



Mr Barry Appleton  
 Appleton & Associates International Lawyers LP  
 121 Richmond St. W, Suite 304  
 Toronto, ON M5H 1K5  
 Canada

Mr Edward Mullins  
 Reed Smith LLP  
 1001 Brickell Bay Drive, 9th Floor  
 Miami, FL 33131  
 United States of America

BY E-MAIL:  
 TENNANTCLAIMANT@APPLETONLAW.COM  
 BAPPLETON@APPLETONLAW.COM  
 EMULLINS@REEDSMITH.COM

Ms Heather Squires, Lead Counsel  
 Mr Mark Klaver, Counsel  
 Ms Annie Ouellet, Counsel  
 Ms Susanna Kam, Counsel  
 Ms Maria Cristina Harris, Counsel  
 Ms Johannie Dallaire, Counsel  
 Ms Alexandra Dosman, Counsel  
 Ms Darian Bakelaar, Paralegal  
 Mr Benjamin Tait, Paralegal

Trade Law Bureau (JLT)  
 Global Affairs Canada  
 125 Sussex Drive  
 Ottawa, Ontario K1A 0G2  
 Canada

BY E-MAIL:  
 HEATHER.SQUIRES@INTERNATIONAL.GC.CA  
 MARK.KLAVER@INTERNATIONAL.GC.CA  
 ANNIE.OUELLET@INTERNATIONAL.GC.CA  
 SUSANNA.KAM@INTERNATIONAL.GC.CA  
 MARIACRISTINA.HARRIS@INTERNATIONAL.GC.CA  
 JOHANNIE.DALLAIRE@INTERNATIONAL.GC.CA  
 ALEXANDRA.DOSMAN@INTERNATIONAL.GC.CA  
 DARIAN.BAKELAAR@INTERNATIONAL.GC.CA  
 BENJAMIN.TAIT@INTERNATIONAL.GC.CA

AG 325224  
 DIRECT DIAL: +31 70 302 4153  
 E-MAIL: CTHAM@PCA-CPA.ORG

15 September 2020

RE: PCA CASE N° 2018-54 – TENNANT ENERGY, LLC V. GOVERNMENT OF CANADA

Dear Mesdames, dear Sirs,

I write on behalf of the Tribunal with reference to the Respondent's request, made in its letter dated 24 August 2020, that the Claimant be ordered to produce the live (or native) Excel spreadsheets used in the preparation of (i) Schedules 1 to 8 in Section 10 of the Expert Valuation Report by Deloitte dated 7 August 2020, which accompanied the Claimant's Memorial of the same date (the "**Deloitte Report**"); and (ii) the figures in Appendix B of the same report.

The Tribunal acknowledges receipt of the Respondent's and the Claimant's letters dated 4 and 11 September 2020, respectively, which were submitted further to the Tribunal's request that the Respondent explain more fully why the information that it seeks is not already in, or cannot be deduced from, the Deloitte Report. In the Tribunal's view, the Respondent has provided the requested explanations for some but not all the information that it seeks, and for the same reason, the Claimant's expert's response (*see* Deloitte Letter to Claimant's Counsel, dated 10 September 2020 (C-261)) may have resolved some but not all of the issues that the Respondent claims to be facing with the Deloitte

Report. The Tribunal thus considers that, as noted by the Claimant, the Parties may benefit from further consultations in this regard.

The Tribunal accordingly directs the Parties to have their experts confer with a view to resolving any remaining difficulties faced by the Respondent in understanding the Claimant's evidence, as set out in the Deloitte Report. Should the Parties' experts nevertheless fail to resolve these difficulties by **Wednesday, 7 October 2020**, the Parties may revert to the Tribunal by the same date, indicating with appropriate specificity the issues for which they require the Tribunal's further attention.

Should you have any questions regarding this letter, please do not hesitate to contact me at the details set forth above.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'C. Tham', written in a cursive style.

Christel Y. Tham  
Legal Counsel

cc: Mr Cavinder Bull SC (*by e-mail: cavinder.bull@drewnapier.com*)  
Mr R. Doak Bishop (*by e-mail: dbishop@kslaw.com*)  
Sir Daniel Bethlehem QC (*by e-mail: dbethlehem@twentyessex.com*)