

MEMORANDUM

To: Mr. Bob O'Hara, EC Recording Secretary
Cc: IEEE 802 Executive Committee
[STDS-802-SEC@listserv.ieee.org]
From: Hassan Yaghoobi and Jose Puthenkulam
Date: February 16, 2006
**Re: Appeal of Decisions Taken by IEEE 802.20 WG Chair;
Request for Cancellation of Letter Ballot 1**

We, Hassan Yaghoobi and Jose Puthenkulam, are member/participants in the IEEE 802.20 Working Group. We are writing to appeal the decision of the Chair of that working group to issue a letter ballot (refers to Letter Ballot 1 herein) during the January meeting. We hereby request that the Executive Committee rescind and cancel such letter ballot, or instruct the Chair of the 802.20 Working Group to rescind and cancel such letter ballot, on the grounds that it was improperly issued in breach of the procedures mandated by the Policies and Procedures of IEEE Project 802 Working Group 802.20.

General Nature of the Objection

We assert that decisions taken by the Chair of the 802.20 Working Group at the January meeting violated the Policies and Procedures of IEEE Project 802 Working Group 802.20 (Mobile Broadband Wireless Access) Version 1.0, dated January 8, 2004 (the 802.20 P&P [1]). Although the conditions to letter ballot set forth in section 2.9.2 of the 802.20 P&P have not been met, the Chair nevertheless initiated a letter ballot to "Forward the Draft 1.0 of IEEE 802.20 to Sponsor Ballot". The Chair's action in initiating this letter ballot was improper and invalid, and should be canceled.

Clauses of Procedural Rules at Issue

In accordance with section 1 of the Project 802 LMSC Policies and Procedures [2], the 802.20 P&P is a regulating document governing the operations of the 802.20 Working Group.

Section 2.9.2 of the 802.20 P&P mandates the following steps before a working group issues a letter ballot:

*2.9.2 Draft Standard Balloting Requirements
Before a draft is submitted to WG letter ballot, it shall meet the following requirements:*

- 1. The TG must approve the draft by at least 75%, indicating the TG has conducted a technical review of the draft, and believes the draft is technically complete, and ready for WG approval e.g. not place holders or notes for future action, editing, or clarifications.*
- 2. It must be made available per sub clause 2.5.*

3. *If any changes need to be made to the draft after posting, these changes, whether technical or editorial, shall be approved prior to the vote for approval to go to WG letter ballot. The editor will be instructed to incorporate these changes whether technical or editorial into the draft prior to the release of the draft to letter ballot.*
4. *Any voting member can bring a motion requesting that, after the editor has completed the draft, work be approved by a fifteen day confirmation letter ballot of the draft before submission to WG letter ballot. This will be a procedural motion requiring simple majority.*
5. *The availability of the draft must be announced on the WG email reflector during or prior to the WG session or regularly scheduled interim session.*
6. *The draft must be formatted according to sub clause 2.9.3.*
7. *The draft must be approved for submittal to WG letter ballot at the 802.20 WG closing plenary. This will be a technical motion requiring at least 75% approval.*

The 802.20 Working Group conducted its activities without utilizing a “task group”. While section 2.1 of the 802.20 P&P states a task group is optional for draft development, subsection 2.9.2(1) still requires a vote of a task group prior to a working group ballot. The implication is that absent a task group, the working group must fulfill the requirements placed on a task group in subsection 2.9.2(1). Even absent a task group, a working group clearly must fulfill the requirements of the remainder of section 2.9.2.

The 802.20 Working Group has also adopted the Technology Selection Process (TSP) Document dated September 22, 2005 (doc IEEE P802.20-PD-10 [3]). The TSP Document sets forth additional procedures for the 802.20 working group to adopt a technology as an approved specification.

