INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES

NiQuan Energy LLC and NiQuan Energy Trinidad Limited

v.

Trinidad and Tobago

(ICSID Case No. ARB/24/17)

PROCEDURAL ORDER NO. 4

ANNEX A

[redacted]

[redacted]

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C. NiQuan's Document Requests

Request No: 1
Documents or Category of Documents Requested
~~Documents held by~~Letters, emails, notices, notes of calls or meetings within Petrotrin (or any other agent of the RTT, including MoEEI) concerning~~ the Gas Delivery, Sale and Purchase Agreement between WGTL Trinidad and Petrotrin dated 12 January 2007 (the "**WGTL GDSPA**") (Counter-Memorial, para. 5 and **Exhibit R-171**), including but not limited to~~: (a) the n~~N~~egotiation of the terms of the Gas Delivery, Sale and Purchase Agreement between WGTL Trinidad and Petrotrin dated 12 January 2007 (the "**WGTL GDSPA**") (Counter-Memorial, para. 5 and **Exhibit R-171**)~~WGTL GDSPA~~; (b) Petrotrin's (and/or WGTL's) position on whether the WGTL GDSPA provided for a steady / guaranteed supply of gas that was not subject to availability; and (c) Discussions and correspondence between WGTL or Petrotrin with financiers (actual or potential) to the extent such discussions and/or correspondence related to the bankability/commercial viability of the GTL Plant in light of the terms of the WGTL GDSPA.
Relevance and Materiality According to Requesting Party
Ref. to Pleadings, Exhibits, Witness Statements or Expert Report: [redacted] Comments: [redacted]

Official Use Only

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[redacted]

RTT's Responses / Objections to Document Request No. 1

[redacted]

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Replies to Objections to Document Requests

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Tribunal's Decisions

DENIED

The *prima facie* relevance of the requested documents is not sufficiently explained. In particular, the Claimants have insufficiently demonstrated which disputed facts the requested documents are intended to prove or disprove. They moreover do not sufficiently explain how the requested documents are relevant to the disputed issues between the Parties of whether NiQuan was seeking a guaranteed supply of gas when deciding to invest or whether the supply of gas was guaranteed or subject to availability.

Baker McKenzie.

Request No: 2

Documents or Category of Documents Requested

~~Documents (including specifically exchanges of~~ WhatsApp messages~~)~~ to, from or between Prof. Kenneth Julien, Minister Franklin Khan, Minister Stuart Young and Prime Minister Rowley and any other individuals or organisations within the PMO and MoEEI, which relate to or involve ~~(but not limited to)~~ the following issues:

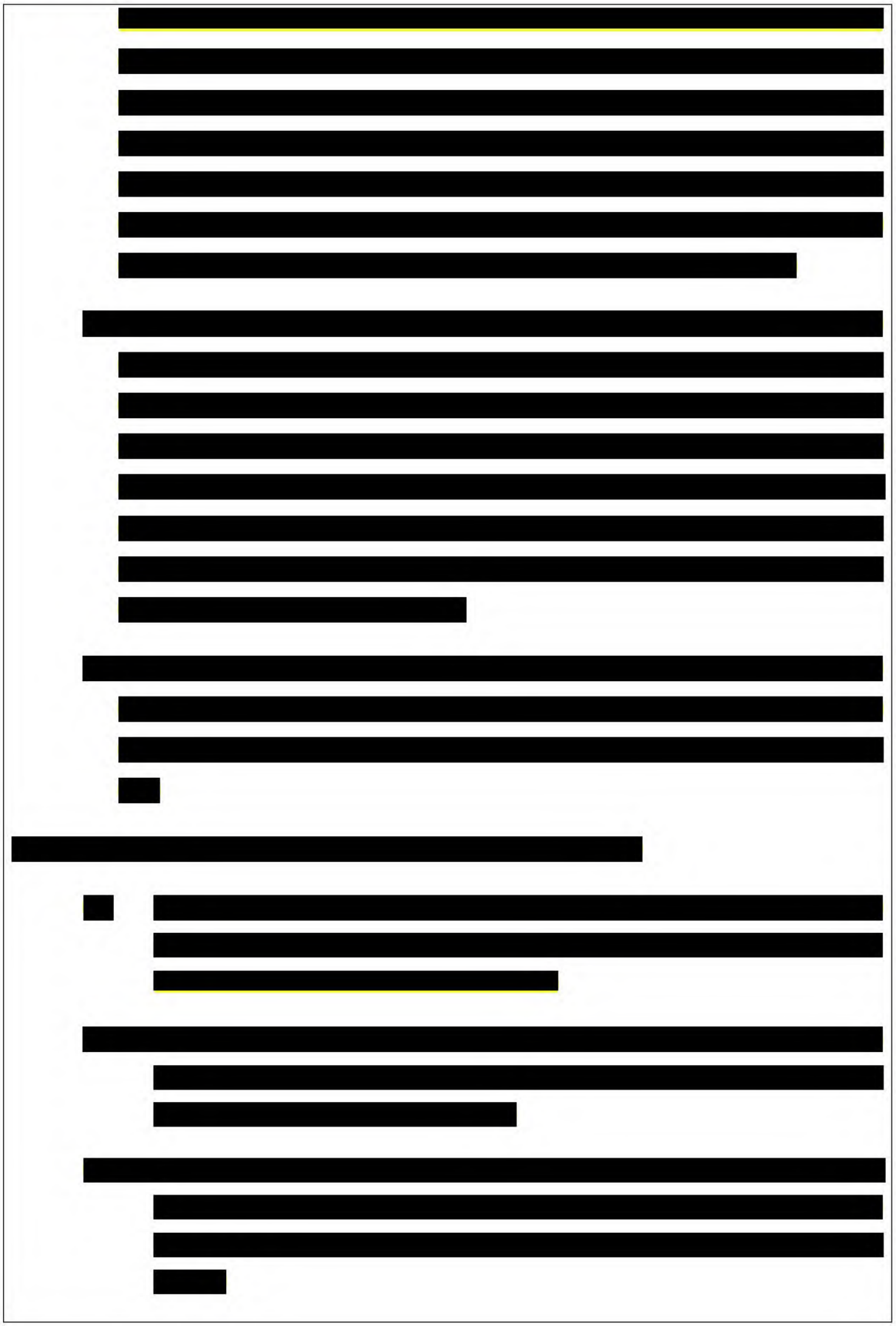
(a) ~~Such documents exchanged~~ between 24 September 2016 and 23 October 2017, concerning supply of gas to the GTL Plant and the arranging of the SCE meeting on 23 October 2017 (Memorial, para. 88); and

(b) ~~Such documents exchanged~~ between 23 October 2017 and 11 July 2018, concerning the negotiation of the GSCA, GSCB and consummation of the SPA.

Relevance and Materiality According to Requesting Party

Ref. to Pleadings, Exhibits, Witness Statements or Expert Report: [redacted]

Comments: [redacted]



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The RTT's Responses / Objections to Document Request No. 2

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Replies to Objections to Document Requests

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Tribunal's Decisions

DENIED

Regarding Request No. 2(a), the Claimants have not sufficiently demonstrated the *prima facie* relevance of the requested documents to the disputed issues of whether they received assurances, what the content or nature of those alleged assurances was, and whether such assurances generated legitimate expectations. Moreover, it is unclear how, on the basis of WhatsApp exchanges between Mr. Lewis and Prime Minister Rowley on 5 July 2018 (C-145) (or other WhatsApp exchanges between Mr. Lewis and Mr. Young between March 2022 and April 2023; C-208), one may conclude, as the Claimants appear to do, on the existence of WhatsApp exchanges between the individuals identified in this request (i.e., Prof. Kenneth Julien, Minister Franklin Khan, Minister Stuart Young and Prime Minister Rowley) about the issues mentioned in Request No. 2 (a). In any event, since the four individuals identified in the request no longer work for the government of the RTT, it would be overly burdensome to search for and produce the requested documents. The same is true of the reference to "any other individuals or organisations within the PMO and MoEEI" and the request to search "the phone and laptop devices used by each of the custodians and search all WhatsApp archives on those devices for mentions of NiQuan and the GTL Plant".

The same reasons lead the Tribunal to deny Request No. 2(b). In particular, next to arguing that they received "direct assurances" during the 23 October 2017 SEC meeting (Memorial, paras. 90-91) and that the Respondent "reaffirmed the assurances made during the SEC meeting" in a 13 November 2017 letter (Memorial, para. 95), the Claimants mention another "direct assurance" through Mr. Mayers' "mark-up of the draft GSC" dated 23 May 2018

which "proposed a new Recital A" (Memorial, paras. 107-108), and the Claimants insufficiently explain how the requested documents are *prima facie* relevant to determine the content or nature of those alleged assurances.

Baker McKenzie.

Request No: 3
Documents or Category of Documents Requested
The following d~~D~~ocuments relating to the various meetings of the Cabinet of Ministers of the RTT ("**Cabinet**") (and its various subcommittees, including the SCE), the NGC, the MoEEI and the Office of the Attorney General concerning the anticipated or actual supply of gas to the GTL Plant between 25 January 2016 and 14 August 2023~~, including~~: (a) letters, emails and notes of meetings and calls discussing the m~~M~~andate of the SCE to the extent such mandate impacts the anticipated or actual supply of gas to the GTL Plant (from UD or otherwise); (b) Agenda, minutes of the meeting, and/or any resolution(s) passed by Cabinet and/or the SCE relating to its meeting on or around 25 January 2016 (Memorial, para. 74); (c) Agenda, minutes of the meeting, and/or any resolution(s) passed by Cabinet and/or the SCE relating to its meeting on or around 23 October 2017 (Memorial, para. 14); (d) Agenda, minutes of any meetings, and/or any resolution(s) passed at such SCE or Cabinet meetings, to the extent such meetings addressed or related to the anticipated or actual supply of gas to the GTL Plant; (e) In relation to all of the meetings relevant to the above sub-requests (a)-(d), all letters, emails and notes of meetings and calls~~documents~~ held by the PMO or the MoEEI relating to the calling or convening of these respective meetings of the SCE or Cabinet (including any input from the PMO or the MoEEI in relation to the agenda of these meetings); (f) In relation to all of the meetings relevant to the above sub-requests (a)-(d), all documents provided to Cabinet Ministers and/or SCE members in connection with any discussion of NiQuan, the GTL Plant or the gas supply to the GTL Plant in connection with the meetings referred to above; and ~~Documentary evidence underpinning the assertion at paragraphs 114 and 437 of the Counter-Memorial that "*a more plausible explanation*" of the conversation between Mr Gill and Minister Young during the 23 October meeting was that "*the contracting party for the supply of gas was going to be someone other*~~

Baker McKenzie.

