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Subject: Re: PCA Case No. 2018-54 - Tennant Energy LLC v Canada - Response from the Tennant Energy
Date: 26 May 2022 22:36:49

Dear President Bull and Members of the Tribunal

Tennant Energy has read the communication from the Government of Canada requesting advance notice of the Tribunal's jurisdictional award, sent earlier this afternoon. Tennant Energy does not wish to add any further delay in the release of the Tribunal's award. The Investor seeks to have this arbitration proceed efficiently and expeditiously.

The drafters of the NAFTA could have included an advance notice or even an advance draft, but none was included in the NAFTA (unlike some other treaties such section 9(a) of Article 10.20 of the CAFTA-DR which include such provisions). Not only is there is no NAFTA requirement for such notice and there is no demonstrated need for advance notice of the Tribunal's determination of Canada's jurisdictional objections.

Of course, the Tribunal is free to provide a general indication of the state of its deliberations to the disputing parties, but Tennant Energy does not support any delay in the issuance of the jurisdictional award. To be clear, Tennant Energy does not consent to the giving of advance notice and asks that the Tribunal respectfully dismiss Canada's request.

on behalf of the Investor, Tennant Energy



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