

Raw file.  
June 8, 2017.  
8:00 a.m. CST.  
ICANN.  
Nathalie Vergnolle.  
Jurisdiction subgroup meeting.

Services Provided By:  
Caption First, Inc.  
P.O. Box 3066  
Monument, CO 80132  
800-825-5234  
www.captionfirst.com

\*\*\*

This text is being provided in a rough draft format.  
Communication Access Realtime Translation (CART) is  
provided in order to facilitate communication accessibility  
and may not be a totally verbatim record of the  
proceedings.

\*\*\*.

This is a captioning test.

June 8, 2017.

8:00 a.m. CST.

ICANN.

Jurisdiction subgroup meeting.

(dialed into the audio, standing by).

>> Hi, everyone.

>> Hi, Greg Shatan, we will be getting started in just a  
minute.

>> Great.

>> Hi, this is Greg Shatan. Why don't we get started.

Get the recording started.

>> This meeting is now being recorded.

>> GREG: Hello, welcome to the CCWG account ability workstream 2 jurisdiction subgroup meeting number 34. June 8, 2017. At 1300UTC. We have the agenda in front of us. Briefly review it. We will have our usual administrative minutes. And then a review of the decisions and action items from the last call followed by a review and discussion of the mandate and scope of this subgroup followed by a review of ICANN litigation, we have three cases queued up for today. And hopefully Rafael will be on the call. I don't see him yet. And AOB, we seem to have AOB twice. But that is my mistake. And then I note that we have two meetings after this and before Johannesburg. Any questions or comments on the agenda before we move on? Thiago, please go ahead.

>> Thank you, Greg. This is Thiago. My question is directed to you. The point was raised before in the mailing list about why are we coming back to discussion again. There were proposals coming from myself and Jorge that we shouldn't be discussing the item at this point as you are proposing it and still the comments that were made in the mailing list were completely disregarded, and you maintain your own proposal which I would expect should reflect the group's proposal rather than your own

individual views.

Can you please develop why we are coming back to this point again, taking into account particularly that in our previous call, I raised and suggested that we should be discussing substantive issues and we simply overruled my suggestion, didn't put it to the vote and decided that we should be discussing a demand of the group again. Thank you.

>> GREG SHATAN: I'm sorry, Thiago, it's possible you haven't been paying sufficient attention to the list. I did respond to your point on the list, and there have been numerous comments on the list with regard to discussing the jurisdiction scope and mandate, just to help you with the list since you didn't read it, I did respond to you that in fact, a discussion of the mandate and scope is dictated by our work plan which was approved by the group back in April. I'm not sure if you joined the group yet back in April. Perhaps you haven't caught up on our prior work.

But just in case you haven't, you should look at the E-mail I responded to you with, and that note said that we have this discussion queued up from our work plan. So we are following our work plan. As far as the proposal goes, there is no proposal, just a collection of the statements from our foundational documents. What you take from them, or what the group takes from them, is entirely up to the

group. I'm sorry if you felt you were disregarded. I don't see any actual evidence of that. Does anybody else have any comments on the agenda? Seeing none, we will move on.

First I'd like to see if there are any changes to statements of interest. I see that Kavouss, please go ahead.

>> KAVOUSS ARASTEH: Yes, good afternoon. Good morning, good evening. I think [inaudible]

(very muffled audio).

The situation that [inaudible] many participants [inaudible] each of us have its own information and own way of [inaudible] it should not be interpreted differently or associated with any political motivation. [inaudible] or speaking loudly and so on and so forth [inaudible]

(muffled audio).

There is no electronic system [inaudible] please can we indicate to people do not [inaudible] softly and slowly [inaudible]

(sorry, audio quality is very poor, I can't understand).

Need to understand each other. I totally disagree [inaudible] political motivation [inaudible]

>> The host has left the meeting to speak with meeting support and will rejoin soon.

>> GREG SHATAN: Kavouss, your voice is very muffled and indistinct. It was very difficult to understand, if you see the captioning pod is, Adobe Connect, you will see that for instance, the captioner -- we can't hear you very well, Kavouss, it's very muffled.

