

**IN THE MATTER OF AN ARBITRATION BEFORE A TRIBUNAL CONSTITUTED  
IN ACCORDANCE WITH THE UNITED STATES-DOMINICAN REPUBLIC-  
CENTRAL AMERICA FREE TRADE AGREEMENT, SIGNED AUGUST 5, 2004  
("CAFTA-DR")**

**- and -**

**THE UNCITRAL ARBITRATION RULES 1976**

**- between -**

- 1. TCW GROUP, INC.**
- 2. DOMINICAN ENERGY HOLDINGS, L.P.**

**"Claimants"**

**- and -**

**THE DOMINICAN REPUBLIC**

**"Respondent"**

**(and together with the Claimants, the "Parties")**

---

**Procedural Order No. 4  
Order on Costs**

---

Date: July 30, 2009

**By the Arbitral Tribunal**

**Prof. Juan Fernández-Armesto  
Mr. Mark Kantor, Esq.  
Prof. Karl-Heinz Böckstiegel (President)**

Considering the Parties' Settlement, Transfer and Mutual Release Agreement dated May 26, 2009;

Considering the Tribunal's Consent Award dated July 16, 2009, Section 2 of which states that "Claimants on the one hand, and Respondent on the other, shall bear equally the Tribunal's fees and expenses[.]" and Section 3 of which states that: "Claimants on the one hand, and Respondent on the other, shall bear equally the fees and expenses of the Permanent Court of Arbitration incurred in connection with this arbitration[.]" and

Considering the letter of the PCA dated July 16, 2009 through which the Tribunal informed the Parties that "it shall be issuing an Order for the costs of arbitration shortly, together with a final accounting of the Parties' deposit[.]"

the Tribunal hereby issues the following order:

1. As agreed by the Parties and as provided in the Tribunal's Procedural Order No. 1, the remuneration of the members of the Tribunal is fixed at EUR 500 per hour plus Value Added Tax ("VAT") if applicable for a member of the Tribunal.
2. The fees, expenses and VAT payable of Professor Dr. Karl-Heinz Böckstiegel, President of the Tribunal, amount to EUR 67,375, EUR 7,875.98 and EUR 12,801.25 respectively.
3. The fees and expenses of Professor Dr. Juan Fernández Armesto amount to EUR 36,500 and EUR 3,011.26 respectively.
4. The fees, expenses and VAT payable of the late Professor Dr. Thomas Wälde until his death on October 12, 2008 are EUR 33,750, EUR 3,610 and EUR 6,412.50 respectively.
5. The fees of Mr. Mark Kantor, who replaced Professor Wälde from November 21, 2008, are EUR 9,000. Mr. Kantor has not accrued any expenses.
6. Other Tribunal costs including hotel expenses, translation expenses, courier expenses, bank charges, amount to EUR 11,331.62.
7. The Parties agreed to use the registry services of the PCA in The Hague. The PCA registry fees and expenses amount to EUR 17,730 and EUR 2,616.17 respectively.
8. The costs of arbitration, comprised of the combined fees and expenses of the Tribunal and the PCA, are fixed at EUR 212,013.78 and shall be borne equally by the Parties (EUR 106,006.89 by each side). These amounts shall be paid from the deposits made by the Parties and held by the PCA.
9. The Claimants have deposited a total of EUR 300,000 and the Respondent has deposited a total of EUR 274,455.74. The unused balance of the deposit shall be reimbursed as follows: EUR 193,993.11 to Claimants (i.e., EUR 300,000 – EUR 106,006.89 = EUR 193,993.11) and EUR 168,448.85 to Respondent (i.e., EUR 274,455.74 – EUR 106,006.89 = EUR 168,448.85).

10. The PCA shall pay the above amounts by wire transfer to the accounts previously provided by the Parties as follows:

The Claimants:

Bank: Bank of New York  
Address: 48 Wall St. NY, NY  
SWIFT: IRVTUS3N  
ABA#: 021-000-018

For Credit To: Butterfield Bank (Cayman) Limited, Grand Cayman  
Account #: 803 326 5086  
For Final Credit: DR Energy Holdings, Ltd.  
Account #: 01101/038582

The Respondent:

Account Holder: Corporación Dominicana de Empresas Eléctricas  
Estatales  
Bank : Banco de Reservas de la Republica Dominicana  
Address: Ave. Winston Churchill esquina Porfirio Herrera  
Account No.: 200-02-240-001979-6  
Account Name: Cuenta de Ahorros en dólares CDEEE  
Swift No.: BRRDDOSD

On behalf of the Tribunal,



Karl-Heinz Böckstiegel  
President of Tribunal