~~*than the NGC*~~" and that "~~*any reference to excluding the NGC was a reference to NiQuan contracting with what became UD and then UD sourcing the gas from the NGC*~~"

Relevance and Materiality According to Requesting Party

Ref. to Pleadings, Exhibits, Witness Statements or Expert Report:

Comments:

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The RTT's Responses / Objections to Document Requests No. 3

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Replies to Objections to Document Requests

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Tribunal's Decisions

GRANTED IN PART AS SPECIFIED AND OTHERWISE DENIED

As a discrete matter, the request for documents relating to "various meetings" of the Cabinet of Ministers or its various subcommittees, concerning the "anticipated or actual supply of gas to the GTL Plant between 25 January 2016 and 14 August 2023" is insufficiently specific, overly broad and unduly burdensome. It is therefore denied.

In respect of Request No. 3(a), i.e. for letters, emails and notes of meetings and calls discussing the mandate of the SCE "to the extent such mandate impacts the anticipated or actual supply of gas to the GTL Plant (from UD or otherwise)", it is overly broad and unduly burdensome.

Baker McKenzie.

As regards Request No. 3(b) for "agenda, minutes of the meeting, and/or any resolution(s) passed by Cabinet and/or the SCE relating to its meeting on or around 25 January 2016", the Claimants contend that the SCE met on 25 January 2016 and, as far as the Tribunal understands, there is no allegation in the Memorial that the Cabinet was involved in organizing that meeting. Accordingly, the request as it relates to the Cabinet is denied. As for responsive documents relating to the SCE, the request is granted for the following reasons. Although the SCE is a sub-committee of the Cabinet pursuant to Section 24(5) of the Freedom of Information Act (RL-98), that minutes of SCE meetings and any resolutions passed by the SCE during such meetings may qualify as "exempt documents" pursuant to Section 24(1) of that Act, and that Article 9(2)(e) of the 2020 IBA Rules on the Taking of Evidence (the "IBA Rules") allow the Tribunal to exclude from production evidence on compelling grounds of special political or institutional sensitivity (including evidence classified as secret by a government), the Tribunal is unpersuaded that there are sufficient compelling grounds to justify non-production of the requested documents. Indeed, the stated rationale invoked by the Respondent to justify non-production is the constitutional principle of collective responsibility, which rationale is not absolute considering that the members of the sub-committees, including the then Prime Minister, no longer serve as government officials and that almost ten years have lapsed since the meeting in question. The Respondent did not either explain sufficiently how far the issue of the anticipated or actual supply of gas to the GTL Plant is particularly politically or institutionally sensitive. Accordingly, the Respondent shall produce any responsive documents of the SCE with the following specifications: First, the Respondent may redact any information in the responsive documents that does not relate to the issue of the anticipated or actual supply of gas to the GTL Plant and set forth in a privilege log (i) the author(s), (ii) recipient(s), (iii) the date on which the document was generated and/or communicated, (iv) the subject matter of the redacted part of the document, without disclosing its content. Second, the Claimants shall agree with the Respondent on a confidentiality regime ensuring that any responsive documents falling under this sub-request is not made public, it being specified that the Tribunal and the Centre will in any event try and maintain the confidentiality of those documents and therefore not publish them pursuant to paragraph 25.3 of Procedural Order No. 1.

Baker McKenzie.

Concerning Request No. 3(c), for the same reasons and with the same specifications as for the prior sub-request, this request is denied as regards the Cabinet and granted as regards the SCE.

As for Request No. 3(d), and considering that the Respondent has not asserted that, except for the 25 January 2016 and the 23 October 2017 meetings of the SCE, no additional meetings took place in the Cabinet or the SCE that may have addressed or been related to "the anticipated or actual supply of gas to the GTL Plant" (in the period between 25 January 2016 and 14 August 2023), the Tribunal grants the request (as it relates to the Cabinet and the SCE) with the same specifications as for the two prior sub-requests. To the extent the request also extends to the NGC, the MoEEI and the Office of the Attorney General, the Claimants have not sufficiently demonstrated that those entities were involved in any such meetings and that part of the request is accordingly denied for being insufficiently specific.

As regards Requests No. 3(e) and (f), the requests are insufficiently specific, overly broad and unduly burdensome. Accordingly, they are denied.

Baker McKenzie.

Request No: 4
Documents or Category of Documents Requested
~~Documents exchanged within and between Petrotrin, the Receiver, the NGC, Cabinet and the MoEEI and the Ministry of Justice and Office of the Attorney General between 1 June 2014 to 4 November 2014 concerning the negotiation of the NGC Term Sheet and the supply of gas to the GTL Plant.~~
Relevance and Materiality According to Requesting Party
Ref. to Pleadings, Exhibits, Witness Statements or Expert Report: [redacted] Comments: [redacted]
The RTT's Responses / Objections to Document Requests No. 4
[redacted]

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Replies to Objections to Document Requests

[redacted]

Tribunal's Decisions

NO DECISION REQUIRED

The Tribunal notes that the Claimants have withdrawn their request.

Baker McKenzie.

Request No: 5
Documents or Category of Documents Requested
~~Documents exchanged within and between Petrotrin, the Receiver, the NGC and the MoEEI between 4 November 2014 and 19 May 2016 concerning:~~ ~~(a) the legal force, effect and/or status of the NGC Term Sheet; and~~ ~~the extensions of the NGC Term Sheet on 23 June 2015, 5 November 2015 and 16 December 2015 (**Exhibit C-107**; **Exhibit C-108**; **Exhibit C-111**).~~
Relevance and Materiality According to Requesting Party
Ref. to Pleadings, Exhibits, Witness Statements or Expert Report: [redacted] Comments: [redacted]
The RTT's Responses / Objections to Document Requests No. 5
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Replies to Objections to Document Requests

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Tribunal's Decisions

NO DECISION REQUIRED

The Tribunal notes that the Claimants have withdrawn their request.

Baker McKenzie.

Request No: 6

Documents or Category of Documents Requested

Letters, emails and notes of meetings and calls~~Documents exchanged~~ within and between Petrotrin, the Receiver, the Ministry of Finance, the MoEEI, and the Ministry of Justice and Office of the Attorney General between 17 October 2014 and 6 November 2015 concerning:

(a) ~~the negotiation of the terms of the draft SPA and/or Release and Discharge Agreement and/or the Offtake Agreement Term Sheet (Memorial, paras. 60-63; **Exhibit R-1**);~~the approval of the terms of the draft SPA and/or Release and Discharge Agreement and/or the Offtake Agreement Term Sheet by the Petrotrin board of directors in or around November 2015 (Memorial, paras. 63, 65);

(b) evidence underpinning the assertion that "*the Settlement Agreement was very wide in its terms*" because "*NETL had proved itself to be litigious*" (Counter-Memorial, para. 68); and

(c) the letter from the Chairman of Petrotrin (Mr Andrew Jupiter) dated 6 November 2015 (**Exhibit C-109**) to the Minister of Finance asking for approval of the entry into the draft SPA and/or Release and Discharge Agreement and/or the Offtake Agreement Term Sheet by Petrotrin.

Relevance and Materiality According to Requesting Party

Ref. to Pleadings, Exhibits, Witness Statements or Expert Report: [redacted]

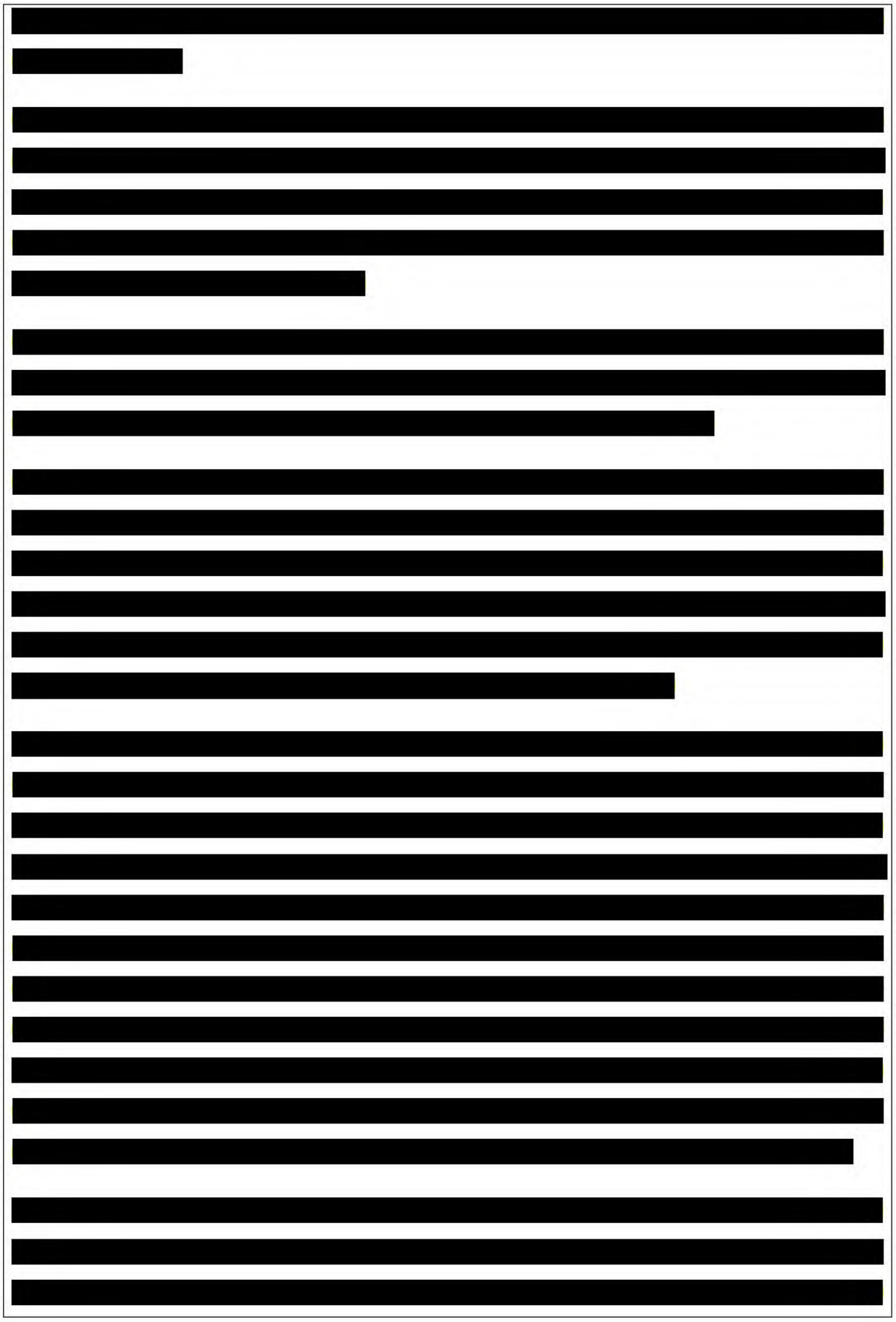
Comments: [redacted]

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The RTT's Responses / Objections to Document Requests No. 6

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Replies to Objections to Document Requests

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Tribunal's Decisions

GRANTED IN PART AND OTHERWISE DENIED

The Tribunal notes that the Claimants no longer request documents responsive to Request No. 6(a) as initially formulated. Accordingly, no decision is required on that sub-request.

