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Cc: [PCA Case No. 2018-54: Tennant Energy - Excel Expert Conferral](#)
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Attachments: [2020-09-23 - Canada email to Appleton - RE PCA Case No. 2018-54 Tennant Energy - Excel Expert Conferral.pdf](#)

Dear Mr. President

We write further to Tennant Energy's correspondence of September 21, 2020, about Canada's motion regarding the production of the Excel spreadsheets.

The Tribunal issued a direction on September 15, 2020, ordering a conferral of valuation experts to find a resolution of a matter. On September 21, 2020, Tennant Energy wrote to the Tribunal fearing that the Tribunal's September 15 direction would be made ineffective unless Canada identified Canada's experts forthwith.

The Tribunal on September 22, 2020 invited the disputing parties to communicate after the disputing parties further conferred.

This afternoon, Annie Ouellet, counsel for the Government of Canada wrote to counsel for Tennant Energy on this matter. A copy of Canada's communication is attached. Canada said that it was no longer pursuing this excel spreadsheet matter at this time.

Tennant Energy has been forced to expend a considerable amount of effort and cost to address Canada's demands on a timely basis for naught. We also note that Canada did not specifically identify its valuation experts who experienced difficulty with the information in the Deloitte Report. Instead, Canada only disclosed that it had retained the Berkey Research Group in this matter.

In any event, in light of Canada's course of action in this matter, Tennant Energy seeks an order dismissing Canada's motion with prejudice given the time spent on this matter and that apparently no further information was needed. Responding to Canada's motion was needless and wasteful of the Tribunal's time and Tennant Energy's resources. In light of these circumstances, Tennant Energy requests that an award of costs be made to deal with Canada's meritless motion.

We thank the Tribunal for its ongoing efforts in consideration of this matter.

On behalf of counsel for the Investor, Tennant Energy



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