

**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

PROCEDURAL ORDER NO. 16

ARBITRAL TRIBUNAL

Professor Gabrielle Kaufmann-Kohler (Presiding Arbitrator)

The Honorable Charles N. Brower

Toby Landau, QC

Secretary of the Tribunal

Rahul Donde

I. BACKGROUND

1. This order reproduces the Tribunal's directions on the procedural matters discussed at the hearing on merits, liability and quantum.

II. Post-Hearing Submissions

2. Post-hearing submissions shall be filed on **18 December 2014** in accordance with the Tribunal's directions at the hearing. In particular, no new documents shall be filed.¹

III. Costs Submissions

3. Costs submissions shall be filed on **3 February 2014**, with reply submissions due on **26 February 2014**. The Parties are invited to confer on the scope and content of such submissions.

IV. Release of video recording of hearing

4. The Tribunal will issue directions on the release of the video recording of the hearing at a later stage when appropriate depending on its decision on the subsidy defense.

V. Miscellaneous

5. The transcript with portions designated as confidential or restricted access shall be provided to the Tribunal two weeks after receipt of the certified version of the transcript. On the same date, the Parties may submit an errata sheet listing any corrections to the transcript references in their closing submissions.
6. By **18 November 2014**, each Party shall provide the Tribunal with a USB stick containing all of the final public, confidential and restricted access versions of its (i) submissions, (ii) witness statements, (iii) expert reports, (iv) exhibits, (v) presentations made at the hearing (opening and closing presentations, as well as expert presentations), and (vi) indices to the witness and expert bundles used at the hearing.

¹ Excluding the demonstrative exhibits used at the hearing, which are to be numbered as "C" or "R" exhibits, as the case may be.

7. No new evidence shall be submitted, except with leave of the Tribunal. The Tribunal may request further input from the Parties, if it deems it necessary in the course of its deliberations (including in connection with the subsidy defense or certain valuation matters).

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

Date: 10 November 2014

For the Arbitral Tribunal:



Prof. Gabrielle Kaufmann-Kohler
President of the Arbitral Tribunal