

**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 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

Procedural Event	By	Date
Decision on Scope of Bifurcated Phase of Proceedings (PO 9)	Tribunal	10 March 2021
Rejoinder Memorial on Jurisdiction	Respondent	26 May 2021
Notification of Article 1128 Written Submissions	Mexico/U.S.	11 June 2021
Article 1128 Written Submissions (if any)	Mexico/U.S.	25 June 2021
Responses to Article 1128 Written Submissions (if any)	Claimant/Respondent	26 July 2021
Filing of <i>Amicus Curiae</i> Applications for Leave / Attaching the <i>Amicus Curiae</i> Submissions (if any)	<i>Amici Curiae</i>	20 August 2021
Responses to <i>Amicus Curiae</i> Applications for Leave (if any)	Claimant/Respondent	14 September 2021
Decision on <i>Amicus Curiae</i> Applications for Leave (if any)	Tribunal	28 September 2021
Responses to Admitted <i>Amicus Curiae</i> Submissions (if any)	Claimant/Respondent	12 October 2021
Notification of Article 1128 Oral Submissions at the Hearing (including with respect to any admitted <i>Amicus Curiae</i> Submissions)	Mexico/U.S.	1 October 2021
Notifications of Witnesses/Experts to be Cross-Examined at the Hearing	Claimant/Respondent	21 September 2021
Submissions of Proposed Hearing Schedule(s)	Claimant/Respondent	5 October 2021
Pre-Hearing Conference (via videoconference)	-	19 October 2021, 09:00 EDT
Hearing	-	15 to 19 November 2021 (max. 4 days)