The Tribunal further notes that the Claimants do not challenge the Respondent's assertion that responsive documents concerning the Offtake Agreement are neither relevant nor material. Accordingly, the Tribunal discards the request for documents relating to that agreement.

Baker McKenzie.

Concerning the initial Request No. 6(b) [which now appears as new Request No. 6(a)], the Claimants insufficiently explain to what extent documents relating to the Petrotrin board of directors' approval "in or around November 2015" of the terms of the draft SPA and/or Release and Discharge Agreement would shed light on the disputed issue whether the government of the RTT was "intricately involved" in negotiating the terms of the SPA or to determine the level of "involvement" of the government or what "precise knowledge" the government had of the terms of the SPA. The Tribunal notes in this regard that, in their Memorial, the Claimants state that NiQuan and the Receiver exchanged 8 versions of the draft SPA by "late February 2015" (para. 60), that negotiations ensued with Petrotrin (para. 62), but that the NETL board decided on 28 April 2015 "to escalate" the matter to the then Finance Minister, Mr. Howai, "given his status as the formal 'corporation sole' shareholder of Petrotrin to move matters along" (para. 62), that the NETL board thereafter decided to negotiate the terms of the draft SPA "with the Chairman of Petrotrin" (para. 63), and that, from September 2015 onwards, Petrotrin's new Chairman, Mr. Andrew Jupiter, was "supportive of the Project" and "keen for NiQuan to acquire the GTL Plant under the SPA as soon as possible" (para. 65). Moreover, considering that NETL "escalated" the matter to the Ministry of Finance in April 2015 and that Petrotrin's chairman asked on 6 November 2015 for that Ministry's approval of the sale of the GTL Plant, it is unclear on what basis the Claimants assert that the MoEEI, the Ministry of Justice or the Office of the Attorney General were involved in this sequence of events justifying that it obtain any responsive documents from those entities. That said, to the extent that any responsive documents between the Ministry of Finance and Petrotrin exist about the negotiations of the terms of the SPA, the Respondent shall produce any such documents within its possession, custody or control, and/or shall use its best efforts to obtain them from Petrotrin.

As regards initial Request No. 6(c) [which now appears as new Request No. 6(b)], the Claimants have not sufficiently demonstrated the *prima facie* relevance of the requested documents and, in particular, they have not explained which alleged fact those documents are intended to prove or disprove (as required under paragraph 17.3.4 of PO1), considering their argument that the Respondent failed to discharge its own burden to substantiate its admissibility objection. Accordingly, this request is denied.

As regards initial Request No. 6(d) [which now appears as new Request No. 6(c)], to the extent not already covered by new Request No. 6(a) above, the Respondent shall use its best

efforts to obtain and produce responsive documents from Petrotrin relating to that entity's decision to seek the approval from the Minister of Finance for the sale of the GTL Plant to NiQuan (C-109).

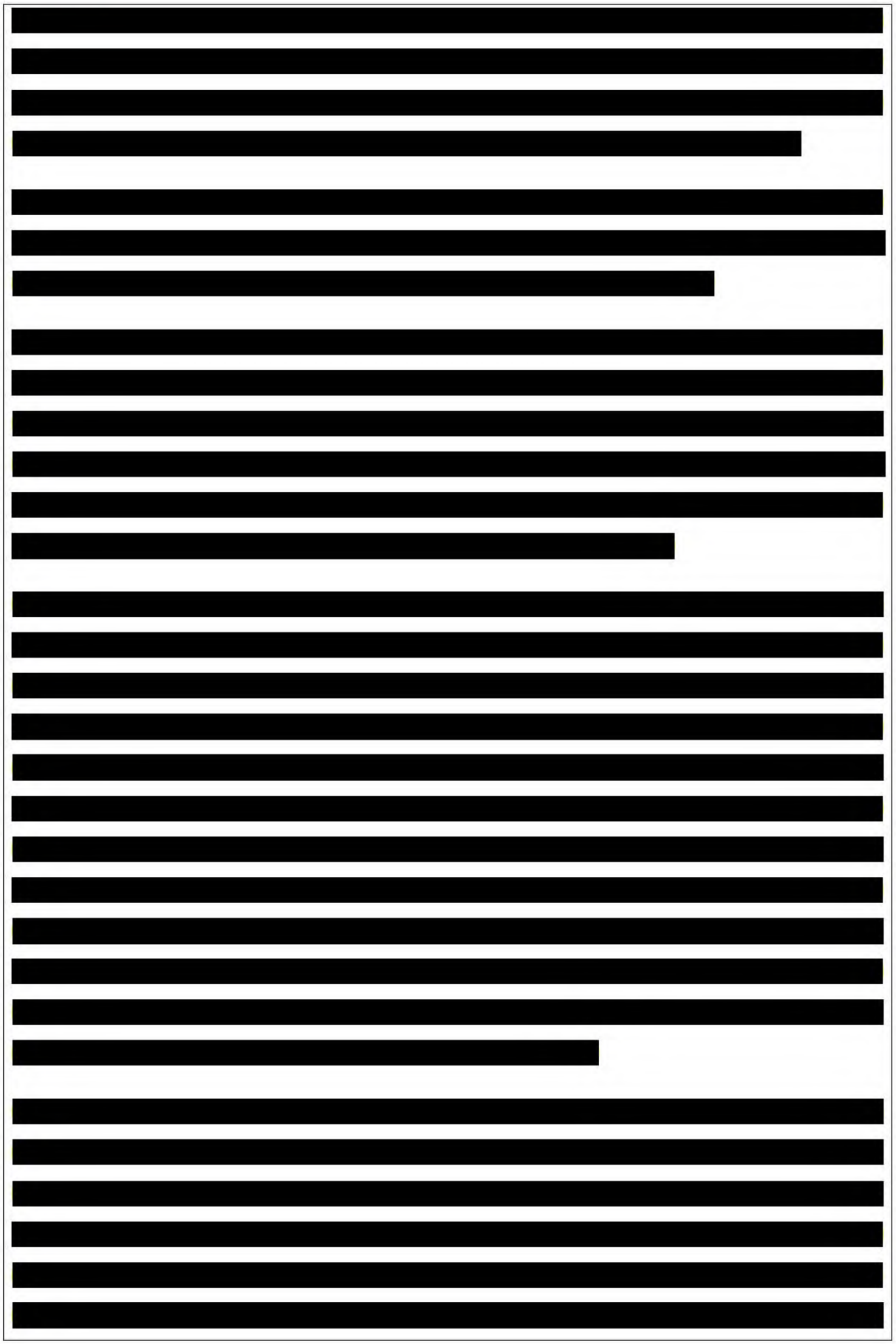
Baker McKenzie.

Request No: 7
Documents or Category of Documents Requested
Letters, emails and notes of meetings and calls~~Documents exchanged~~ within and between Petrotrin, the MoEEI, the Ministry of Finance and the Ministry of Justice and Office of the Attorney General between 6 November 2015 and 19 May 2016 concerning: (a) the terms of the draft SPA and/or Release and Discharge Agreement and/or the Offtake Agreement Term Sheet and/or the non-objection letter exhibited at **Exhibit C-17**; (b) any documents prepared by Mr Stuart Young in his capacity as Minister in the Ministry of Justice and Office of the Attorney General (including advice memos or legal opinion(s)) concerning the terms of the draft SPA and/or Release and Discharge Agreement and/or the Offtake Agreement Term Sheet and/or the non-objection letter exhibited at **Exhibit C-17** and **Exhibit C-109**; and (c) any final approval of the terms of the draft SPA and/or Release and Discharge Agreement and/or the Offtake Agreement Term Sheet by the Petrotrin board of directors.
Relevance and Materiality According to Requesting Party
Ref. to Pleadings, Exhibits, Witness Statements or Expert Report: [redacted] Comments: [redacted]

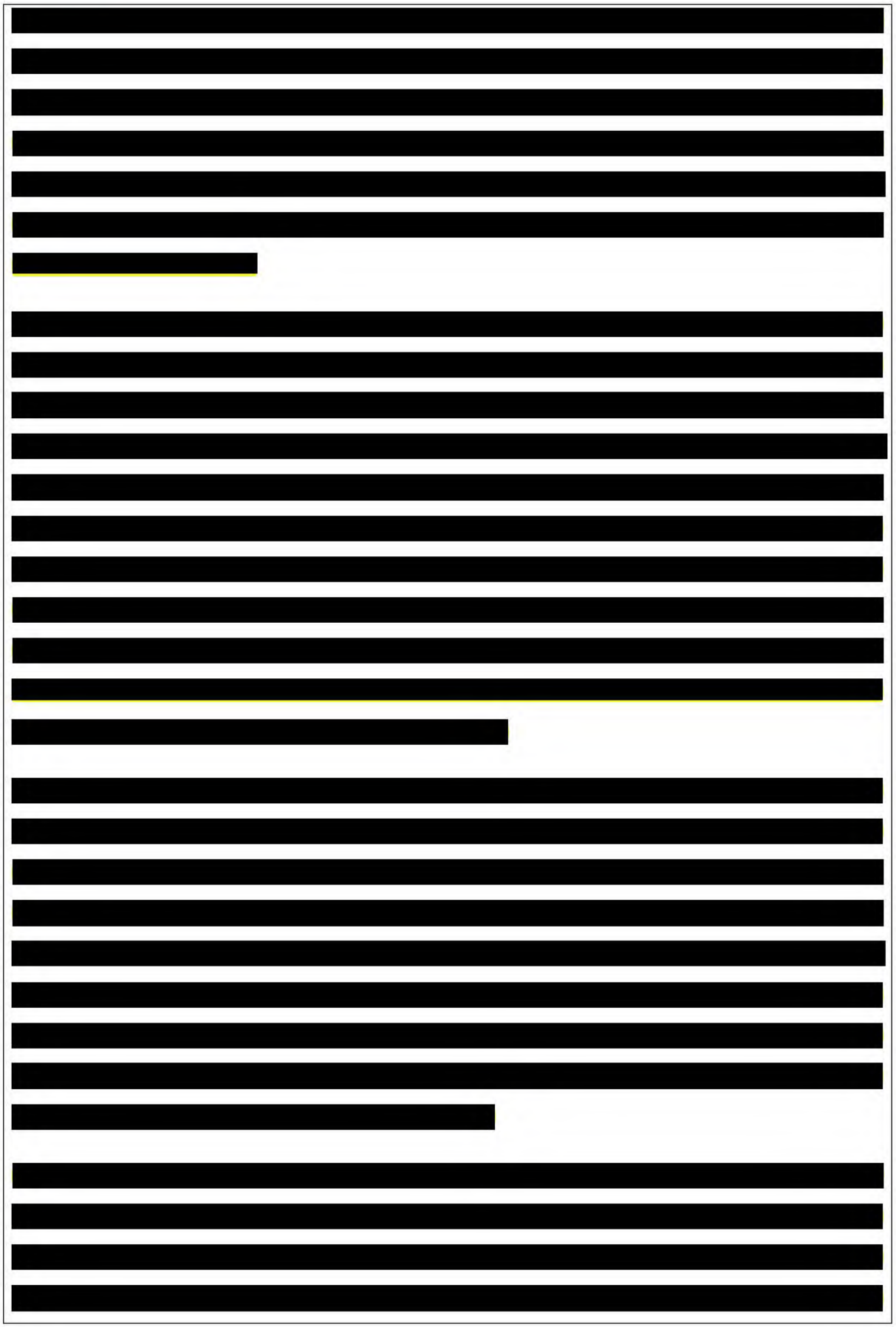
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The RTT's Responses / Objections to Document Requests No. 7

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Replies to Objections to Document Requests

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Tribunal's Decisions

GRANTED IN PART

As concerns Request No. 7(a), the requested documents appear to be *prima facie* relevant, to the exclusion of any responsive documents relating to the Offtake Agreement Term Sheet for the reason stated in Request No. 6 above. The Tribunal does not agree with the Respondent's blanket assertion that all documents in the possession, custody or control of the Office of the Attorney-General are automatically covered by legal professional privilege. Accordingly, to the extent that any responsive document contains such privileged information, the Respondent may redact the document in part or in whole and shall provide a privilege log setting forth (i) the author(s), (ii) the recipient(s), (iii) the date on which the document was generated and/or communicated, (iv) the subject matter of the redacted part of the document, without disclosing the content of the information that is claimed to be covered by legal professional privilege, and (v) the basis for the claim that the document

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contains information that is covered by legal professional privilege, including the applicable legal provisions, if any.

