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KOBE – RSSAC Work Session (2 of 8)
Saturday, March 09, 2019 – 10:30 to 12:00 JST
ICANN64 | Kobe, Japan

FRED BAKER: So okay, 10:30. The two things that have been pointed out. One, Karl, I want to recognize that you're here. Hello. Karl Reuss is with UMD. Then Tom Miglin is online.

BRAD VERD: Welcome. Welcome.

FRED BAKER: Howard, too. Okay. Hi, Howard. Howard Cash. So hi, Howard. Okay, so now we're discussing the concept paper that came back from ICANN Policy, and Carlos, you're putting … I saw you were typing in the chat room. Are you putting the link there in the chat room? Yeah. Okay. So, I'm simply going to turn this over to you.

CARLOS REYES: Thank you, Fred. So, just a little bit of context for how we got to this point. As you know, RSSAC approved RSSAC 37 in June. At that point, it was submitted to the board and it goes through the advice process within the board.

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In the time between the submission and now, the office of the CTO was managing that track of work and working with Karen Lentz who started helping the Board respond to that document.

In January, after the ICANN board workshop, Göran asked David Olive to take over that process partly because at the stage where the process finds itself is more about governance and sort of community ICANN and bylaw processes rather than the technical content of the proposal. So David Olive and I have been working on that since then.

It is awkward and a bit unprecedented because typically policy development staff is not involved in the implementation work. That's a very fine line at ICANN that we try not to cross. So that's one of the reasons why I'm moving away from the day-to-day of RSSAC, so that I can focus on 37 and helping guide the response of the board.

So David Olive and I took the work of the OCTO team and Karen Lentz. Some of you may know Karen Lentz. She was involved in the new gTLD Applicant Guidebook. So she's been within ICANN Org for several years. So we took that work and built upon it and helped the board draft the concept paper. So in terms of where that's coming from, David Olive and I worked with, as I mentioned, Göran and the executives in response to the board workshop in January to draft that concept paper.

So it is awkward for me to sort of be helping with the response, but it's something that I think no one was really anticipating since this type of work hasn't really happened before within ICANN. So moving forward, that's sort of the division of the responsibilities. If you have any questions, feel free to ask and I'll stop here briefly.

BRAD VERD: I just want to quickly add I guess what I didn't say in my update from the meeting yesterday. When I gave the read-out on 37, working with the board and the BTC on this response, everybody kind of agrees that this is greenfield as it turns out, this RSSAC 37. This policy work doesn't really fit into the normal policy work that ICANN has done so far, so we are going through the growing pains I think is the best way to describe it, and that's what I said yesterday in the read-out to the SO/AC leaders in front of the board and the executives. And the executives and the board were all nodding their heads. So just so you guys kind of understand, to give you a little bit more context on where Carlos is coming from, that this is new stuff. We're figuring it out.

CARLOS REYES: Alright, thanks, Brad. So with that as context, like I said, we took the document, the 37 report – the model – and we tried to interpret some of the guidance that we received from BTC

members and executives about what the outcome could look like. Because this is unprecedented and because not a lot of community members are really aware of the type of work that RSSAC did over three years, we thought it would be important to give a sense of what that outcome could be.

So the concept paper outlines that and a process to get there, and we tried to stay as closely aligned as possible to the advice and the recommendation from RSSAC which is that there be a community process for it.

So the concept paper is, at this point – and Kaveh, maybe you'll want to comment on this as well – this stage is sort of informal. There's exchanges between RSSAC and the BTC and the Board so that we can get the concept paper to a point where it can go out to public comment with RSSAC 37. And then all of that will be captured and those three pieces – 37, the concept paper, and the public input – will be given to a group to finalize the model.

So there's still a lot of work ahead, but the intent here is to frame this conversation and the community work as much as possible. And I'll stop there to see, Kaveh, if you want to add anything from the BTC or Board perspective.

KAVEH RANJBAR: Are you going to show your slides? [Inaudible] you do, I think because there is a nice timeline there.

CARLOS REYES: Sure, sure, sure.

KAVEH RANJBAR :   So to give a bit of background, yesterday there was a BTC meeting and for the update part from the ICANN Org, Carlos prepared sort of slides, which basically goes through this process. So nothing new, but I think it's a good basis for the discussion and also to make sure we are all aligned.

CARLOS REYES: So I'll share these slides on the RSSAC list. So as Kaveh mentioned, yesterday I briefed the BTC on this. I'm not going to spend too much time on the first set of slides. I'm just reiterating what the content, or reiterating the content from 37. You've all seen these slides, the 11 principles of the Root Server System, obviously the model, and then we go over the recommendations in 38.

So let's talk a little bit about what is in the concept paper. So the concept paper is a manifestation of the functions in 37. So the strategy, architecture, policy and function – SAPF (the strategy,

architecture, and policy function). In the concept paper, we referred to it as the governance board, the Root Server System Governance Board. So that basically takes – and we literally copied and pasted – the language from 37 about what the different streams would do, and we manifested that in the governance board. And we did the same for the PMMF (the Performance Measuring and Monitoring Function) and the Designation and Removal Function.

So when I met with the BTC in January, and then follow-up conversation with the executive team, we wanted to literally take the content from 37. So all the bullet points you see in the concept paper directly link back to the document that RSSAC approved.

The two areas where I think there's been some discussion already is ICANN Org as the finance and secretariat functions. I know there were concerns about separations of function. The reason, frankly, in some of the early discussions, the reason we identified ICANN Org as a secretariat function is because the infrastructure is already in place here. We support a lot of different communities, but that's not something that is set in stone. It's a concept paper.

In a way, you can think of a concept paper as much like the RSSAC concept papers that led to 37, which is just the Board

exploring this topic. So that's something that can be addressed in the concept paper to make sure that it aligns with 37. So that was part one of the concept paper.

Part two outlines the process for how to arrive at that outcome, and the process has three phases: a design phase, a consultation phase, and an implementation phase.

So, the design phase, that's what we're in now. Basically, we're ensuring that board response is framed in a way that aligns with 37 and that RSSAC continues to have input into the concept paper before it goes out for public comment.

Once it goes out for public comment, that initiates phase two which is consultation. At that point, RSSAC could submit a comment to the public comment process. Individual RSOs could submit comments through the public comment process. Other community groups and of course the public at large.

As I mentioned, there will be a report of that public comment, so the three different pieces would then go to the group that would be assembled to finalize the model. So, they would look at the input from the public comment process, 37, and the concept paper.

And implementation would proceed along two different tracks. One is led by the Governance Working Group, the Root Server

System Governance Working Group which is finalizing the model. The other track would be led by ICANN Org for all the administrative changes that would need to happen, bylaw changes, things like that.

So, those are the two tracks for the implementation phase. Here I apply a timeline to phase one since that's where we are now, just to give a sense of how things could proceed in the coming weeks and months.

So, we're at step zero which is the informal exchanges. I just realized I loaded the version from yesterday. Once the BTC signs off on the paper, that will be formally delivered to RSSAC via Kaveh, and then at that point we can capture feedback. So, that would probably be sometime after this meeting, the Kobe meeting.

After that, we'll draft the documents – the charter, the operational procedures, the work plan for the Governance Working Group. And again, those will be shared with RSSAC for feedback and we'll capture that as well.

Phase three, probably sometime after the board workshop in May, we'll revise the concept paper with any of the feedback that's officially received, as well as the Governance Working Group documents and then all of that would be submitted to the board for resolution for public comment.

So, if everything goes according to the timeline here, roughly around the time of the Marrakech meeting – ICANN 65 – the public comment phase would begin. Phase two.

