Stephanie Duchesneau: Number 2, we've gone through the IANA function review and that's been initiated through the procedures...

Avri Doria: Okay.

Stephanie Duchesneau: ...we've already defined in the other documents. Number 3 is that that review - and I know I'm not using consistent language. I think we should probably change the language because if we're having a number of potential outcomes from this review I don't want to really call it a separation review necessarily...

Avri Doria: I agree with you, yeah.

((Crosstalk))

Stephanie Duchesneau: ...presumes a certain outcome. So then this special review recommends a separation, will take up partial separation for now, of the naming function. The recommendation to separate is approved by - and now we're back at the trigger discussion.

Avri Doria: Well it's not a recommendation to separate at this point, it's a recommendation to go further down the road.

Stephanie Duchesneau: So it's like approval to initiate an RFP process basically?

Avri Doria: Well but RFP is only one of the possible, right?

((Crosstalk))

Stephanie Duchesneau: We're defining the separation process right now. It's not an intermediary outcome.

Avri Doria: So in other words so basically defining two separate - two processes, we've got the IFR, we've got whatever and now we're certain that we want to separate, is that what you're saying? I'm being slow.

Stephanie Duchesneau: Yeah. And we're going to have to go back and say what happens if a different outcome comes out of this special review but right now we're assuming - we're assuming, and it's not the only thing that can happen, that separation is the recommendation.

Avri Doria: So is this special review the same as the special IFR?

Stephanie Duchesneau: Yes.

Avri Doria: Okay so you have the special IFR being the one to make the determination about how to solve the problem that they're seeing? In other words, I had them, in the process of we do a review, we see there's a problem and we - the review reports on that problem. You have them actually, which is not

unreasonable, you have them actually making the recommendation of what to do about it.

And if they recommend separation then and only then do you go into this process so that we're going into this process when it's absolutely certain that what we want to do is some form of separation, not remediation but separation. Okay, I get it.

Stephanie Duchesneau: That's at the point that it's already been recommended.

Greg Shatan: That makes sense.

((Crosstalk))

Greg Shatan: I guess the issue then though is there is no group that says - it's really the IFR then the SOs and then perhaps the board that says okay, we're going to have - we're now entering into an RFP process.

Avri Doria: Well we're entering into either the RFP or the spin-off process or do we want to exclude that too?

Greg Shatan: No, no...

Avri Doria: I'm getting to the point where I'm almost willing to give up on anything just to make it stop.

Greg Shatan: Right, a separation process. So it really is not - there is not really a separation review, the IFR - the special IFR is initiating a review, one of the results of which could be a recommendation...

Avri Doria: Right.

Greg Shatan: ...a form of separation. And then the separation review, in a sense, is really a decision about what kind of separation should take place.

Avri Doria: Right. And in some sense it really does make more sense than the way it was set up before because reviews not only give you the problem but they recommend the next step. So, yes, and actually for my problem of the recommendation from the IFR being, you know, we need two more partners in this affiliate actually makes sense, it makes sense for the IFR to make that kind of recommendation, not the separation review so moving that possible decision down to moving it from Appendix L to Appendix F makes sense. Okay so...

Stephanie Duchesneau: Do we all agree that the recommendation can be approved by a super majority of the GNSO, ccNSO councils?

Avri Doria: Yeah. Are we going to get asked whether (NIL), (INT), and all the ccTLDs that hate ICANN get a say or should I ignore that for the moment?

Greg Shatan: The non-affiliated TLDs, if you will?

Avri Doria: Exactly, so we can ignore that.

Greg Shatan: And there are probably some registries that aren't in the Registry Stakeholder Group either as well.

Avri Doria: There'll be a lot of them in the future.

Greg Shatan: That's true.

Avri Doria: I mean, with 1000 plus registries coming in - all the brands, for example, none of the brand people - I don't know if you're following, probably aren't because it's mostly inside, but, you know, the brands might not join each, they might just join as a group.

Stephanie Duchesneau: Okay.

Avri Doria: So there'll be a lot of registries that aren't necessarily but they'll be represented in the Council by their group so I guess that's okay. Okay. Now does this also (unintelligible) does it also get a board approval or not?

Greg Shatan: I think something as significant as losing a defining function of ICANN probably does require board approval recognizing that if the board balks at it for reasons that don't make sense from an operational perspective but because they're kind of wedded to it or think they should have it in perpetuity then we have the board override provisions.

Avri Doria: Right.

Greg Shatan: Or at least not so much the board override position because we can't override - under the CCWG rubric we can't override a regular decision of the board, we can only throw members of the board off if we don't like the decision they're making. But be that as it may that's kind of the way it has to work. But I can't see doing this without board approval.

Avri Doria: Right, yeah, board approval and/or escalation procedure.

Stephanie Duchesneau: And when we talk about the board here we're talking about PTI board or ICANN board?

