



**Broadband Internet Technical Advisory Group,
Inc. (“BITAG”)**

**Technical Working Group (“TWG”)
Governance Manual**

**Approved by Board of Directors: May 09, 2020
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1. Definitions

Capitalized terms not defined in this TWG Governance Manual shall have the meanings set forth in BITAG's Bylaws. When used in this Governance Manual, unless the context otherwise requires, the term:

(a) “*Chair*” means the chair of a TWG Committee, which shall either be the Executive Director or his or her designee. The designee can be a BITAG employee or contractor or an Expert that does not have a material interest in the proceedings of the applicable TWG Committee.

(b) “*Expert*” means any person, whether an employee of a Participating Member or not, who meets the technical requirements and other requirements set forth in Section 3 of the TWG Governance Manual and Section 7.3 of BITAG's Bylaws. For example and without limitation, Experts may include academics, technical specialists from companies (whether or not such companies are Participating Members), and technical experts from civil society.

(c) “*Fee Schedule*” means the schedule of Filing Fees set forth in Schedule A, as the same may be modified from time to time by the Board.

(d) “*Filing Fees*” means, collectively, the Member Filing Fees and Non-Member Filing Fees.

(e) “*Governance Manual*” means this Technical Working Group Governance Manual, as amended, modified and restated from time to time in accordance with Section 11.

(f) “*Informational Report*” means a Report in which the Majority Opinion has received the support of less than 66% of the TWG Committee Members, based on a vote calculated in accordance with Section 6(e).

(g) “*Intellectual Rights Policy*” means the Intellectual Rights Policy of BITAG, Version 1.0, adopted by the Board on June 23, 2011, as the same may be modified, amended, or restated from time to time.

(h) “*Majority Opinion*” means the technical opinion in a Report that is supported by a majority of the TWG Committee Members, based on a vote calculated in accordance with Section 6(e).

(i) “*Member Filing Fee*” means the filing fee that Participating Members or Observing Members must pay in conjunction with submitting a Review Request, which is outlined in the Fee Schedule.

(j) “*Minority Opinion*” means the technical opinion in a Report that is supported by at least one of the TWG Committee Members, based on the procedures outlined in Sections 6(c-d).

(k) “*Near-Uniform Agreement*” means that the Majority Opinion either: (i) has received the approval of ninety percent (90%) or more but less than one hundred percent (100%) of the TWG Committee Members, based on a vote calculated in accordance with Section 6(e), if any TWG Committee Member requests a vote in accordance with Section 6(c), or (ii) has been deemed by the Chair to have achieved “Near-Uniform Agreement” if he or she reasonably believes that the primary technical opinion expressed in the Report has received general agreement among the TWG Committee Members with no sustained opposition by material and significant interests on the TWG Committee and no TWG Committee Member requests a vote in accordance with Section 6(d).

(l) “*Near-Uniform Agreement Report*” means a Report in which Near-Uniform Agreement has been achieved.

(m) “*Non-Member Filing Fee*” means the filing fee that non-Members must pay in conjunction with submitting a Review Request, which is outlined in the Fee Schedule.

(n) “*Report*” means a report generated by a TWG Committee which analyzes the technical issue(s) underlying a Review Request referred to the TWG Committee. The minimum contents of the Report are set forth in Section 7.

(o) “*Review Request*” means a review request application submitted by a Member or non-Member, including a governmental agency, requesting review of technical issue germane to the TWG, the form review request application is attached hereto as Schedule B, as the same may be amended or modified from time to time.

(p) “*Significant Agreement Report*” means a Report in which the majority position on the technical issues subject to the Review Request has received the approval of 66% or more but less than 90% of the TWG Committee Members, based on a vote calculated in accordance with Section 6(e).

(q) “*Staff*” means the staff and officers of the BITAG, including its Executive Director.

(r) “*TWG*” means the Technical Working Group, a technical working group of BITAG established pursuant to the Bylaws, which shall be governed by the Bylaws, this Governance Manual and other operating procedures adopted by the TWG from time to time.

(s) “*TWG Designee*” means an individual, including an Expert, that has been designated by a TWG Representative as his or her designee for purposes of serving on a TWG Committee. All TWG Designees must meet the technical requirements for Experts set forth in Section 3 of the TWG Governance Manual and Section 7.3 of the Bylaws.

(t) “*TWG Observer*” means an individual that is listed as an observer of the TWG or any TWG Committee thereto as set forth in the Bylaws.

(u) “*TWG Committee*” means a Committee of the TWG which shall be responsible for evaluating Review Requests.