>> KAVOUSS ARASTEH: Listen to what I said, was understandable it was clear or not?

>> GREG SHATAN: Kavouss, I'm sorry to say it was not understandable.

>> I repeat? (Beep).

>> GREG SHATAN: Perhaps type into the chat, there is a problem with the audio quality (overlapping speakers).

>> KAVOUSS ARASTEH: Audio quality is not my problem. The line is one of the best ones [inaudible] I don't know. 1, 2, 3. 1, 2, 3, do you hear me well, please?

>> Kavouss, it's better now. Maybe you can make your intervention again. I believe it was about everyone speaking evenly and not having any political motives behind anyone's participation or assuming that?

>> KAVOUSS ARASTEH: What I said was that different people have different intonation and voice loudness as they speak. Some people speak softly. Some people speak normally. People speech [inaudible] differently and should not be associated with any political motivation [inaudible] raise its voice or spoke loudly. I'm sorry if sometimes

the quality of the line we have to speak a little more loudly to be heard. Should not have any implication or any association with any political motivation or specific country of the person who speak. This is number one. Number two, unless otherwise stated I will speak as a participant [inaudible] subgroup, without representing any country or government. That should not be associated [inaudible] thank you (Beep).

>> Thank you, Kavouss. Thomas Rickert, please go ahead.

>> THOMAS RICKERT: Thanks very much, Greg, to respond briefly to the conversation that we just had, Kavouss, I have not heard any comment on political speech or any comment relating to those issues. When you spoke, the first time you spoke, I could not understand a single word of what you were saying. We were just asking for you to speak up or try to get a better phone line, so this has been, not have anything to do with the substance of what has been said. I thought it was important for me to just make this very clear, because I was one of those who had a very hard time understanding you.

Second time you spoke, it was much better to understand. I think there is no issue with that. So thanks for that. I will mute my microphone again. Thank you.

>> GREG SHATAN: Thank you, Thomas. In any case, I'm not sure we need to cover this point any further, as we have a

lot on our plate. Kavouss, is that an old hand? The hand is down. So, I'm going to assume that that was a theoretical comment, and not a comment on anything that occurred in the meeting prior to that comment.

In any case, Thiago asked is our work plan set in stone, no, it was approved by the group, only dealt with it twice, not sure why there seems to be such a displeasure with the idea of deciding what this group has set out to do, it would seem to me that figuring out what it is we are supposed to do is rather fundamental to doing it. But others may disagree.

Number 4, it brings us the review of decision and action items from the last call. In the last call we reviewed our decision to invite respondents to the questionnaire to the call, and we decided on the following procedure, but we would advise our respondents once their responsible has been presented and then point them to the transcript and any other materials of the recording the meeting at which their responses was, and offer them the opportunity if once they reviewed that material they wanted to clarify or correct any elements of the discussion, they can participate in an upcoming call. That is the decision, action item from last week was staff to prepare a form letter E-mail for the rapporteur, me, to use in connection with this decision, so I'll just ask staff for status

update on the form letter or E-mail. Bernie, please go ahead.

>> BERNARD TURCOTTE: Thank you, Greg. Unfortunately, we have been quite busy. I've got it on my list to complete this week. So you should have it in your in-box by end of business Friday. Thank you.

>> GREG SHATAN: Thank you, Bernie. I feel your pain. We have all been extremely busy. I see Avri's note in the chat, I would note when the staff accountability group found itself questioning its charter it we believe back to the 4 stream 2 meeting the plenary to request clarification and change. We have been around this issue so many times without resolution, that it may be worth considering taking the issue up in the full meeting. I think that is a wise suggestion. I think that we should come here to decide, we don't even exactly have a question, and I was in the staff accountability group, and we spent a meeting or two developing in essence the question to come back to the full group with, kind of defining where our problem or our disagreement or lack of clarity lay.

Hopefully, the results of our discussion here will either be clarity on our mandate and scope, or at least a question or more clarity on what exactly the points on which we need to seek guidance from the plenary. Going to them and just saying tell us what to do would be a rather



vague type of request, and hopefully we can make a more pointed request in trying to define our mandate and scope.

