

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES

ESPÍRITU SANTO HOLDINGS, LP AND LIBRE HOLDING, LLC
Claimants

v.

UNITED MEXICAN STATES
Respondent

(ICSID Case No. ARB/20/13)

PROCEDURAL ORDER NO. 16
On Corrections to the Hearing Transcripts

Members of the Tribunal

Mr. Eduardo Zuleta Jaramillo, President of the Tribunal
Mr. Charles Poncet, Arbitrator
Mr. Raúl Emilio Vinuesa, Arbitrator

Secretary of the Tribunal

Ms. Elisa Méndez Bräutigam

13 August 2024

I. BACKGROUND

1. On 13 April 2024, ICSID transmitted to the Parties the Tribunal's instructions regarding the corrections to the Hearing transcripts.
2. On 27 May 2024, the Parties informed the Tribunal of their joint corrections to the English and Spanish transcripts and of their disagreements concerning certain portions of the transcripts.
3. On 16 July 2024, the Tribunal asked the Parties to provide certain clarifications regarding their proposed corrections to the transcripts, which the Parties filed on 31 July 2024.

II. DECISION

4. The Tribunal adopts all of the Parties' agreed corrections to the English and Spanish transcripts.
5. Having reviewed the disputed portions of the transcripts against the audio recordings of the Hearing, the Tribunal adopts the following corrections to the dispute portions:

a. **English Transcripts:**

Day 1

- Day 1, p. 20:9-12. The Claimants' suggestion to leave the English translation in parenthesis after the Spanish text is accepted.
- Day 1 p. 25:13-22. The Claimants' suggestion to include the text of the video as translated by the interpreter is accepted.
- Day 1, p. 37:21. The Claimants' suggestion to leave the English translation in parenthesis after the Spanish text is accepted.
- Day 1, p. 74:4-12. The Claimants' suggestion to include the text of the video as translated by the interpreter is accepted.

- Day 1, p. 74:18-22; p. 75:1-11. The Claimants' suggestion to include the text of the video as translated by the interpreter is accepted.
- Day 1, p. 75:18-22; p. 76:1-16. The Claimants' suggestion to include the text of the video as translated by the interpreter is accepted.
- Day 1, p. 168:13-16. The Claimants' suggestion to leave the English translation in parenthesis after the Spanish text is accepted.
- Day 1, p. 191:11. The Claimants' suggestion to replace "controller" with "comptroller" is accepted.
- Day 1, p. 191:17. The Claimants' suggestion to replace "controller" with "comptroller" is accepted.
- Day 1, p. 202:13-14. The Claimants' suggestion to leave the English translation in parenthesis after the Spanish text is accepted.
- Day 1, p. 214:6-12. The Claimants' suggestion to leave the English translation in parenthesis after the Spanish text is accepted.

Day 2

- Day 2, p. 373:9. The Claimants' suggestion to replace "PRESIDENT ZULETA" with "MR. LORENZO" is accepted.
- Day 2, p. 411:1. The Respondent proposes to replace "Notice of Compulsory Substitution" with "Notice of Mandatory Substitution", while the Claimants suggest replacing it with "Notice of Mandatory Installation". The Respondent's proposal is accepted.
- Day 2, p. 474:5. The Respondent proposes to replace "I say" with "I insist", while the Claimants suggest replacing it with "I see". The Respondent's proposal is accepted.

- Day 2, p. 511:10. The Tribunal takes note of the Claimants' suggestion to replace "folios" with "pages". The Tribunal further notes that the Respondent does not object to this edit. Accordingly, this suggestion is accepted.
- Day 2, p. 529:12. The Claimants' suggestion to correct "Major Shainbaum" to "Major Sheinbaum" is accepted.
- Day 2, p. 535:13. The Respondent's proposed text is accepted.
- Day 2, p. 550:22. The Respondent's suggestion to replace "ALL-004" with "AL-004" is rejected.

Day 3

- Day 3, p. 658:7-8. The Respondent's suggestion to replace "*Alejandra Barragán*" with "*Alejandro Beldrán*" is accepted.
- Day 3, p. 658:17. The Claimants propose to keep the wording "*TODO TODO*", while the Respondent suggests replacing it with its English translation, "All All". In line with its decisions above, the Tribunal decides to keep the wording "*TODO TODO*", followed by its English translation in parenthesis ("All All").
- Day 3, p. 662:9. The Respondent's suggestion to replace "*Velarde*" with "*Valverde*" is accepted.
- Day 3, p. 662:21. The Respondent's suggestion to replace "*Velarde*" with "*Valverde*" is accepted.
- Day 3, p. 686:15. The Tribunal takes note of the Claimants' suggestion to replace "geoposition" with "geolocation". The Tribunal further notes that the Respondent does not object to this edit. Accordingly, this suggestion is accepted.