Avri Doria: No, ICANN board. Yeah, I don't think PTI board gets to say anything about the separation, the RFP. I think the PTI board gets to be among the applicants if there's an RFP just like, you know, in the past. I don't see us barring them from applying, you know, but because just - because just the RFP having been initiated could be enough to have them institute changes that, you know, would allow them to win another bid, you know, depends on the situation obviously.

Greg Shatan: Right.

Avri Doria: Okay so board approval. Do we have to say or override or accountability mechanism override?

Greg Shatan: No, I don't think we bring in the override because the point of the override is - and there isn't really an override, there is just a mechanism by which to force the board to change its mind either by changing the board or having a review of the decision which I don't consider to be an override.

Avri Doria: Okay so you don't - and this is probably just terminology so you don't consider the independent review an override?

Greg Shatan: Well...

Avri Doria: That's okay, that doesn't need to go here.

Greg Shatan: I guess in a sense it is. I mean, yeah, so I think we're maybe just being semantic at this point so.

Avri Doria: Okay. Cool, and that would be it, right?

Greg Shatan: Yeah, and maybe rather than...

((Crosstalk))

Greg Shatan: ...we'll just call it the, you know, a board decision or an IRP decision.

Avri Doria: Right.

Stephanie Duchesneau: And when we say "board approval" because this is coming under the fundamental bylaw there's special processes that the board goes against the recommendation.

Avri Doria: Well, see that's - right, that's where there's...

Greg Shatan: No I don't think that's the case. The fundamental bylaw just refers to how difficult it is to change that bylaw. The content of the bylaw could be anything from the headquarters city of ICANN to whether they're going to have a gala - well that wouldn't really be in a bylaw. But...

Avri Doria: Right. Neustar might want that, I don't know.

Stephanie Duchesneau: Don't open that can of worms with me.

Avri Doria: I'm sorry, I've been locked up in the ITU building for a week, I'm not responsible for what comes out of my mouth.

((Crosstalk))

Stephanie Duchesneau: ...punishment in itself...

Avri Doria: Because I haven't been able to speak.

Greg Shatan: You've been observing?

Avri Doria: Well, no, I can speak to my delegation so I can speak to the US government and in fact they're very good at consulting the multistakeholder advisors they have on their delegation but I can't speak in the meeting.

Greg Shatan: Got you.

Stephanie Duchesneau: So...

Avri Doria: Okay so that would be it.

Stephanie Duchesneau: Would the board ever approve this?

Avri Doria: Yes.

Stephanie Duchesneau: Okay.

Avri Doria: I think because of all the - I mean, I could be wrong but, you know, they would see the stuff that was happening, they would know about them being able to be thrown out. They would know about the - we would obviously - the IFR would obviously have to make a good case for it, you know, you would be in one of these situations where the GNSO and ccNSO would both be at the doors with, you know, clubs and bats.

So at that point you'd already be in a very highly escalated stressful situation with them knowing that there was nothing but mess ahead for them if they

don't agree to this process. So I think there is a possibility certainly that they would.

There's a possibility that they wouldn't but I don't think it's impossible, the people that say that they would never ever agree to this I think, you know, and it also depends on who's at the board, you know, are we electing reasonable people and such? So I wouldn't presume that they wouldn't. Of course we have to have the ability to force them which we would.

Stephanie Duchesneau: Right. And that process would be for the accountability mechanisms.

Avri Doria: Right. And there's everything from, you know, voting out individual ones to, you know, because certainly the GNSO and the ccNSO have their four representatives and if those four representatives were part of a unanimity against and hopefully we could set this up that a super majority of both the GNSO Council and that so, you know, we could put this in as one of those closes where since this has a super majority of both GNSO and ccNSO the board can only overrule it like - by the same PDP standards, that they could only overrule it by their own super majority.

And since we have four board members that already makes that super majority - I think it's still possible because there's what - there's 16 of them? We take out four, that's 25% so they could still have 75% if my numbers are correct without our four. But it's close.

Greg Shatan: Right.

Stephanie Duchesneau: I think that makes sense to me, Avri, to do it by the same standards as the PDP. I want to like review the actual language in it but...

Avri Doria: Yeah, and I think where - I have to go back and look at the accountability stuff because I think we're already putting that condition on certain things. So I think there may even be wording from the accountability document where we don't have to say PDP standards but we can actually refer to one of their named mechanisms. But I'll have to go back to the document to reload that stuff because, as I say, it's not what's been upper most in my mind this last week.

Stephanie Duchesneau: So now the recommendation has been approved.

Avri Doria: Right, so now we go into the - this - and now it can be called a separation process because we've gotten approval to separate. And at this point, you know, it may just be an RFP, keep it simple. I mean, obviously the discussions we've had on the list the other day - and I'm willing to move most of these other things as possible IFR results, you know, the range of possible outcomes where obviously...