(v) “*TWG Committee Member*” means a TWG Representative, TWG Designee, or Expert that has joined a TWG Committee in accordance with Section 5(b).

(w) “*Uniform Agreement*” means that the Majority Opinion either: (i) has received the approval of one hundred percent (100%) of the TWG Committee Members, based on a vote calculated in accordance with Section 6(e), if any TWG Committee Member requests a vote in accordance with Section 6(c), or (ii) has been deemed by the Chair to have achieved “Uniform Agreement” if he or she reasonably believes that the primary technical opinion expressed in the Report has received full agreement among the TWG Committee Members with no sustained opposition by material and significant interests on the TWG Committee and no TWG Committee Member requests a vote in accordance with Section 6(d).

(x) “*Uniform Agreement Report*” means a Report in which Uniform Agreement has been achieved.

2. **TWG Representatives and Observers**

The Bylaws outline the process by which each Participating Member in the BITAG shall designate a TWG Representative to serve on the TWG on his, her or its behalf and the process by which other Members and non-Members can be listed as TWG Observers in the TWG and TWG Committees. For the avoidance of doubt, no Experts other than TWG Representatives may serve on the TWG, but such Experts may serve on a TWG Committee in accordance with Subsection 5(b)(i) below.

3. **TWG Qualifications**

Individuals involved in TWG or TWG Committee technical deliberations, including any Expert, TWG Representative, TWG Designee, or TWG Observer, must demonstrate that they meet the technical qualifications set forth in Section 7.3 of the Bylaws.

4. **TWG Review Requests**

(a) **Submission of Review Requests.** Technical issues that fall within the mission of the TWG can be brought before the TWG in one of the following ways:

(i) by the motion of a majority of the TWG Representatives, based on a vote calculated in accordance with Section 6(e);

(ii) by a Review Request filed by a governmental agency (no Filing Fee required);

(iii) by a Review Request filed by any Participating Member or Observing Member along with the payment of the Member Filing Fee; or

(iv) by a Review Request filed by any non-Member along with the payment of a Non-Member Filing Fee.

(b) **Filing Fees.** The Fee Schedule is set forth in Schedule A. The Filing Fee for every type of Review Request submitted to the TWG in accordance with Sections 4(a)(iii) and (iv) is due upon the filing of a Review Request application and the application will not be deemed complete unless the Filing Fee is received. The Board may modify or amend the Fee Schedule from time to time without obtaining the consent of the TWG, notwithstanding Section 11 to the contrary. The Executive Director may waive the Filing Fee requirement upon a showing of economic hardship or that good cause exists to waive the Filing Fee, including to promote additional submissions of Review Requests generally, as reasonably determined by the Executive Director.

(c) **Review Request Requirements.** Any Review Request must be submitted using the Review Request template attached hereto as Schedule B, as the same may be amended from time to time in accordance with Section 11, or by other means or processes approved by the Executive Director and a simple majority of the Board. Each Review Request submitted must comply with the following requirements; provided, that Staff may attempt to obtain any missing information:

- (i) the request must be germane to the TWG and its mission; and
- (ii) the request should:
 - (A) identify the requesting party(ies);
 - (B) reasonably describe the underlying technical issue;
 - (C) identify any potentially adverse parties; and
 - (D) articulate why technical analysis of the underlying technical issues by the TWG would inform the public and policymakers on the underlying technical issues.

(d) **Staff Evaluation of Review Requests.** Staff will use good faith efforts to refer all properly-submitted Review Requests to the TWG for review in a timely manner and to solicit input from the Board on the Review Request. Staff or the Board may, but is not required to, recommend that the TWG not review the technical issues underlying a Review Request if:

- (i) the Review Request does not satisfy the Review Request requirements outlined in Section 4(c);
- (ii) Staff or the Board reasonably determines that the Review Request was submitted by an individual or entity that has repeatedly submitted spurious Review Requests;
- (iii) Staff or the Board reasonably determines that the Review Request focuses too much on non-technical issues and/or TWG's review would not help inform the public and policymakers on the underlying technical issues; or
- (iv) Staff or the Board reasonably determines that other exigent circumstances make TWG review inappropriate.

(e) **Acceptance and Rejection Reports.** Staff will create a report of all rejected Review Requests. Staff will promptly make such report available to all TWG Representatives and will publish a quarterly Review Request rejection report publicly.