Regarding Request No. 7(b), the requested documents appear to be *prima facie* relevant. In respect of Minister Young's legal opinion on which Minister Imbert is said to have relied to issue the so-called "non-objection letter" and the existence and content of which he allegedly disclosed to NETL, the Tribunal is not persuaded that Minister Imbert has waived any privilege (whether explicitly, implicitly or otherwise). Accordingly, the Respondent shall produce responsive documents, with the specification that it may redact any such documents in whole or in part and include a reference thereto in a privilege log containing the elements described above.

As for Request No. 7(c), the *prima facie* relevance is not sufficiently explained.

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Request No: 8
Documents or Category of Documents Requested
Letters, emails and notes of meetings and ~~Documents held by~~calls within and between the NGC, MoEEI, Office of the Attorney-General between 19 May 2016 to 23 October 2017 concerning: (a) the potential extension and subsequent termination of the NGC Term Sheet (Memorial, para. 59; Counter-Memorial, paras. 45, 46, 61); (b) negotiations between NETL and the NGC concerning a fully termed GSC (Memorial, paras. 12, 74, 75-88; Counter-Memorial, paras. 79, 88-91); (c) negotiations between NETL and Minister Khan concerning the pricing structure under the said GSC in or around June and July 2017 (Memorial, para. 85; Counter-Memorial, para. 94); (d) the rationale for the NGC's unwillingness to enter into a GSC with NiQuan, including documents evidencing NGC's "*obligations of specific quantities to its current customers with subsisting GSCs (who are presently being curtailed)*" [redacted] (**Exhibit C-120**), including evidence relevant to the question of the NGC's willingness to supply gas to NiQuan indirectly via UD; and (e) potential arbitration and other legal claims that the NGC was experiencing at the time and/or which were anticipated to arise from the NGC contracting with NiQuan or UD for the supply of gas, including draft and final internal memoranda.
Relevance and Materiality According to Requesting Party
Ref. to Pleadings, Exhibits, Witness Statements or Expert Report: [redacted]

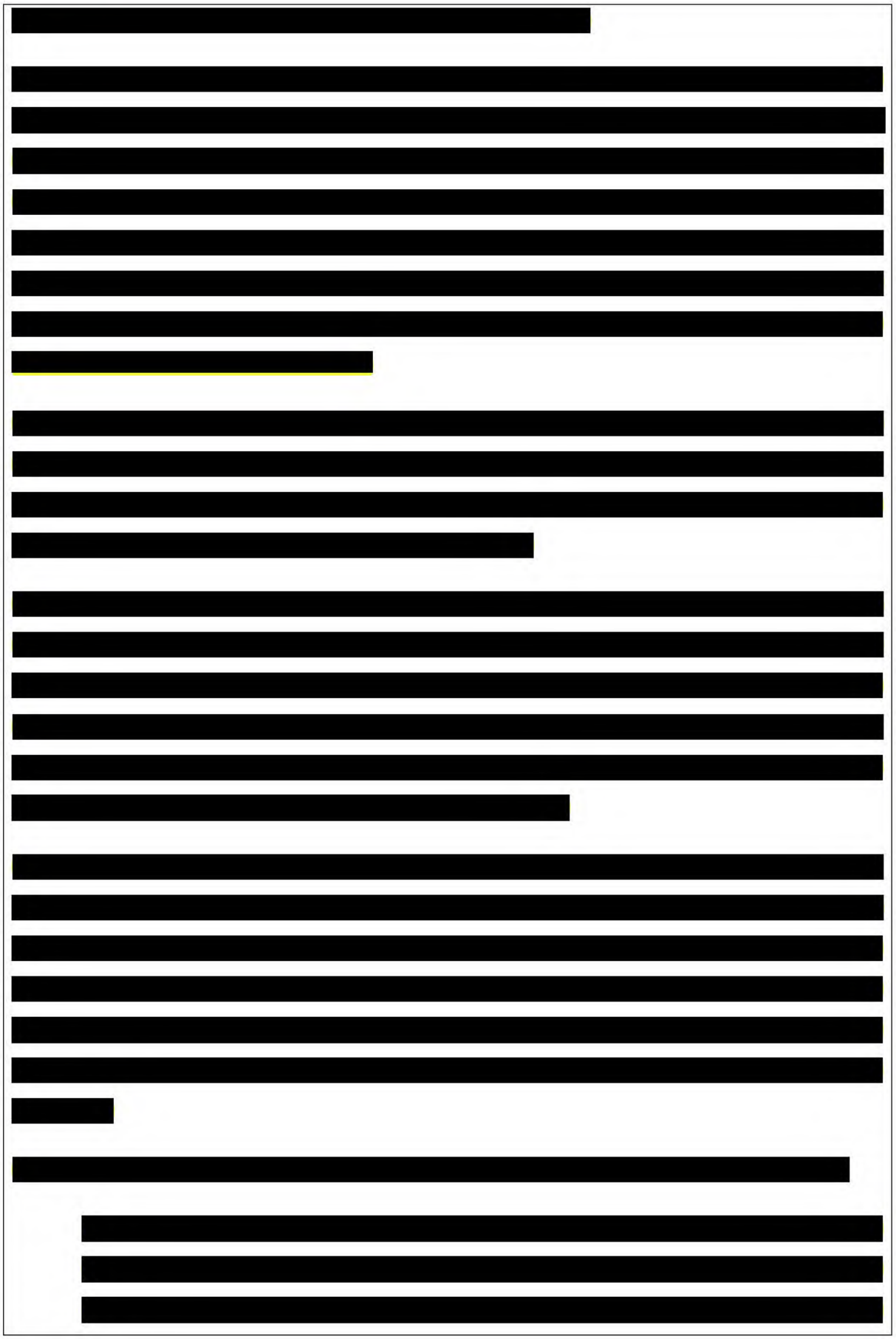
Baker McKenzie.

Comments:

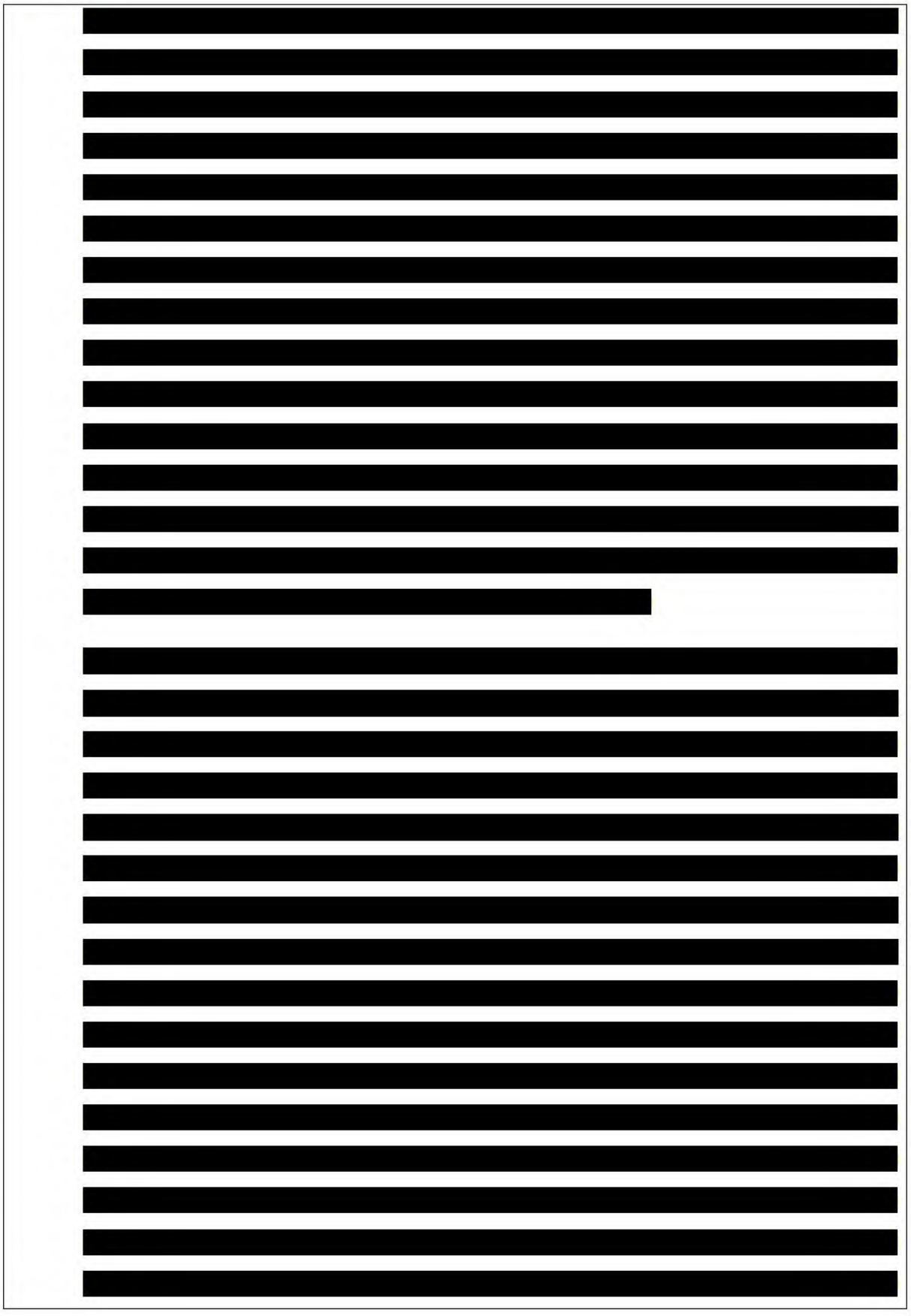
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The RTT's Responses / Objections to Document Requests No. 8

