

**AN ARBITRATION UNDER CHAPTER 11 OF THE NAFTA  
AND THE UNCITRAL ARBITRATION RULES, 1976**

between

**MESA POWER GROUP, LLC**

Claimant

and

**GOVERNMENT OF CANADA**

Respondent

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**PROCEDURAL ORDER NO. 9**

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**ARBITRAL TRIBUNAL**

Professor Gabrielle Kaufmann-Kohler (Presiding Arbitrator)

The Honorable Charles N. Brower

Toby Landau, QC

**Secretary of the Tribunal**

Rahul Donde

## I. PROCEDURAL BACKGROUND

1. In its communication of 8 May 2014, the Claimant requested certain additional Confidentiality and Restricted Access designations in the Respondent's Counter-Memorial and supporting documents. The Respondent challenged some of these designations on 16 May 2014 in the table provided in Procedural Order No. 6, explaining why the additional designations requested by the Claimant were inappropriate. On invitation by the Tribunal, the Claimant responded to these challenges on 23 May 2014. The Tribunal's determination in respect of each challenge is contained in Annex A hereto, which forms an integral part of the present Procedural Order.

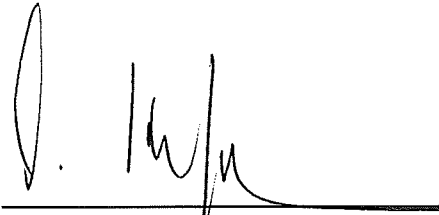
## II. DECISION

2. The Tribunal:
  - i. decides the Claimant's requests in connection with the designation of additional information in the Respondent's Counter-Memorial and supporting documents as stated in Annex A, which forms an integral part of this Order;
  - ii. amends the procedural calendar as follows:
    - a. 2 June 2014 – Respondent to produce its re-designated Counter-Memorial and supporting documents as well as a public version of its re-designated Counter-Memorial and supporting documents; and,
    - b. 6 June 2014 – Notification to third parties.
  - iii. invites the Parties to advise the Tribunal of the form and content of item (ii)(b) above by **2 June 2014**;
  - iv. reserves costs for subsequent determination.

Seat of arbitration: Miami, Florida, U.S.A

Date: 28 May 2014

**For the Arbitral Tribunal:**



Prof. Gabrielle Kaufmann-Kohler  
President of the Arbitral Tribunal