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>> DAVID McAULEY: Hello it's 3 minutes past the top of the hour. If I said we would start at 3 but obviously we are struggling to gather a group together. I see Malcolm joined and I would like to say hello to Kate. I would like to gather a five consensus 5 minutes past the hour. Maybe some people have been confused by the change of clocks. In the interim at least in certain countries and our call is one hour earlier than it normally is in those countries. But let's wait until 5 minutes past the hour. Then I will come back on the line at this that point and see where we stand. In the meantime be patient and thank you everyone for being here.

In order to get things moving along, can I ask if there's people on the phone if they are not in the Adobe chat room, would they please identify themselves?

>> DAVID McAULEY: Hello again. It's David McAuley speaking. We did not hear responses and Brenda indicates as well there's nobody on the phone that is not in the room. You see the group is small and we have not achieved the nucleus we normally would need for a call. Nonetheless, I would like the press on and at least make a call record. So could I ask that the recording please be started.

[Meeting now being recorded]

>> DAVID McAULEY: Thanks very much. Hello everyone it's David McAuley speaking I'm sorry to say it's a disappointing turnout so far. As you have seen from the emails I put out there there's much on our agenda and what I have on the agenda is trying to push us to wrap up work on the rules in fairly quick order. Nonetheless there are some of us on the call and I'd like to give people an opportunity the chime in on things and I see Robin

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just joined so we basically do have a nucleus to move forward. So let me ask of knows on the call, if anyone has a change in their statement of interest that they would like to note to the group?

Seeing no hands raised and hearing none, let's move on to agenda number 2. I'm sorry, yes, number 2. That is where do we stand with respect to work on developing the standing panel? That work will involve an expression of interest that needs to be released and then work by ICANN and the SOs and the ACs to select and nominate and then confirm a standing panel. Liz is on the call. I'm going to ask Liz to let us know where things stand and the reason I do that, is while this group, the IOT who is advisory in this capacity the expression of interest is ICANN's and the later work is that of ICANN and SOs and ACs where we will fill in advisory capacity in requested.

Liz, if you can kindly let us know where things stand in respect to expression of interest. And then work on helping the SOs and ACs get organized in this effort.

>> LIZ LE: Thank you David. Back to the call for the expression of interest. That is near completion. As you recall we previously circulated a draft for this group to comment on and we have taken back the comments that were raised during the call and I don't remember any comments that were raised unlisted and there's been a while. Regardless of what the comments were made we took back and revised and the most recent version of the documents. So that is where that stands with the call. With respect to the communication, the work with the SOs and ACs a very detailed communication to the SOs and ACs will be out by the end of the year.

>> DAVID McAULEY: Thanks Liz. And when you say out by the end of the year it's a tough time on year possibly leading to this call having such a small group in that it's the beginning of the holiday period.

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Are you confident that this will be out by the end of the year?

>> LIZ LE: Yep.

>> DAVID McAULEY: Thank you. So we can count on that. By the way, let me make mention of something that I put in the agenda that I ignored so far. That is when speaking please identify yourself. This is David McAuley speaking now and the only other speaker has been Liz Li of ICANN. So when you come on the line identify yourself in each instance it helps with the raw caption notes.

Thank you, Liz, for that. And as you know, this group at least me and I believe others in this group see this as an urgent group. I'm glad there will be movement on this. And we should turn our thoughts, if we get a chance in early January on the next call to seeing when there's anything formal that needs to be done with the SOs and ACs and in the meeting in Puerto Rico that is coming up fairly early in short order.

Moving to the next agenda item. And again we will create a record of this call for the number for the folks that are not here in attend everybody's and I want to move on to substantive things. Let's have a brief discussion about plans to wind our work on the public comments. And I wanted to have a pointed discussion in this respect that's why I sent out an additional email yesterday about this. Dealing with our report and the need or not for additional public comments in this respect.

