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Reference: PCA Case No. 2012-17 - Mesa Power Group LLC v. Government of Canada

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Dear Counsel,

The Tribunal acknowledges the Parties' correspondence on the admission into the record of the award in *Bilcon v. Canada*.

The Tribunal notes the Claimant's submission that the Tribunal has not closed the proceedings and is empowered to take into account new legal authorities. It also notes the Respondent's submission that "due process requires that the Tribunal allow Canada sufficient time to file appropriate written submissions." The Tribunal believes that it would benefit from the Parties' comments on the relevance and impact of the *Bilcon* award and dissenting opinion for purposes of the present arbitration. In the circumstances, it invites the Parties to make any submissions they wish on this matter by **14 May 2015**.

The Tribunal also notes the Respondent's submission that "under Article 1128, the United States and Mexico must also be afforded the opportunity to offer any comments they have on the interpretation of NAFTA contained in the *Bilcon* award." The Parties are invited to comment on this submission within the same time limit.

Best regards,

A handwritten signature in black ink, appearing to read 'G. Kaufmann-Kohler', with a long horizontal flourish extending to the right.

Prof. Gabrielle Kaufmann-Kohler

On behalf of the Arbitral Tribunal