Although subsections (9) and (10) of section 3.4 of the TSP Document state that “*Having attained 75% support, the prevailing proposal will be adopted as the initial technical specification of IEEE 802.20 without further vote*” and “*The IEEE 802.20 Editor shall prepare Draft 1.0 from this technical specification. The Draft 1.0 shall be forwarded to the working group for letter ballot*”, section 4.0 of the same document states that, “*In case of conflicts, between this TSP and IEEE 802 rules or the IEEE 802.20 Working Group procedures, the latter shall prevail*”

There is clearly a conflict between subsections (9) and (10) of section 3.4 of the TSP Document and section 2.9.2 of the 802.20 P&P. Subsection 3.4(10) of the TSP Document directs the 802.20 editor to prepare Draft 1.0 from the initial technical specification, and that draft will be distributed for letter ballot, all without regard to the detailed and mandatory procedures set out in section 2.9.2 of the 802.20 P&P. Subsections 3.4(9) and 3.4(10) of the TSP Document conflict with (indeed, they effectively circumvent) the requirements of section 2.9.2 of the 802.20 P&P. Therefore, in accordance with section 4.0 of the TSP Document, section 2.9.2 of the 802.20 P&P must prevail to govern the issuance of a letter ballot.

Actions of the Chair of the 802.20 Working Group at Issue

At the January meeting of the 802.20 working group (ending January 18, 2006), in accordance with section 3.4 of the TSP Document, two technology “down-selection” votes were taken by secret

ballot. (One to select an FDD proposal and the second to select a TDD proposal.) A technical proposal for each of FDD and TDD prevailed. The initial P802.20/D1 draft was published on January 27, 2006 when issued for working group letter ballot with a motion to advance the draft to Sponsor ballot.

We submit that the conditions in section 2.9.2 of the 802.20 P&P for initiating a letter ballot have not been met. Although secret ballots were taken on selecting a TDD proposal and an FDD proposal, resulting in selection of the MBTDD and MBFDD proposals, no ballot was taken on the complete “draft” as required by section 2.9.2, with defining characteristics as defined by the IEEE Style Manual [4], and the IEEE-SA Standards Board Operations Manual 6.1.2. [5]. The working group discussed the MBTDD and MBFDD proposals separately, but did not have an opportunity to either review or discuss a final form of the draft, nor the completeness of the draft for adoption as a standard. There exists a proposed draft contribution (C802.20-06/04) containing the MBTDD and MBFDD proposals. But other than the fact that the Chair mentioned that it would be the basis of the draft for letter ballot, there was no discussion or decision or motion made to adopt it as the basis of the working group “draft”. (See minutes in [6].) It was only on January 27, well after the working group interim meeting closed, that a document containing the basic elements of the draft was circulated with the motion for letter ballot.

The secret ballots taken on the TDD and FDD down selection did not meet the requirements of subsections 2.9.2(2) and (6). The distribution of contributions does not provide the same notice to working group members as the distribution of a “draft” as required by subsection 2.9.2(5). Working group members were not afforded the opportunity to review the draft in its entirety or suggest editorial or technical improvements as required by subsection 2.9.2(3). The process used by the chair to forward the document to letter ballot had the effect of denying working group members the opportunity to request a confirmation letter ballot as contemplated by subsection 2.9.2(4).

More significantly, in accordance with subsection 2.9.2(7) of the 802.20 P&P, a draft standard must be approved by a technical motion. Of course this was not possible and did not happen, because the draft was not even published until January 27, 2006, several days after the close of the working group meetings. Further, there has not been any motion, technical or otherwise, to take the down-selected proposal to letter ballot.

Because the conditions to letter ballot set forth in section 2.9.2 of the 802.20 P&P were not met, the Chair’s action on January 27, 2006 in initiating a letter ballot to “Forward the Draft 1.0 of IEEE 802.20 to Sponsor Ballot” was improper and invalid.