((Crosstalk))

Avri Doria: ...right. So only an RFP would remain here with these - or does also full separation of IANA affiliate remain...

((Crosstalk))

Stephanie Duchesneau: ...envisioning the circumstance in which that's the correct outcome.

Avri Doria: Yeah, I mean, the one that I put the Scenario 1 is basically, you know, we look around and we see the reason it's not working is because ICANN staff is mucking with them too much, that there's a kind of corruption inside ICANN

staff that's making it impossible for IANA to do the right thing. And that's why I, you know, created that and I created that whole model with whistleblowers.

And while I'm very careful to say it's complete speculation it's not as complete speculation as it may appear just from things one can't talk about that were revealed during the last ATRT. But be that as it may, so there is the possibility that the senior management of ICANN, which we can't do anything about, you know, we can't throw out the board and fix that, we can't touch the CEO, there's nothing we can do.

If there's endemic corruption inside ICANN staff we have a very hard time fixing that. That requires going through the board and going through all kinds of machinations. So that's why I was thinking that if the problem was endemic corruption inside ICANN that makes it impossible for the PTI to do its job but the CSC and all the customers go but these guys are good; if only they could do their job.

And so that's why the complete separation possibility at that point became an option and that's the kind of scenario I was thinking of where the problem is not with PTI, the problem is with how ICANN treats them since they're still a subsidiary. So I'm sure that, you know, but 3 stays in, I'm not sure about 5.

Stephanie Duchesneau: Right. My other issue here is that because - I know people had debated this point but I don't see how you can create PTI and not have PTI being the entity carrying out all three functions.

Avri Doria: Oh, you mean where naming leaves but protocols and numbers stay?

Stephanie Duchesneau: Right, because you're moving assets and you're moving people.
IANA is either happening at a sub or it's not happening at a sub.

Avri Doria: It's true. If you...

((Crosstalk))

Stephanie Duchesneau: ...to naming function, numbering. If you're moving IANA assets into the subsidiary contracts can still remain with ICANN but it's going to be PTI for all of the three communities that is carrying out the naming function. If your resolution is to spin out PTI how can that be a process and that be a decision that's solely carried out by the naming community when it implicates all three because they're all sitting within that subsidiary.

Avri Doria: Well in a sense not necessarily because ICANN would still be contracting with that PTI, it just wouldn't be an affiliate or a subsidiary anymore, it would be an external supplier. And they could still be doing - that's just it, if you spin it out as a solution it remains intact. The only thing that's different is there's no ownership relationship between ICANN and the affiliate, there's just contractual relationships between them.

So I - that I don't see. The problem I see with the RFP on the other hand is if we're doing an RFP just for naming and we're saying - it's slightly more complicated - and naming is saying we want the naming function to be done by a different company but ICANN will still have PTI doing the protocol and numbers work.

Greg Shatan: Part of the problem...

((Crosstalk))

Avri Doria: Yeah, sorry.

Greg Shatan: I was going to say part of the problem is that we're trying to solve a piece of a problem because of this, you know, fractiousness. You know, we - I think for our intents and purposes, you know, we have to stay inside the names fence but it may well be that this gets revised by the ICG. Indeed, we might even recommend it be revised if the other communities get involved.

Avri Doria: Well, (Elise) is already doing it. (Elise) is already telling them look at what we're doing and are you really sure you don't want to go in with them on this? So I would like to, at least for the moment, try and keep both bullets 3 and 5.

((Crosstalk))

Avri Doria: They're both kinds of separation.

Stephanie Duchesneau: Three and five of the triggers.

Avri Doria: No, no, no 3 and 5 of the possible outcomes.

Stephanie Duchesneau: Possible outcomes.

Avri Doria: So in other words you either create an RFP with the possible outcome of selecting a new entity to perform the IANA function or you spin out the IANA affiliate into a free-standing entity. Those are the two possible forms of separation that could happen.

Greg Shatan: Got you.

Avri Doria: So they're both separation. They have slightly different characteristics. I don't know, Stephanie, you said you didn't see a possible reason why that would be the answer. Was the scenario I gave you close to explaining a possible scenario?

Stephanie Duchesneau: I mean, I understand the principles reason why you would do it. Like I understand that the principle argument is that the problem is with ICANN, it's not - doesn't have to do with IANA staff, it doesn't have to do with those folks. There's like some policy for different process or from ICANN piece of the puzzle that's causing it. I'm just realistically having a hard time seeing what that would be.

Avri Doria: Yeah, I mean, and in some sense it could even be as simple as switching from an insider board to an outsider board because once you have the outsider board, as they were explaining to us in the call yesterday, if you're an affiliate with an outsider board, you know, IANA can't - ICANN can't mess with you anymore.

