

Attendance: (9 Members)

Anne Aikman-Scalese
Cheryl Langdon-Orr
Jeff Neuman
Jessica Hooper
Jim Prendergast
Kathy Kleiman
Kristine Dorrain
Michael Casadevall
Rubens Kuhl

Apologies:

Katrin Ohlmer
Annebeth Lange
Susan Payne
Justine Chew

Staff:

Emily Barabas
Steve Chan
Michelle DeSmyter

AC chat:

Michelle DeSmyter:Dear all, welcome to the New gTLD Subsequent Procedures PDP - Sub Group B call on Tuesday, 13 November 2018 at 15:00 UTC.

Michelle DeSmyter:Agenda wiki page: <https://community.icann.org/x/TQDVBO>

Cheryl Langdon-Orr (CLO PDP Co-Chair):Hi all

Michael Casadevall:Can anyone here me? My mic seems screwy

Michael Casadevall:*hear

Michael Casadevall:I was living in Oreogn during the wild fires

Jim Prendergast:which tab will we be starting with? thanks

Jeff Neuman:An easy topic: Application Fees :)

Emily Barabas:Here is the Google

Doc: <https://urldefense.proofpoint.com/v2/url?u=https->

[3A docs.google.com spreadsheets d 133WbhWYB4M4kT6DqSfiCR2-2Dij7jxNkLj5EWZL-2DNA95M edit-23gid-3D0&d=DwICaQ&c=FmY1u3Pjp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=8_WhWIPqsLT6TmF1Zmyci866vcPSFO4VShFqESGe_5iHWGIBLwwwehFBfjrsjWv9&m=UCusY6_0kT98HQ6oEl1zOurJemtoCrJVcQRgLzvrz6s&s=ckCA11v9QHrGQSruM27DGpH6JM0qp9jcYtnpqU6zf4&e=](https://docs.google.com/spreadsheets/d/133WbhWYB4M4kT6DqSfiCR2-2Dij7jxNkLj5EWZL-2DNA95M/edit-23gid-3D0&d=DwICaQ&c=FmY1u3Pjp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=8_WhWIPqsLT6TmF1Zmyci866vcPSFO4VShFqESGe_5iHWGIBLwwwehFBfjrsjWv9&m=UCusY6_0kT98HQ6oEl1zOurJemtoCrJVcQRgLzvrz6s&s=ckCA11v9QHrGQSruM27DGpH6JM0qp9jcYtnpqU6zf4&e=)

Cheryl Langdon-Orr (CLO PDP Co-Chair):Be nice to have had more than 4 participants beyond the LT ahh there we go

Cheryl Langdon-Orr (CLO PDP Co-Chair): 5 is my minimum for comfort ;-)

Jim Prendergast:I was gonna say - do we have enough for a quorum?

Martin Sutton:Glad to help with thenumbers :-)

Cheryl Langdon-Orr (CLO PDP Co-Chair):you do more than that @Martin

Cheryl Langdon-Orr (CLO PDP Co-Chair):and more are joining now :-) welcome Kathy

Cheryl Langdon-Orr (CLO PDP Co-Chair):I'm just here for 'decoration'

Anne Aikman-Scalese:I am sorry but I have not yet had a chance to analyze all the public comments in relation to the summary.

Cheryl Langdon-Orr (CLO PDP Co-Chair):Anne we were hoping that the staff analysis in the spread sheet woud asist with that demanding task... note each cell in column B where the Synopsis is has the link to the origina Comment, and where you see bold text that is verbatim quotation

Cheryl Langdon-Orr (CLO PDP Co-Chair):the 'classification of comment in the WT Response column is using nomenclature that we are running accross all the Sub Groups

Jeff Neuman:Cost recovery here is for ICANN to recover its costs in doing the evaluations...not the gTLD recovering its costs in operations

Anne Aikman-Scalese:Thank you Cheryl That's very helpful. Just responding to Ruben's question whether anyone has any issues with the analysis - at least I think that was his question - but maybe it related only to this topic of application fees?

Jim Prendergast:Point of clarification - This is not my first sub group call but there may be some where this is. Do we need to do the intro that we have doen for others on how this is going to work?

Cheryl Langdon-Orr (CLO PDP Co-Chair):Today is only Applications fees Yes @Anne tab 2.5.1

Cheryl Langdon-Orr (CLO PDP Co-Chair):Excellent point @Jim kinda trying that here ;-)

Jim Prendergast:maybe hit pause and do it - heck at this point I could do it!

Cheryl Langdon-Orr (CLO PDP Co-Chair):Jeff while you have the mic do you want to cover this off

Cheryl Langdon-Orr (CLO PDP Co-Chair):@Jim no doubt you could :-)

Cheryl Langdon-Orr (CLO PDP Co-Chair):Jeff must have missed my pleas in chat on foundation intro

Jeff Neuman:@Jim - yes, sorry I was too narrow, but didnt know of a short hand way to describe it....