(f) **Rejection and Appeal.** If Staff rejects a Review Request application pursuant to Section 4(d), it shall provide a written notification to the applicant with a reasonable explanation of why the application was rejected. Applicants may appeal a rejection to the TWG and Staff's rejection may be overturned if a petition requesting review is signed by at least one TWG Representative from each of BITAG's Member Categories. If a Review Request is rejected and not appealed or the rejection is affirmed on appeal, any Filing Fee paid with respect to that Review Request will be refunded.

5. **Establishment and Composition of TWG Committees**

(a) **TWG Committee Establishment.** After a Review Request is received and accepted for review, Staff will notify the TWG of the Review Request and Staff will either establish a TWG Committee or refer the Review Request to an existing TWG Committee to evaluate the Review Request. Staff will also be responsible for making determinations regarding request priority, staging of Review Requests such that the TWG and any TWG Committee are not over-burdened, and whether to consolidate multiple requests. Staff will use reasonable efforts to establish a TWG Committee or refer a Review Request to an established TWG Committee in a timely manner but Staff can, in good faith, take into account the overall workload of the TWG and its TWG Committees in making determinations regarding request priority and staging of Review Requests. Upon the establishment of a TWG Committee, a Chair shall be appointed as set forth in Section 1(a).

(b) **TWG Committee Composition.**

(i) Each TWG Committee shall be open to all TWG Representatives and TWG Designees, and Experts approved as set forth below. Once a Review Request is referred to an existing TWG Committee or a new TWG Committee is established in response to an accepted Review Request, Staff will notify TWG Representatives that a Review Request has been referred to a TWG Committee, providing copies of the Review Request application and other relevant information regarding the technical issue underlying the Review Request. TWG Representatives (or their TWG Designees) will have ten (10) business days (unless a longer timeframe is established by the Chair) to elect whether to join the applicable TWG Committee. Experts can be nominated by the Chair or a TWG Representative to serve on the applicable TWG Committee. Alternatively, Experts may nominate themselves to serve on the applicable TWG Committee. Any Expert, whether nominated by a TWG Representative or self-nominated, requires approval by the Executive Director and such approval is based solely on the technical qualifications of the individual as it relates to a given Report; provided, that if there are any additional exigent circumstances that the Executive Director deems relevant, the Executive Director may reject such nomination on such basis. The Chair may elect to waive the ten (10) business day registration requirement with respect to a particular TWG Representative, TWG Designee, or Expert if the Chair reasonably believes that: (1) a TWG Representative's, TWG Designee's, or Expert's participation, as the case may be, in the TWG Committee is necessary or appropriate;

(2) good cause exists for why the TWG Representative, TWG Designee, or Expert did not initially join within the deadline; and (3) admission would not substantially undermine general application of the ten (10) business day registration policy or materially delay action on the Review Request. The Chair will strive to ensure the TWG Committee is composed of a diverse group of Experts and that each Membership Category is adequately represented.

(ii) A TWG Representative may elect to join a TWG Committee and/or have his or her TWG Designee(s) join the TWG Committee. A TWG Representative and his or her TWG Designee(s) may both join a TWG Committee, subject to the reasonable discretion of the Chair. In any event, only one vote of the TWG Representative or TWG Designee(s) will be counted if a vote is called, and in the event of a conflict between the two, the vote of the TWG Representative will control.

(iii) In the event an Expert serves on a TWG Committee, the Expert can be removed for a material violation of committee expectations or for other cause by a two-thirds majority of the TWG Committee Members and the Executive Director. Any Expert, including the removed Expert, may appeal a removal decision of the TWG Committee (including a decision not to remove) to the Board.

6. TWG Committee Operations

(a) **Review Shot Clock.** Following expiration of the TWG Committee registration period outlined in Section 5(b)(i), the TWG Committee shall have one hundred twenty (120) days to evaluate the Review Request and develop a Report (the “**Review Shot Clock**”); provided, however, for reviews that are generated pursuant to a motion of a majority of the TWG Representatives under Section 4(a)(i), the Chair may elect to toll the Review Shot Clock if the TWG subsequently receives a Review Request submitted by a Member or non-Member pursuant to Sections 4(a)(ii) through 4(a)(iv). If the Chair believes in good faith that additional time beyond the Review Shot Clock period is required to obtain Near-Uniform Agreement on the Report, he or she can extend the period by up to thirty (30) days.

