

From: Christel Tham  
Sent: 27/01/2020 12:37:02  
To: 'Barry Appleton'; 'Darian.Bakelaar@international.gc.ca'; Tennant Claimant; Ed Mullins; Ben Love; sbustillos@reedsmith.com; Heather.Squires@international.gc.ca; Lori.DiPierdomenico@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; Benjamin.Tait@international.gc.ca; GroshLJ@state.gov; ThorntonNC@state.gov; JedreyNE@state.gov; orlando.perez@economia.gob.mx; cindy.rayo@economia.gob.mx; alopez@naftamexico.net; aristeo.lopez@economia.gob.mx  
CC: Cavinder.Bull@drewnapier.com; DBishop@kslaw.com; Daniel Bethlehem QC; Diana Pyrikova  
BCC:  
Subject: RE: Investor's Observations on public access to January 2020 hearing video - RE: PCA Case No. 2018-54: Tennant Energy, LLC (U.S.A.) v. Government of Canada

Dear Mesdames, dear Sirs,

I write on behalf of the Tribunal in the above-referenced matter, further to the Parties' respective e-mail communications dated 20 and 23 January 2020.

The Tribunal notes the Claimant's objection to the Respondent's request that the video recordings of the hearing on bifurcation and preliminary motions be uploaded to the PCA's website only after the confidentiality designations to the hearing transcripts have been finalized, and the corresponding public video recordings edited. The Tribunal further notes the Claimant's request that the PCA "mak[e] the video recordings available to the public as soon as possible."

As directed by the Tribunal (*see* Draft Hearing Transcript, Day 1, 80:17-25), if the Respondent considered that confidential material had been disclosed during the hearing, it should have brought it to the Tribunal's attention at the time, so that the session could have been closed. If the Respondent now wishes to identify additional portions of the public session to be closed, it should, in the Tribunal's view, only do so on the basis of specific concerns that were not or could not otherwise have been raised at the hearing.

The Respondent is accordingly invited, by **Friday, 31 January 2020**, to identify any specific concerns it considers would justify the further redaction of specific portions of the public video recording, and address the observations made by the Claimant in its 23 January 2020 e-mail communication.

Yours sincerely,  
Christel Y. Tham

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