IN THE MATTER OF AN ARBITRATION UNDER CHAPTER ELEVEN OF THE NORTH AMERICAN FREE TRADE AGREEMENT AND THE UNCITRAL ARBITRATION RULES, 1976

-between-

TENNANT ENERGY, LLC
(the “Claimant”)

-and-

GOVERNMENT OF CANADA
(the “Respondent”, and together with the Claimant, the “Parties”)

PROCEDURAL ORDER NO. 11

The Arbitral Tribunal
Mr. Cavinder Bull SC (Presiding Arbitrator)
Mr. R. Doak Bishop
Sir Daniel Bethlehem QC

Registry
Permanent Court of Arbitration

Tribunal Secretary
Ms. Christel Y. Tham

1 May 2021
I. **RELEVANT PROCEDURAL HISTORY**

1. On 15 April 2021, the Tribunal issued Procedural Order No. 10 which, *inter alia*, set out in its Annex I the Procedural Calendar for the Bifurcated Jurisdictional Phase.

2. On 26 April 2021, the Respondent informed the Tribunal, *inter alia*, that the Parties had agreed to certain revisions to the Procedural Calendar for the purposes of accommodating an additional step that will allow for the Tribunal to rule on any *amicus curiae* applications before the Parties submit their responses to the *amicus curiae* submissions.

II. **THE TRIBUNAL’S ORDER**

3. The Tribunal confirms the revisions to the Procedural Calendar for the Bifurcated Jurisdictional phase, as agreed between the Parties.

4. The Tribunal determines that the Revised Procedural Calendar for the Bifurcated Jurisdictional Phase shall be as set out in Annex I.

**Dated: 1 May 2021**

**Place of Arbitration: Washington, D.C.**

Mr. Cavinder Bull SC  
(Presiding Arbitrator)  
On behalf of the Tribunal
# Annex I: Revised Procedural Calendar for the Bifurcated Jurisdictional Phase

<table>
<thead>
<tr>
<th>Procedural Event</th>
<th>By</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Decision on Scope of Bifurcated Phase of Proceedings (PO 9)</td>
<td>Tribunal</td>
<td>10 March 2021</td>
</tr>
<tr>
<td>Rejoinder Memorial on Jurisdiction</td>
<td>Respondent</td>
<td>26 May 2021</td>
</tr>
<tr>
<td>Notification of Article 1128 Written Submissions</td>
<td>Mexico/U.S.</td>
<td>11 June 2021</td>
</tr>
<tr>
<td>Article 1128 Written Submissions (if any)</td>
<td>Mexico/U.S.</td>
<td>25 June 2021</td>
</tr>
<tr>
<td>Responses to Article 1128 Written Submissions (if any)</td>
<td>Claimant/Respondent</td>
<td>26 July 2021</td>
</tr>
<tr>
<td>Filing of <em>Amicus Curiae</em> Applications for Leave / Attaching the <em>Amicus Curiae</em></td>
<td><em>Amici Curiae</em></td>
<td>20 August 2021</td>
</tr>
<tr>
<td>Notifications of Witnesses/Experts to be Cross-Examined at the Hearing</td>
<td>Claimant/Respondent</td>
<td>21 September 2021</td>
</tr>
<tr>
<td>Submissions of Proposed Hearing Schedule(s)</td>
<td>Claimant/Respondent</td>
<td>5 October 2021</td>
</tr>
<tr>
<td>Pre-Hearing Conference (via videoconference)</td>
<td>-</td>
<td>19 October 2021, 09:00 EDT</td>
</tr>
<tr>
<td>Hearing</td>
<td>-</td>
<td>15 to 19 November 2021 (max. 4 days)</td>
</tr>
</tbody>
</table>