(b) **Striving to Achieve Near-Uniform or Uniform Agreement.** Achieving Near-Uniform or Uniform Agreement for each Report is important to the mission of the Corporation as the Corporation strives to serve as a consensus building entity regarding technical issues submitted to it via Review Requests. As such, the Chair will work to develop Near-Uniform or Uniform Agreement and will, with input from the TWG Representatives (or TWG Designee(s)) on the TWG Committee, determine when such Near-Uniform or Uniform Agreement is achieved. For the purposes of clarity, the Chair shall strive to accommodate dissenting views on material matters of a given Report such that Near-Uniform or Uniform Agreement may be achieved without a vote request as provided by Section 6(c). The Chair can use straw polls or other reasonable methods to assess when sufficient agreement exists to declare that Near-Uniform or Uniform Agreement has been achieved.

(c) **Obtaining Near-Uniform or Uniform Agreement without a Vote.** The Chair will notify TWG Committee Members once he or she believes that the Report has been completed and that he or she believes that Near-Uniform or Uniform Agreement has been achieved in accordance with Section 6(b). Unless a TWG Committee Member submits a written

request to submit the Report to a vote within ten (10) days of receiving the Chair's notice that Near-Uniform or Uniform Agreement has been achieved, the Report will be designated a Near-Uniform or Uniform Agreement Report and will be circulated and published in accordance with Section 8.

(d) **Requesting a Vote on the Majority Opinion.** If a TWG Committee Member requests a vote under Section 6(c):

(i) The Report will be subject to a vote calculated in accordance with Section 6(e). The purpose of the vote will be to determine what percentage of TWG Committee Members support the Majority Opinion contained in the Report. Based on the vote, the Report will be designated as either:

- (A) a Uniform Agreement Report;
- (B) a Near-Uniform Agreement Report;
- (C) a Significant Agreement Report; or
- (D) an Informational Report.

(ii) If the vote results in designating the Report at issue as either a Uniform Agreement Report or a Near-Uniform Agreement Report, no Minority Opinion shall be drafted. However, if the vote results in designating the Report at issue as either a Significant Agreement Report or an Informational Report, the TWG Committee Member(s) requesting the vote will be required to (i) present the substantive issues of disagreement to the TWG Committee (in summary form but with sufficient detail to discern the issues) at least 14 days prior to the expiration of the Review Shot Clock, and (ii) submit a substantially complete draft of the Minority Opinion to the TWG Committee at least 7 days prior to the expiration of the Review Shot Clock. To be included in the published Report, such Minority Opinion must, at a minimum:

- (A) indicate the TWG Committee Member(s) who authored the Minority Opinion;
- (B) conform to the general style, format and professional quality of the Majority Opinion, including technical, non-partisan conclusions;
- (C) specify the section(s) or portion(s) of the Report that same Committee Member is in disagreement with or address the specific items left out of the Report that were in scope;
- (D) articulate and explain why there is disagreement including the reasons why the material disagreement could not be adequately dealt with within the Majority Opinion as a dissenting opinion; and
- (E) include the technical analysis supporting such material disagreement.

Any Expert may submit a written objection to a Minority Opinion that does not meet the foregoing standards. A two-thirds vote of the TWG Committee is required to sustain the objection and reject the Minority Opinion. A decision of the TWG Committee to include or reject a Minority Opinion may be appealed to the Board.

(e) **Calculation of Votes.** Each TWG Committee Member shall be entitled to cast one vote indicating their agreement or disagreement with the Report. However, if a TWG Representative and his or her affiliated TWG Designee(s) are both TWG Committee Members, only one vote will be counted with a preference for the vote of the TWG Representative.

The total votes for and against the Report will be divided by the total votes cast. The dividend, as a percentage, shall be used to determine what designation the Report will receive based on the following percentages:

- (i) less than 66%, the Report shall be deemed an Informational Report;
- (ii) 66% or greater but less than 90%, the Report shall be deemed a Significant Agreement Report;
- (iii) 90% or greater but less than 100%, the Report shall be deemed a Near-Uniform Agreement Report; and
- (iv) 100%, the Report shall be deemed a Uniform Agreement Report.

(f) **Anonymity of Votes.** The TWG Committee voting shall be confidential, and the Staff and Chair shall not reveal how any TWG Committee Member voted on the Majority Opinion in the Report.