And what I'm getting at is I wanted to make a note that everyone on the call and in the list understand we do have a call on January 11th that we are nearing what I believe is the end of our discussions, we are close to the end of our discussions on draft supplementary rules we have had a lot of discussion and I think we are to the point where we can close issues down both to the list and on the call. That's what I'm endeavor to do. And that's why I've seen a number of emails on issues in the last several days.

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It's I think it's important to look to the list as being a substantive tool that we are going to be using.

In the process we will be reengaging and I think this is under my initiative, I think it's important that we reengage Sidley. And to do that I believe we will ask Sidley to be on the call in January to get back in the flow of things. As I say that I'm paying attention to two things. The need to be frugal with budget and yet the need also to recognize the importance of what it is that we are working on in the importance of it into the ICANN community.

So I'm of Scottish descent I'm fairly attentive to issue of frugality but I thought it would be good to get Bernie to talk to us about what budget we have and what we can think about in that respect to engage Sidley and use legal budget. Bernie could I turn to you and ask you to talk about what we have.

>> BERNARD TURCOTTE: Yes, basically we are doing quite well on the budget. We have about 150,000 in the legal expenses to the end of this fiscal year which is the end of January. Now this may seem like a large amount of money. But when we engage the Sidley, it can go fast if we don't keep a very tight reign on it. So far we are doing great. We got the money to bring them in and do things. But as usual it needs to be done in a very careful manner I think. Is that okay Dave?

>> DAVID McAULEY: It is. And thank you Bernie. It's David McAuley speaking. I'm employed by Verison. In my first career I was general council for a software company and I understand the burn rate for legal fees for outside council. It's not towards Kate, but we internally working with the budget we need to keep our mind on and keep an eye on and spend the money like it's our own and be careful of it. In that effort we will be

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reengaging Sidley and get Democrat them back in the process and our report will be a direction to Sidley to redraft the rules in light of decisions we have taken.

So thanks very much for that Bernie.

With respect to the work remaining, and as we get closer on these rules I think over the Christmas holiday I may start drafting a report and fairly shortly after I will put it out to the group to look at. We need to come up with a final report and stating the recommendations and the rational behind them I don't think it needs to go into excruciating detail but encouraging contracted there's something I think we should look to start. And I'm always willing to accept volunteer help along the way.

It raises the question that I addressed in yesterday's email. That is the need or not for public comments. And the reason I raised it is it strikes me that our work on the timing issue seems to me to be a material change that may be something that would be require another round of public comments. I know that Malcolm has thoughts in this respect. But before I get to Malcolm or a ask Malcolm to comment I'll ask Bernie to talk to you us a little bit about public comments and second rounds. And Chris just put his hand up. So before we get the Bernie, Chris go ahead and take the floor.

>> CHRIS DISSPAIN: Hi David, thanks, can you hear me okay?

>> DAVID McAULEY: Yes.

>> CHRIS DISSPAIN: I wanted to make a comment about Sidley, speaking as a lawyer. Who is going to be is it you that is going to be negotiating with them on behalf of the working group David in essence?

>> DAVID McAULEY: I'm not sure. I have not thought of it Chris in terms of negotiation. I thought of it in terms of interface basically.

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>> CHRIS DISSPAIN: I'm asking the question because the thing that springs to mind for me if we are going to in effect employ to do some work on behalf of the working group, that's fine. One of the one of the ways of reducing that cost will be to I'll use the word negotiate with them, a reduced cost of what I will call "getting up to speed."

If they they will decide what they need to get up to speed and that could cost an awful lot of money if we don't address it and say to them look, you have to get up to speed and you have to see what is happening and you have to make an upstate so you can buy this property but we want you to agree, reduced amount of doing that. Otherwise I expect we will end up spending a significant amount of money before we get anything less from them. I wanted to flag that as an idea for you guys to think about. I speak as a lawyer so I know how this stuff works and I know you do too David. Thank you.