But in any case, we have been going around on this and the point is to stop going around by having a conclusion, not by continuing to avoid it. Paul McGrady, please go ahead.

>> Thanks, Greg. I agree with Avri's thought that it's time to take this to the plenary to finish this off once and for all. I do agree with your, also with your refinement of that idea, that the request be pointed. I think that it's time to just say that status quo is this ICANN's jurisdiction [inaudible] all the accountability mechanisms hang on that fact, there is nothing in the, your basic documents here that requires us to undo workstream 2 accountability mechanisms. People have, including me, have independently asked the chair of the ICANN board what they think about this issue, and he spoke to the board and said they are bewildered or something along those lines, they were still talking about it, and however we do have a group within this sub team that wants to continue to talk about it, and should we continue to talk about this or should we get on with other work.

And I think that we need to do that, because otherwise we are getting to the point where we are, we have gone over and over and over and over this issue, and each time we

think that it's settled, it returns. So we are getting to the point where we are either going to have to declare, we are either going to have to get a intervention here which is unfortunate, or we are going to have to declare that we have failed in our essential purpose that we weren't able to come back with any proposed changes on jurisdiction, which I think would be a shame, because I do think that there are some tweaks we can make to account ability mechanisms and things like that or contracts that would be beneficial to the community. It would be a shame for us to make no progress, because we got hung up on a handful of folks wanting to move ICANN outside of California. Thanks.

>> GREG SHATAN: Thank you, Paul. Kavouss, please go ahead.

>> KAVOUSS ARASTEH: Excuse me, I don't think that we should refer to the handful number of people, for the time being we are all a member of the group of participants. Let us not to have a division and [inaudible] peoples because I also noted that in some E-mail something was mentioned that vocal minority, I think that we should refer to minority or majority [inaudible] each other. This is very important and not to make a division and not to [inaudible] people saying they are vocal minority, yes, there are sometimes others having some views and they must be respected. Second, if we are not making progress, it is

not because of the question is raised, because the subject is complex. This is one of the most complex and crucial and sensitive and delicate subject that we are dealing with. So please do not put it as a [inaudible] question, I don't think we should discourage people to ask questions, to raise a concern, telling that no, don't raise it because we don't have progress. I don't like [inaudible] complete, raise question, raise our concern, and the decision on the minority or majority [inaudible] final decision and recommendation is made for the second meeting then the chair would declare whether it is minority or majority but not at the level of the subgroup. So perhaps we would not make any more statement that you are minority or we are majority. I don't think that we should have that situation. We have worked together for three years, as a friend and member of the group and not as polarization and diversity group, thank you.

>> GREG SHATAN: Thank you, Kavouss, for your thoughts.

I would note, however, that as a matter of procedure, the subgroup, subgroups as well as the plenary proceed by consensus or full consensus, and consensus is defined as a situation where there is a broad agreement of and only a small minority disagree. And that is the end result the minority can put in a minority statement or minority statement so procedurally while I do hope that we come to

consensus or even full consensus, we do have to look at the distribution of opinions and use that in trying to move forward. (background noise).

I see Thiago saying let's take up Jorge's proposal and do as he suggests but I don't know what Jorge's proposal was exactly. I will note a earlier suggestion that we deal with the unambiguous questions. We did that. We did that for several months, again, Thiago, before Thiago joined, we dealt with the question of the effective ICANN jurisdiction on the venue, and choice of law provisions in contracts and in litigation. So that has been done.

I think what we need to do is to see if we can make progress, and I think we have found at this point that ambiguity is not an option at this point. If we want to have a vote on ambiguity, we can have a vote. But I for one see that it's difficult to proceed in the face of ambiguity, except by dealing only with that which is unambiguous and that in fact has been the approach in other groups, working groups that I've dealt with, is that you deal only with that which is unambiguously part of the scope, and that is what we did. And we could go back just to that work and finish it up, if we would like, that is an option. But I think regardless, what we need to do is to see if we can decide this question and move forward.