7. **Report Contents**

Each Report issued by a TWG Committee should be no more than twenty-five pages in length, except in unusual circumstances approved by the Executive Director, and must contain the following information, at a minimum:

(a) on the cover page of the Report, it will indicate whether the Report is a Uniform Agreement Report, Near-Uniform Agreement Report, Significant Agreement Report, or Informational Report;

(b) on the back of the cover page of the Report, it will include the intellectual property and confidentiality notices specified in the Intellectual Rights Policy, and a statement substantially as follows: “This report reflects the work and opinion of the experts that participated in the technical committee, as listed in this report. Unless this report is indicated as a Uniform Agreement Report, it reflects broad consensus but not unanimous agreement. In addition, the agreement of any participating expert is based on his or her own opinion in his or her individual capacity. Neither this report as a whole, nor any specific claim or statement herein, should be understood to be the opinion of, or endorsed by, any company or organization affiliated with an expert or otherwise identified in this report.”;

(c) a summary of the Review Request that is the subject of the Report, including a thorough review of technical issue(s) evaluated and information pertaining to the individual or entity filing the Review Request;

(d) the TWG Representatives, TWG Designees, and Experts that were TWG Committee Members and the Member (or other primary organization, if not applicable) with which they are affiliated;

(e) if a vote was requested by any TWG Committee Member, the Report will outline the aggregate percentage that the Majority Opinion received and the percentage the Majority Opinion received from each Member Category but the Report, under no circumstances, will identify how any individual TWG Representative or his or her TWG Designee voted;

(f) the Majority Opinion, including supporting technical analysis;

(g) material minority, conflicting or dissenting opinions raised by TWG Committee Members that were considered but not included in the Majority Opinion, including the technical analysis supporting such material minority, conflicting or dissenting opinions;

(h) if the Report is designated as an Informational Report, the Majority Opinion, if any, within such Report will not be deemed to be an official TWG position; instead, the Report will outline the various material technical opinions raised by TWG Committee Members and provide underlying technical analysis supporting each position;

(i) if the TWG Committee's Report is crafted as an advisory opinion of the TWG, the advisory opinion will consider the following factors, as appropriate: (i) whether a technical practice is used by others in the industry; (ii) whether alternative technical approaches are available; (iii) the impact of a technical practice on other entities; (iv) whether a technical practice is aimed at specific content, applications, or companies; and/or (v) other relevant factors considered by the TWG Committee; and

(j) the Executive Director shall have the authority to exercise editorial discretion to exclude material from a Report on the basis that it is outside the scope of the Review Request or the Report, it focuses on non-technical or policy issues, or for other exigent circumstances.

8. Report Circulation and Procedural Disputes; Copyright Review

(a) Prior to the final publication of the Report and the report becoming a "Final Report" but after the Executive Director has declared Near-Uniform Agreement pursuant to 6(c), any vote on the Majority Opinion has been conducted in accordance with Section 6(d), and any required Minority Opinion has been generated, submitted, and included in the Report in accordance with Section 6(d), the final draft of the Report will be circulated to the entire TWG. During the ten (10) business day period following transmittal, any TWG Representative, TWG Observer, Participating Member, or Observing Member may file a complaint if he, she, or it reasonably believes that the TWG Committee failed to follow the procedures outlined in this Governance Manual or operated outside of the scope of its mission as outlined in the Bylaws. Such complaint should clearly identify the written policies or procedures of the TWG or TWG

Committee that were not followed or how the TWG Committee operated outside the scope of the TWG mission.

(b) During the ten (10) business day review period outlined in Section 8(a) above, a TWG Representative, TWG Observer, Participating Member, or Observing Member may object to (i) the inclusion in the Report of a Contribution (as defined in the Intellectual Rights Policy) that should not have been included in the Report because the submitting party did not grant BITAG a license to use such Contribution as specified in the Intellectual Property Rights Policy; or (ii) the exclusion from the Report of any material by the Executive Director under Section 7.

(c) Any such complaint filed pursuant to Sections 8(a) or 8(b) above will be first referred to the TWG Committee for consideration. The Chair, in consultation with the TWG Committee Members, will evaluate the merits of the complaint, provide a written response addressing the complaint and, if the Chair deems necessary, take steps to cure any valid procedural deficiencies or copyright concerns raised by the complaint. If the complainant is not satisfied with the steps taken by the TWG or TWG Committee, the complainant may file an appeal to the Board, which appeal must be filed within five (5) days of receiving notice of the actions taken by the TWG or TWG Committee. The Board may (but is not required to) entertain any appeals raised, but its review will be limited solely to whether the TWG and the TWG Committee complied with the Governance Manual and conducted itself within the scope of the TWG's mission and whether a Contribution was validly included in a Report. For avoidance of doubt, the Board may not evaluate the substance of the Report generated by the TWG Committee except to ensure that such Report did not exceed the scope of the TWG's mission. If the Board refuses to hear the complaint or concludes that the TWG and TWG Committee acted in accordance with the Governance Manual and within the scope of the TWG's mission or that the Contribution was validly included in a Report, it shall provide a written explanation of its decision to the complainant. If the Board agrees with the merits of the complaint, it shall either identify how the Report fell outside of the mission of the TWG and/or the procedural defects and, if procedural defects, refer the issue back to the TWG (or TWG Committee) to resolve such procedural defects or direct the TWG (or TWG Committee) to modify the Report to exclude any Contributions that were improperly included in the Report. The Board shall make its determination regarding the merits of any complaint within thirty (30) days of the appeal being filed with the Board.