>> DAVID McAULEY: Thank you very much Chris. Let me just say, two things come to mind. One is we will be working with ICANN legal in this respect. But the other is, beyond ICANN legal the members of the IOT group will be probably mostly me. And I'm quite frugal in this respect at least I pay strict attention to cost. And I take your point. I think there is a getting back up to speed factor maybe involved. On the other hand we are dealing with the draft supplementary rules which is a discrete body of rules that is really not all that long that exists now to which we are going to be making changes.

And I have traded emails with Holly holly several months ago and we will be working on these and we will come back to you and I expect Holly has a fairly descent grasp of things and I think between me and ICANN legal will be able to keep this under control. Is that sufficiently responsive?

Okay thanks Chris.

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Now, I just this is David McAuley again. Now I mentioned the need or not for public comments. And I know Malcolm was going to want to weigh in on that. Bernie I'll ask you first if you can talk to us about the concept of public comments and procedurally what the ins and outs of second rounds are is that something you can do.

>> BERNARD TURCOTTE: You may want to take Samantha cease.

>> DAVID McAULEY: Go ahead.

>> SAM EISNER: ICANN legal. And just wanted to remind people what happened during the work with Sidley on the initial version of the supplemental rule before they wouldn't for public comment. So at that point Sidley had been participating in, through one at a time, two people were attending the calls to stay up to date. They were active on the list, etc. And then give them direction. And then ICANN and Sidley would work on language together because we would help confirm that we had the same understanding of what was going on. At times we had different proposals and these would be presented and this was when Becky was running IOT and we also worked closely with Becky to identify if we had places we were not agreeing. So it wasn't always necessarily that we were presenting the same information and so we tried to leverage having the ICANN experience there to keep the Sidley bills lower. And that's something we would intend to do now. Much I don't know, and I know I joined the conversation late, but we have reached out to Sidley to for them that they have time open in January to address this. And I think one of the things that we had talked about on our call with David and Bernie earlier this week was the need to have very clear instructions. So the clearer instructions and the more limited resubmit that we are asking to take on the less filling we expect. But it's something, that relationship is something that we would work closely with David from the ICANN side to make sure that the IOT's needs are being met but also watching it from the budget perspective to make sure there's not too many billers on it. And it's not just

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work that is spinning out of control. So I think we have a good track record of trying to make this streamline process.

>> DAVID McAULEY: Thank you Sam. So Bernie if you would give us a few pointers on the public comment process.

>> BERNARD TURCOTTE: Thank you. Although we are not officially a Work Stream two project we have been abiding by the CCWG accountability rules. Up until now and I think its worked quite well. So just as a quick reminder, no recommendations can be approved without having gone to public comment at least once. If there are significant changes that are brought as a result of the first comment, meaning material changes, it is usually the practice to go back out for a second round of public comments to see what there is there. Also, though in such cases, it's acceptable to say that we are not throwing the whole thing open. Meaning, we don't necessarily, we can say we don't want comments on things that have not been commented on and we may not except comments on things where there were no material changes and the group has come to a change. So that we don't get into an endless cycle. And this may actually be the best approach in this case. As to focus on the places where may be there's not a 100% agreement or where there have been material changes and go back out for a second public comment as specifically on those points.

Does that answer your question, David?

>> DAVID McAULEY: It does, Bernie, thank you very much. I will now ask Malcolm if he wishes to take the floor and after Malcolm if anyone else has comments on this they put their hands up. Malcolm do you want to make a comment?

>> MALCOLM HUTTY: Thank you David. On the question of how we avoid going around in circles as in the way that Bernie was just referring to.