Greg Shatan: At that point that really is kind of a separation in and of itself.

Avri Doria: Right, because I doubt we're going to take that as our solution going forward. I'm expecting that we're either going to be the fully owned LLC subsidiary or we're going to be the affiliate with an insider board.

Greg Shatan: Right. And keeping in mind an insider board can have a minority of outside directors.

Avri Doria: Yeah, I'm still not clear on the question whether it's an insider board because it's picked by ICANN or it's an insider board because they're mostly ICANN

employees. I wasn't able to get that clearly in my mind yesterday during this discussion; my understanding went back and forth as I listened.

Greg Shatan: Right, yeah, I think we need more clarity on that. That's not within my...

((Crosstalk))

Stephanie Duchesneau: ...it seems like from talking to Donna it was a bad one to miss.

Avri Doria: Yeah, it was. It was really quite educational, it was quite good. But I still - partially I was doing it from inside the ITU hall at the time and so I was not speaking as much as sometimes I do. Okay so can we keep 3 and 5 for now or do you really think we need to eliminate 5?

Stephanie Duchesneau: I don't think we need to eliminate it but maybe - and maybe this is a conversation from - for the wider group. I think - I'm not concerned about eliminating it right now, it's just something I'm having a hard time wrapping my head around.

Avri Doria: Oops, no I don't mean to do that. I don't want to edit, I want to suggest.

Stephanie Duchesneau: Okay, so let's go up to the separation process, the steps that we're talking about above. (Unintelligible) an RFP. Now we're assuming that the decision, the outcome is to appoint a new operator for the naming function then what is the process by which that RFP is carried out?

Avri Doria: Well first of all, you mean what kind of group do we build or...

Greg Shatan: Yes, we have to have a group that's going to write the RFP which is no small thing. And then a group which may be the same group that's going to review the responses to the RFP and ultimately decide or recommend a new operator.

Avri Doria: Yeah.

Greg Shatan: I mean, in any case ICANN is the contracting party that hires the new operator. I guess the issue is is that different if we spin off PTI - if PTI gets spun off entirely does that mean that it no longer has any relationship to ICANN?

Avri Doria: Well it still have contractual relationship.

Greg Shatan: Oh has the contractual relationship so still in essence performing for ICANN.

Avri Doria: Right, it would just be an external - it would be an external - in other words, yeah, it'd be an external service provider in other words, we've decided we don't need to do an RFP but we've decided that the PTI needs to be more independent of ICANN so whatever reason.

Greg Shatan: Right, to go from say an insider board to an outsider board or if it's an LLC that its stock goes from being - or its units rather, LLCs have membership units, not stock, that its units go from being owned wholly by and having its only member be - having more than one member and, you know, more than one entity...

Avri Doria: Right.

Greg Shatan: ...holding its units, which for that matter those member - the members holding the units could be the unincorporated association.

Avri Doria: They could. They could indeed.

Greg Shatan: So then it would become a sister corporation to ICANN instead of a subsidiary, that would be...

Avri Doria: And these are roads we don't need to go down at this point but those are all the possible, you know, ways it could happen.

Greg Shatan: Yeah, but if you smoke enough stuff you go down those roads.

Avri Doria: Oh, all I'm smoking is nicotine. I'm in Geneva.

Greg Shatan: No, I'm smoking a Subway tuna sandwich. I'm in my office.

Avri Doria: Okay so, yeah, so the question is what kind of group does it have? So that's right, that first bracketed thing we have in that short description, cross community of the SO AC would be formed, the IFR would be designated or something else. I get the impression that a full cross community SO AC is not desired although I am pretty sure we're going to get pushback from, you know, the ACs and such if they don't have a role. I don't know that they need an equal role but I know that they will need a role.

Greg Shatan: Right, I mean, the GAC at least would have - well would the GAC have a role? No, the ASO, if it's only about names, I guess the only role - we'll say that the ASO or the other AC might have - well ALAC would have a board member, the other ACs don't have board members.

Avri Doria: ASO has a board member.

Greg Shatan: Right, so I'm saying if the ASO has a board member but the SSAC and the RSAC don't...

Avri Doria: Right. So the ASO and ALAC have board members so that's three board members between the two of them. The GAC only has GAC advice only...

Greg Shatan: Correct and...

((Crosstalk))

Avri Doria: But would they want to be part of this group doing this work is the question.

Greg Shatan: We'll see. I think we can - either way this is going to have to be kind of a strawman...

Avri Doria: Right.

Greg Shatan: ...or a, you know, a punching bag because, you know, if we put in everybody then, you know, some people may say why are they there? If we put in only the GNSO and ccNSO then there'll be people trying to add people.

Avri Doria: Right, now I have...