Then, here I captured some of the initial feedback that we've been hearing or that I've been seeing on the list. Obviously, we'll discuss all that today, make sure that we're addressing some of the issues that all of you have flagged in the document. Then I just noted some of the sessions where this will be up for discussion.

So, I'll stop there. Kaveh, I don't know if you want to add more.

KAVEH RANJBAR: Yeah. I think that's a good start for alignment, the timeline. Basically, BTC and the board generally is happy with that timeline, not about the times but order of things. That's also what I told them, what I already had communicated to RSSAC.

Just to capture the session from the BTC yesterday, we received three questions mainly. I will write them in my report. End of the week I will do a report of all board interactions.

But quickly, one of them was why all of this process? Why not just have the board issue a resolution and implement 37, [inaudible]? But then we explained that we see this as much larger than ICANN. This is not only ICANN. ICANN is facilitating,

but as we identified, there are other stakeholders and this is not something that ICANN can solely decide on. That was [inaudible].

Another one was a bit of discussion on independence or maybe a suggestion. When you set up these functions, have you thought about setting up separate legal entities maybe in different countries or things like that? Which we said we have thought about all of these things but this is premature at the moment to discuss any of those, just to let you know. Some board members are already thinking about those.

One other comment, which I think we all agree with, but we have to discuss it today and I think Geoff already gave a hint about it, is the concept paper – I forgot exact wording, but basically mentions that after this, RSSAC will be dissolved, something to that.

The idea is we all agreed at the BTC that the expectation is not that we kill RSSAC. The only thing that should be very clear, that we expect RSSAC will evolve. To what form, we still don't know. So, that will happen through this process. So, maybe the statement that RSSAC will go away completely, that's maybe too definitive. That should change. At least that came up at the BTC and that's what BTC [thinks, too strong].

Finally, the ICANN CFO, Xavier, asked about the money. Who will fund this? And it was pointed out that there are three separate funding requirements for this process. One is running this whole process that needs some money and allocation of resources. We are already in it, but especially phase two will be costly and ICANN needs to be able to [inaudible] provide the costing of that. Then we need to kickstart the plan, then when it's done, to start implementing. That needs some money, to basically create all of these organizations and do whatever that's needed to start it. And of course running.

Part of the kickstarting may be, again, that was really clear that there are discussions about possibly ICANN has to pay and that would go to, again, the kickstarting money, which they don't know.

I suggested to Xavier that we envision that most of the money discussion will be in the second phase where the plan is more final because today we don't have a clear idea of how it will be, how much money will be involved in all of that. The expectation is all of that will become clear when we are in the second phase where we're actually working on the final model. That's not only us, of course. That's the larger group, including us.

These were the questions, just to keep you up to date.

FRED BAKER: Okay. Let me ask a question, and this is following up from Geoff's comment earlier about the rumor that the RSSAC is [inaudible] up. We just had a 90-minute session talking about next generation RSSAC 0 and kind of the underlying assumption in that is that the RSSAC in some form continues to exist. My assumption – and this is just me – has been that the RSSAC is modified in some ways, but essentially renamed. The board still wants to understand what's going on with the root and has somebody to talk to and whatever the acronym is [inaudible].

What you said a minute ago is the RSSAC is dissolved. What's going on?

KAVEH RANJBAR: Can you bring up or find that? In the concept paper, there is a reference. And again, concept paper, this is draft. As Carlos said, this hasn't even been formally sent to us. We have said this in formal channel and [inaudible], so when we get something formally it doesn't have major mistakes or major things that we have fundamental issues with. I assume this would be one of them.

There is a sentence. It's the one that's … Yes. So, that paragraph, basically, this means [inaudible] RSSAC Caucus would merge, evolve, and expand. This is a new one, correct? But this is not

edited at all? Okay. So, that's what we have in concept paper. Let's not go further than that.

If RSSAC is happy with that paragraph, then we are good, but BTC – at least one member of BTC said they see that as too strong because we don't know yet, so they suggested maybe a lighter language. Just put it that way.

Keep in mind, this is a proposal that will formally come from BTC to us, but they're asking for our input and we have a channel [inaudible] remove this or change this to whatever. So, that's what we are discussing right now.

Jeff Osborn: Well, if you scroll this an inch to the right, you can see what I felt about this. There was the "who the hell gave them the right to do this?" So, I don't think that's going to just fly through without commentary. If you could go back to the page that starts with phase one at the top, I think it was a different screen. It had bullets. This. This is terrific because it's really hard in all the detail and trying to remember who wrote this document and which one is it and all the rest of it, so [inaudible] scale is great because I can show you where the legitimacy starts and ends.

The legitimacy of RSSAC is derived entirely from the Root Ops. We don't get it from ICANN. We don't get it from the government. We get it from the fact that we're root server operators.

So, if you then water down RSSAC into some series of little organizations that are mostly involved with names and gTLDs and putting emojis in front of the dot in the domain name, then you end up with a GWG deciding whether we should get some funding or if they should have another party. So, that's where the legitimacy ends.

So, this is disconcerting in the extreme that, before there's any discussion of why we are doing this, we're being told how we're going to give up our authority to control this thing that we believe predates and precedes ICANN.

So, that's where the idea that somehow magically in the second phase some organization decides to come up with money is just flat-out [inaudible] illegitimate. And I'm going to continue having a problem after about bullet point one or two to the degree that we keep hearing that there's some magical community process and all money is untouchable and until their unicorns grow up and their horns are yielded for the harvest, there's no money to be spent.

So, I don't mean to be flip, but we're just sitting here grinding through this silly-ass thing that just continues to dilute the

authority of this group to some other to-be-named organizations, so I'm a little tired of not bringing it up.

FRED BAKER: That's [inaudible].

UNIDENTIFIED MALE: Now I have to remember what I was going to say. Thanks, Jeff. The way … We sort of talked about what happens with RSSAC in the future because there are elements of 37 that take on some of the aspects that RSSAC has been fulfilling. I think we deliberately … My recollection of the conversation is we sort of deliberately tabled what happens with RSSAC. We didn't put it in 37 because we didn't know because the reality is the implementation will take on some of the functionality including membership and roles and who has a voice and all that kind of stuff has to be determined as 37 actually gets flushed out and implemented with representation in the various bodies that will implement the functions, so the different naming for the functions come from bodies who are implementing a function.

But, until we figure out which functions that RSSAC is operating on now that are not fulfilled by the final implementation of 37, we won't know whether RSSAC should go away. It may. If everything that we do now ends up in one of the other bodies

that end up implementing 37 and we have representation, Jeff, then RSSAC is no longer needed. But until that implementation is fully factored, we figured we can't do that now. At least that's my recollection.

Jeff Osborn: Well, if you look at the screen, they approve and we provide feedback. So, RSSAC is kind of eviscerated in this process.

LARS-JOHAN LIMAN: I come at this from a totally different angle. I see myself as one of 12 elephants in the room and not the one not spoken about with the one that's old and about to die. So, I view this from the angle that we need to evolve the system. The system of 12 root server operators that had control, which is a word that I dislike in this context, that probably needs to go away. We probably can't have that 20 years from now. We need to have something else and this is the first step towards a future which doesn't look like the system that we have today. I want to be part of the process of designing that future, but it needs to change. That's my take.

I certainly hope that there will be a place at the table for the current root server operators because there's so much knowledge and experience in this group, but I don't think that we can hope to have a limited system that we have today in the

future. My view of my role is not that I'm a control and custodian and guardian. My role is that I'm a service provider. I provide service to the general Internet community. And if they want something else, then I should be [inaudible] and go up north to die.

