

**AN ARBITRATION UNDER CHAPTER 11 OF THE NAFTA  
AND THE UNCITRAL ARBITRATION RULES, 1976**

between

**MESA POWER GROUP, LLC**

Claimant

and

**GOVERNMENT OF CANADA**

Respondent

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**PROCEDURAL ORDER NO. 12**

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**ARBITRAL TRIBUNAL**

Professor Gabrielle Kaufmann-Kohler (Presiding Arbitrator)

The Honorable Charles N. Brower

Toby Landau, QC

**Secretary of the Tribunal**

Rahul Donde

## I. PROCEDURAL BACKGROUND

1. In its communication of 7 August 2014, using the table provided in Procedural Order No. 6, the Respondent challenged some confidential designations proposed by the Claimant in the Respondent's Rejoinder and supporting documents; it also explained why the Claimant's designations were inappropriate. Upon the invitation of the Tribunal, the Claimant responded to these challenges on 12 August 2014. The Tribunal's determination in respect of each challenge is contained in Annex A hereto, which forms an integral part of the present Procedural Order.

## II. DECISION

2. The Tribunal:
  - i. decides the Respondent's challenges in connection with the designations proposed by the Claimant in the Respondent's Rejoinder and supporting documents as stated in Annex A, which forms an integral part of this Order; and,
  - ii. directs the Claimant to produce a public version of the Respondent's Rejoinder and supporting documents by **25 August 2014**;
  - iii. reserves costs for subsequent determination.

Seat of the arbitration: Miami, Florida, U.S.A

Date: 18 August 2014

**For the Arbitral Tribunal:**



Prof. Gabrielle Kaufmann-Kohler  
President of the Arbitral Tribunal