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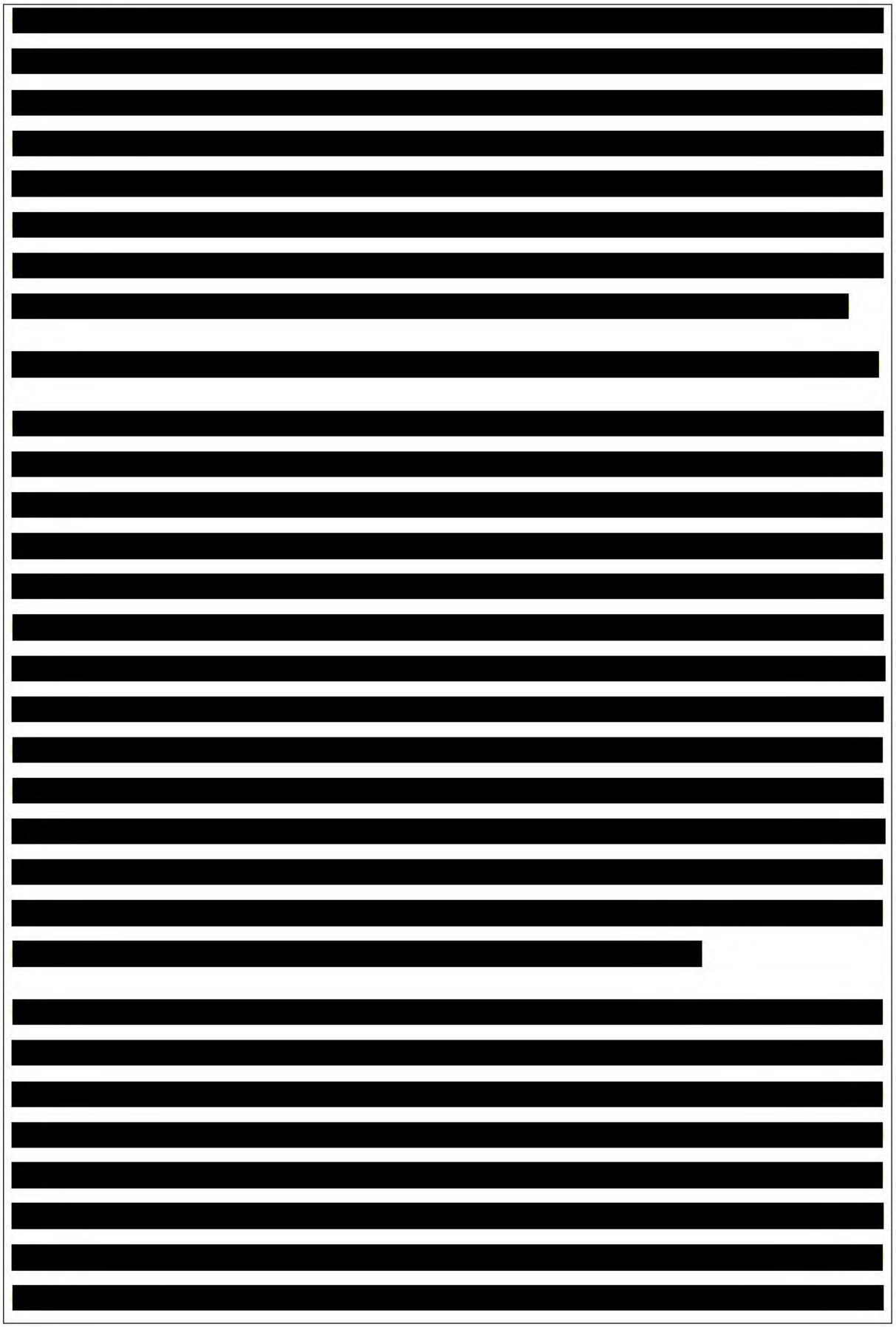


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Replies to Objections to Document Requests

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Tribunal's Decisions

GRANTED IN PART

Regarding Request No. 8(a) and (e), the *prima facie* relevance of the requested documents is insufficiently demonstrated.

By contrast, the requested documents falling under Request No. 8(b)-(d) appear to be *prima facie* relevant. As already explained, the Tribunal does not accept the Respondent's assertion that all documents in the possession, custody or control of the Office of the Attorney-General are automatically covered by legal professional privilege. It follows that, to the extent that any responsive document contains privileged information, the Respondent may redact the document in part or in whole and shall provide a privilege log setting forth the elements described in Request No. 7 above.

Baker McKenzie.

Request No: 9
Documents or Category of Documents Requested
Letters, emails and notes of meetings and calls~~The following documents held by~~ within and between Petrotrin, the Receiver, the PMO and the MoEEI from 23 October 2017 to 11 July 2018 concerning: (a) communications between any attendees of the relevant SCE meeting on 23 October 2017 and Mr Selwyn Lashley, Ms Heidi Wong, Mr Leroy Mayers and Mr Richard Jeremie (each of the MoEEI); (b) internal communications within the MoEEI concerning the letter issued by Mr Selwyn Lashley of the MoEEI to NETL dated 13 November 2017 (**Exhibit C-26**); (c) any drafts of the letter at **Exhibit C-26**; (d) the negotiation of the terms of the GSCA; (e) NiQuan's requests to waive the condition precedent at Annex B, paragraph 1(a) of the SPA in December 2017 (**Exhibit C-134**) and May 2018 (**Exhibit C-137**); (f) the incorporation of UD; (g) the signing of the GSCA; (h) review of the Foxton Opinion and negotiation of the terms of the GSCB; (i) review of the Gruder Opinion; (j) the letter from NETL to Prime Minister Rowley dated 25 June 2018 (**Exhibit C-142**); (k) the statement delivered by Energy Minister Khan to the RTT House of Representatives dated 29 June 2018 and press release issued by the MoEEI on the same date; and

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(l) the decision by Petrotrin and the Receiver to consummate the SPA by accepting that the relevant condition precedent had been accepted.
Relevance and Materiality According to Requesting Party
Ref. to Pleadings, Exhibits, Witness Statements or Expert Reports: [redacted] Comments: [redacted]

[redacted]

The RTT's Responses / Objections to Document Requests to Request No. 9

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Replies to Objections to Document Requests

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Tribunal's Decisions

GRANTED IN PART

Except for Requests No. 9(a) and (b), which are granted, the *prima facie* relevance of the remaining documents to assess the content or scope of the alleged assurances in the context of the Claimants' legitimate expectations claim is not sufficiently explained. In particular, it is unclear in what way the requested documents would demonstrate that the Claimants only invested in the GTL Plant "as a result of the reliance of all Parties on the RTT's assurances". Moreover, the requests are overly broad and production would be unduly burdensome. As regards specifically Requests No. 9(c), (h) and (j), the *prima facie* relevance of the requested

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documents to determine "whether the GSCB with UD satisfied the relevant condition precedent" in the SPA is insufficiently demonstrated. This is particularly the case of "any drafts" of the MoEEI's letter to NETL of 13 November 2017 (C-26) (Request No. 9(c)), documents about the review of the Foxton Opinion which concerned the GSCA (not the GSCB) (Request No. 9(h), first limb) and documents relating to the letter from NETL to Prime Minister Rowley dated 25 June 2018 (C-142) (Request No. 9(j)). As for the request for responsive documents relating to negotiations of the terms of the GSCB, it is moreover insufficiently specific and production would be overly burdensome.

Baker McKenzie.

Request No: 10
Documents or Category of Documents Requested
The following documents held by Ministry of Finance, the MoEEI, the NGC and/or UD: (a) Copies of any governance or constitutional documents and corporate records of UD other than those contained in **Exhibit C-8**; (b) Copies of all shareholder resolutions passed by the Minister of Finance as corporation sole shareholder; (c) Copies of all board resolutions or minutes of the meeting of the board of directors of UD; (d) Copies of any other documents in which the directors of UD sought or received directions or instructions from the Minister of Finance in his capacity as corporation sole shareholder of UD or any other GoRTT Minister or instrumentality; (e) Copies of any statute or governmental order referencing UD and/or its activities; (f) Copies of UD's financial statements for each year since its incorporation, alongside other documents, records or ledgers referring to payments made by UD to the Ministry of Finance, the GoRTT or any other GoRTT instrumentality; (g) Copies of letters, emails and notes of meetings and calls ~~all documents~~ concerning the appointment, removal and/or resignation of corporate officers of UD, including for the avoidance of doubt the resignation letter(s) of Mr Richard Jeremie; and (h) Copies of corresponding documents corresponding to paragraphs (a) to (f) above corresponding to the NGC.
Relevance and Materiality According to Requesting Party

Baker McKenzie.

Ref. to Pleadings, Exhibits, Witness Statements or Expert Report: [redacted]

Comments: [redacted]

[redacted]

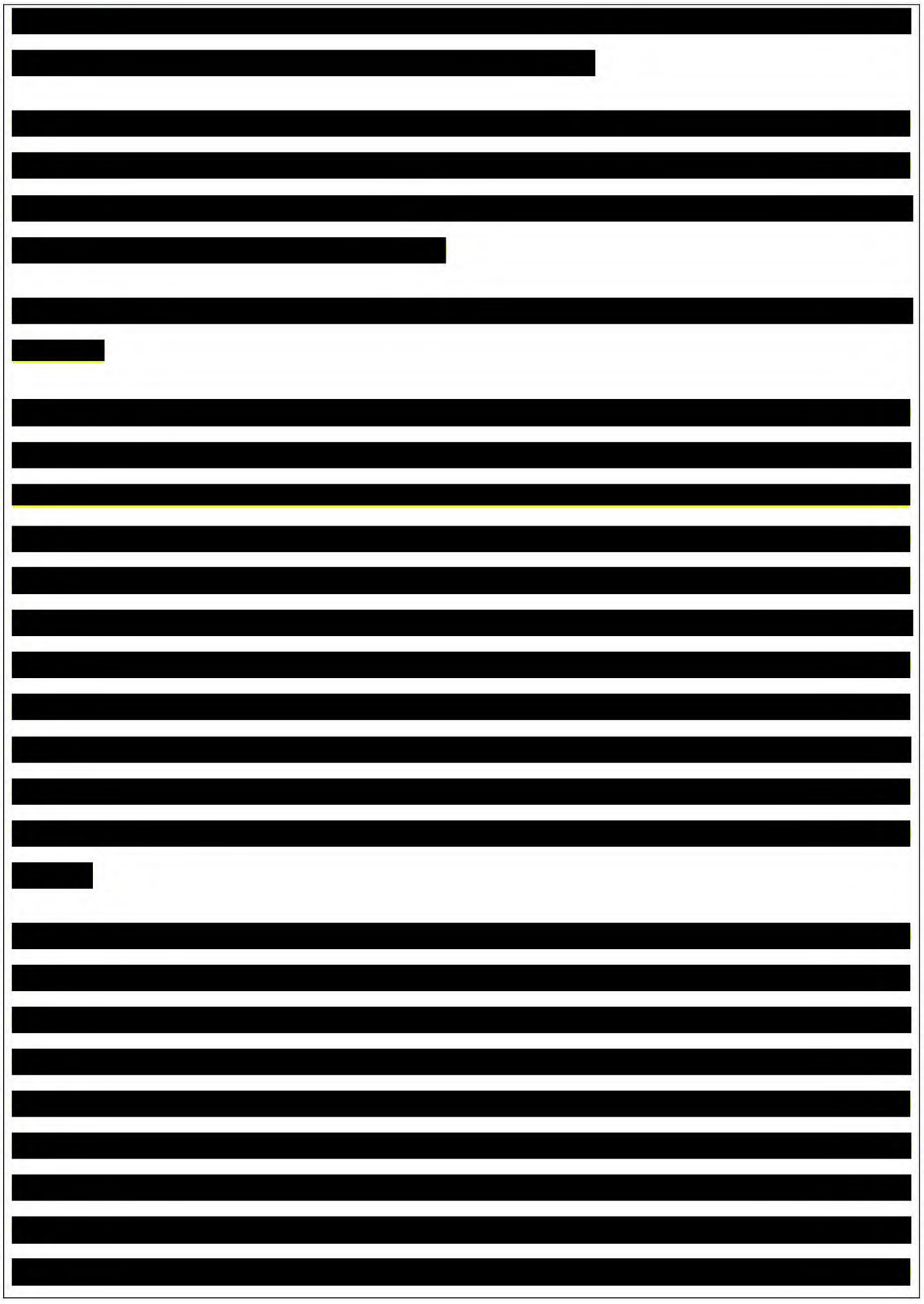
The RTT's Responses / Objections to Document Requests No. 10