I just sent around a slide which I'm going to ask to put

up, perhaps we just use that to get to the, what I think is probably the point of difference on our mandate. I think it would still be helpful to look at the underlying document, the charter and the final proposal from workstream 1, and see where that leads everyone to think we stand in terms of the mandate. But in any case, if staff could put up the slide I just sent around that would be helpful. Sometimes there is a delay in staff receiving the slides.

>> It will take us a minute, Greg. But we are working on it.

>> GREG SHATAN: Thanks, I appreciate it. Kavouss, is that a old hand?

>> KAVOUSS ARASTEH: No, it is a new one. Sorry to come again, I think please go ahead with your agenda, the issue before us in my view it is better you raise it with the plenary and [inaudible] spend any more time on that, please have this agreement, when I look at the chat I see where the agreement comes from. So go ahead with the main part of the agenda because now we spent about 22 minutes on this issue, which I don't think that we could resolve at this meeting, issue should go to the higher level, thank you.

>> GREG SHATAN: Avri, please go ahead.

>> AVRI DORIA: Thank you, this is Avri speaking. I wanted to point something out and let me say first of all,

that on this particular jurisdictional issue, I'm one of the people that finds myself really in the middle of the conversation, and sometimes it worries me that we are viewing this as a two point discussion, that says we are either talking about staying in California or we are talking about leaving.

There really is a middle position that sometimes we have worked on and sometimes we have gotten back to this binary, which is assuming that we are staying in California, and I've heard people make that assumption, what are the ways of mitigating the issues like the O FAC and such that other people experience so that they can accept that indeed, remaining in California works. And very often, when it comes up with an issue we say oh, you are just trying to leave California, as opposed to accepting the issue as, no, we accept California at the moment but perhaps we see issues with that, that need some form of mitigation, and ...

(audio breaking up).

(silence).

And what are we going to do about that.

So I'm hoping that as we move forward, if we take the issue to the plenary or not, we don't just deal with this as these people want to get rid of WS1, they want to leave California, and look at the issue of we have gone to tender

a lot but perhaps there are some issues that do need mitigation that would make staying in California acceptable for the consensus, but I hope we can get away from this binary of, you know, good people want to stay in California, bad to leave not quite that firm but yes and I think we need to get away from ...

(silence).

>> GREG SHATAN: Avri, thank you, actually I agree with what you have said. And I think that probably is, if we in fact are successful in getting past this point, that is probably the way our work should proceed, and we will try to capture that, which is, I think if you, as you said, assuming ICANN stays in California, what can we do to mitigate the accountability concerns that people raise. We still need to determine that whether the questions have been raised are in scope for the group, but either saying we can't answer a question because it assumes we are staying in California or it assumes we are leaving California will get us nowhere. I think we need to deal with the question in front of us, or send it to the plenary.

I'll take the cue and turn to the question on the screen. Kavouss, is that a new hand? (pause).

I'll assume that is a old hand from Kavouss. Tijani, please go ahead (overlapping speakers).

>> Tijani speaking. I would like to support a hundred percent what Avri said. I think we lost a lot of time, because of this how to say, this fear from some people that we speak about leaving California, as there is no -- I don't think this is the aim of our discussion or of this working group. It is only one layer of the jurisdiction layers. People choose to put it on the table, okay. No problem. But as she said, it is not a binary. It is not staying in California or leaving California, it is not that at all.

We have to assume, when we want to work together, if we have different point of view, we have to assume this case and this case, and see what we can do to diminish any concern that we have with the jurisdiction in this case. I think we lost a lot of time and we need to go forward and to, and I agree a hundred percent with Avri. Thank you.

>> GREG SHATAN: Thank you, Tijani. I think Kavouss's hand may have been new but he was just delayed in responding. Kavouss, please go ahead.