(d) The Report shall become a "Final Report" for purposes of the Intellectual Property Rights Policy upon the earlier of: (i) the expiration of the ten (10) business day review period assuming no complaint was filed pursuant to Sections 8(a) or 8(b), or (ii) the conclusion of the review and appeal process outlined in Sections 8(b-c).

9. TWG Committee Expectations

Each TWG Representative, TWG Designee, and Expert on a TWG Committee will be expected to satisfy the following expectations:

(a) commit the resources necessary for drafting, reviewing, and discussing technical issues within the agreed timeframes;

- (b) attend TWG Committee meetings;
- (c) participate fully in all TWG Committee work and, based on the TWG Representative's or TWG Designee's knowledge and experience in the subject, provide technical input into the Work Product being prepared;
- (d) fully and impartially comment on proposals and provide substantive reasons for the non-acceptance of proposed changes;
- (e) track and monitor project progress;
- (f) ensure that relevant interests in the subject matter, not readily apparent, be made known to the TWG Committee (i.e., declare conflicts of interest other than conflicts that are readily apparent by virtue of such individual's affiliation with a particular company or organization or that would require the person to divulge confidential or competitively sensitive information); and
- (g) otherwise comply with any rules and codes of conduct established by the TWG and BITAG.

10. Proprietary Information

- (a) No Member, Director, Expert, or other person participating in or involved with BITAG or any Report shall have any right to confidential or proprietary information of any other such person or their affiliated entities;
- (b) no such person will have any obligation to divulge non-public proprietary or confidential information in Reports, during BITAG discussions and communications or otherwise, and a statement by such person that the information is confidential or proprietary will be conclusive; and
- (c) each individual will endeavor not to divulge confidential or proprietary information of its employer or affiliated entities.

11. Modifications to this TWG Governance Manual

- (a) Staff will regularly review the TWG processes and may propose modifications to the TWG processes. If Staff believes that these governance procedures should be substantially modified, amended, supplemented, or restated, the Staff will refer the issue to the TWG and the TWG will establish a TWG Committee responsible for reviewing and making recommendations regarding any such modifications, amendments, supplements, or restatements of this Governance Manual. If the majority of the TWG Committee Members recommend that such modification is necessary, the proposed modification will be referred to the Board in accordance with the modification provisions set forth in the Bylaws. Additionally, the TWG can take up, on its own initiative, reviews of the TWG Governance Manual and shall refer the matter to a TWG Committee for review in accordance with the foregoing provisions.

(b) Any modifications to this Governance Manual proposed by a TWG Committee must be approved by the Board in accordance with the modification provisions set forth in the Bylaws. The Board may not make procedural modifications to the TWG processes unless such modifications are approved by a TWG Committee established for that purpose in accordance with the modification provisions set forth in the Bylaws.

(c) Notwithstanding the foregoing, TWG and Staff may adopt written procedures that implement the terms of this Governance Manual without obtaining the consent of the Board so long as such procedures do not explicitly or implicitly amend, modify, or negate any provision of this Governance Manual or the Bylaws.

Schedule A

Review Request Filing Fee Chart

Industry Tier (revenue)	Member	Non-Member
Above \$5B	No Filing Fee	\$0
\$1B to \$5B		\$0
\$100M to \$1B		\$0
Under \$100M		\$0
Trade Association Tier (budget)	Member	Non-Member
Any Size Budget	\$0	\$0
Community Representative Tier (budget)	Member	Non-Member
Any Size Budget	No Filing Fee	\$0
Individual Tier	Member	Non-member
Any Individual	No Filing Fee	\$0

Schedule B

Template Review Request Application

See attached Review Request form; also available on the main web page at www.bitag.org.

BITAG Review Request Application and Instructions

The Broadband Internet Technical Advisory Group, Inc. (BITAG) is an independent non-profit organization, whose mission is to bring together engineers and other similar technical experts to develop consensus on broadband network management practices or other related technical issues that can affect users' Internet experience, including the impact to and from applications, content and devices that utilize the Internet.