[redacted]

[redacted]

Replies to Objections to Document Requests

[redacted]



[redacted]

Tribunal's Decisions

DENIED

The requests are insufficiently specific and they are overbroad. This is for instance the case of Requests No. 10(a) ("any governance or constitutional documents and corporate records"), (b) ("all shareholder resolutions"), (c) ("all board resolutions or minutes"), (d) ("any other documents" containing "directions or instructions"), (e) ("any statute or governmental order"), (f) (all financial statements and "other documents, records or ledgers referring to payments"), (g) (documents relating to any "appointment, removal and/or resignation of corporate officers of UD"). In addition, as regards Request 10(e), the Claimants have not disputed the Respondent's assertion that the requested documents are publicly available. For the same reasons, it follows that Request No. 10(g) is also insufficiently specific in addition to being overbroad. In accordance with paragraph 17.7 of PO1, the Tribunal will not narrow down the scope of this request.

Baker McKenzie.

Request No: 11
Documents or Category of Documents Requested
Letters, emails and notes of meetings and calls~~Documents held by~~ within and between the PMO, MoEEI or UD concerning the "*selected energy assets of the state*" either held or proposed to be held by UD, and concerning the meaning of that phrase as used in Minister Khan's speech on 29 June 2018 (**Exhibit C-24** and **Exhibit C-34**).
Relevance and Materiality According to Requesting Party
Ref. to Pleadings, Exhibits, Witness Statements or Expert Report: [redacted] Comments: [redacted]
The RTT's Responses / Objections to Document Requests to Request No. 11
[redacted]

Baker McKenzie.

[redacted]

Replies to Objections to Document Requests

[redacted]

Tribunal's Decisions

GRANTED IN PART

The request, as formulated, is insufficiently specific and unduly burdensome. Moreover, the *prima facie* relevance of the requested documents is not sufficiently explained. That said,

documents between October 2017 and end of June 2018 concerning the question whether UD was to hold gas from the "Minister's Share" and/or from other sources appears to be *prima facie* relevant. Accordingly, making use of its discretion under paragraph 17.3.4 of PO1 and its powers under Article 43 of the ICSID Convention and paragraph 17.10 of PO1, the Tribunal decides that the Respondent shall produce any responsive documents in the above indicated period showing UD's (actual or contemplated) sources for gas, in particular documents concerning the energy assets of the State that were either actually held or proposed to be held by UD. To the extent any responsive documents are held by UD, and without prejudging the disputed issue of attribution, the Respondent shall make best efforts to retrieve and produce such documents.

Baker McKenzie.

Request No: 12
Documents or Category of Documents Requested
Letters, emails, memoranda, notes of meetings and calls concerning the ~~Documents arising from or relating to the~~ statement by Minister Khan as reported in the Trinidad and Tobago Guardian on 24 November 2018 (**Exhibit C-35**) concerning NiQuan's gas coming from the Minister's share of gas.
Relevance and Materiality According to Requesting Party
Ref. to Pleadings, Exhibits, Witness Statements or Expert Report: [redacted] Comments: [redacted]
The RTT's Responses / Objections to Document Requests No. 12
[redacted]

[redacted]

Replies to Objections to Document Requests

[redacted]

[redacted]

Tribunal's Decisions

GRANTED

The requested documents appear to be *prima facie* relevant, and the reformulated request is sufficiently specific.

Baker McKenzie.

Request No: 13
Documents or Category of Documents Requested
Letters, emails, memoranda, notes of meetings and calls~~Documents~~ between 29 June 2018 and 14 August 2023 held by the PMO, MoEEI or UD concerning: (a) the process by which the GoRTT is entitled to take "*Government Natural Gas*" under every one of the various production sharing agreements it has entered into with upstream producers of gas ("**PSAs**") and by which gas from the Minister's Share can be delivered through the NGC's distribution network to downstream customers (Memorial, para. 93); (b) copies of all PSAs giving the GoRTT entitlement to the Government Natural Gas (or proceeds thereof); (c) every instance in which the GoRTT exercised its right to take and/or market "*Government Natural Gas*" under PSAs; (d) for every instance described at paragraph (b), evidence of where the GoRTT deployed "*Government Natural Gas*" and the terms on which the GoRTT marketed the "*Government Natural Gas*" to third parties; (e) to the extent not covered by the Requests above, any steps taken by the PMO, the MoEEI or UD for the GoRTT to exercise its right to take "*Government Natural Gas*" to provide to UD for UD to supply to NiQuan pursuant to the GSC, including statutory, regulatory or policy instruments, government reports, parliamentary papers, internal meeting minutes and memorandums, referring to the "*Minister's Share*" in relation to the GTL Plant; (f) the statement by Prime Minister Rowley and Minister Young in December 2022 announcing the restructuring of Atlantic LNG as reported in **Exhibit C-274**, during which the Prime Minister referred to the GoRTT exercising its right to market gas from the Minister's Share to supply gas to Atlantic LNG; and

Baker McKenzie.

(g) the statement by Minister Young to the RTT House of Representatives on 13 May 2024, during which he referred to the PNM Government asking that it "*be allowed, through the Minister of Energy and Energy Industries, to market some of [the Minister's s Share of] gas*" (**Exhibit C-348**, pp. 22 et. seq.).

Relevance and Materiality According to Requesting Party

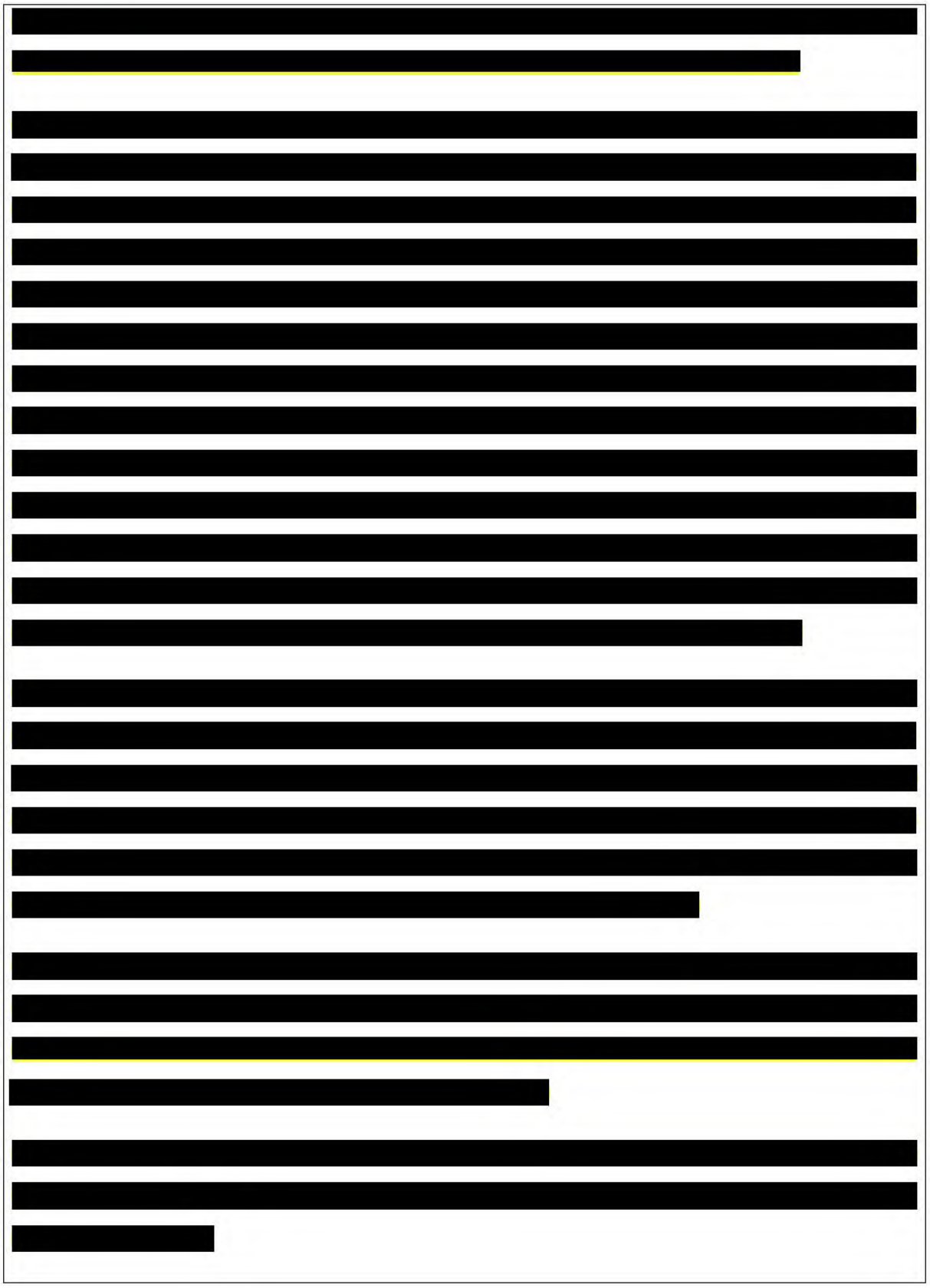
Ref. to Pleadings, Exhibits, Witness Statements or Expert Report: [redacted]

Comments: [redacted]

Baker McKenzie.