>> KAVOUSS ARASTEH: Yeah, sorry, what I said was it is better we do not discuss at the subgroup whether or not ICANN office stays in California or out side that. Rather we should discuss what would be the potential impact as far as jurisdiction is concerned if the office continues to remain in California. That can be what we could discuss,



because being or not being in California where something was decided at the first or at the workstream 1 and no one proposes to redo the work of workstream 1, but we can discuss what will be the impact of being in California from the jurisdictional point of view. I think that we can discuss. It is within the mandate of our group. I don't know whether you could raise it in that sense, and outside or inside not being discussed at this group but just discussing the impact of that, implication impact. Thank you.

>> GREG SHATAN: Thank you, Kavouss. I think that makes good sense and I thank you for the suggestion. I feel like we are actually perhaps heading towards a common understanding of how to proceed. And I'll turn to Christopher. Thank you.

>> Hello, good afternoon. (background noise) sorry for arriving late. The connection took some time to wake up. Look, I have [inaudible] many things and especially directly or indirectly to our next [inaudible] in normal circumstances as I've said before, we could continue with the defacto compromise that I agreed with others in 1998. What I would say today and you know what my point of view is, I've said it before, and I don't need to repeat myself, all I would say today is that [inaudible] internationally changed radically in the last six months, and if you decide

that considering recommending changes to ICANN's status then is it within the scope of this subgroup, perhaps it is not within the scope of this subgroup, we capture the mandate and the effect but then please don't think that the issue has been resolved somewhere else. I don't need to take time speculating about where it would go. [inaudible] go to the CCWG plenary. I think several of you engaging in certain amount of wishful thinking, this cannot go away, dealing with international situation as they have refixed it recently. Thank you.

>> GREG SHATAN: Thank you, Christopher.

There are certainly many questions out there. Not all of them are within the mandate of this subgroup, as important as those questions might be. I'll take Paul McGrady and then try to wrap up this portion of the discussion. Paul, please go ahead.

>> Thanks, Paul McGrady for the record. I guess I don't fully understand Christopher's comment when he refers to the international situation. I think that I'm supposed to know what that means but I don't know what that means. Christopher, can you clarify? Thank you.

>> GREG SHATAN: Thank you, Paul. I guess all of us, each of us have our own interpretation of the international situation. But in any case, our discussion needs to focus on the questions in front of us, and I think that the

prospect or the amount of discussion that has been devoted to the concept of either moving ICANN or changing its form of organization such that it would have some form of immunity or both has in many ways kept us from more substantive work. So I put this slide together before our meeting, of course. And so I've noted we had almost a year of discussion, nine months, not reached consensus on whether our mandate includes recommending any changes to ICANN's status as a nonprofit California corporation.

So --

>> Can I have --

>> GREG SHATAN: Excuse me?

(voice in background).

I think what we need to do is consider the question at the bottom of the screen here, which is considering or recommending changes to ICANN's status as a not-for-profit California corporation within the scope of the subgroup.

>> Can I have the floor, Greg, please?

>> GREG SHATAN: When I finish up going through the question, thank you, Thiago. If we answer this question no (overlapping speakers) perhaps we can rephrase it as Avri did, assuming that we are, that the status is not changing, what can be done to mitigate the issues that have been raised within the subgroup, that would allow us to proceed. Thiago, please go ahead.

>> Thiago: That is precisely my point, I think the question to representing the subgroup is something that you considered before the point, before Avri raised the point that she raised and before also Kavouss raised other interesting points. I'm not sure whether we should be raising this question or actually deciding on whether to follow Avri's or Kavouss' proposal.

>> GREG SHATAN: I think this question is actually consistent with Avri and Kavouss's proposal which is that we need to proceed with the assumption that this group will not recommend any changes to ICANN's status as a not-for-profit California corporation. And once we do that, we can deal with making improvements or recommending improvements to the situation that we have in front of us.

So if we can put that to bed, once and for all, we can really discuss the issues and resolutions given California status, and that we have. Thomas, please go ahead.

>> Thanks very much, Greg. Let me just remind you of the way we operated in workstream 1, when it came to the challenging junctions to the process. You might remember that we had different governance model, supervisory board and all sorts of different legal formats that we could use for ICANN. What we did at the time when we had different options at our fingertips, we would test the waters with the group, and say which of the options that we have in

front of us do get traction, and we would only pursue those actions that got sufficient traction, and ultimately we ended up with the concept that we enshrined in the workstream 1 document.