This document contains the application to request the BITAG Technical Working Group (TWG) to review a technical issue. Please submit the completed form via email to reviewrequest@bitag.org.

Review Request Form

1. Details of Requesting Party or Parties

Name of Individual(s) or Organization(s)	
Address of Individual(s) or Organization(s)	
Organization(s) URL	
Name of Submitter(s)	
Position and Title of Submitter(s)	
Submitter(s) Contact Information: Email and Phone #	



BITAG Review Request Application and Instructions

2. Description of Underlying Technical Issue and Why TWG Review Would Inform the Public and Policymakers

Please fully describe the underlying technical issue below and explain how a review by the TWG would inform the public and policymakers regarding the underlying technical issues. Attach additional documents or information as necessary, for example: relevant diagrams, illustrations, reports, studies, specifications, or standards. URLs or links to each of these are helpful as well.

A) Title of the Technical Issue:

B) Detailed description of the Technical Issue:

C) Describe which BITAG Member Categories are affected by this issue (i.e., Applications Providers, Community Representatives, Content Producers, Equipment Manufacturers, Internet Connectivity Providers):

D) Describe why a BITAG Technical Working Group Review of this technical issue would inform policymakers and the public:



BITAG Review Request Application and Instructions

E) What relevant standards or standards bodies are directly implicated or related to this issue:

F) Please Provide or attach additional diagrams or items that would be helpful to other Technical Working Group Representatives in evaluating the merits of taking up this technical issue for review:

G) Additional items that may be relevant:

3. Identify any Parties on Record as Opposing Your View on the Technical Issue Requested for Review (attach additional page(s) if necessary)

Name of Party	Description of Opposing Position



BITAG Review Request Application and Instructions

4. Filing Fee

Review requests will not be considered complete or examined until we receive the requisite filing fee, if applicable. For a single Review Request submitted by more than one party, the filing fee will be in the amount of the highest cost party (see chart below). Please contact reviewrequest@bitag.org about submitting your payment.

Filing Fee for 2014:

Industry Tier (revenue)	Member	Non-Member
Above \$5B	No Filing Fee	\$0
\$1B to \$5B		\$0
\$100M to \$1B		\$0
Under \$100M		\$0
Trade Association Tier (budget)	Member	Non-Member
Any Size Budget	\$0	\$0
Community Representative Tier (budget)	Member	Non-Member
Any Size Budget	No Filing Fee	\$0
Individual Tier	Member	Non-member
Any Individual	No Filing Fee	\$0

5. Declaration

The information provided in this request is true to the best of my knowledge. I understand that upon submission, this request and any attached documents become the property of BITAG, Inc. I also understand that all review requests must be germane to the Technical Working Group (TWG) and its mission. Further, I understand that BITAG reserves the right to reject any request not filled out properly, not germane to the TWG mission, or where the requisite filing fee is not received.

DATE: _____

SIGN: _____ **PRINT:** _____

*Please submit completed form via email to reviewrequest@bitag.org



BITAG Review Request Application and Instructions

BITAG Review Request Application Instructions

General Instructions

Who can use the Review Request form? Anyone with a network management issue or other technical issue that can affect users' Internet experience, including the impact to and from applications, content and devices that utilize the Internet may submit a request to BITAG in order to have it reviewed. Just to be clear though, simply submitting a request does not mean it will automatically be taken up by BITAG and its Technical Working Group (TWG). The request must be approved and submitted with the appropriate filing fee.

How to use the Review Request form? The Review Request form must be filled out in its entirety in order for your review request to be approved. We will need the contact information of those submitting the Request, the organization(s) each submitter is affiliated with (if any), a description of the technical issue and how review of such by the BITAG TWG will better inform the public and policy makers, additional technical documentation that will be helpful to BITAG in its review, a short list of the parties (if any) that may be adverse to the position of the submitters on the technical issue requested for review, and the filing fee. Finally, you will need to confirm the information provided in the application is true and correct to your knowledge, along with other declarations. For single Review Requests submitted by multiple parties, any one submitter may sign the Review Request Form.

Then simply email the completed and signed application (along with additional technical documentation) back to BITAG at reviewrequest@bitag.org.

Section by Section Instructions

→1. Requesting Party Details

In this subsection, please provide contact information for the submitters and affiliated organization(s) (if applicable).

