

From: [Barry Appleton](#)
To: [Cavinder.Bull@drewnapier.com](#); [DBishop@kslaw.com](#); [dbethlehem@twentyessex.com](#)
Cc: [Christel.Tham](#); [Diana.Pyrkova](#); [Tennant Claimant](#); [sbustillos@reedsmith.com](#); [Ben.Love](#); [Nabeela.Latif](#); [Ed.Mullins](#); [Heather.Squires@international.gc.ca](#); [Annie.Ouellet@international.gc.ca](#); [Mark.Klaver@international.gc.ca](#); [Darian.Bakelaar@international.gc.ca](#); [Krystal.Girvan@international.gc.ca](#); [Alexandra.Dosman@international.gc.ca](#); [MariaCristina.Harris@international.gc.ca](#); [Benjamin.Tait@international.gc.ca](#)
Subject: RE: PCA Case No 2018-54 Tennant Energy LLC v. Government of Canada
Date: 14 September 2020 21:41:51

Dear Mr. President

There is no question that the Tribunal's determination of matters affects the decisions made by counsel regarding the extent of confidentiality designations and subsequent redactions for public use in the subsequent public designations.

Unfortunately, this request is yet another example of a matter where Canada should have first consulted with counsel for the Investor before troubling the Tribunal with a motion.

The Investor proposes that all confidentiality order filing deadlines under the *Confidentiality Order* be stayed as of August 10, 2020, which was the date of Canada's Motion to Suppress Public Access of the Admissions of Wrongfulness by Government Officials at the Mesa Power Video Hearing that was Released to the Public on the Internet. The clock would resume for all filings for both sides, as it was on that August 10 date, for all filings under the Confidentiality Order, once the Tribunal issues its decision on Canada's suppression of public evidence motion.

To the extent that Canada agrees to this bilateral proposal, the Tribunal should consider it to be a consent request.

Otherwise, the Investor formally requests that its bilateral process be the modified approach adopted by the Tribunal.

On behalf of counsel for the Investor



Barry Appleton

Managing Partner

Appleton & Associates International Lawyers LP

Tel 416.966.8800 • Fax 416.966.8801

bappleton@appletonlaw.com • www.appletonlaw.com

121 Richmond St. W, Suite 304, Toronto, Ontario • M5R 2K1