It looks to me a little bit like we touch junction in this debate, there are obviously participants in the working group who would like to further whether should be immunity for ICANN, whether the format should be changed, there are others who would like to explore other places of cooperation and there are still others who would like to maintain the status quo, and test during the work whether all accountability features that the accountability work group might be looking for can be supported by the system and what I suggest doing and I guess pretty much in line with Greg's intention is that we test the water in terms of which options get most traction, and from what I've heard so far, I get that there is a lot of traction for basically concerning the status quo ICANN be incorporated in the U.S. in California, and then continue with your impact assessment and the other questions that you have in front of you.

But I think it would be unfortunate if we started trying to get back to the starting point where we talk about content and about places of incorporation as a starting point, or changing the legal format as a starting point. I

guess it would be a great outcome of this call or this sub team to bring this to closure. That certainly begs the procedure question whether this committee should bring it forward like substance concern the status quo or whatever the solution that this group might favor might be or whether you want to ask the scope question, which is sort of the same question just asked differently, or whether you want to bring it to the plenary.

I guess that it would probably be the most straightforward approach and the usual practice that we have been working through so far to have the group test through the rapporteur whether the different approaches discussed and we don't have to restart the debate because the debate has already taken place which gets the most traction which by the looks of it seems like it were incorporation in California, and not to pursue further the immunity question and present that result to the plenary, and then the plenary feels entirely different then it might be the subject for review. But other than that, the scope question would more or less be redundant if other concepts and the present concepts do not get more traction than what we currently have. I'm sorry for this having been a little wordy but I wanted to offer a little bit of background and history to how we approached things in the past. Thank you, Greg.

>> GREG SHATAN: Thank you, Thomas. That is very helpful. I think it does point a way forward for this group. Thiago.

>> Thiago: Thank you. It still seems to me we are putting the cart before the horse, we are discussing about remedies before we have finished examining all the consequences of the incorporation of ICANN, I don't understand why we are coming back to the immunity proposal or different proposals and we are injecting possibly at this point different proposals as a solution, why we don't even have as I said before examined all the consequences. Every time it seems to me that we tend to discuss those issues, then the mandate question is thrown at us. It seems to me it is a bit contradictory now, to discuss what are the available remedies, whether they are within or without our scope, considering that we haven't finished the examination of the substantive impact of ICANN's incorporation in the United States.

Again, impact first and then the remedy, and what it is striking particularly to me is that again every time someone tries to call the group's attention to substantive issues, following from ICANN's place of incorporation or other aspects flowing from ICANN's location, then someone comes up with the suggestion that this is not within the mandate of the group. And then now as part of [inaudible]

within the mandate of the group, we are not discussing impacts. We are discussing remedies. I don't understand. I think it is contradictory.

I have doubts about the ability of the group to move forward if we keep bringing these issues over and over. Thank you.

>> GREG SHATAN: Thank you, Thiago. I think this is the attempt to stop bringing up the same issues over and over. Kavouss, please go ahead.

>> KAVOUSS ARASTEH: Yes, Greg, I'm very sorry, I think discussion should have been taken place in 2015 when we start to talk about the model to use for the CCWG accountability or ICANN accountability work is being done. At that time when we have multiple membership, single membership, voluntary [inaudible] we discuss everything, every time, the views of the lawyers and according to California law and [inaudible] so the work is possibly based on that and nothing else. If you want to remove or propose to remove ICANN from California we have to see whether or not we need to redo the work that has been done. That is the situation. If you want to be sure of that in addition to what I suggest say that only discussing and examining the impact of ICANN remain in California or jurisdictional issues apart from that, in addition to that, with the agreement of the accountability [inaudible] legal



advisors, should there be a situation that it is decided to move ICANN from California to elsewhere, what would be the impact on the entire workstream 1 and all of these kinds of things. I think that is a important question.