FRED BAKER: Kaveh?

KAVEH RANJBAR: So, Jeff, you started your argumentation with the legitimacy of RSSAC comes from us being root operators and not from ICANN, not from [anywhere else]. I would like to start with that. And I disagree because we are here sitting at ICANN meeting and legitimacy of RSSAC – definition of RSSAC – actually comes from the bylaws.

When people accepted bylaws, generally – I'm not saying us because I haven't signed anything to accept by us, not my organization has done that. But that was basically formation of ICANN was basically – and right or wrong and how it was operated or not, that's a different discussion we can have. But basically that was a switch from monarchy to a constitution and the constitution is bylaws here. So, the bylaws defines RSSAC and then the bylaws says root operators have a seat in this

forum, blah-blah, with these liaisons in that setup. So, that's how RSSAC is formed and that's why RSSAC is legitimate. RSSAC is only legitimate within that bylaws. It's not something outside of that group, outside of that definition.

And this whole process is to basically figure out something within that bylaws or extensions of that which will be definitions and everything, to define the governance for the whole root server system.

So, the idea is – but then we went for the larger group. We said, okay, ICANN would be the framework to legitimize this whole operation, to have a process for how root works and how this whole system works. We want to involve everyone else, so from our point of view it's much larger than ICANN. But after all, when it's done, then there is one constitution. It's not going to be … And it can be ours. It can be large under ICANN. ICANN bylaws can still be part of that as we proposed. We said at least three stakeholder groups. But it's not like we are having [inaudible] monarchy and there is this republic here and they're disconnected and from time to time we just [inaudible] poke. The idea is we all accept that constitution. If we don't, then I think we have a fundamental issue, because then why we do all of that?

FRED BAKER:	Brad, you wanted to get in?

BRAD VERD:	No, go to Jeff.

Jeff Osborn:	If using the analogy of a treaty between two parties, what I'm concerned is a third party is coming along taking our legitimacy, going to negotiate for us and then come tell us what's good for us and that just smells like ICANN to me. So, I fear that because that smells like a process I think I've seen before.

UNIDENTIFIED MALE:	I think that can be a legitimate worry and that we should address formally by writing down how we're going to make sure to safeguard against that. So, I think that's something we should address and we can do that in writing.

Jeff Osborn:	Listen, I'll apologize if I came at this from the top with a problem, but I think most of you people are way better at policy than I am. I'm pretty good at running businesses, not minutia, and this seems to be one bullet point by bullet point in 40-page documents where I live in a world where you get to the top level and say this is what we're going to try to do. So, this document

here was a terrific chance for me to say, "Here's what I'm concerned about." Not, "Page seven word four needs a comma," because I can't piece it together that way.

But, this document here presumes in its wording that the ICANN board pretty damn unilaterally votes on a thing that we simply had input to and I would argue – and I know my board thinks this, and Fred can back me on this – that I can doesn't have infinite credibility and infinite authority to do this. This is going to be an uphill struggle to convince them.

CARLOS REYES: So, I briefly want to touch on the composition of the Governance Working Group. That is specifically scoped to align with the stakeholders that RSSAC identified in 37. So, the RSOs are at the table in the Governance Working Group. The exact number and the composition, that's totally up for discussion here. The concept paper literally just puts something in writing. But the RSOs are part of the Governance Working Group.

UNIDENTIFIED MALE: I get your point [in a way] but we need a path forward, correct? My understanding was – and maybe I'm wrong – that we agreed that ICANN would be the [inaudible] to facilitate this. And if you want that, then there are some basic rules. So, then the board

makes a decision. If not, we get back to discussion that we had I think two or three years ago where – because there is no other place that we can say, "Hey, [inaudible] three stakeholder groups, let's bring all of them to the table. Let's discuss this. Let's come up with a framework in all of that."

If we are playing it within ICANN playground, then there are rules and that's how it works. But we have had the luxury to say, "Hey, we don't want to be limited to this set. We have at least two other outsiders we want to bring to the game. They have said yes, but still there are some rules to play with." Correct?

Jeff Osborn: I would argue some of ICANN's playground rules are pretty damn nonsensical, like acting like your money isn't your money and acting like you have to have a bunch of socialists in a community organization vote to do anything that costs any money, it's really a pretty silly world. So, if we're going to be silly, why don't we talk about why don't you people tell us what you like and then we'll go shop a package to the ITU and then we'll see what CNNIC likes and shop it around? Because I think we're being treated with the idea of here is an absurd series of rules that we have used for the 90% of organizations that make money hand over fist out of what ICANN does and we're approaching it as the guys who, out of our own pocket for decades have been doing

the right thing. And so to be told we've got to go jump through the same hoops as registries and stuff, it's a little galling.

KAVEH RANJBAR: So, my one comment is we haven't even asked, so we have never even properly asked. We are creating a framework. I think we should ask, and then if you say no or you're not entitled or you have to go through all of this process – but we haven't even asked. This is just a way to form the request and then see what happens.

UNIDENTIFIED MALE: I was told repeatedly it was not appropriate to bring up [inaudible] by somebody who's no longer in this group. They're now on the board. So, if that doesn't feel like we're being directed what to do, I don't know what that is.

BRAD VERD: Let me step in. This is a good discussion. I'm a little worried about rehashing everything we went through on 37 to get it done to get through the concept paper. Can you go back a slide, a couple slides, that showed where the naming of the different groups? Go back one, right there.

So, through all of our discussions when we went through 37, I think we all unanimously agreed that wherever RSSAC ended up, it probably ended up in the SAPF. I'm just recalling the conversations. I see a bunch of heads nodding.

So, if that's the case, RSSAC doesn't get dissolved, doesn't go away. It might get renamed. Maybe that becomes RSSAC in the end. I don't know. But that's where the function would go – at least that's how I read this concept.

Now, if we don't like that concept, they're asking us for feedback. We should provide the feedback to say, "No, this is where we think it should go." So, that's the first issue that was brought up I believe around RSSAC being dissolved. There's no intention of that that I'm aware of. There's no rumor of that that I've even heard. And if that's the interpretation here, I don't believe that was the intent of the interpretation even to the point where I've head the board and Goran and others say the contrary.

So, if that's how it comes across, let's fix that. Please give us feedback so that we can hand it back to the BTC and policy to get that fixed.

The second piece, the second issue around money, I agree money has not been addressed and I think we need to address that. I'm going to rehash old stuff again. I think we all agreed not

to address money because we weren't money experts. We were the root server experts, not money experts. We knew that funding was needed. We put a piece in there. We took a stab at it BPQ but we're not the experts.

I'm going to try to channel you, Jeff. There's got to be some verbiage that we can put in there that says this needs to be addressed. We don't know the answer, but this needs to be addressed and this needs to be clarified before any finalization or implementation. Would that help alleviate some of the stress some yourself and ISC? If so, then I need help coming up with what those words are. It's that type of feedback that we want to put into this document to hand back to the BTC. Again, not to undermine 37. The goal here is that 37 and the concept paper are on the same trajectory moving forward, and then the Governance Working Group – I'm trying to get the terminology. The Governance Working Group would take input from 37, the concept paper, and the public feedback to come up with what that final plan is. And the Governance Working Group would be representatives from here and from the other stakeholders that were identified in 37.

So, some of the feedback I saw in the concept paper is we're signing away our – I don't remember what the term was. I don't think we're at that point yet. This is discussions. This is all concept stuff that, if you don't like it, now is the time. Let's fix it.

Let's put the right terminology in there or identify issues that need to be addressed to protect everyone.