Michael Casadevall:Not going to take the mic for this, but wouldn't the costs evaluating a gTLD relatively static for the most part in terms of part at least in techincal terms and string suitablely for the root

Cheryl Langdon-Orr (CLO PDP Co-Chair):Methodology intervention :-)

Steve Chan:FYI, this color-coding format follows the structure in the template found on the GNSO Operating Procedures page: https://urldefense.proofpoint.com/v2/url?u=https-3A_gnso.icann.org_en_council_procedures&d=DwICaQ&c=FmY1u3Pjp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=8_WhWIPqsLT6TmF1Zmyci866vcPSFO4VShFqESGe_5iHWGIbLwwwehFBfjrsjWv9&m=UCusY6_0kT98HQ6oEl1zOurJemtoCrJVcQRgLzvrz6s&s=U7H4gIii0uG-d_8xNSqOFqsXIkzQLvwREtb5MN8thsE&e=

Steve Chan:See Public Comment Review Tool if interested

Kathy Kleiman:So the large Comment box for 2.5.1 (row 1) is a Divergent WG Response? One that disagrees with what the Initial Report set out?

Cheryl Langdon-Orr (CLO PDP Co-Chair):indeed @Steve thanks for the link that may comfort some Members

Cheryl Langdon-Orr (CLO PDP Co-Chair):@Kathy it is a Comment that is divergent from the report question

Jeff Neuman:Its not that the Working Group disagrees... it is the comment disagrees

Kathy Kleiman:Tx -- just checking !

Cheryl Langdon-Orr (CLO PDP Co-Chair):NP Kathy

Anne Aikman-Scalese:Could we have a link to this document on the wiki?

Cheryl Langdon-Orr (CLO PDP Co-Chair):https://urldefense.proofpoint.com/v2/url?u=https-3A_docs.google.com_spreadsheets_d_133WbhWYB4M4kT6DqSfiCR2-2Dij7jxNkLj5EWZL-2DNA95M_edit-3Fts-3D5bcc1cb2-23gid-3D0&d=DwICaQ&c=FmY1u3PjP6wrcrwl13mSVzgfkbPSS6sJms7xcl4I5cM&r=8_WhWIPqsLT6TmF1Zmyci866vcPSFO4VShFqESGe_5iHWG1BLwwwehFBfjrsjWv9&m=UCusY6_0kT98HQ6oEl1zOurJemtoCrJVcQRgLzvrz6s&s=grURzm0SVScDCv03iCjhSORVN1gg9g0aWLh31dZSGHo&e=

Anne Aikman-Scalese:Thanks Cheryl

Steve Chan:@Kathy, as Jeff also said, these are also subject to change if staff and leadership have gotten the designations wrong in any way.

Cheryl Langdon-Orr (CLO PDP Co-Chair):this SG needs to sanity check these 'classifications' in this analysis document as part of our process

Kristine Dorrain:@Kathy, there is a whole section on applicant support. I suspect this comment is here because it's not specifically advocating for applicant support.

Jim Prendergast:@Kristine so maybe move this comment to that track?

Jim Prendergast:or that Tab since its a B track subject
Kristine Dorrain:I think it's there.

Kristine Dorrain:I think it's just in both places.

Jim Prendergast:yes it is

Emily Barabas:There are some comments that seemed to fall under more than one topic. In those cases, staff has placed the comment in multiple places so it can be considered in context.

Kristine Dorrain:+1 Emily

Cheryl Langdon-Orr (CLO PDP Co-Chair):I had assumed so @Emily thank you for confirming

Jeff Neuman:I think this comment is in both places correctly. It is saying both that it is too high in general and that for applicant support making them still pay \$47k is too much as well

Jeff Neuman:But we can ask them for clarification

Jeff Neuman:That is the purpose of this.

Kathy Kleiman:OK, I'll go back through. I think we may be missing some comments that should apply in multiple sections.

Kristine Dorrain:Jeff, that's what I thought.

Kathy Kleiman:If I remember one of the comments correctly, it had to do with more than applicant support --

Kathy Kleiman:--- more like a level playing field for applicants.

Kathy Kleiman:I'll check!

Cheryl Langdon-Orr (CLO PDP Co-Chair):So @Kathy and indeed anyone, knows of other comments that could be considered to be added in this section, (or others as we go along) please let us know.

Kristine Dorrain:did we skip the Marques comment (I may have spaced out...it's early and i'm on my first coffee)

Cheryl Langdon-Orr (CLO PDP Co-Chair)::-)

Jim Prendergast:we did I think

Cheryl Langdon-Orr (CLO PDP Co-Chair):Yes I think we may have skipped

Kristine Dorrain:(and Cheryl, you win on "worst call time")

Jim Prendergast:there are still delegations that havent happened from 2012

Kristine Dorrain:I think one commonality of a lot of these comments is not agreeing on what "self-funding" covers.

