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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 31 January 2020.

The Tribunal notes the Respondent's clarification that it seeks to "designate as confidential in the hearing transcripts, and corresponding audio and video recordings, [...] information that has already been decided by the Tribunal in Procedural Order No. 3 to constitute 'confidential information'", and that other than two such inadvertent disclosures, it is "in the process of reviewing the remainder of the transcript, in particular confidential sessions, with a view of ensuring that only information that falls within the definition of confidential information remains redacted." The Tribunal further notes the Claimant's objection to the Respondent's proposal, and further request for leave to respond.

Having considered the Parties' respective positions on this matter, the Tribunal directs as follows:

1. In accordance with paragraph 23 of the Confidentiality Order and the Tribunal's direction at the hearing, the Parties shall exchange any corrections and confidentiality designations to the hearing transcripts by **Friday, 14 February 2020**;
2. Should either Party have any objections to the other Party's corrections or confidentiality designations to the hearing transcripts, the Parties shall follow the procedure set out in paragraphs 23, 26, and 27, and Schedule 2 of the Confidentiality Order;
3. Once the final corrections and confidentiality designations to the hearing transcripts are either agreed upon between the Parties or so ordered by the Tribunal, the corresponding public version of the video recording will be edited, if necessary, and published on the PCA website thereafter.

Yours sincerely,
Christel Y. Tham

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