FRED BAKER: So, I'm going to insert myself in the queue and then Liman and Wes have comments at some point. Following up on what you just said in conversation we had at tech breakfast, I inserted a comment in the …

Following up on conversations that you and I have had in the last few days and so on and so forth, I inserted a comment in section 2.1 in the [GWG] basically saying that capital and operational expenses get paid for by policies and the [GWG] needs to make some prototype policies. I don't guarantee that's right. It might be in the right direction. I didn't [inaudible] commentary on that, and especially from you, Jeff. Liman, do you want to say something?

LARS-JOHAN LIMAN: Yes. Actually, a question to Jeff. So, I understand you don't like this. What would you like to propose? What is your way forward in this?

Jeff Osborn: Like I said, I'm apparently the sole business guy in here. I have literally done billions and billions of dollars of contracts and the idea of giving away sole pieces of what you have before a price range has even been mentioned is unimaginable. So, that's where I'm completely lost. I can't even fathom where we are deluding the thing we have and giving up all kinds of things because someday we'll get some magic beans. That whole process has stunned me. I brought that up probably within 20 minutes of my first RSSAC meeting and was told it wasn't appropriate but I think I've brought it up every single meeting since.

LARS-JOHAN LIMAN: I have two comments to that. First of all, again, I come from a different approach. To me, this is not a business asset. This is a service I provide pro bono. That's one thing. The other one is you still haven't told me what you want to see. What is your way forward in this?

Jeff Osborn: Quid pro quo. RSSAC is an organization that sucks millions of dollars from other people and hires their friends and pays them a lot of money and flies around the world. I don't exactly trust an organization like that flat out with, "Oh, here's some legitimacy we've got. We've been taking care of this thing and spending

millions of dollars we can't afford as a non-profit open source company. Why don't you guys take it over?" I just don't see where that makes sense. They're talking about SLAs and SLA is a commercial thing. You don't have the right to come and tell me how my yard should look. If you want to pay me $10,000 a year to keep my yard up, you do. So, absent money changing hands, we're talking about concessions that simply don't get contractually thrown away in the real world.

LARS-JOHAN LIMAN: So, what's your process forward? What's our next step?

Jeff Osborn: Well, in Johannesburg, we could have had the half-hour per week start to say, "What should something like this cost? How would we put controls on this? How do we present to ICANN that for $6 million a year, you get your SLA series that you'd like? This is what it would look like. Here's how much control you do have, here's how much you don't. Bills are due on June 30th and July 1st." That's how I would do it.

WES HARDAKER: Thanks. I'd like to reiterate a good point that I think Brad said and I'll clarify it with I think what's missing is, Brad, you said that 37 does a good job declaring sort of a structure [inaudible], but

what we didn't put into it was a list of issues and items that we think are missing still. We didn't put in there – and finance was one of them. But I think there's probably a number of things and maybe it's time to actually sort of write down that list are what are our remaining concerns that 37 isn't in there, that's not in 37, and put those down so that we can say these are the things that we think that the resulting group that sort of takes 37 and implements it … I've never liked the word implement for 37 but that fleshes out the document in a better form, in a more complete form – that these are the things that are missing because that's where it's going to solve your problems.

Independence is another one. We haven't talked about why we think independence is important and that's a future conversation.

Then, I think a lot of the confusion that's coming out of even this discussion comes from … Unfortunately, the wording on the timeline slide which says that the board approves – because that was one of the words that I think Jeff had an issue with. The board is not approving the plan. The board is approving the notion to go to public comment about the plan for establishing what 37 will eventually look like. It's not approving, "Oh, this is how the entire system is going to work." It's just approving a document that's going to go out to public comment where people can complain about bits and pieces of it.

Then it even says that it's going to come back to RSSAC with the board has approved the document that we should now get feedback on as well as everybody else in the entire community.

So, I think that there's some confusion there about what's exactly happening now versus where the real fleshed out plan will occur later and where the SLA kind of discussions will occur, that it's not now. They're not trying to say that.

KAVEH RANJBAR: Jeff, I clearly get your point I think. But for two reasons, it's basically impossible to discuss the money at the same time as we do this and there are two very practical reasons. One, that this is not a normal business. We are doing it [inaudible], right?

The first one is basically we don't know the costs. We don't know how much money we are talking about. It's not like I can say, "Hey, the value of my operation is X million. Pay me that and I'm happy." There is no way that we can find a consistent way to all of us to figure that out. The process proposes a way for that but we have to go through the process to be able to get that. That's first.

The second difference between business negotiation is normally you're in business negotiation, you have what you have and you're negotiating with someone who has [inaudible]. Here

you're arguing with a bylaw and with a set of rules. You're not arguing or discussing or dealing with a person or bunch of people. It's not like ICANN board tomorrow can say, "Oh, yes, it's fine. We give you a million or a billion and we are done." Nobody has that authority. ICANN board, even if they want to authorize $200K, there is a process that they have to go through.

So, because of this, too, we have to go through the process. But your worry is very valid that, hey, I'm negotiating what I'm giving up without even hearing back what I'm getting, so how that's fair. The main way of doing that – and I haven't done a tenth of the number of businesses you have done but I have done a lot of policy. The way to do that in policy is to put clear safeguards. You can be as curious as you want. You can say, "Hey, I will happily negotiate what I'm giving up for a year, for two years or for six months, whatever, but I will not sign anything or take any step forward or this process can not move any step forward until this, this, and this are clear and is voted by everyone, approved by everyone." You can even define the decision-making process for that.

It is a delaying decision-making and it might be hard, but that's the only way it can work when you are not dealing with another entity which has full authority about what they have to give up.

Jeff Osborn:	I'll disagree strongly that policy organizations don't negotiate like this. This goes on at the UN and on an international level all of the time. When one organization wants something the other organization has, a negotiation entails. If I have a case of Coca-Cola and you want it and you have $12, we can do something. If I want Japan to give me Air Force bases, money will change hands and it will happen.
	Similarly, the way I look at this is ICANN came in and said, "The ITU is looking a little bit for its shorts. I wish we had more control over the root server system." And they came to us and said, "How do we get a little more control over the root server system?" This strikes me as they have a need. We have a thing. They have a need. And it shouldn't have been that hard to get together if we weren't academics and researchers and said, "Geez, what is that worth? What would we want going forward in terms of roles or principles or dollars or land or cattle or whatever the hell it is?" It's just another agreement.
	But in this, I see us giving away our cattle and our land and our caves because someday we'll get something. And it seems asymmetrical.
KAVEH RANJBAR:	Okay. I disagree. And the reason is very clear to me. It's because all examples you have – the ITU, UN or whoever – they are top-

down organizations. The model, the [inaudible] bottom-up model, like it or not, that's how it is. The people who are there are not empowered to make decisions on the spot. They are not even like a parliament because they are not even elected representatives. Everything should come from the bottom-up. Everything has a public comment or a comment period. That's why I cannot see that board [inaudible] speak for RSSAC, I have authority to decide on behalf of RSSAC. Everything that's there, I have to come back, check [inaudible] and go there.

This whole organization is bottom-up, so it's completely reverse of what you're modeling, and yes, it makes things different. I'm not saying harder or easier – different. But, there is a way, as I mentioned. You can safeguard what you want as clear as you want and nothing can move beyond that point if everybody agrees to those safeguards.

Jeff Osborn: Bottoms up nature of ICANN is a self-inflicted wound. I would argue looking from the outside it was created that way to avoid liability at the top, so I don't buy it for a minute. And if you're trying to sell me a case of Coke and I don't haver $12, then we need to go somewhere else. If they're literally incapable of doing something like this, then perhaps we've erred.

