

**STATEMENT OF PARTICULARS  
UNDER THE ARBITRATION RULES OF THE  
UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW  
AND  
THE NORTH AMERICAN FREE TRADE AGREEMENT**

**MESA POWER GROUP, LLC**

**Investor**

**v.**

**GOVERNMENT OF CANADA**

**Party**

October 12, 2012

1. The Investor provides the following particulars with respect to the claims set out in the Investor's Notice of Arbitration and Statement of Claim. There are five distinct breaches of Section A of the NAFTA:
  - (a) Government measures by officials of the Ontario Ministry of Energy and the Ontario Power Authority, which first arose on September 24, 2009 with the announcement of the Feed-In-Tariff Program (FIT).<sup>1</sup> These measures are inconsistent with the obligation to provide fair and equitable treatment and due process; and performance requirements.
  - (b) Special privileges granted to the Korean Consortium and its co-ventures obtained through the Green Energy Investment Agreement. Such privileges are inconsistent with the obligation to provide national treatment and MFN treatment beginning on January 21, 2010.<sup>2</sup>
  - (c) Government measures process by officials of the Ontario Ministry of Energy and the Ontario Power Authority through the changes to the interconnect rule in the FIT Program, which first arose on June 3, 2011.<sup>3</sup> Such measures are inconsistent with the obligation to provide fair and equitable treatment and due
  - (d) The announcement of FIT Program Power Purchase Agreements in the Bruce Region on July 4, 2011.<sup>4</sup>
  - (e) Canada's breach of good faith in respect of NAFTA Article 1122, and other parts of the NAFTA arbitration process contained in Section B of the NAFTA after the submission of this claim to arbitration, by manifesting a lack of good faith and by relying upon the resulting effects to the detriment of the Investor.<sup>5</sup>

---

<sup>1</sup> As stated in Mesa Power Corporation, LLC's Notice of Arbitration para. 19.

<sup>2</sup> As stated in Mesa Power Corporation, LLC's Notice of Arbitration para. 22.

<sup>3</sup> As stated in Mesa Power Corporation, LLC's Notice of Arbitration para. 28.

<sup>4</sup> As stated in Mesa Power Corporation, LLC's Notice of Arbitration para. 33.

<sup>5</sup> As stated in Mesa Power Corporation, LLC's Notice of Arbitration para. 63.

# MESA POWER GROUP- TIMELINE OF KEY EVENTS