Adverse Effect of Chair’s Actions

The Chair of 802.20 issued a letter ballot in spite of the fact that the conditions to letter ballot set forth in section 2.9.2 of the 802.20 P&P have not been met. Some observers might consider the failure to meet the conditions of section 2.9.2 to be a mere technical or procedural flaw. However, the effect to the 802.20 Working Group and to IEEE of this failure may be very significant.

If the draft is successful and becomes approved in the letter ballot, it will be designated within IEEE's nomenclature as a "Draft Standard". This will of course give it significant enhanced recognition and credibility within IEEE and the industry in general. Such recognition and credibility will have come without the 802.20 working group conducting a technical review of the draft and its compliance to the PAR and the five criteria set forth in 7.2.1 of the Project 802 LMSC Policies and Procedures.

Adequate review of a proposed draft is a critical step in the standards development process, and often can prevent or resolve significant technical and even legal issues. However, even minimal review of the entire 802.20 proposed draft has been circumvented by the Chair's rush to send the draft to letter ballot.

As one example, because the letter ballot was issued without working group members having had a chance to review it in its entirety or accept it via a technical motion, there was no opportunity to scrub the draft for copyright issues prior to letter ballot. Between the date that the letter ballot was issued and the date of this Memorandum, we have conducted a very basic and preliminary review of the complete draft. From such review, it appears clear that large portions of the document are the same (and appear to have been copied from) the 3GPP2 standard "cdma2000 High Rate Packet Data Air Interface Specification" (3GPP2 document C.S0024-A). (See comparison of [7] and [8].) This 3GPP2 document clearly bears a copyright notice on its cover. It is perhaps possible that permission to use such material has been granted to IEEE, or for some reason may not be needed, but without investigation of such issues, by elevating the 802.20 to a "Draft Standard", IEEE may be incurring significant legal liability. This is a very simple matter to both identify and investigate, and subsection 2.9.2 of the 802.20 P&P (as well as common practice of most other working groups) clearly contemplates that such investigation be conducted prior to initiation of a letter ballot. But because the Chair issued the letter ballot without complying with the procedures set forth in section 2.9.2, this review did not take place prior to letter ballot.

As another example the issued 802.20 draft [7] title and scope does not match the approved PAR [9] title and scope as required by the 802.20 P&P section 2.9.2 (2) which references 2.5 that requires 802.20 drafts to conform to the IEEE Style Manual [5]. In section 9.1 it states:

"9.1 Title

The title should be exactly the same as that on the approved PAR, and in all cases shall reflect the scope of the standard in as few words as possible."

Previous Efforts to Resolve the Issue

We have been unsuccessful in our attempt to resolve this matter directly and informally with the Chair of the 802.20 Working Group, Jerry Upton. We outlined our concerns to Jerry in a letter dated February 8, 2006 [10]. On the 802.20 reflector, several other participants have expressed common concerns [11]. Nevertheless, Jerry has summarily declined our request to recall the letter ballot [12]. He appears to believe that section 2.9.2 of the 802.20 P&P does not apply to working groups, but only applies only to task groups. He asserts that since 802.20 has formed no task groups, section 2.9.2 does not apply. Presumably in that case, he believes that only the TSP Document governs issuance of a letter ballot.

We believe the text of section 2.9.2 of the 802.20 P&P is clear. While one aspect of that section governs procedures of task groups, the majority of the section clearly governs requirements to advance a draft to working group letter ballot.. These procedures governing working groups cannot be ignored. Therefore we request intervention from the Executive Committee to rescind and cancel the letter ballot.

Specific Remedial Action Requested

The development process for the 802.20 specification has already been artificially compressed into a far shorter time than most members of the working group have ever experienced, and certainly does not match the pace of development activity for the first three years of the working group's existence. Even the IEEE 802.20 WG Project Development Plan (V 1.0) [13] adopted by the 802.20 working group provided two to three months to review a proposed draft prior to initiation of a letter ballot under the section "Drafting the Standard". For good or for ill, it appears that the TSP Document can in some cases allow for such a compressed work schedule. However, the development process for this specification may not be subverted in violation of the 802.20 P&P.