BRAD VERD: Okay. I feel like emotions are getting really high here and I guess I'm curious. I'm going to ask the same question I just asked. Is there a safeguard that we could put in here, some statements, that would make you and/or ISC more comfortable?

Jeff Osborn: We will not be forced to give up what we consider to be our rights now without consideration. That's the statement I was saying. You wanted a statement. How's that? Seriously, it's a sentence, right? I just don't have a hard time imagining us getting voted off the council and then getting a letter someday that says, "Oh, by the way, Uzbekistan runs the F root. They bought us a Hilton." I have no hard time imaging that.

LARS-JOHAN LIMAN: And what's your problem with that?

Jeff Osborn: Prefer a Marriot.

BRAD VERD: Carlos, are you trying to incorporate that statement in the right location somewhere?

CARLOS REYES: I mean, wasn't this always implicit that we were going to get something back for giving up control and putting our heads on the blocks and obeying SLAs? Weren't we planning on getting some form of consideration for this in some form?

BRAD VERD: Liman?

LARS-JOHAN LIMAN: Again, I come from a different angle. The operation of root service for me is not something that's given to me. It's a responsibility I have undertaken for free towards the general public at a cost that we are … The money for this we are getting from other parts. So, I don't see this as a business asset. This is a responsibility I have and therefore it doesn't have that monetary value that you seem to scribe to it.

Jeff Osborn: It's only because I don't see a better parent to hand it to. Giving this to ICANN pains myself and our board as we don't think it's a worthy steward.

LARS-JOHAN LIMAN: That was valuable information. Thank you.

RYAN STEPHENSON:	Ryan Stephenson, Department of Defense. Liman, question. Do these other entities that provide your organization money, do they get to have say in … And this is just a general question, just out of curiosity. Do they get to provide governance on how you handle this particular service?
LARS-JOHAN LIMAN:	No, they don't. Not by contract and not by any ongoing discussion. I guess that if they weren't paying us for that other service, we wouldn't have any money, so we would be unable to operate the root service. Now, we are in the fortunate situation that, as far as I know, they view it as an added benefit to the service that we provide to them for money, so we haven't run into that problem. But I get the answer is no by contract or by ongoing discussion, but it could be a consequential yes by voting by [inaudible]. They could go to someone else and then we would lose the income and a consequence [inaudible] be unable to run the service. So, there is of course a [inaudible] and currently not used string attached there, but that's the situation we have for the moment.
CARLOS REYES:	I think I found a paragraph where I could insert a sentence. Jeff, I was wondering if you would repeat what you said, please.

Jeff Osborn: Well, if it's going to get immortalized I'd rather think about it for a second.

CARLOS REYES: Sure. So, I'm thinking we can probably add a sentence somewhere in the second paragraph of the executive summary.

BRAD VERD: While you're thinking, can I just talk for a couple of things? A couple of points. One, RSO independence which we're going to be talking about later in the week, this was brought up by the executives within ICANN. This was not brought up by us. This was their concern. They wanted to make sure that RSO independence as we have referred to it was immortalized and not part of this. So, I hope everybody keeps that in mind. I feel like all of a sudden RSO independence became a reason for not doing something when in reality it was ICANN Org that raised this as something that was probably needed, so that when it went to community comment and whatnot, it kind of put some guardrails down.

                        With that, Jeff, regarding the comment of giving up something, to me this whole effort has been not around giving up the root. It's been more around trying to get accountability around the

root. When this started, we were asked one question. How do we add a root server operator? Then that turned into how do you remove a root server operator? Then when you get into the weeds of that, it started coming down to accountability. The only way you would do that is with accountability, so we have to define accountability and a model around that.

So, if I think around accountability – and I'm trying to be receptive and open to stewardship. I'm trying to be receptive and open to having somebody who sees it as a business asset. I'm trying to see how we overlay a model of accountability so that the Internet users, the community, can understand how the service is held accountable.

So, I don't default to we're giving up an asset. We might be … When we talked about 37, we talked about funding, if an organization were to accept funding, obviously with that funding would come more accountability. We had talked about if an organization were to accept funding, that you would probably be showing where you were spending that funding on. You're not buying a boat. You're spending it on circuits or servers or [inaudible]. That is accountability. You get funding, you show where it's going to.

Then, we had talked about that there needed to be an option of let's say somebody didn't get funding. Well, how do we hold

them accountable? To me, that's where the metrics work comes in that is underway now is that if we define what the technical accountability is, what good looks like, then everybody has to live to that bar. If you're not accepting funding, maybe you're not reporting as much. There's still evidence that you're meeting the technical bar that has yet to be defined, but will be defined by us here. And if you're accepting money – or funding, I should say – that you're meeting the bar and with the money that I received, this is what I spent it on. So, there's additional reporting and whatnot involved with the exchange of money or fee-for-service or however you want to look at it. Those are just some thoughts that were in my head when we were—

Jeff Osborn: And boy do I wish we discussed those a year ago. I feel like I've been stonewalled. That's exactly the kind of discussion that would have been brilliant. There are only 12 organizations here. We don't need to average the zoo and get a platypus. We can ask everybody individually. "Hey, Ryan, what would you guys do? What would you need for consideration to operate within SLAs?" What would [Verizon] need? Verisign, sorry. What would the different organizations need? That's a really interesting discussion. It's kind of amazing we haven't had it.

BRAD VERD: I will say I have made that statement that I just made here many times. So, clearly, I failed in communicating it well enough so that it was heard, but I've made that statement. When you distill this down, this is about accountability. While there is a concern for funding or selling of an asset or a quid pro quo type of deal from a business perspective, we need to capture that and put it in the document. But the intent, the spirit, of this work was about accountability.

Jeff Osborn: Accountability is a nonsense word without a whom. Accountable to whom? And in my world, you're accountable to people whom you owe, like your family, your parents, your employers, people who give you money. So, accountable to whom?

BRAD VERD: Well, and that was for us to define. And we identified the three stakeholders, which was the IAB, the RSOs, us, and ICANN because ICANN was the best representation of the community that we could find. That was what we identified as our stakeholders that we owed the accountability to and we were presenting this model as the starting point of the discussion to move forward with that accountability. I feel like—

FRED BAKER: Daniel, Russ, did you want to get a word in?

UNIDENTIFIED MALE: So, I'm trying to compare. I'm not sure I fully understand everything. But form the situation we are in now to the situation we're going to. I see that the main difference is that with this board – currently, the negotiation or the discussions between ICANN and one of the RSOs is that if we don't find any agreement, there is no one that can enforce another to do something. So, anyone an just leave as it is.

                              While, if we're moving to that model, we will have somehow an official agreement with that board. So, that's the thing we're giving up and I think it's more important to deal with that aspect than the SLA and financial aspect. Do I catch what you were saying, Jeff?

Jeff Osborn: It's a valid opinion. I don't want to sidetrack the whole thing. I apologize. Obviously, I have strong opinions and I can just be the no vote and go away and stop wasting our time.

UNIDENTIFIED MALE: Procedurally, we have other things to discuss, so what are we going to do about timelines at this point? There was a list that

even Carlos had on his screen of like four other topics and this one yet one new one.

FRED BAKER: And we're 60 minutes into a 90-minute session. So, if [inaudible], you're welcome to view. You're not welcome to comment, as it's open for viewing. It's not just a free-for-all discussion. I'm going to have to [inaudible]. Ryan, you wanted to talk. Then, Liman, you wanted to talk.