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Because still it strikes me there's two different types of material changes. That one, the group could come up with. One is we propose something and then we decide to do something quite different. And then we have a public comment then we decide actually you know what? We are not going ahead with what we suggested in the public comment we couple up with a different idea frankly the CCWG in Work Stream 1 did that a couple of times and therefore went through successive rounds of public comment. However, if there's a controversial issue that goes one of two ways and the group proposes one way and then goes out to public comment and the public comment says no that's not right we should do object opposite of that and then suggests best advice is that still a material change but is that no we closed that off now we had public comment and all if the points we wanted to raise on that was made we accepted the input, job done. So that, that I think is really you know where do we take that view or not is crucial on how we see the timing issue. I don't think we could, anyone would say that the issue on the timing issue is not important. It's clearly important. But is the nature that change we made to come up with something new or have we just have we accepted the public comment that we have already received. If it's if we think we have come up with something radically new we come the public comment again. If on the other hand we have accepted the input on the public comment that we received then we actually arguably it is not a material change and it's best to close it out. On the other hand, we forgot other issues. If we pick up some new ideas now coming in from the PM comment from individual commenters and run with them, nobody has had a opportunity to comment on those yet because they were not on the agenda last time around. It hasn't been discussed. So if we would so in that case, maybe we should on issues that have come out of individual comments as proposals. Because the holy novel perhaps we should put them to public comments.

>> DAVID McAULEY: Thank you Malcolm. Let me react to as a partner reaction as a participant I attend to agree with you. You made a very good point in the last comment

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about if there's something new that wasn't on the agenda the first time that people didn't have a chance to comment that may have to go out for public comment. With respect to the reaction of the public commenters who had a chance to comment, my thought would be there would be many people potentially who offered no comment the first time on the timing issue because they saw what the rules said and it was fine with them. And felt no need to make any statements. So I tend to be on the side of the fence right now that a second round will probably be needed.

Is there anyone else that would like the comment on this? Then we can wrap this up on the list keeping in mind what Bernie noted a few minutes ago that the time of the call was moving on. Anyone else have anything else on this? Let's wrap this up on the list. A joinder. In that respect we had text, we have this has been out here a number of times and I put some text out there a number of times much then recently Liz came to the list with some suggested tweaking to it which I personally as a participant thought was fine and I thought we were largely there. But then Malcolm has put another male on the list.

Which I mentioned on the agenda which he wanted to suggest an alternative. To Liz and cures it but states it differently. So I didn't you know I tend to be personally I guess I have a personal preference as a participant with the language we came up with last time that I put on the list as tweaked by Liz but Malcolm if you would like some time, thank you Brenda you're putting it on the screen now with the yellow background. Malcolm if you would like to make the case you're welcome to now.

>> MALCOLM HUTTY: Thank you David. The text I was reacting to I don't know. Maybe it was I mean it rather looked like clearly when you circulated it, it had got lots of mark up on it. And it did rather read to me like it had gone through several stages that had possibly diminished the level of coherency. I found it very hard to pause.

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And there were a couple if on of issues in there that I thought were probably accidental. The first one, was that it appeared to say that a person, if a person was involved in the underlying procedure, if they have standing, then they are only allowed to intervene as a party and not an am cuss. And unless that's intentional and I assume it's not. I haven't imagined may be someone will correct me I have not imagined why we would do that. I suspect that's an artifact of drafting that actually it was intended to give that person the option of being intervening as either a party or a amicus.

And secondly sorry you wanted to come in, please do.

>> DAVID McAULEY: That was a change that Liz suggested and I just simply took that as suggested as intentional. So when you're done speaking Malcolm we would can ask Liz if she wants the weigh in.

>> MALCOLM HUTTY: Second issue was on the paragraph 2 A which said that to the procedures officer may award someone who doesn't have standing, the right to intervene as an Amicus. But the criteria or when they can do so is only amongst those people and it's procedure that has discretion but they can only do so among people where the entity has a material interest at stake in relating to the injury or harm that is claimed by the claimants.

Now actually if you have the material interest, if the criteria for standing. It's never going to be the case that there's going to be someone that doesn't have standing that has a material interest at stake directly relating to the material harm because that person has standing. So that paragraph seems to me to be superfluous. Because it could never be satisfied.