- Day 3, p. 706:10. The Tribunal takes note of the Claimants’ suggestion to add “any”, which appears to have been deleted by mistake. The Tribunal further notes that the Respondent does not object to this edit. Accordingly, this suggestion is accepted.
- Day 3, p. 709:3-7. The Respondent’s proposed text is accepted.
- Day 3, p. 710:6-7. The Tribunal takes note of the Parties’ agreed correction as noted in their communication of 31 July 2024.
- Day 3, p. 729:14. The Tribunal takes note of the Claimants’ suggestion to add the word “on”, which appears to have been deleted by mistake. The Tribunal further notes that the Respondent does not object to this edit. Accordingly, this suggestion is accepted.
- Day 3, p. 745:5-8. The Tribunal takes note of the Claimants’ suggestion to move the word “so” before “that”, add “may” before “conduct” and delete the “s” such that conduct is in singular. The Tribunal further notes that the Respondent does not oppose these edits. Accordingly, these suggestions are accepted.
- Day 3, p. 759:4-7. The Respondent’s suggestion to delete certain portions of the transcript is rejected.
- Day 3, p. 783:18. The Tribunal takes note of the Claimants’ suggestion to add the wording “lawyer graduated from”. The Tribunal further notes that the Respondent does not object to this edit. Accordingly, this suggestion is accepted.
- Day 3, p. 785:9-12. The Tribunal takes note of the Parties’ agreed correction as noted in their communication of 31 July 2024.
- Day 3, p. 786:4. The Claimants’ suggestion to delete the word “presumed” is accepted.

- Day 3, p. 786:9-10. The Tribunal takes note of the Claimants’ suggestion to add the words “which” and “is”. The Tribunal further notes that the Respondent does not object to these edits. Accordingly, this suggestion is accepted.
- Day 3, p. 795:9. The Claimants’ suggestion to add “2016” is rejected.
- Day 3, p. 798:2. The Tribunal takes note of the Claimants’ suggestion to add the wording “I omit the entire name”. The Tribunal further notes that the Respondent does not object to this edit. Accordingly, this suggestion is accepted.
- Day 3, p. 840:18. The Tribunal takes note of the Claimants’ suggestion to replace “award” with “adjudication”. The Tribunal further notes that the Respondent does not object to this edit. Accordingly, this suggestion is accepted.

Day 4

- Day 4, p. 1161:1. The Claimants’ suggestion to replace “the” with “to” is rejected.

Day 5

- Day 5, p. 1297:5. The Claimants’ suggestion to replace “2008” with “2018” is accepted.
- Day 5, p. 1324:16. The Claimants’ suggestion to replace “2008” with “2018” is accepted.

b. **Spanish Transcripts:**

Day 1

- Day 1, p. 14:4-5. The Respondent’s suggestion to replace “*ese período*” with “*durante las siguientes dos horas y quince minutos*” is accepted.
- Day 1, p. 44:7-22; p. 45:1-3. The Claimants’ suggestion to add the transcript of the video is accepted.
- Day 1, p. 83:8-11. The Claimants’ suggestion to have the sentence read “[...] *el servicio objeto de la concesión es eminentemente susceptible de concesión según el marco regulatorio aplicable*” is accepted.
- Day 1, p. 91:16. The Claimants’ suggestion to add the words “*más seguros, integrados en dos tabletas*” is accepted.
- Day 1, p. 91:21-22. The Tribunal takes note of the Parties’ agreed correction as noted in their communication of 31 July 2024.
- Day 1, p. 116:2-3. The Tribunal takes note of the Parties’ agreed correction as noted in their communication of 31 July 2024.
- Day 1, p. 127:3-16. The Claimants’ suggestion to include the transcript of the video is accepted.
- Day 1, p. 128:4-22; p. 129:1-5. The Claimants’ suggestion to include the transcript of the video is accepted.
- Day 1, p. 129:16-22; p. 130:1-22; p. 131:1-3. The Claimants’ suggestion to include the transcript of the video is accepted.
- Day 1, p. 152:5. The Claimants’ suggestion to add question marks is accepted. The Respondent’s suggestion to add the words “*el sí*” is rejected.
- Day 1, p. 280:2-11. The Claimants’ proposed text is accepted, except that the word “*mantuvieron*” after “*indicaron*” in the first sentence of the Claimants’ proposal is to be deleted to avoid redundancy.

- Day 1, p. 315:22. The Tribunal takes note of the Parties' agreed correction as noted in their communication of 31 July 2024.

Day 2

- Day 2, p. 701:16. The Respondent's suggestion to delete the word "*que*" is accepted.

Day 3

- Day 3, p. 734:20. The Respondent's suggestion to delete "*R: Sí*" is rejected.
- Day 3, p. 748:15-16. The Claimants' suggestion to replace "*Alejandro Beldrán*" with "*Alejandra Barragán*" is rejected.
- Day 3, p. 897:11. The Respondent's suggestion to delete the word "*y expedientes*" is accepted.
- Day 3, p. 899:5. The Respondent's suggestion to delete the word "*y expedientes*" is accepted.
- Day 3, p. 900:6. The Tribunal takes note of the Parties' agreed correction as noted in their communication of 31 July 2024.
- Day 3, p. 903:12. The Respondent's suggestion to delete the word "*y expedientes*" is accepted.
- Day 3, p. 907:1-2. The Tribunal takes note of the Parties' agreed correction as noted in their communication of 31 July 2024.
- Day 3, p. 979:16. The Claimants suggest the text to read "*a lo menos*", while the Respondent proposes that it reads "*cuando menos*". The Respondent's suggestion is accepted.

Day 4

- Day 4, p. 1421:15. The Tribunal takes note of the Parties' agreed correction as noted in their communication of 31 July 2024.
6. Pursuant to Section 21.3 of Procedural Order No. 1, the court reporters will prepare final versions of the corrected transcripts reflecting the Parties' agreed corrections and the corrections adopted by the Tribunal above. The Tribunal Secretary will inform the Parties once the final corrected transcripts are available on the Box folder for this case.

For and on behalf of the Tribunal,

[Signed]

Mr. Eduardo Zuleta Jaramillo
President of the Tribunal
Date: 13 August 2024