RYAN STEPHENSON: I'm going to pass, but I do have a recommendation. Well, you know what? This is out there for just comment in general and we'll just make our comments on the document and hash them out there.

LARS-JOHAN LIMAN: I just wanted to suggest that we could use the time slot for the geographic coverage thing formal discussion because there will be ample time there, a lot of time.

FRED BAKER: That probably constitutes an agenda change. What I'll do then is I'll open it for that. You can have your meeting and that's ten minutes or whatever it is and then we can come back to this.

And to your comment, then we'll make sure that we cover the other four items on the agenda.

I don't think it's adequate to say, okay, fine, we're just going to take this to the list and people decide what they want to say because that's essentially what we've done for the last couple of years. I think we need to find a way forward for Jeff. Whether we agree with him or not, we need to find a way that that issue can be met.

Though we've added a sentence about—

CARLOS REYES: Jeff was going to give me his language.

FRED BAKER: Okay. So, something is happening in that regard. What are the issues that remain on the table unresolved in this area?

CARLOS REYES: So, I think there were several comments around ICANN Org as the secretariat function. I think that may be low-hanging fruit in this context. Then there were questions about the composition of the Governance Working Group. So, maybe we can start with those two now.

WES HARDAKER: Can I backfill the ICANN Org comment? Because I was the one that brought it up. I wasn't trying to say yea or nay, I was saying this is a topic that we should think about because when we designed the different functions, we specifically had them envisioned as separate bodies taking care of each of them so that there wasn't a conflict of interest. As I mentioned I think on our mailing list, if I was going to pick two functions that I thought might be safe to be run by the same organizations, it might be those two. But, when you stop and think about it, the financial governance, body or whatever it is, along with a secretariat that helps run basic administrative overhead being done by ICANN Org, we need to make sure that we don't think that there's a conflict of interest there, as well as the fact that ICANN Org actually is a root server operator as well, so all three of those functions being run by a single organization we just need to make sure of something that we want to think about – you said whether we want to provide feedback there or not.

I have not enumerated each of the tasks that each of those should do and make sure that there isn't a conflict of interest, but it seems to me like there might be.

FRED BAKER: Liman?

LARS-JOHAN LIMAN: I think I agree with Wes there on the financial side. It is a sensitive topic and it will probably entail both – policy side and executive side to it. I think the policy side should be discussed in a wider forum than inside ICANN Org so that just probably have a wider membership in that body than just ICANN Org because there are probably more players involved. Thanks.

UNIDENTIFIED MALE: I guess if we're providing commentary back to the board, I would probably phase it as a minimum requirement would be that an analysis is done for conflict of interest with the fact that those three roles are all filled by one organization.

CARLOS REYES: And three roles you mean ICANN Org as finance, secretariat, and the operator? Okay.

FRED BAKER: I'm sticking myself in the queue here. Let me throw out something that I'm not sure I recommend but ICANN has gone this way before and might turn out to be part of the solution. That is that in the development or in the IANA transition the community came back and said that the IANA needed to be a wholly owned subsidiary which happened. I could imagine some division between the different things that we now have in ICANN

Org and saying one of them, two of them, three of them need to be in some separate organization. And like I say, I'm not sure I recommendation that. I'm kind of what-iffing. But would that at least help with a solution to that?

UNIDENTIFIED MALE: So, this is where my personal knowledge of the policy world and even the division between IANA and ICANN. I don't fully understand as well as I should. My hunch was that, yes, something like that might alleviate some of that, which actually almost brings together there's a fourth role which is that ICANN also oversees IANA in itself in some fashion with rules and regulations and all that kind of stuff. So, as long as that's thought about by a larger head than mine, I'm more likely to say that's quite possibly a viable solution. I can't [inaudible] today because I haven't thought about it long enough.

UNIDENTIFIED MALE: Is that a separate actual 501c3 organization, do you know?

FRED BAKER: I don't know the details of PTI, but yes, I believe they are a wholly owned subsidiary of ICANN.

UNIDENTIFIED MALE: That's a really interesting avenue because I'm sure in the case of where I have to deal with my board, the idea of a separate organization that was independently seeking and distributing funding I think would help a lot. The idea that ICANN's hands weren't near that cookie jar goes a long way visually.

BRAD VERD: So, yeah. PTI as a wholly owned subsidiary – it's an affiliate I guess is what they call it. But it is incorporated outside and that was a mandate of the transition, the NTIA transition. Their SLEs, as it started out to be and are now SLAs, are governed by the CSC which is the community which our representative is Liman So, that's where the governance of the performance metrics, let's say, and if we … We don't have it up on the document here anymore which was Carlos's slides. I think the performance metric and monitoring – I forgot what … PMMF – was relabeled the something standing committee which falls right in line – or the customer standing committee – which falls right in line with … Here it is. The Root Server System Standing Committee which falls in line with how that happened with IANA and how we have the CSC, the Customer Standing Committee, that kind of does the SLAs, so to speak. So, I think that's where that piece is coming from.

I guess what I'm trying to do in a very poor fashion is, like I said, this is greenfield. This type of policy work here at ICANN is greenfield, so there's bits and pieces pulled from all over to try to see what works and what doesn't work and that's, to me, one example.

I think PTI was created – and Naela, I'm looking at you because I need you to nod your head when I say this or say no when I say it – and that was it was created as part of the transition to – and it's a separate entity in case it needed to go to another body, not ICANN. Does that make sense?

So, would that … That model. So, all the roots have stated for many, many years that IANA is the sole root. The IANA root is the root that we will serve. Does that … If we follow that model type of thing, would it relieve some pressure on your side, Jeff?

Jeff Osborn: With five minutes of thought, it's intriguing.

BRAD VERD: Look, I'm not trying to put you on the spot. I'm not. I'm just …

Jeff Osborn:	Yeah. And I have started I can't even count how many not-for-profits I've started and run. So, there's something in there that's really a very, very interesting idea.
	One of the concerns that comes back from ICANN is it's kind of like we'll try to find some money somewhere, but we're totally in charge. Rick will blow a gasket when I try to tell him that this organization may or may not have the money but they have the keys to the car. That's not—
BRAD VERD:	That message has been heard, trust me. To roll back just a bit, going back to this document – can you go forward on the document to the timeline? Sorry to keep doing this to you, Carlos. Again, not to keep coming back … I'm not trying to pick on you, Jeff. I'm really trying to work through some of this here. The board approves, the board considers and approves. That's a really touchy point for you.
	The way that I look at it – and maybe this is incorrect, but this is the way that I look at it – the board approves us to be appointed to RSSAC. It's more a rubber stamp than they do, say, "No, you're not approved." And this was part of the discussion we had when we talked about the designation removal function, that that recommendation which would eventually be approved by the board was more of a … They're not the experts. The

experts are here making that recommendation. But for any action to happen in this multi-stakeholder world, the board kind of has to approve it. But that's why they have these bodies to come up with recommendations and then the recommendations are identified by the board and work back and forth between the groups until resolution and everybody is happy with the resolution.

I meant to say that earlier, but people were caught up and there was emotion going, so I just wanted to … That was my thought on when I see the board approves or ICANN Org does things. They're a support organization and I understand your feelings towards it. I've heard it. I just wanted to share that thought.

JEFF OSBORN: You're more trusting than I.

CARLOS REYES: So, I have added the sentence from Jeff. So, Mario, if you could go to the executive summary again, thank you. So, there's the sentence from Jeff. Each RSO does not intend to give up the rights and responsibilities to [inaudible] without consideration.

BRAD VERD: Is there a place in the document that we could reference the secretariat and the finance piece and not mandate it goes to PTI but compare it to and say the independence of these functions from ICANN itself is important and should be considered.

