Statement by [either the Council, CPH, CPH EPDP Team, or Kurt]

The most recent communication from the ICANN Board concerning the Council-Board consultation raised two issues that, we believe, require additional discussion and clarification.

**The first** is the Board’s statement:

The Board also would like to remind the Council that the purpose of the ODP is to assess the operational impact of the SSAD-related policy recommendations on ICANN org and to inform the Board of these impacts prior to the Board's consideration of the policy recommendations. The ODP is not intended to determine whether the concept of the SSAD accounts for the cost and effort required to implement the proposed system. We believe this specific question has been addressed by the Council in approving the recommendations and forwarding them to the Board.

The Council resolution, calling for Board approval of the EPDP Phase II recommendation, also called for a specific analysis:

Noting some of the questions surrounding the financial sustainability of SSAD and some of the concerns expressed within the different minority statements, the GNSO Council requests a consultation with the ICANN Board as part of the delivery of the GNSO Council Recommendations Report to the ICANN Board to discuss these issues, including whether a further cost-benefit analysis should be conducted before the ICANN Board considers all SSAD-related recommendations for adoption.

The consultation requested by the council, and welcomed by the Board, was for the purpose of discussing how this cost-benefit analysis is to take place. The Council put a point on this in our subsequent letter to the Board where we outlined some of the questions that might lead to a resolution of the issues posed in the Council resolution.

In the interim, the Board developed the “ODP,” and it was the Council’s understanding that this new mechanism was an approach to the accomplishing this analysis.

To restate the issue, the Council did not ask for an “ODP,” it requested analysis of financial sustainability and cost-benefit. It is of little value to develop a new process and then declare that the process is not applicable to the problem at hand. If the “ODP” developed by the Board is not designed to address the issues posed by the Council resolution, then a consultation about the “ODP” has little value and we should instead have a discussion regarding the analysis requested in the resolution.

We also do not understand the Board’s belief in the assertion that, “the specific question [to determine whether the concept of the SSAD accounts for the cost and effort required to implement the proposed system} has been addressed by the Council in approving the recommendations and forwarding them to the Board.”

It clearly was not.

As indicated in the Phase II Final Report, the EPDP team developed a model with which there was little satisfaction across the team but was the best consensus-supported solution that could be developed. When that work was done, the EPDP team and Council were both clear that additional analysis was required, i.e., that council was unable to make that cost-benefit determination, which is why they requested the consultation with the Board. That is why the Council resolution recommended Board approval of the recommendations *AND* additional analysis.

**The second** is the Board’s statement that:

Shortly prior to or after the ODP is completed, a second session will be scheduled to revisit the Council's questions and discuss overall findings.

One of the Council’s primary points in its comment on the draft ODP was its concern for transparency. We understand that transparency and communication steps cannot be pre-determined and will have to be inserted as the process is executed, i.e., whenever it makes sense.

In any case, one consultation prior to and one after the process is completed does not address the transparency commitments in any sense. Given that, we think it likely that the Board is building in the opportunity for other community communication during the ODP that was not touched upon in the latest Board letter and request that this topic be made part of this meeting.

**Finally,** we have some specific recommendations that the Board might wish to explore in conducting the requested analysis.

1. A focus on the financial sustainability aspect: if ICANN does not think SSAD can be implemented and operated in a financially sustainable manner, additional discussion would be needed. The output from the ODP was sought to inform that discussion.
2. Consider whether a phased approach to implementing SSAD makes sense. A phased implementation (with public checkpoints between different phases) will reduce risk, cost and complexity prior to realizing some degree of utility. (This was discussed but not finalized but the EPDP team.) One scenario might be the introduction of partial services, e.g., simple authentication and request forwarding as a lightweight but rapid implementation step, with additional functionality added later.