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Cc: Cavinder.Bull@drewnapier.com; dbishop@kslaw.com; dbethlehem@twentysessex.com; [Christel Tham](mailto:Christel.Tham); [Diana Pyrikova](mailto:Diana.Pyrikova)
Subject: RE: PCA Case No 2018-54 Tennant Energy LLC v. Government of Canada
Date: 09 July 2020 21:44:06
Attachments: [2020-01-31 - E-mail from the Claimant to the Tribunal regarding Public Access to the January 2020 Hearing Video - CONFIDENTIAL.pdf](#)
[2020-01-31 - E-mail from the Claimant to the Tribunal regarding Public Access to the January 2020 Hearing Video - PUBLIC VERSION.pdf](#)
[2020-01-31 - E-mail from the Respondent to the Tribunal regarding Public Access to the January 2020 Hearing Video - CONFIDENTIAL.pdf](#)
[2020-01-31 - E-mail from the Respondent to the Tribunal regarding Public Access to the January 2020 Hearing Video - PUBLIC VERSION.pdf](#)
[2020-03-02 - E-mail from the Respondent to the Tribunal regarding Assertions of Confidentiality - CONFIDENTIAL.pdf](#)
[2020-03-02 - E-mail from the Respondent to the Tribunal regarding Assertions of Confidentiality - PUBLIC VERSION.pdf](#)
[2020-03-02 - Letter from the Claimant to the Tribunal regarding Assertions of Confidentiality - CONFIDENTIAL.pdf](#)
[2020-03-02 - Letter from the Claimant to the Tribunal regarding Assertions of Confidentiality - PUBLIC VERSION.pdf](#)
[2020-03-03 - E-mail from the Claimant to the Tribunal regarding Assertions of Confidentiality - CONFIDENTIAL.pdf](#)
[2020-03-03 - E-mail from the Claimant to the Tribunal regarding Assertions of Confidentiality - PUBLIC VERSION.pdf](#)
[2020-03-04 - E-mail from the Tribunal to the Parties regarding Assertions of Confidentiality - CONFIDENTIAL.pdf](#)
[2020-03-04 - E-mail from the Tribunal to the Parties regarding Assertions of Confidentiality - PUBLIC VERSION.pdf](#)
[2020-03-06 - E-mail from the Claimant to the Tribunal regarding Assertions of Confidentiality - CONFIDENTIAL.pdf](#)
[2020-03-06 - E-mail from the Claimant to the Tribunal regarding Assertions of Confidentiality - PUBLIC VERSION.pdf](#)

Dear Mr. Aragon Cardiel,

Canada has attached preliminary confidential versions of the documents listed at nos. 5, 6, 15-19 in your email below, which contain information designated as confidential by Canada. We have also attached the corresponding redacted public versions that we agree can be posted on the PCA website. We can confirm that the remaining documents listed in your email below do not contain any information designated as confidential by Canada.

Based on past practice, it is our understanding that emails will be posted on the PCA website as PDF documents containing only the individual email listed in your email and not the previous emails in the chain. Therefore, in the confidential and public versions attached, we have excluded the previous emails in the chain and have only reviewed them for confidential information if they were listed as separate items in your email below.

For the documents listed at nos. 22 and 23 (Respondent's Motion for Targeted Document Production, dated 3 April 2020; Appendix A to Respondent's Motion for Targeted Document Production, dated 3 April 2020), Canada notes that the final Public and Confidential versions were filed on May 26, 2020. Therefore, only the Public redacted versions filed on May 26 may be posted on the PCA's website.

With respect to the documents listed at nos. 2 and 20, Canada's position is that they do not constitute "filings to the tribunal" pursuant to paragraph 12.1 of Procedural Order No. 1 (as

further elaborated on in paragraphs 2.11 and 2.15 of Procedural Order No. 2) and therefore do not need to be posted on the PCA website. Document no. 2 is a communication from Canada to the PCA purely related to timing of posting the hearing videos, and document no. 20 is a joint communication from the Parties for the purpose of notifying the Tribunal that an agreement has been reached to extend the deadline to file objections and responses to confidentiality designations. We do not consider that communications of this nature fall into the category of “proper submissions” to the Tribunal under paragraph 2.11 of Procedural Order No. 2. In the event that the Tribunal determines that these communications constitute “filings to the Tribunal” and directs that they be posted on the PCA website, Canada confirms that it does not have any confidential information to designate in these documents and they could be posted without redactions. As noted above, it is our understanding that previous communications in the same email chain would be excluded from the PDF documents that are posted on the website.

Best regards,

Ms. Darian Bakelaar
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Government of Canada
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