CARLOS REYES: Sure. So, I think I've started to address that. Mario, if you could go to – where did I put it? Right above section two. Yeah. Last part of 1.5. So, there's a sentence here. Further down, thank you. So, I just added this per Wes's comment. We can elaborate on it. ICANN Org will conduct a careful analysis and produce a report to ensure there's no conflict of interest in performing the finance function, secretariat function, and its role as an RSO.

WES HARDAKER: That works for me to make sure that analysis is done. My only question to the room is do we want to add "and overseer of IANA" or whatever the relationship is? That one is more of a gray area for me.

FRED BAKER: I guess one question I have is you have a sentence now in the executive summary. As I read executive summaries, they usually are summarizing something that is also somewhere else in the

paper. I'm going to find something somewhere that has more words than that and tells me what that means.

CARLOS REYES: Yes. So, I think maybe Jeff can take the lead on a paragraph somewhere that we can add later?

FRED BAKER: Jeff, can we do that?

JEFF OSBORN: Sure.

WES HARDAKER: [inaudible] having two discussions at once.

UNIDENTIFIED MALE: I'm a little bit confused. The text in this document is the concept paper from CTO?

CARLOS REYES: So, it's the work that the CTO's office started and then the policy took over to finish, but we're pulling from 37. Anything that's in orange text is literally from 37.

UNIDENTIFIED MALE: And it's appropriate for RSSAC to sort of edit this document?

CARLOS REYES: So, you mean because it's coming from the board.

UNIDENTIFIED MALE: Well, I don't know. It feels to me like we should be presenting our feedback differently than editing the draft document that we were given.

CARLOS REYES: Sure. So, what I'm doing is I'm capturing … I'll present this as a redline version to the BTC but the edits will be reflecting the conversations here.

DUANE WESSELS: Okay. I guess about this sentence that you've added that's on the screen here, my feeling is I'd like to see something stronger than that. I mean, I think if RSSAC has an opinion about separation of responsibilities and conflicts of interest, we should be more up front and state that we have strong concerns about that as a conflict of interest rather than throwing it back to them and saying, "Please study this," when I think maybe we can predict what the output of that study might be.

WES HARDAKER: Well, yeah, and I was going to say something similar, Duane, which is that I'm not sure that ICANN Org should be the thing that conducts the careful analysis. It should be the – I forget the acronym. We've got way too many.

CARLOS REYES: The GWB?

WES HARDAKER: Yes. They're the ones that should do that study, not ICANN Org.

FRED BAKER: And Duane, your comment that you should be commenting on the paper not editing it, that was actually why I asked when this went forward saying please comment, as opposed to please redline. That's where I was coming from.

RYAN STEPHENSON: So, sorry to … I do have a question about the secretariat function. In there, there's a sentence that says ICANN Org would perform the responsibilities contemplated in Section 5.1 of RSSAC 037. I thought the secretariat function to form the secretariat was handed over to Root Ops.

UNIDENTIFIED MALE: No, it wasn't.

BRAD VERD: No. There was no hand off of anything. This is happening here in RSSAC here, this document. There was a discussion in Root Ops that we didn't need to wait or the Root Ops didn't need to wait for any implementation to go create a secretariat and start that right away. Those two are not related.

Hold on. So, they're related in the sense that if the Root Ops actually went and created the secretariat and there was no need for it, then that could be the feedback. That's fair. But that hasn't happened. But we didn't rip the secretariat function out of 37 so therefore it doesn't need to be addressed. The board is addressing it because it's in 37.

LARS-JOHAN LIMAN: Yes. I think when we created 37 there was no intrinsic idea that all these bodies or all these functions needed to be within the ICANN Org sphere or ICANN community. They could be elsewhere.

FRED BAKER: So, my thought about this paper and I thought 37 – correct me if I'm wrong – but in business terms, I might look at 37 as a request

for proposal. I'm looking for a solution that has these bits and pieces in it. I see this paper as a proposal. Okay, we have the bits and pieces and we would do them this way. I don't know that it has to be done that way. I don't know that there was intent to have it be done that way. This is what policy people – our proposal.

LARS-JOHAN LIMAN: I think you're on the right path but I see it slightly – this is a … The document inside the bidder that says we need to create a solution and here are some bits and pieces for you to work with when you create that solution. That's how I view it and I think it [inaudible] with you but this is not the cooked solution, yet.

BRAD VERD: If I can add to that statement, that it's not the cooked solution, the concept paper is not the cooked solution, either.

UNIDENTIFIED MALE: [off mic].

BRAD VERD: Okay. It all has to be melded together with input from the RSOs, with input from the community, with input that would guide all this. So, this is not the cooked solution, to use Liman's term. This

is the beginning of, to me, a very long process which feels like it's going to be really painful. But yeah, this is the beginning. Carlos?

CARLOS REYES: Yeah. I think an important piece of context is that part of this is being informed by the experience of the transition and that was a long process. A lot of people were involved. There was a lot of work that went into that. So, with a concept paper, it basically says, "Here's how we're interpreting the advice. Are we on the right track before we start a community process?" That's the point, just to respond to that.

Then, Wes and Duane, I moved that sentence to the GWG work in 2.4.1 but feel free to strengthen that sentence in the Google doc. I'm sorry? Yes, thank you.

WES HARDAKER: Well, it really is. It's not just ICANN. So, that's the proposal at the moment but the reality is that we have potential issues with anybody serving [inaudible] all three of those or even two of those.

JEFF OSBORN: Yeah, but who else would?

WES HARDAKER:	I don't know who else would, but if RIPE can to me and said they wanted to do all three I'd have equal concerns. No offense to RIPE.
JEFF OSBORN:	I'm sorry. Did you think it's not worth putting ICANN in then maybe?
WES HARDAKER:	No. I would say ICANN Org or any other parties.
LARS-JOHAN LIMAN:	Not directly related. I sent an e-mail to – there is a slide, Carlos and Mario, if you can put it up. It's basically about [inaudible] directly to the text because I see that issue is still open. What Brad said about board rubberstamping or basically supporting what community says. I wanted to say correct, and actually BTC agreeing to inform – to let us, basically, [inaudible] to what they are going to ask us. [It's] a good demonstration of that.

Then, Jeff's comeback was [inaudible] trust that, etc. I have a slide which is – I don't know if you can … If you go a bit down, this is a conversation of the board, 16 members, and you can see NomCom has geographic diversity. NomCom changes every year. We have a say in who is NomCom. The SOs, you can see,

they [have] members and ALAC has one voting member, and of course the CEO. So, there are 16 voting members. 15 of them are basically selected by community, and for eight of them, we have the [inaudible].

So, it would be very hard to come up with a group of people who collectively all have same interests in taking something from us, for example. And I understand this doesn't guarantee trust, but on the other hand, as we all wanted – the whole Internet community, let's say – wanted a model which works and this is the best we were able to come up with.

That's also possible to change. As you heard, people are changing bylaws. Now there are so many pending changes. So, it's the best system we, collective humans, were able to come up with. If there are other ideas, we can also go there, but that's why I don't get the trust part. I don't think we can just skip that part and say, yes, if it was just board selected by one person or selected by a different mechanism, then maybe I would subscribe to that idea but this is a very diverse system with many failsafes and things like that.

So, I think that's a good representation of the bottom-up model and what we think or what generally people want.

JEFF OSBORN: With all due respect, and I have a lot of friends on the ICANN board and I like you and a lot of people, but I come from people who would respond to that. These are the same people who put through the criminal set of gTLDs that are currently harming beyond recognition for their own benefit. So, you can really put it both ways.