((Crosstalk))

Avri Doria: Yeah, I have reasons why I didn't want the IFR to do it, the IFRT to do it. But we could indeed, again going back to my model of a capital case where you have first a trial for guilt or innocence and then the trial for punishment, that it could be, in this case, not the same people but the same mix.

Stephanie Duchesneau: Yeah. I...

((Crosstalk))

Stephanie Duchesneau: ...IFR composition...

Avri Doria: Because that does have everybody in it.

((Crosstalk))

Avri Doria: ...slightly disproportionate but it has everybody in it.

Stephanie Duchesneau: Right.

Greg Shatan: Yeah, so I think that's...

((Crosstalk))

Stephanie Duchesneau: Should we replicate those proportions here but make a specific note that like maybe there's a liaison from the IFR team but it should be expected to be different members?

Avri Doria: I think that's a good start. I think that's a good strawman because we've got a mix that's already been somewhat accepted, it's already kind of, you know, approved language already, not really but it's closer to anything else we're going to invent. It is multistakeholder even though it's not balanced multistakeholder but I don't think it needs to be balanced multistakeholder, though my friends in At Large would probably be mad at me. Yeah, I would say that that's a good strawman to start with.

Stephanie Duchesneau: My concern, Avri, haven't been that this shouldn't be carried out by multistakeholder group, I just want to have registry - designated gTLD registry participation on this. So I think...

((Crosstalk))

Avri Doria: Right, and that's the extra seat you've got now.

Stephanie Duchesneau: Yeah.

Avri Doria: Now one thing I worry about on this, and I'm surprised that we haven't gotten screams out of the ccNSO yet even on the IFR, is we've got five GNSO to two ccNSO or something like that. And I'm surprised they haven't yelped about that yet.

Stephanie Duchesneau: We've had, on the CSC side, that conversation with Martin at several junctures. He like keeps making the point but also seems to understand where it's coming from in the context of being a balance of ccTLD and gTLD operators and also the ccNSO and GNSO.

And that if you look at it also there's ties between the GAC and the ccTLD community the same way that there are between the gTLD registries and the other members of the gTLD community that in a sense that is representative of their other stakeholders. So the - it's kind of been...

((Crosstalk))

Avri Doria: Oh okay.

Stephanie Duchesneau: ...micro level but I'm surprised to - I'm as surprised as you are, Avri, that we haven't...

Avri Doria: Okay. Okay but we can, you know, as I say it makes sense to float that as the trial balloon and then we either deal with that - the balance in both of them or just in one of them. But I think that's the easiest strawman for us to put together is we use the same mix.

And then that leaves us having the argument then why not the same people but I think we can make that argument and it's just basically - it's a new batch. It's also different skills in a sense.

Stephanie Duchesneau: Yeah.

Avri Doria: The people that know how to write an RFP and review new service providers is not necessarily the same as the ones that review performance. So get rid of this bracketed text. Am I still suggesting - yeah, I'm still suggesting. Okay so - and then type in...

Stephanie Duchesneau: What are we calling this team that is a community team...

Avri Doria: Can't believe that three of us have not come up with an interesting name that works for this thing.

Stephanie Duchesneau: There's too many names, that's the problem. You can't use anything because it's already - community team would be appointed to manage the RFP process (unintelligible). Okay so I think that resolves a lot of your comments and my comments, Avri.

Avri Doria: Yeah, I got a quick question. Why did you not want whatever we call this thing to be defined as a fundamental bylaw?

Greg Shatan: I think it should be a fundamental bylaw.

Stephanie Duchesneau: I just deleted that here because it didn't - I had moved stuff around and it didn't make sense as a header. I just need to clean up this document because I've moved and typed stuff in so many different places. I still think it'll be defined in a bylaw.

Avri Doria: Oh okay great.

((Crosstalk))

Avri Doria: Okay.

Stephanie Duchesneau: The reason I had deleted it was just because we weren't defining just the review anymore, that was going to be defined elsewhere.

Avri Doria: Okay.

Stephanie Duchesneau: And we were talking about the separation process. But I'm going to clean up this text.

Avri Doria: Okay so separability initiation, an SI, separation - no why don't we use separation. I actually - and for some reason I'm really partial to using the word "separability" because that is the name of this principle,, you know, the principle of separability. And calling this process, you know, so separability initiation process, SIP, that almost sounds like a telephony protocol or...

((Crosstalk))

Greg Shatan: I still think that separation initiation process because separability just means the ability to separate, not the exercise of that ability. So something that...

Avri Doria: Okay.

((Crosstalk))

Greg Shatan: ...pliable can be bent but you're not - if you're actually plying it you're - it's not...

Avri Doria: Right, okay so you're right...

((Crosstalk))

Avri Doria: ...there's been a decision to separate.

Greg Shatan: Yeah.

Stephanie Duchesneau: When it was a review I had real problems with separation, now that it's post-decision I'm less concerned.