Please provide:

- **Name of Organization(s)** – Please enter the name of the organization that you are submitting the BITAG Review Request on behalf of. If you are submitting the Request on behalf of yourself as an individual, please enter "SELF." If you are submitting the Request on behalf of multiple organizations, please enter the full name of each one separated by a comma.
- **Address of Organization(s)** – Please enter in the address of the organization that you are submitting the BITAG Review Request on behalf of. If you are submitting the Request on behalf of yourself as an individual, please enter your own mailing address. If you are submitting the Request on behalf of multiple organizations, please enter the mailing address of each organization.
- **Organization(s) URL** – Please enter in the website address or URL of the organization that you are submitting the BITAG Review Request on behalf of. If you are submitting the Request on behalf of yourself as an individual, please enter your personal website address or URL or simply

leave blank. If you are submitting the Request on behalf of multiple organizations, please enter each organization's URL.

- **Name of Submitter(s)** – Please enter the full legal name of each submitter.
- **Position and Title of Submitter** – Please enter the position and title for every individual submitting the BITAG Review Request. If you are submitting the Request on behalf of yourself as an individual, please leave this blank.
- **Submitter(s) Email** – Please enter the email address of each submitter. If the BITAG Review Request is being submitted on behalf of an organization, please use your email at that same organization.
- **Submitter(s) Phone Number** – Please enter a phone number that BITAG Staff can reach each submitter at.





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→2. Description of Underlying Technical Issue and Why Technical Working Group (TWG) Review Would Inform the Public and Policymakers

In this subsection, use the spaces provided to describe the underlying technical issue that the BITAG TWG is being requested to review. This should at a minimum include relevant: diagrams and illustrations of the network management technique or technical issue, reports and studies on the same, any specifications or standards that are related to the issue or technique (for example ANSI, ISO, IEEE, IETF, ITU-T, etc), as well as the URLs where each of the above can be found on the Internet.

Please also describe why a TWG review is appropriate including how TWG review will help inform the public and policy makers. Attach any additional documents or information that would be helpful.

→3. Identify Any Potential Adverse Parties

In this subsection, please list the names of any parties that may have adverse interests to your own or the submitting group’s interests on the technical issue that is the subject of this review request and the reasons for such. If additional space is required, please attach a separate document with the additional names and information.

→4. Filing Fee

Review Requests will not be considered complete or examined until we receive the requisite filing fee. There is a significant administrative and operational burden to each review, and BITAG asks those who submit requests to shoulder some of that burden. Payment of the filing fee may be made by check or credit card, though with credit card payment some additional fees may apply. For a single Review Request submitted by more than one party, the filing fee will be in the amount of the highest cost party (see chart below).

The filing fee schedule for 2014 is:

Industry Tier (revenue)	Member	Non-Member
Above \$5B	No Filing Fee	\$0
\$1B to \$5B		\$0
\$100M to \$1B		\$0
Under \$100M		\$0
Trade Association Tier (budget)	Member	Non-Member
Any Size Budget	\$0	\$0
Community Representative Tier (budget)	Member	Non-Member
Any Size Budget	No Filing Fee	\$0
Individual Tier	Member	Non-member
Any Individual	No Filing Fee	\$0

→**5. Declaration**

In this subsection, the submitter must affirm that the information is true and correct and that they understand the application will be rejected if not completed properly, if it is not germane to the TWG Mission, or is not accompanied by the filing fee. For a single Review Request submitted by multiple parties, any submitter may sign the Review Request Form.





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Additional Information on How the Request for TWG Review Will Be Reviewed by BITAG Staff

When the BITAG Review Request reaches the BITAG Staff the process is straightforward:

- **FIRST**, the request is received electronically via email.
- **SECOND**, the BITAG Staff will check to make sure the Review Request has been filled out completely and correctly. The Staff will also confirm whether BITAG has received the appropriate filing fee (if applicable).
- **THIRD**, the BITAG Staff will review the substance of the request to ensure it is germane to the Mission of the Technical Working Group and may properly be reviewed by BITAG. Upon completion of this stage, the Request will either be rejected or approved.
- **FINALLY**, the BITAG Staff will inform the submitter(s) by email of whether the Review Request has been accepted or approved:
 - If the Request has been rejected, you will also receive a list of reasons why the Request was rejected. If you feel the Request is rejected in error, you may contest that rejection. To initiate that process please contact us at reviewrequests@bitag.org.
 - If the Request has been approved, you will receive notification of the next steps.

Once the Review Request is approved, BITAG will begin the internal processes necessary for the Technical Working Group (TWG) to start its deliberations.