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And the third issue, I had raised this in a previous discussion that we had, I find it difficult to dig out emails, maybe it happened in a meeting I don't know. It's limiting rights to those that intervene that actually have standing we are denying people the right to intervene who would have standing if the claimant was right. If the claimant had said that ICANN should of done this, and it may be that you know somebody has is personally satisfied with what ICANN has done but would not be satisfied with the prevails and that should have a right to review if the claimants case was upheld. So my text there seeks to ensure that the standing rules are preserved but for those that have standing to intervene turned actual facts and actually those that would have standing to intervene turned counterfactual that the claim was upheld so they could intervene rather than having to bring a new IRP case against the outcome of the first IRP case which seems to me to be nobody's interest to delay like that. So that's what the issues that I have identified are.

And then I've set it set out you asked me to produce text. You asked everyone that wanted to make comment produce text to make it capable of being adopted. Maybe it's because I wrote it I found it easy to understand. If you don't find it easy to understand that's fine. To my mind I can pass this wording more easily it seems more clear to me. That's why I recommend it to the group.

>> DAVID McAULEY: Thank you Malcolm. David McAuley speaking again.

First I want to thank you for actually providing text for us to consider. That's extremely important and you did it so thank you very much.

I tend I see that Sam made a comment pretty much in chat the way I was thinking about it. So let me stop talking and recognize Liz. Liz you have the floor.

>> LIZ LE: Thanks, David. So I will address Malcolm's point in the order in which he addressed them. With respect to the first issue which is whether or not it was intentional

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for paragraph 1 a little one to state that the party from underlying procedure only may only intervene as a party and not as an amicus that was not the intent so if it wasn't clear what we can do is clarify that by adding at the end of that provision as a party or as an amicus subject to the following conditions. And then we can make sure that the text flows that we are indicating to correspond to this revision.

With respect to the second point, that he raised about determine maturely reflected in why paragraph 2 a is there and should not be removed this provision was added to address Malcolm's previous concern that an entity would not be able to intervene on behalf of ICANN. I agree the term materially affected language only applies to entities intervening on the claimant but again we added the provision 2 a to allow the opportunities for entities to request an event on amicus on behalf of ICANN. That's why the material interest language is in there.

And then with respect to the issues that Malcolm raised for the third point, I think we that's what we, his concern with respect to his concern that's what paragraph 2 A was aimed to do and not I'm not understanding how it does not, what were he sees the differences in why his concerns are not resolved in paragraph 2 a.

>> DAVID McAULEY: So thank you Liz, it's David McAuley speaking again.

So we have point and counter point that are discussed very cogent comments from you both. Thank you. As you saw what I said in the chat we are not going to be able to make decisions in this call. So I think what I would like to do is ask anybody else here if they have other insights on this particular issue otherwise we can move on and try to close this somehow on the list.

So I'll just wait for a second and sigh if there's any hands coming up on this issue from anyone else that would like to speak.

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Not seeing any, let's go on to the next agenda item which is the ongoing monitoring issue. It's a shame that Avri is not available on this call but I did go through the raw caption notes of the last call and I believe I captured what Avri was saying and she by the way had volunteered to be the lead on this issue and she has carried the water on this issue so far.

The ongoing monitoring be issue extends from a comet from ALAC that the IRP process needs to be reviewed periodically that we mentioned that the bylaws currently provide for ATRT review that is discretionary and Avri and I went back and both had different points of view and on the last call I took Avri's comment and I hope I'm right or she can correct me on the list that she basically came to the assessment that the best way forward would indeed be to suggest a bylaws change to the current language in the bylaws that says under paragraph I forget the number of it but it's section F of whatever subsection F of whatever that section is, IRP maybe reviewed and will change that to will be reviewed every 5 years. And there's a second part of that we will add that the chief panelist will be a member reviewing. And obviously that language would say the chief panelist or his or her panelist could participate so we have analyst from a sitting member of the panel for some kind of irony or lame attempt at humor.

That would roughly be the approach we come to. And Avri can comment if I misinterpret her. Anyone want to comment or suggest something else?