Greg Shatan: So let's call it the separation implementation committee, or SIC, for short.

Avri Doria: Oh I like that. Our second SIC. We have the board SIC and now we'll have the IANA SIC. That works for me.

Stephanie Duchesneau: Okay, can we put - can we go to the second doc and run through the Sidley punch items to see if we're missing anything?

Avri Doria: Sure.

Greg Shatan: Sure.

Stephanie Duchesneau: And, Avri, I probably have to give you access to it so let me make sure I'm in my right...

Avri Doria: Yeah, I didn't even know there was a second document.

Stephanie Duchesneau: Yeah, I posted the link in the Adobe Connect.

Avri Doria: Oh, I haven't even been on the Adobe Connect. What room are we using?

((Crosstalk))

Stephanie Duchesneau: I haven't either but it's there. It should be.

Greg Shatan: It was there. It's an empty room.

Stephanie Duchesneau: Maybe if you joined late you don't see it though?

Avri Doria: Oh I haven't joined the room yet, that's that I didn't do.

Stephanie Duchesneau: Okay well then let me...

Avri Doria: I got to my room so and I brought up the machine but - we're in CWG IANA room?

Greg Shatan: No, Accountability it's called I guess.

((Crosstalk))

Avri Doria: IANA, yeah. Okay, signing in now.

Stephanie Duchesneau: And, Berry, I just got your request.

Avri Doria: Network is very slow in my hotel room. You can start talking through it while I'm trying to get there.

Stephanie Duchesneau: Okay. So Number 1, proposal contemplates that a separation review may be initiated by TLDs on concerns raised by TLDs directly with the ccNSO or GNSO. Oh shoot, I copied the wrong part, I'm sorry.

Greg Shatan: Is this the wrong part of the punch list?

Stephanie Duchesneau: Just doesn't seem to have copied well.

Avri Doria: Somebody's got to let me into the room.

Greg Shatan: Let me in, coach. I'm ready.

Avri Doria: Who's got the room - oh, okay thanks. And then okay and there's the doc. I can click on it now. You need permission. I request access. I have requested access.

Stephanie Duchesneau: Okay.

((Crosstalk))

Avri Doria: You sound about as healthy as I feel.

Greg Shatan: I've got this bronchitis that I seem to have been cured except my lungs are still hacky.

Stephanie Duchesneau: Some reason I'm missing the questions from this first part.

Greg Shatan: We go back to the punch list itself?

Stephanie Duchesneau: Yeah. Maybe it wasn't a question and it was just commentary. Oh okay. It's because the page cut off so 1 and 2 are just the same.

Greg Shatan: Okay.

Avri Doria: You haven't let me into the room yet.

((Crosstalk))

Avri Doria: I mean, into the doc. Yeah.

Stephanie Duchesneau: There. I have you on the share, Avri.

Avri Doria: Okay, let me try reloading it then. Yeah, there I am. Okay, thanks.

Stephanie Duchesneau: No problem. Okay so it is actually just a statement, maybe if we're here we should just pull in with the processes are for initiating.

Avri Doria: Okay, these are all the Appendix F ones, not the Appendix L ones, right okay.

Stephanie Duchesneau: (Unintelligible) as contemplates any amendment proposed by IFR would be subject to ratification by ccNSO and GNSO, determine majority or super majority, require both organizations.

Avri Doria: So it was super majority of both.

Stephanie Duchesneau: Yeah.

Avri Doria: Well but these are still questions about the IFR, not about the SIC.

Stephanie Duchesneau: Special...

Avri Doria: No, this is still the special IFR that they're asking these punch questions on.

Stephanie Duchesneau: Yes.

Avri Doria: These are not the punch questions on the new SIC that we've just named tonight.

Stephanie Duchesneau: Yeah.

Avri Doria: Right, okay.

Stephanie Duchesneau: These are being approved by the super majority of the ccNSO and the GNSO. If a majority (unintelligible) by a super majority vote (unintelligible). Usually I have the weird sirens. I don't know who that was but usually that's...

((Crosstalk))

Avri Doria: Oh that's Geneva, that's me in Geneva.

Stephanie Duchesneau: Well I'm like two blocks from the White House so that's always me on conference calls here. That's funny. Special reviews triggered by a super majority vote of ccNSO and GNSO councils determine the voting threshold. So now we're going back, we're not talking about the outcomes but we're talking about actually triggering the review processes.

Greg Shatan: Well - and I guess just to interject, on the terming of the voting thresholds shouldn't those be the voting thresholds determined by those organizations?

Avri Doria: Right.

Stephanie Duchesneau: Yeah.

Avri Doria: Because the GNSO's super majority is that funny formula.

Greg Shatan: Yeah, I'd say it's, you know, super majority vote of ccNSO, GNSO councils as defined in their procedures or rules and procedures.

