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Subject: RE: PCA Case No 2018-54 Tennant Energy - Jurisdictional hearing schedule matter
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Dear Mr. President and Members of the Tribunal

The disputing parties are engaging in consultations regarding the procedural issues in connection with the upcoming hearing. As part of these consultations, a specific point has arisen to which the Investor seeks some guidance and assistance from the Tribunal.

Paragraph 6.2 addresses the length of the sitting date.

We further understand that the President will be physically located in Europe during the hearing. We are unaware of the physical location of the other arbitrators during the hearing.

Six witnesses have been called to testify. Three witnesses are in the Pacific time zone (GMT-8), with the remaining three in the Eastern time zone (GMT-5). We anticipate that counsel for both disputing parties will also be in the Eastern Time zone.

The Tribunal has set hearing times to commence at 9 am Eastern time and to run until 3 pm (with 1 hour and 15 minutes available for a 45-minute lunch and two 15 minute additional breaks). This results in a sitting day with a maximum of 4 hours and 45 minutes.

The Investor wishes to know if it is possible to extend the scheduled sitting day by 15 minutes to obtain five sitting hours per day. Given that half the witnesses are based in California (GMT-8), extending the end of the day would be more practical than establishing an earlier start time which would be before 6 am in California. However, we do not wish to unduly burden the Tribunal in our quest for an even number of hearing hours.

In this regard, the Investor seeks some further guidance from the Tribunal.

Is it possible to extend the daily 3 pm hearing closure time by 15 minutes per day to 3:15 pm eastern time?

On behalf of counsel for the Investor, Tennant Energy

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