I do not suggest that I would [inaudible] impact, does not have any negative impact, we don't know whether in California or Switzerland or any other country, the impact for us is important to see whether any negative impact that there might be in view of some people some negative impact, there might be. So what I suggest to kindly not disagree with other proposal, if you agree, change the suggestion that I have made [inaudible] examine potential impact, jurisdictional point of view of ICANN continuing to remain in California. That's all. If you want to raise the question [inaudible] workstream 1, you can [inaudible] what I said is exactly what Thomas said, and this will also was said in E-mail by Matthew some time ago that focus [inaudible] maybe the whole transition will be question. Let us take a pragmatic and practical way, impact, only study the impact. Thank you.

>> GREG SHATAN: Thank you, Kavouss. We have about five minutes left. Paul and Thiago briefly. Thank you.

>> PAUL ROSENZWEIG: Good morning. I'll intervene very briefly to essentially support the way that Greg and Thomas have proposed to go forward. We might want to reword the

question into a report, and suggest simply to the plenary that we have decided to proceed with our work by assuming that California will remain the jurisdiction of incorporation, and that if that is to be reconsidered, it will be reconsidered in some other forum and that our report is not meant to prejudge that, but rather simply to begin with that as an assumption, and assess accountability within that.

I don't know if that rephrasing better captures what Avri was trying to suggest. But in either event, I think that the essential take away from this is that in future actions within this group, within this subgroup, if, when we -- I agree with Thiago that sometimes when people identify problems with California, those who like California as a jurisdiction respond by saying you can't complain about California we are stuck here, that is not right, the right question is, is it mitigatable, but the truth of the matter is sometimes when people say that is a problem the response is it won't be any better anywhere else, so we gotta work within California to mitigate it. So if we can just declare off the table some of what people respond to by suggesting we need international jurisdiction or avoiding multistakeholders, we will at least be able to finish our work. That is my proposal for how we might possibly revise the question to capture what Avri said and

move forward.

>> GREG SHATAN: Thank you, Paul. I think that's a good restatement of at least one of the options that is in front of us.

(voice in background).

Thiago.

>> Thiago: Thank you. What I would ask you, Greg, as rapporteur before addressing or redressing the question please go through the transcript of today's meeting, go through the text in the chat, try to put together the different suggestions that emerged from today's meeting, anything for the group's consideration. Thank you.

>> GREG SHATAN: Thank you, Thiago. I think that is a good suggestion. There have been a number of good suggestions (background noise) rephrasing of similar suggestions. So trying to capture the best formulation of the different options, and then putting those in front of this group, I feel like we may be actually able to break out of the, what one participant described as the endless merry-go-round that we are on, one way or the other. I think I will take that suggestion, so we have some, a good rephrasing in front of the group, and if people want to suggest further tweaks to a rephrasing we can do that. But I think we need to not get too deeply into wordsmithing. Once we have some clarity on what we are looking at, we can

close on it.

I'll get that to the list in the next couple of days, as soon as possible. Hopefully we can discuss that on the list. And then wrap this up on our next call, unless somehow it gets wrapped up on the list before the call. But having covered it across two calls, that should enable us to bring this discussion to a close, have some clarity on how we proceed, and then go forward and discuss substance.

Thank you all for your participation in this call. Sorry we did not get to the litigation cases. But as it turns out we did not have Rafael anyway. So we will have some discussions next week of those cases. I thank you, and appreciate the spirited but still collegial debate that we have been able to have, and I think we really have made some good progress on defining a thorn in our side.

With that, I will adjourn this meeting and look forward to our discussion on the list, and to our future activities. You may stop the recording. Bye all.

>> Bye, everyone.

(meeting adjourned at 9:01 a.m. CST)  
Services Provided By:  
Caption First, Inc.  
P.O. Box 3066  
Monument, CO 80132  
800-825-5234  
www.captionfirst.com

\*\*\*

This text is being provided in a rough draft format.  
Communication Access Realtime Translation (CART) is  
provided in order to facilitate communication accessibility  
and may not be a totally verbatim record of the  
proceedings.

\*\*\*