Avri Doria: In the bylaws of their procedures, right.

Stephanie Duchesneau: If a persistent problems triggers a special review will the timeline of the review be accelerated to address the issue? If not how are issued addressed in the interim?

Greg Shatan: This is like an odd question.

Avri Doria: But we have it - well no, we have the special review which takes everything into account is what, a 9, 10 month schedule? And I guess the question is

when you're doing a special review because it hasn't been escalated because of a problem are you still working on that same schedule or does a special review have a limited scope which is just the problem?

And so you don't have to do - you don't have to, for example, I think the first part of the IFR, if I remember, was, you know, it's not quite a questionnaire but it's going out, you know, so it was, you know, what's the wider - how's the wider community, you know, as with other communities recommend making lists and that. Near the beginning of the process the community would be asked to consider issue relevant to the review. Midway through the process a draft report will be provided for community review.

Do we need - if this has been precipitated by the - an emergency do we still need that first process, that first bullet? Near the beginning of the process the community will be asked to consider issues relevant to the review. Or probably, yes. So, no, I guess it doesn't get accelerated so it's still a nine-monther? That make sense?

Greg Shatan: I'm trying to figure this out.

Avri Doria: Yeah, it's on Page 54 of the full proposal if you want to see where that's been written up.

Greg Shatan: I am pulling that up this moment here. I don't have a well-thumbed copy. So 54, let's see.

Avri Doria: Yeah, 53, 54. Oh you've got it on paper.

Greg Shatan: Me? I have it on my screen.

Avri Doria: You said it was well-thumbed.

Greg Shatan: I said I don't have a well-thumbed copy...

((Crosstalk))

Greg Shatan: ...that's why I'm pulling it up on the screen. So why are we calling it a special review?

Avri Doria: Because it's not - it's the one that isn't done every four years or five years or whatever the cycle is.

Greg Shatan: Right so...

Avri Doria: This is one that's been precipitated by a CSC crisis that was escalated to the SOs.

Greg Shatan: Right, so I guess I don't see why that would take the same time as a regular IFR. I guess that's the question, is a special review that's triggered by a limited set of problems going to do the same kind of comprehensive review as the periodic review process?

In my mind the answer would be no because really what you're doing is looking at the - at where the fire is and trying to decide whether it can be resolved in a manner short, you know, what your recommendation is about the fire area. You wouldn't, you know, go through the rest of the - of the review at that point seems to me. That'd be kind of a waste of time.

Avri Doria: Exactly.

((Crosstalk))

Greg Shatan: So we talk about a special review being initiated by these, you know, separate, you know, this may change a bit obviously but yes. So I would say that a special review is going to focus on the - just on the identified deficiency and whether it can be resolved and not on reviewing every aspect of performance including those completely unrelated to the identified deficient.

Stephanie Duchesneau: So I think it's not entirely isolated. I agree that the inputs to the special review process are going to be narrower and more specific than they would be as part of the periodic review process but I think you also have to be looking at the relative weight of the issue as it compares to overall performance.

Greg Shatan: No, I agree. Well, I mean, I guess the issue is...

((Crosstalk))

Greg Shatan: ...if it's an insignificant problem are we going to - or relatively insignificant problem are we going to have a special review at that point?

Stephanie Duchesneau: Right.

Greg Shatan: I mean, it seems relatively unlikely that all the prior processes would have broken down on a relatively small thing and that we'd have enough IFR on an issue that wouldn't be enough to, you know, that wouldn't really be a material detriment. But, I mean, I guess it could happen. I don't know why it would happen. Everyone would have to be pretty intransigent for that to happen.

Stephanie Duchesneau: But other than consultation with the IANA functions operator maybe because it's at the end of so many - so I think you'd still want consultation. I can't see any of the phases being things that you would want to do away with as part of a special review.

Avri Doria: Yeah, I think I got to that point too.

Stephanie Duchesneau: Even if the inputs are slightly different.

Greg Shatan: Yeah, it might still be a little shorter than nine months both because you're going to give things, as you say, different weight and some things you may spend very little time looking at because this isn't intended to be a comprehensive - this is a sick visit and not a well visit in a sense. You know, even in a...

((Crosstalk))

Avri Doria: ...yearly physical.

Greg Shatan: Right, even in a sick visit the doctor still, you know, checks your lungs and, you know, looks down your throat and stuff like that but they're not going to give you the full checkup thankfully.

Stephanie Duchesneau: In the special review you're not going to be probably looking at openness and transparency procedures, you're not going to be looking at the effectiveness of oversight structures.

Greg Shatan: Unless those are part of the problem.

Stephanie Duchesneau: Unless those are the problem. You're not going to be looking at...