And while I'm doing it, I may ask Brenda if she can put up Malcolm's color text on the next agenda item, the written statements attachment.

>> Not seeing any comments coming forward on ongoing monitoring let's move forward then to the next agenda item which has to do with the discovery topic. It really came down to the written statements. And in that respect we had a series of emails. I own,

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Liz's email and there was discussion in the last call and Malcolm sent an email yesterday which he endeavored to sort of re wrap the draft language on written statements. And used colored text to show that it might be a more economical statement by. I was happy with the approach Liz took. Liz and I went back and forth and wherever that came out I happy with that.

But I also don't I thought Malcolm's approach which is now showing on the screen would be acceptable too. So since Malcolm's an offer to change what we last agreed and Liz, since you were the author of what we last or at least you and I but you most recently was the author of what we were speaking about, could I ask you or Sam if you would like the on comment on the written statements on the screen?

>> LIZ LI: Sorry David I was mute. Yes.

So, I think the I mean, I previously put this in to address the concerns about additional written statement and whether or not there would be a opportunity for additional pages and how a written additional written submissions would be decided by the procedures officer.

I don't think we have necessarily an objection to some of the proposed revisions. But I think as a whole this goes back to the issue, I think it would be good if we do take a step back and once everything is done, we can read for consistency ways to make sure this is consistent with the rest of the rules, this would be good. But just largely as this relates to this specific provision and the proposed revisions, ICANN doesn't have any objections.

>> DAVID McAULEY: Thanks Liz and thank you Malcolm for the suggestion and thank you for the suggested text. That's exactly what we need. To comment what Liz mentioned as a final consistency effort is something I put up in agenda item number 3 and forgot to mention it I think in this end when he with do the draft report it seems inherent

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in doing a final report that we as a group will take a look at the final report to make sure it coheres. And that it pulls together as a in a finer review.

So that's something that we can anticipate obviously. But for now, the language looks okay. And it's out there on the list and people can weigh in. But I think we are going the close this issue down in fairly short order.

So thank you both Malcolm and Liz.

Moving on, next issue on the agenda item has to do with the notice issue. And I put a some thoughts on the e mail a couple cow of days ago. And these comments about notice came from a law firm and, also, from the non commercial stakeholders group. But they were both a making certain points about giving actual notice to other parties. Now that, when we hear the term other parties we are obviously speaking about the review of the expert panels set up under new GTLDs but they are also talking about notice being given to supporting organizations. When there's a challenge that would amount to a challenge against a public against a policy that was developed by one or more supporting organizations. And my recommendation, I think we have done this before, but I did it again on the mail on December 4th was basically that these were sensible comments or sensible requests and they were asking that the notice be contemporaneous with the filing of the claim does include what came along with the filing of the claim. Seems to make sense I think that there shouldn't be a problem in doing this. But I'm opening the floor to see if people have anything they want to say about that or another approach.

Not seeing any, it's out there on the list. So we will let others in the group way in. And we can move on to the next agenda item.

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Translation and interpretation. And I mentioned to take a look at my email of October the 25th we discussed it a couple of times in the written, on calls. And I don't think there's any mainly concern. Kavouss mentioned concern about cost and I think that we can take those into account. We in large there was a number of requests or public comments saying we have to provide interpreters and translation. And one went when requested. And it's my recommendation and I stated this many times on the calls on the list that indeed we should provide translation and interpretation in reference to the bylaws but the bylaws speak in terms of need. And I think that's where we should maintain that line. You know the services are available. As needed. And so my recommendation, I don't have it in front of me to read it to you. But my recommendations was, this has to be based on need and the need has to take into account the language skills of the person requesting it. For instance, if it's a corporation with people that speak English or whatever language the arbitration is being held in, then they would speak that language and it's also you know going to default to translation into one of the 6 U.N. languages that ICANN uses, if that would satisfy the need for the claimant or the person asking for the service.