Regrettably, the TSP process and decisions taken by the Chair at and subsequent to the January working group meeting violated the 802.20 P&P. As noted above, although the conditions to letter ballot set forth in section 2.9.2 of the 802.20 P&P have not been met, the Chair nevertheless initiated a letter ballot to "Forward the Draft 1.0 of IEEE 802.20 to Sponsor Ballot". This action was improper and invalid, will damage the reputation and credibility of the 802.20 Working Group and IEEE in general, and may even expose IEEE to legal liability due to identified but uninvestigated or resolved copyright issues.

We therefore request the immediate rescission and cancellation of the letter ballot (and any subsequent ballots that may have occurred by the date of the appeal decision). Compared to the possible damage to IEEE from adopting a flawed standard, the time and expense to conduct a proper letter ballot process are minimal. If determined to be appropriate, we expect that a motion to initiate a letter ballot might be taken up at a future meeting of the 802.20 working group, but only after complete technical review of the draft by the working group for readiness to go to letter ballot and proper compliance with section 2.9.2 of the 802.20 P&P.

Thanking you for your kind consideration,

Sincerely,

Hassan Yaghoobi
Intel Corporation
2200 Mission College Blvd, SC12-512
Santa Clara, CA 95054
hassan.yaghoobi@intel.com

Jose Puthenkulam
Intel Corporation
2111 NE 25th Ave, JF3-336
Hillsboro, OR 97124
jose.p.puthenkulam@intel.com

References (Attachments indicated)

1. IEEE 802.20 Policies and Procedures (V 1.0) dated January 8, 2004;
http://ieee802.org/20/P_Docs/IEEE%20802.20%20PD-05.doc (Attached)
2. 802 LMSC Policies and Procedures <http://www.ieee802.org/policies-and-procedures.pdf>
3. IEEE 802.20 Technology Selection Process (V 1.0) dated September 22, 2005;
http://ieee802.org/20/P_Docs/IEEE%20802.20-PD-10.doc (Attached)
4. IEEE-SA Standards Board Operations Manual, dated December 2005
<http://standards.ieee.org/guides/opman/sb-om.pdf>
5. IEEE Standards Style Manual, 2005 Edition,
<http://standards.ieee.org/guides/style/2005Style.pdf>
6. Draft Meeting Minutes of the 802.20 Interim Meeting, Session #18, Waikoloa Village, Hawaii, USA, Jan 16-19, 2006; http://ieee802.org/20/WG_Docs/802.20-06-01_Jan_Minutes_for%20Posting%20woQ&A.doc (Attached)
7. IEEE 802.20/D1 Draft Standard for Mobile Broadband Wireless Access
<http://www.ieee802.org/20/private/P802.20-D1.0.pdf> (Attached version has partial highlight of copied material. Please use comments tab to navigate.)
8. 3GPP2 document C.S0024-A draft standard for “cdma2000 High Rate Packet Data Air Interface Specification” (http://www.3gpp2.org/Public_html/specs/C.S0024-A_v2.0_050727.pdf)
9. Mobile Broadband Wireless Access Systems: Approved PAR, dated December 11, 2002
http://ieee802.org/20/P_Docs/IEEE%20802.20%20PD-02.pdf (Attached)
10. Letter request from Hassan Yaghoobi and Jose Puthenkulam to 802.20 Chair Jerry Upton, 802.20 complaint.02.08.pdf (Attached)
11. Email correspondence on request for recall of Letter Ballot 1
<http://grouper.ieee.org/groups/802/mbwa/email/thread2.html#00814>
12. 802.20 Chair Jerry Upton’s email response and also additional email correspondence (Attached)
13. IEEE 802.20 WG Project Development Plan (V 1.0)
http://ieee802.org/20/P_Docs/IEEE%20802.20%20PD-07r1.ppt (Attached)