The RTT's Responses / Objections to Document Requests No. 13
[redacted]

Baker McKenzie.



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Replies to Objections to Document Requests

[redacted]

Baker McKenzie.

[redacted]

Tribunal's Decisions

Baker McKenzie.

DENIED

Concerning Request No. 13(a), the Tribunal understands that, apart from the "Standard PSA" (C-23) and updated versions thereof, which the Claimants have not argued they cannot access on the MoEEIs website (under the tab "For Investors"), the Respondent has no additional documents about the process for distribution of "Government Natural Gas" or of the "Minister's Share". Accordingly, no further decision is needed and the request is denied.

As regards Requests No. 13(b) and (d), the Claimants do not challenge that there are compelling grounds of commercial or technical confidentiality to protect the requested documents pursuant to Article 9(2)(e) of the IBA Rules and the Tribunal does not believe that the proposed safeguards are sufficient or conceivable in the circumstances, also considering that it would be overly burdensome to request from the Respondent to seek and obtain the consent of all parties to the PSAs to partly or wholly waive confidentiality. The requests are consequently denied.

As for Requests No. 13(c), (e), (f) and (g), the Tribunal takes note of the Respondent's representation that no responsive documents exist, such that no further action is required at this stage and the requests are accordingly denied.

Baker McKenzie.

Request No: 14
Documents or Category of Documents Requested
~~Documents between 29 June 2018 and 14 April 2021 held by~~Letters, emails, memoranda, notes of calls and meetings within and between the Ministry of Finance, MoEEI or UD and the NGC (or any other entity that was UD's supplier of gas) between 29 June 2018 and 14 April 2021 concerning: (a) ~~the infrastructural works completed by the NGC (or any other entity that was UD's supplier of gas) to connect the GTL Plant to gas to enable the first supply of gas to the GTL Plant in July 2020 (Witness Statement of Mr Ainsley Gill, para. 154; **Exhibit C-159**); and~~ (b) NiQuan's early estimate of COD as shared in a letter dated 22 September 2018 (**Exhibit R-3**) and as subsequently amended on 5 September 2019 (**Exhibit C-152**), 17 April 2020 (**Exhibit C-161**), 24 June 2020, 4 September 2020, 22 December 2020 (**Exhibit C-174**), 21 January 2021, 22 February 2021, 19 March 2021 and 14 April 2021 (**Exhibit C-44**).
Relevance and Materiality According to Requesting Party
Ref. to Pleadings, Exhibits, Witness Statements or Expert Report: [redacted] Comments: [redacted]

[redacted]

The RTT's Responses / Objections to Document Requests No. 14

[redacted]

Baker McKenzie.

[redacted]

Replies to Objections to Document Requests

[redacted]

[redacted]

Tribunal's Decisions

NO DECISION REQUIRED IN PART AND OTHERWISE DENIED

The Tribunal notes the Claimants' withdrawal of Request No. 14(a).

As regards Request No. 14(b), the *prima facie* relevance is not sufficiently demonstrated. Specifically, it is unclear in what way the requested documents could prove or disprove the alleged fact mentioned above that UD "was entirely unaffected by the early delays to the COD date which it sought to rely on to commence invoicing under Article 2.7 of the GSC", considering that this alleged fact was initially mentioned by the Claimants to justify Request No. 14(a) which they now withdrew.

Baker McKenzie.

Request No: 15
Documents or Category of Documents Requested
Letters, emails, notes of calls and meetings within and between~~Documents from between 17 April 2020 and 21 January 2021 held by~~ the MoEEI or UD concerning the proposed amendments to the gas price in the GSCB, negotiations and execution of GSC1 between 17 April 2020 and 21 January 2021.
Relevance and Materiality According to Requesting Party
Ref. to Pleadings, Exhibits, Witness Statements or Expert Report: [redacted] Comments: [redacted]
The RTT's Responses / Objections to Document Requests No. 15
[redacted]

[redacted]

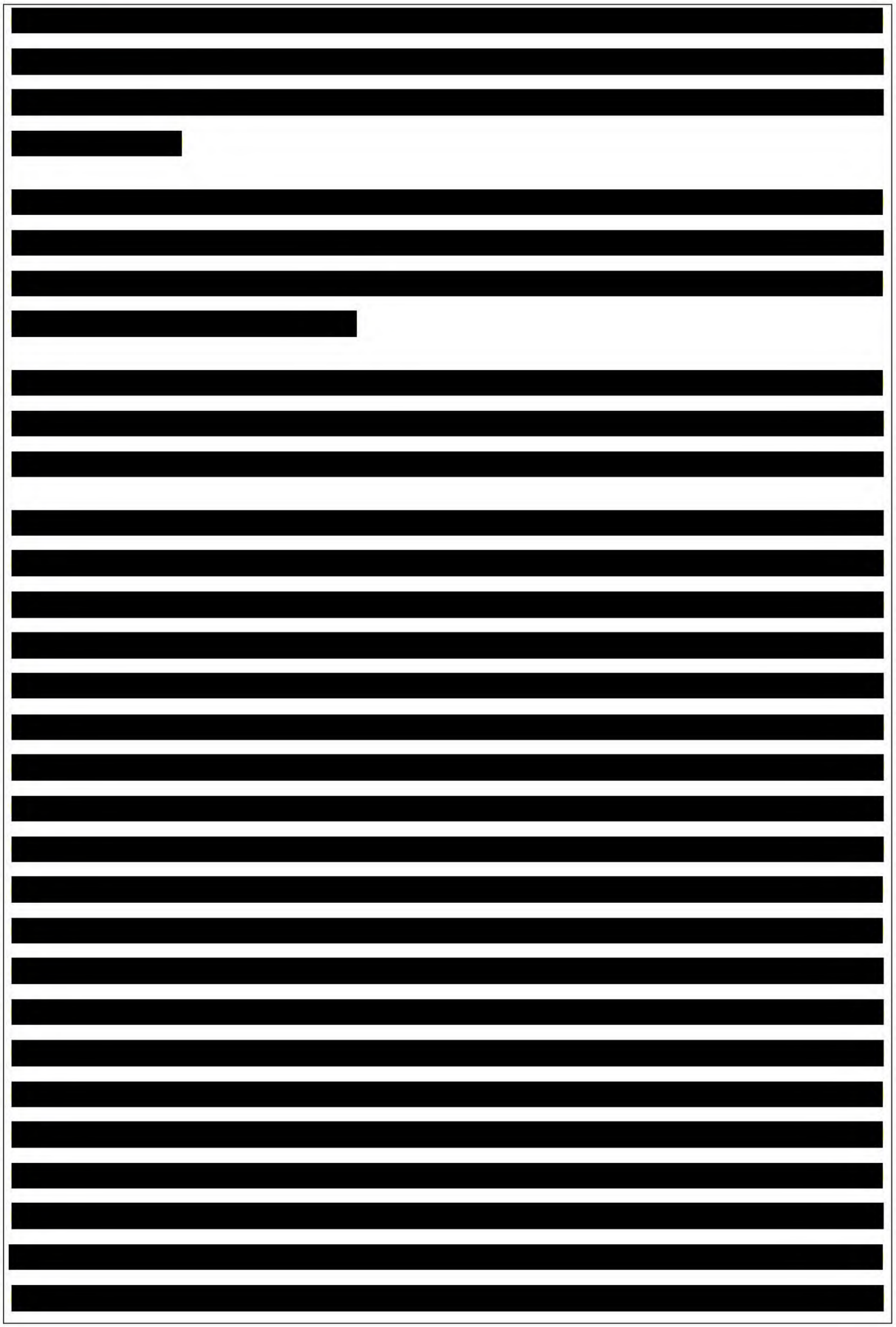
Replies to Objections to Document Requests

[redacted]

Tribunal's Decisions
GRANTED IN PART Overall, the request is insufficiently specific and the *prima facie* relevance of the requested documents in the period between 17 April 2020 and 21 January 2021 is insufficiently explained, considering in particular that the references at paragraphs 171 and 175-176 in the Memorial concern a period starting in April 2022. As for the reference in paragraph 334 to Exhibit C-173, i.e. a 14 December 2020 letter from the MoEEI to NETL, and the reference above to Exhibit C-369, i.e. a 7 January 2021 letter from UD to NETL, the Respondent shall produce any responsive documents within its possession and make best efforts to retrieve any responsive documents from UD in relation to obtaining the approval for the terms of the GSC1.

Baker McKenzie.

Request No: 16
Documents or Category of Documents Requested
Letters, emails, notes of calls and meetings within and between ~~Documents held by~~ the PMO, MoEEI, the NGC and UD concerning and leading to the ribbon-cutting ceremony at the GTL Plant on 8 March 2021, ~~including but not limited to documents relating to~~ the preparations for Prime Minister Rowley's attendance at that ceremony and working and final drafts of his speech and documents reflecting Dr Rowley's views as to the significant implications of the GTL Plant for the Trinidadian economy (Witness Statement of Mr Ainsley Gill, paras. 164, 165; **Exhibit C-182**; **Exhibit C-183**).
Relevance and Materiality According to Requesting Party
Ref. to Pleadings, Exhibits, Witness Statements or Expert Report: [redacted] Comments: [redacted]
The RTT's Responses / Objections to Document Requests No. 16
[redacted]



[redacted]

Replies to Objections to Document Requests

[redacted]

[redacted]

Tribunal's Decisions

DENIED

The *prima facie* relevance of the requested documents is insufficiently explained.

Baker McKenzie.