So in other words, if the person asking for the services is fluent in several languages, one of which is one of the 6 U.N. languages and not English that's we would go rather than translating it into a more obscure language. That's my recommendation. It's been out there on the list I guess I don't need to sum it up. Is there anyone else that wants the weigh in on translation or interpretation services otherwise I'm going the try to close this on the list in the next several days.

Not seeing any or hearing any, we can move on. I sent an email yesterday in the AOB, I mentioned that there might be one or two more issue treatment emails. And I did send an email on a couple of standing panel issues. One was with respect to conflict of interest

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and the other was respect to renewal of terms. I'm sorry that Greg Shatan is not on this call because I know he had some concerns with these areas especially. We have spoken about conflict of interest, the bylaws even give us the chance to develop the rules, the bylaws further not the bylaws but these provisions further.

One of the comments that came in was from the communique, the center for communication governance for the law university in delhi India. And they pointed us to the international bar association on rules of conflict of interest and I thought they made a good case in respect to some and especially in respect to adding a provision with respect to a panelist stating at the outset of a case and committing that during dependency of the case they would act without conflict and note the conflict if a and as it developed. You see in my email I recommend that we pick that up and do that. If some of the other conflict comments I did not think they needed treatment in the light of the way the bylaws were written right now. On the renewal panelist the panelist undertakes 5-year term. In the final report of the CCWG and accountability Work Stream 1 the language said 5-year term with no renewal. The text on no renewal didn't come in the bylaws by the board. That left the issue to us. What do we want to do? And I thought Malcolm had a creative idea. And addressing the concept that if renewal is based on nomination or something like that, a panelist could, not necessarily would but could have an incentive to be differential to ICANN. So Malcolm's suggestion was one five year term followed by an automatic second five year term if the panelist would want it and that would be it. End of 10 years and out. The way it was constructed was elegant. I'm not sure that 10 years could make sense, I thought maybe a follow on of 3 years or so on. I know that is out there and Greg had follow ups on this. And we can pursue this on the list as well. And I wanted to open it to comments on the conflict side or panel renewal side? And I don't see any. If nobody else does.

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>> BERNARD TURCOTTE: Go ahead Malcolm.

>> MALCOLM HUTTY: I'm absolutely fairly extremely unconcerned about the length of time. The he is sense. So when you said maybe it should be 10 years. I'm happy with whatever number comes out. The essence of my proposal is the automatic renewal because I think that cures the problem of the fear of loss of independence. So if it's an automatic renewal for three year term or two year term or five year term I'm happy whatever the group things but automatic renewal is my employee proposal.

>> DAVID McAULEY: Thank you Malcolm and this one will have the sort of close on the list. I want to give Greg a chance to come in on this. I know he had thoughts on it. It's David McAuley speaking then.

So that's where we stand. If anyone has comments on any of these and would like to make them now, please put your hand up. Please freely to make them on the list. As I mentioned I will you move to close these down on the list even on the holidays so please pay attention to the emails. And I'm hoping we can get there in fairly short order.

Bernie we have I don't think we have 20 minutes left on the call but thank you.

So we are almost finished early which is sort of surprising. I am going to ask either if Chris or Cherine has comments as observant board members come on the call and I'll do that in a second but I'll ask if there's others on the call now that want to make comments in respect to anything we have discussed here today? Nothing from Chris, Cherine you're a welcome guest and welcome to make a comment to the group if you wish.

>> CHERINE CHALABY: Thank you David. No real comments other than, we seem to be getting closer to reaching a conclusion on many of these issues so that's quite encouraging. Thank you.

# EN

>> DAVID McAULEY: Thank you very much Cherine and thank you too Chris. I want to thank everyone here it's a small group and I want to necessary on, on the list and we have a call on January 11th thank you to Brenda and Bernie I asked them for late support and they have as usually done a stellar job. Thank you and everybody I wish happy holiday to folks I'll see you in January and see you on the list and I encourage us all to weigh in. And I will look forward to it. Thanks very much we can end the call now.