

From: [Jose Luis Aragon Cardiel](mailto:Jose.Luis.Aragon.Cardiel@international.gc.ca)
To: ["Benjamin.Tait@international.gc.ca"](mailto:Benjamin.Tait@international.gc.ca); nlatif@appletonlaw.com; Krystal.Girvan@international.gc.ca; Cavinder.Bull@drewnapier.com; dbethlehem@twentyessex.com; DBishop@kslaw.com
Cc: bappleton@appletonlaw.com; EMullins@reedsmith.com; Heather.Squires@international.gc.ca; Mark.Klaver@international.gc.ca; Alexandra.Dosman@international.gc.ca; Stefan.Kuuskne@international.gc.ca; Sylvie.Zidan@international.gc.ca; [Diana.Pyrikova](mailto:Diana.Pyrikova@international.gc.ca); tenantclaimant@appletonlaw.com
Subject: RE: PCA Case No 2018-54 Tennant Energy LLC v. Government of Canada
Date: 16 October 2021 07:58:09

Dear Mesdames, dear Sirs,

I write under the instructions of the Tribunal in respect of the Parties' comments on the draft Procedural Order No. 14.

The Tribunal provides the following guidance to the Parties and directs that they confer with a view to reducing the number of outstanding issues relating to PO 14 ahead of the Pre-Hearing Conference Call so that they may provide a further revised draft PO 14:

1. In respect of para 6.3, the Tribunal shall be free to ask questions when it deems necessary, whether that is in the midst of opening and closing statements, or after. Rather than adopt a chess clock method of calculating time for such questions and answers, the Tribunal considers that the time taken for Tribunal questions and answers should count against the time of the Party responding to the question, it being for the Parties' (experienced) counsel to manage their allocated time and the Tribunal's interventions. To accommodate the time that may be taken up by Tribunal questions and the responses thereto, the Tribunal is open to considering an expansion of the time allocated to each Party for its opening and closing statements to a maximum of 2.5 hours each, subject to any agreement of the Parties to the contrary.
2. In respect of the Agreed Hearing Bundle, the Tribunal is not minded to restrict Parties to a specific number of additional documents that can be added. However, the Tribunal expects that the Parties will only add to the Agreed Hearing Bundle, documents that they will be referring to and that the Parties will bear in mind that for the Agreed Hearing Bundle to be used effectively, the number of documents it contains must be reasonably limited.
3. Each expert witness may have 30 minutes to make a presentation.
4. Canada will speak first and will call its witnesses first.

Yours sincerely,

José Luis Aragón Cardiel
Legal Counsel • Conseiller juridique
Permanent Court of Arbitration • Cour permanente d'arbitrage
Peace Palace • Palais de la Paix
Carnegieplein 2
2517 KJ The Hague • La Haye
The Netherlands • Pays-Bas
Tel: +31 70 302-4155 (direct • directe)

Fax: +31 70 302-4167

URL: <http://www.pca-cpa.org>

This email and any attachments may be confidential. Please notify us immediately if you have received this email or any attachment in error.

Ce courriel, ainsi que toute pièce jointe, peut être confidentiel. Si vous avez reçu ce message ou toute pièce jointe par erreur, veuillez nous en aviser immédiatement.