Kristine Dorrain:w/r/t the ALAC comment - note that ICANN just expands to fill more than it's allotted. So if ICANN can't operate within its budget, the answer isn't to give it more money in the guise of "self funding."

Kristine Dorrain:^Not trying to argue a point, as I realize that's not what we're here to do, but it's critical to define self-funding.

Jeff Neuman:Divergence with the concept of when cost recovery begins and ends

Kristine Dorrain:Yes

Jeff Neuman:Agreement on the concept of "Self funding"

Anne Aikman-Scalese:QUESTION: How do we measure cost recovery where there are Requests for Reconsideration and Independent Review Panels dealing with particular applications? How does ICANN deal with cost recovery in those situations AFTER delegation? QUESTION

Jeff Neuman:And a new idea to include additional compliance funding with either the application process or operational costs

Michelle DeSmyter:Jim, if you are in need of a dialout, please let me know

Jeff Neuman:@Anne - that is in the contingency fee aspect of the cost recovery component

Jim Prendergast:dman I was on mute!!

Jim Prendergast:come back to me

Anne Aikman-Scalese:Thanks Jeff - I guess that means contingency covers post-delegation issues? How is the contingency amount calculated?

Jeff Neuman:@Anne - I still think all reconsiderations and IRPs are generally prior to delegation

Jeff Neuman:If there is a Reconsideration / IRP after delegation, then that is just a cost of ICANN doing business

Kristine Dorrain:It looks to me like Marquest comment fits within the "agree on the concept" but "disagree on what that amount is."

Anne Aikman-Scalese:@Jeff -What about stuff like .amazon denial and .web award - costly processes.

Jim Prendergast:@anne - I would presume the ICANN legal fund covers those since each applicant paid \$60k into that

Jim Prendergast:or thats what they were told

Kathy Kleiman:@Anne: IRP are loser-pays

Kathy Kleiman:(at least the cost of the IRP forum)

Jeff Neuman:@Anne - all of that is still prior to delegation (at least so far)

Anne Aikman-Scalese:Thanks Jim. Kathy - I was concerned about ICANN time and participation in those processes. Jim says it's covered by amounts paid into ICANN Legal.

Jeff Neuman:And agree with Kathy that IRPs are loser pays

Jim Prendergast:Stev lost his instant recall super powers. were doomed

Anne Aikman-Scalese:@Jeff - so a denial of delegation is a cost "prior to delegation" in the definition of cost recovery?

Cheryl Langdon-Orr (CLO PDP Co-Chair):Add that as a note of "same/similar' NEW ideas in a comments column seems a way to me

Kathy Kleiman:Can similar new ideas be grouped together on the spreadsheet?

Jim Prendergast:a parking lot so to speak

Jim Prendergast:we had one in one of the other letters

Kristine Dorrain:LOL...yes

Jeff Neuman:Lets add the parking lot in a new tab to this sheet (and the same for the other Sub Groups)

Anne Aikman-Scalese:Does anyone know how much ICANN is holding in the legal defense fund for the new gTLD program at the present time?

Jim Prendergast:north of \$75 million

Jim Prendergast:but its all considered "risk"

Anne Aikman-Scalese:And are those funds available to cover ICANN staff time on these issues in additin to outside legal fees?

Jim Prendergast:I believe so. Xavier addressed either in BCN or on the FY20 budget call

Anne Aikman-Scalese:Thanks Jim.

Cheryl Langdon-Orr (CLO PDP Co-Chair):I am a fan of using 'parking lots' :-)

Cheryl Langdon-Orr (CLO PDP Co-Chair):Agreed @Steve this is a very different task than normal

Jeff Neuman:I only like parking lots that have special electric car spots....but I digress

Kristine Dorrain:Haha, me too, Cheryl. My office walls are full of them.

Kristine Dorrain:I'm fine with highlighting too.

Kristine Dorrain:It's almost as "at a glance"

Anne Aikman-Scalese:Could you please ask Steve to restate the alternative to parking lot approach?

Cheryl Langdon-Orr (CLO PDP Co-Chair);-) @Kristina my To DO pile once got so high (in the days of paper ;-) my cousin cast me a round brass disk with those words on it :-)

Martin Sutton:Apologies, I have to drop off the call.

Kristine Dorrain:~)

Cheryl Langdon-Orr (CLO PDP Co-Chair):Thanks for joining @Martin

Steve Chan:@Anne, I can, but I'll just drop a comment here as a first attempt. It's to highlight/colorcode the actual text that relates to the "new idea" in the actual comment.

Anne Aikman-Scalese:thanks Steve. I am trying to understand what action is called for in relation to either "new idea" or "parking lot"?

Jeff Neuman:We will take this back and talk during leadership call as it applies across the board with all subgroups

Kathy Kleiman:Tx you!!

Cheryl Langdon-Orr (CLO PDP Co-Chair):Thanks everyone always a slower start for the 1st call but you progressed well... Buy for now

Anne Aikman-Scalese:Thank you