Greg Shatan: If it was kind of the accountability stack so to speak that was causing the problem then I guess you'd look at those. But your focus is going to be on where the - the identified deficiency is taking place and everything else will be kind of proportionate in looking at that rather than looking at everything equally.

Also given that you've got a sick patient you're not going to take nine months to find the cure.

Avri Doria: I think we've beat this metaphor to death.

Greg Shatan: Including that one.

Stephanie Duchesneau: Okay. So

Avri Doria: The next one's hard to answer.

Stephanie Duchesneau: Is there anything additional that we want to add to the how are issues addressed in the interim?

Avri Doria: Looks fairly good.

Greg Shatan: Well, I mean, I guess in terms of answering the actual question we imagine the timeline would be slightly constrained. Maybe somewhat accelerated rather than slightly constrained?

Avri Doria: Yeah, I think - yeah, I think the work would be done quicker. You would be - it would be an emergency situation so instead of meeting once every couple

weeks you would be meeting on a several time a week basis or something like that because you had something important to get done quickly.

Greg Shatan: Yeah. Maybe even significantly accelerated. Imagine if we were trying to do the IANA transition or accountability on a normal working group schedule of, you know, like an hour and a half once a week or every other week.

Avri Doria: About a six year process.

Greg Shatan: Yeah. Still feels like a six year process.

Stephanie Duchesneau: Okay (unintelligible) accountability mechanisms are exhausted, define (unintelligible) was referred to.

Avri Doria: Finally found the punch list.

Stephanie Duchesneau: So I can take the task of cleaning up the separation - the DTX document because I think I'm mostly responsible for making a mess of it. Is there anything that we have to update on any other documentation about the special review process that isn't going to be found in this document that we were all looking at for this call?

Avri Doria: Well we haven't dealt with - and in terms of the punch list I don't think we've dealt with the whole punch list, I mean, our whole punch list here. We have not dealt with 24-29, have we? Which is the SIC which they call the SR but still - or the SP they call it, separation process. Do we have to answer those two according to the new stuff we've done or at least check what we've done against it to see how we're doing? Should I add those to the table?

Stephanie Duchesneau: Yeah.

Avri Doria: Because 24 is under what circumstances can the separation process be triggered? Will it only be upon a recommendation of the IFR? I think we dealt with that one. What remedies must be exhausted prior to triggering separation process? That's the FR recommendation.

Who can initiate a separation processes? I think we dealt with that one. It's the IFR with the GNSO, ccNSO super majority and board approval. What was the other one? Oh I just lost it. Fumble fingers.

Is the cross community working group for separation contemplated by Annex L different from the IFR team? If so more detail is needed. I think we took the easy way out on that one and said, nope. Is there an interim approval of an IFR recommendation to separate? I think we said yes, that's why it's being driven by - approved by both the SOs and the board.

And then implementation of separation, I guess that's where we describe the two bullets and the RFP etcetera. So we've answered them, we just have to also put this table in your doc. Is that reasonable?

Stephanie Duchesneau: Yeah.

Avri Doria: And then between clean up, I mean, I'd offer to help too, in fact I mean, I'm more than willing to help and I'm also supposed to write an article on gender and Internet governance this weekend. So I'm not sure where my brain will be at but actually I'm still trying to find out whether we have an ad hoc meeting tomorrow to keep working on text so.

So I appreciate that you've been taking the pen on this very, very much. In fact, well you've had it a lot of the way through; you've written a lot of the

work even though I've done most of the talking. But you've done most of the work.

Stephanie Duchesneau: I'm going to try and update what I can of this today otherwise tomorrow morning so if folks want to take a look it should be certainly set by Sunday or Monday but Philip will hopefully have some agreed text by the Tuesday CWG call.

Avri Doria: Fantastic.

((Crosstalk))

Greg Shatan: ...send an email around to the DTN list when you feel like you've got it in a state or...

((Crosstalk))

Avri Doria: Right so all the people that just peek in every once in a while as opposed to actually joining the phone call.

Stephanie Duchesneau: The anonymous lizards.

Avri Doria: Right.

Greg Shatan: And, you know, Avri and I as well would know when we could take a look.

Avri Doria: Well, no, I'm sure - I know me as a writer, I will be looking for any excuse for work avoidance and so doing this will become work avoidance on the article that's making me suffer.

Greg Shatan: Yeah, half the work I do is avoiding other work.

Avri Doria: Exactly. I wouldn't get nearly as much done if I didn't have to write hard articles.

Greg Shatan: Right, sometimes the only way I get other work done is to find something else to avoid.

Avri Doria: Exactly.

Stephanie Duchesneau: All right, I have to drop because I actually have hurried (press) comments to write but I'll send you guys a note soon.

Avri Doria: Okay, thanks so much.

Greg Shatan: Thank you, both.

Stephanie Duchesneau: Bye.

Greg Shatan: Bye all.

Avri Doria: Bye.

END