KAVEH RANJBAR: No, to be honest, because it's a diverse board, correct? So, yes, from your point, it's criminal or wrong. I actually subscribe to this idea that it's not the best program, but it's one opinion, correct? The collective has come [inaudible] this opinion. It's like democracy. There are decisions which we won't like but there is a system.

So, as long as there's an open system and that system is open to change, I really don't see how we can complain. Yes, my voice is not always accepted, my idea, but except if you really think there is an absolute right and wrong in these things, but then why do you need decision-making? You just follow the rules, correct?

JEFF OSBORN: All I need to say about the failure of democracy is my last presidential election in the United States.

LARS-JOHAN LIMAN: But, there we have democracy sucks, but everything else sucks so much worse.

CARLOS REYES: So, I think just adding on to Kaveh's point here is that – and then on top of it is the other check of the empowered community now.

KAVEH RANJBAR: Oh yeah, the empowered community can basically make the whole – yes, overthrow the whole board and start new election and selection process. As I said, as a collective of human beings, which we all tried to come up with a system. That's the best we were able to come up with.

So, if there is a better alternative, that's good. Let's discuss that. But, that's why I subscribe to this idea. Just wanted to explain that.

BRAD VERD: And … Oh, I'm sorry, go ahead.

UNIDENTIFIED MALE:	This is just a question to Jeff. Is there a model that you think would work better for you [inaudible] board?

JEFF OSBORN: Fred, correct me if I'm wrong, but I think that the opinion of the current ISC board is any faults that there are with the current root server operation system is dramatically harmed by the inclusion of ICANN.

UNIDENTIFIED MALE: You evade my questions. I was asking – and I understand you [inaudible].

JEFF OSBORN: No, the status quo I think would be their opinion.

UNIDENTIFIED MALE: Alright.

CARLOS REYES: So, I'm sorry if I'm losing track of a lot of this. I feel like we're really jumping around a lot, but if we go to section 1.1, we have a couple comments here about the RGB which honestly sounds a lot like KGB. Thank you, Ken, for pointing that out and I would maybe suggest changing root server system governance board.

And I understand that this is a concept and it's [agreeing] and things can change and you can put little emojis or whatever behind it.

Maybe changing board to maybe something like committee or something other than board because it would have connotations of, well, is this part of the ICANN board? When you talk about ICANN and ICANN board, you start – board, well, is that part of the ICANN board? Anyways, foreseeing questions with that.

But that last sentence in 1.1 where it says, "RGB will establish, modify, and revoke service-level expectations for the RSOs," that [inaudible] would be assuming is if an RSO does have a service-level expectation. I see there's some RSOs that have an exchange of letters which I think is actually great, but by reading this it almost sounds like every RSO will have an SLE or some type of an agreement. But here it's spelled out as SLE and I know that we were very adamantly against using SLEs when developing 37.

So, my question is are we going to have SLEs now? Are we going to be required to? Because I don't think some organizations would really … Can't speak on behalf of the other RSOs, but I would say we would probably – and maybe the other [USG] roots – would probably be very against having an SLE. Maybe

letters of an exchange, something that, hey, yes we recognize this and they recognize us and we'll do this. That's excellent. But I just don't like SLE or SLA. So, thanks.

BRAD VERD: Yes, that was the discussion we had. The second half of that discussion that you left out was we all expected that when this went to the community SLEs and SLAs would come up. So, that's the second half of the context that you left out there was, yes, you don't see SLEs or SLAs in 37 because there was so much animosity towards it but we all agreed that it would probably come up when it went to the community – much like it has come up around IANA where they started out with SLEs because nobody liked SLAs, and since they've figured out that SLEs don't work and have moved to SLAs. I'm just using that as an example and I'm seeing the heads nodding over there from the two people involved.

JEFF OSBORN: I completely recognize that, but if … The problem with documents I see is that people read these and other people within RSSAC that are not here read these and you kind of then, well, wait a second. This says this and this document is expected to move forward with this sentence sort of intact. I understand that things change and this is just a design and designs can

change, but it almost sounds like, again, that the RSOs will have – to me, it reads the RSOs will have SLEs.

FRED BAKER: So, let me ask a question. We're actually past 12:00. Do we all agree that RSSAC 001 applies to us? That is a service-level expectation.

JEFF OSBORN: That is a service-level expectation but there's nothing that we're signing for that. That's just an agreement. That's just an underwritten agreement that, hey, we're going to follow this, but again it's just an advisory. It's not set in stone. Thou shalt do this. It's not – sorry for the religious type expression. Again, that's not set in stone. It's just an advisory to follow.

FRED BAKER: So, just an advisory. Let's imagine that 14th RSO comes into existence from wherever, whatever name, and that RSO takes as one of its things that it does is to edit the zone file, that there are TLDs that it will not deliver. There are other TLDs that it will deliver. It will resign the zone file. It will do [inaudible]. Would we have a comment on that? I think if we would have a comment on it, then RSSAC 1 is not just advisory.

CARLOS REYES:
My understanding with RSSAC was that RSSAC produces advisories to advise the ICANN board. So, with that being said, RSSAC 001 is a set of service-level expectations. We expect you to do this. Now, this is something completely different, if an RSO was to go ahead and modify the root zone file and resign it – again, that's technically something different than the actual root zone itself. It decides to start serving that root zone.

Yes, I can see that there would be maybe letters versus something called an SLE saying, hey, we recognize this and we will serve this, but that's about it. An SLE just implies more type of expectations and borderlines – and I understand … I'm very pro-independent about pro-independence on RSOs. I'm glad Goran Marby brought that up and thank you, Fred, for your draft with that. I really appreciate that and I saw that you brought that up in there and I think it's a really good point. But again, for all RSOs to sign an SLE with whom, I mean the stakeholders or the ICANN board or, again, whom? Again, that's something that I think is a bit harsh.

BRAD VERD:
Really quick, we've got Liman, then Wes, and then we need a break. We'll come back to this discussion after our next session.

LARS-JOHAN LIMAN: I go back to my angle on this. I have assumed the responsibility towards the general Internet community. If they want to express expectations on how I behave, they are welcome, and I see it as part of my responsibility to fulfill those. If I cannot, I should step down. We are now creating a system where we will have a very good framework for creating those expectations.

I will, however, say that I hope they will not be down to the detail level that we have with the PTI because that is really not helping you in performing a good service.

BRAD VERD: That feedback will be helpful in the metrics. Thank you. Hold on, Wes?

WES HARDAKER: Really quickly, I think, Ryan, your concern is justified for where we are at this point in time and I'd suggest that you propose a modification to the text and then we can revisit it after lunch if you have time to work at it [inaudible].

BRAD VERD: I would like to point out this is not an RSSAC document. This document, we're providing feedback to the BTC. This is not an

RSSAC document, okay? This is a courtesy, that the BTC has sent it to us before it's officially gone out and said, "Please provide us feedback because we want to make sure we're in the same trajectory."

JEFF OSBORN: I'm actually really happy that the BTC did … I think this is the right approach where we've had back and forth in communication because when it goes out for full public comment, it's too late at that point to make major changes.

BRAD VERD: This is the approach we asked for, so they've been very receptive to what we've asked for and they want to help us.

CARLOS REYES: Sorry. So, would it be safe to just comment or modify text?

BRAD VERD: Comment.

FREC BAKER: It's 12:09. We're nine minutes short on lunch. Your intended [inaudible] back here at 1:30. Let's do that.

[END OF TRANSCRIPTION]