Request No: 17

Documents or Category of Documents Requested

Agreements, letters, memoranda, emails, notes of calls and meetings within and between~~Documents held by~~ UD, the NGC (or any other supplier of gas), the MoEEI and the PMO ~~relating to or evidencing UD's legal entitlement to the supply of gas (whether for the purposes of onward supply to the GTL Plant or otherwise) from its upstream suppliers (whether NGC or otherwise) at all material times from~~ dated between 29 June 2018 to 14 August 2023~~, including~~ concerning:

(a) UD's legal entitlement to the supply of gas (whether for the purposes of onward supply to the GTL Plant or otherwise) from its upstream suppliers (whether NGC or otherwise) at all material times from 29 June 2018 to 14 August 2023, such as the relevant gas supply agreement(s), any amendments, revisions, addenda or clarifications thereto;

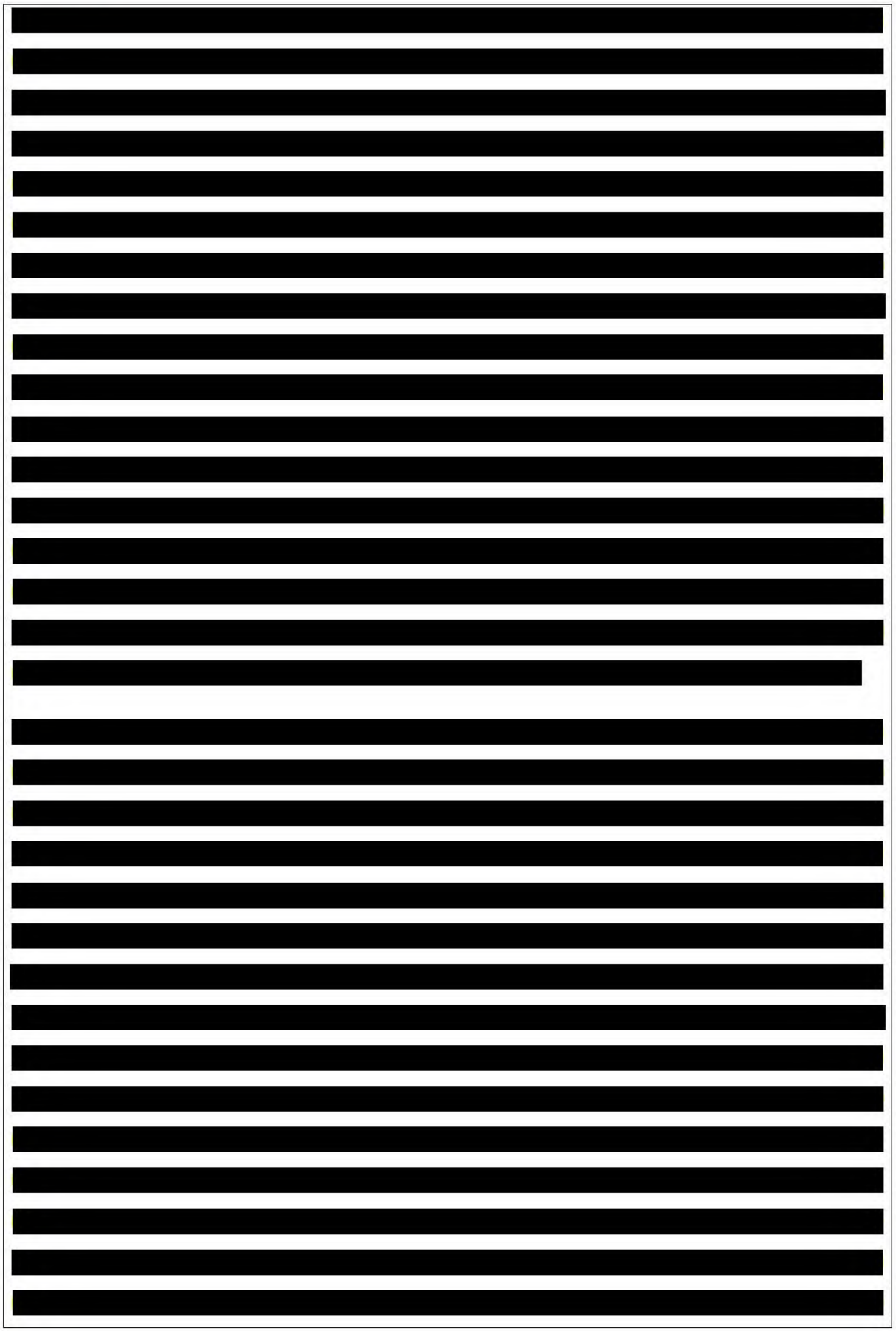
(b) the negotiation of the relevant gas sales agreement(s); and

(c) to the extent the relevant gas sales contract was with the NGC, documents setting out the legal, economic, logistical restrictions (whether arising from contracts with third parties, unavailability of gas or otherwise) allegedly faced by the NGC in contracting with NiQuan and how those restrictions were addressed (or not addressed) when NGC entered into a supply agreement with UD.

Relevance and Materiality According to Requesting Party

Ref. to Pleadings, Exhibits, Witness Statements or Expert Report: [redacted]

Comments: [redacted]



[redacted]

The RTT's Responses / Objections to Document Requests No. 17

[redacted]

Baker McKenzie.

[redacted]

Replies to Objections to Document Requests

[redacted]

[redacted]

Tribunal's Decisions

GRANTED IN PART

As regards Request No. 17(a), the Respondent does not challenge the *prima facie* relevance of at least certain responsive documents. It shall therefore produce documents sufficient to show the identity any entities, other than NGC (which the Respondent already identified e.g. at paragraph 319 of its Counter-Memorial), supplying gas to UD, and shall use its best efforts to obtain from UD and produce the contracts for the supply of gas between UD and those entities (including any amendments, revisions, addenda or clarifications thereto) and any notices of curtailment between UD and its supplier(s).

As regards Request No. 17(b), the *prima facie* relevance is not sufficiently explained.

As regards Request No. 17(c), the requested documents appear to be *prima facie* relevant and the Respondent shall use its best efforts to obtain and produce any responsive documents.

Baker McKenzie.

Request No: 18
Documents or Category of Documents Requested
~~Documents~~ Letters, notices, emails, notes of calls or meetings~~relating to or evidencing any exchange and/or discussion~~ within and between UD and the NGC (or any other supplier of gas to UD) concerning the actual supply of gas (or the lack thereof) by UD's supplier to UD~~, whether relating to the supply (or curtailment) of gas to the GTL Plant~~ from 29 June 2018 to 14 August 2023~~ or otherwise, including~~. If the Tribunal is not minded to order production of the full stream of correspondence between UD and its suppliers of gas, it should instead order the RTT to produce the following letters, notices, emails, notes of calls or meetings within and between UD and the NGC (or any other supplier of gas to UD) from 29 June 2018 to 14 August 2023: (a) ~~documents relating to~~ letters, notices, emails, notes of calls or meetings concerning supply of gas during the First to Seventh Curtailments (as defined in the Memorial, together, the "**Curtailment Periods**"); (b) t~~T~~he specific ~~documents and/or~~ correspondence between UD and its supplier(s) of gas and UD's gas supplier and upstream producers of gas as referenced and/or mentioned in the correspondence exchanged between UD and NiQuan (as enumerated in the **Schedule** enclosed hereto), which are disclosed in these proceedings~~; including correspondence between UD's suppliers of gas and any upstream producers~~; ~~and~~ (c) records of payments made by UD to its suppliers of gas (whether the NGC or otherwise), including the dates and amounts of the relevant payments~~;~~ and ~~(c)~~(d) letters, notices, emails, notes of calls or meetings reflecting demands for UD's payment from the NGC or another supplier of gas.
Relevance and Materiality According to Requesting Party
Ref. to Pleadings, Exhibits, Witness Statements or Expert Report: [redacted]

Baker McKenzie.

Comments: [redacted]

Baker McKenzie.

[redacted]

The RTT's Responses / Objections to Document Requests to Request 18

[redacted]

[redacted]

Replies to Objections to Document Requests

[redacted]

Baker McKenzie.

[redacted]

[redacted]

Tribunal's Decisions

GRANTED IN PART

The overall request for the full stream of correspondence between UD and its supplier(s) of gas between 29 June 2018 and 14 August 2023 is overly broad and unduly burdensome.

Concerning the Claimants' reformulated and narrowed requests:

As regards Request No. 18(a), the Respondent shall use its best efforts to obtain and produce responsive documents for the period between 15 August 2020 (First Curtailment) and 10 June 2023 (Seventh Curtailment). For the avoidance of doubt and to the extent not already covered by the previous sentence, although the Claimants state above having "acknowledged that the RTT will disclose notices of curtailment issued from the NGC to UD" (a concession the Tribunal fails to see in the Respondent's objections above), the Respondent shall use its best efforts to produce those documents.

As concerns Request No. 18(b), the Respondent shall use its best efforts to obtain and produce responsive documents in relation to the events listed in the Schedule below (i.e. for the period between 22 December 2020 and 10 June 2023).

Baker McKenzie.

As for Requests No. 18(c) and (d), the Respondent shall use its best efforts to obtain and produce responsive documents.

Baker McKenzie.

Request No: 19
Documents or Category of Documents Requested
To the extent not covered by Request 18 (immediately above), Letters, notices, emails, notes of calls or meetings within and~~documents relating to or evidencing any exchange and/or discussion~~ between UD, UD's gas supplier (NGC or otherwise), the MoEEI and~~,~~ the PMO ~~or any other relevant GoRTT instrumentality~~ concerning the purchase of gas by UD under its GSC with the NGC or any other gas supplier to UD and the supply of gas to the GTL Plant from 29 June 2018 to 14 August 2023 (excluding correspondence as between UD, the NGC and UD's other gas suppliers as covered by Request 18 above)~~, including but not limited to~~: If the Tribunal is not minded to order production of the full stream of correspondence as set out above, it should instead order the RTT to produce the following letters, notices, emails, notes of calls or meetings between UD, UD's gas supplier (NGC or otherwise), the MoEEI and the PMO from 29 June 2018 to 14 August 2023: (a) letters, notices, emails, notes of calls or meetings concerning~~Correspondence relating to~~ supply of gas during each of the Curtailment Periods, including the reason for curtailment of gas to NETL and third parties; (b) Correspondence from Prime Minister Rowley (or any ministers, permanent secretaries, special advisors or civil service officers within the PMO who were advising him or involved in the matter of NiQuan's gas supply~~ or any external advisors~~) to anyone in the abovementioned instrumentalities following each instance at which Ms Lewis escalated an issue related to NiQuan's gas supply to Prime Minister Rowley via WhatsApp or otherwise (Witness Statement of Ms Alison Lewis, paras. 75 (**Exhibit C-145**, pp. 21-25, 26-27, messages dated 22 August 2022 and 25 August 2022), para 76 (**Exhibit C-145**, pp. 28-29, messages dated 30 August 2022), para 81 (**Exhibit C-145**, pp. 37-38, messages dated 8 October 2022), para 95 (**Exhibit C-145**, p. 39, messages dated 14 June 2023); (c) Correspondence from Minister Young (or any ministers, permanent secretaries, special advisors or civil service officers within the MoEEI who

were advising him or involved in the matter of NiQuan's gas supply ~~or any external advisors~~) to anyone in the abovementioned instrumentalities following each instance at which Ms Lewis escalated an issue related to NiQuan's gas supply to Minister Young via WhatsApp or email (Witness Statement of Ms Alison Lewis, para 77 (**Exhibit C-208,** pp. 33-34, messages dated 1 September 2022), para 81 (**Exhibit C-208**, pp. 37-38, messages dated 8 October 2022), para 82 (**Exhibit C-208**, pp.39-41, messages dated 9 October 2022), para 83 (**Exhibit C-208**, p.42 and 44, messages dated 11 October 2022 and 17 October 2022 and **Exhibit C-208**, pp.45-48, messages dated 1 January 2023), para 84 (**Exhibit C-208**, pp.49-50, and pp.52-53 messages dated 20 January 2023), para 88 (**Exhibit C-208**, p. 56-59, messages dated 4 April 2023), para 90 (**Exhibit C-208**, pp. 61-63, message dated 13 April 2023), para 91 (**Exhibit C-208**, pp. 64-68, message dated 14 April 2023), para 93 (**Exhibit C-208**, pp. 69-71, message dated 29 April 2023); and

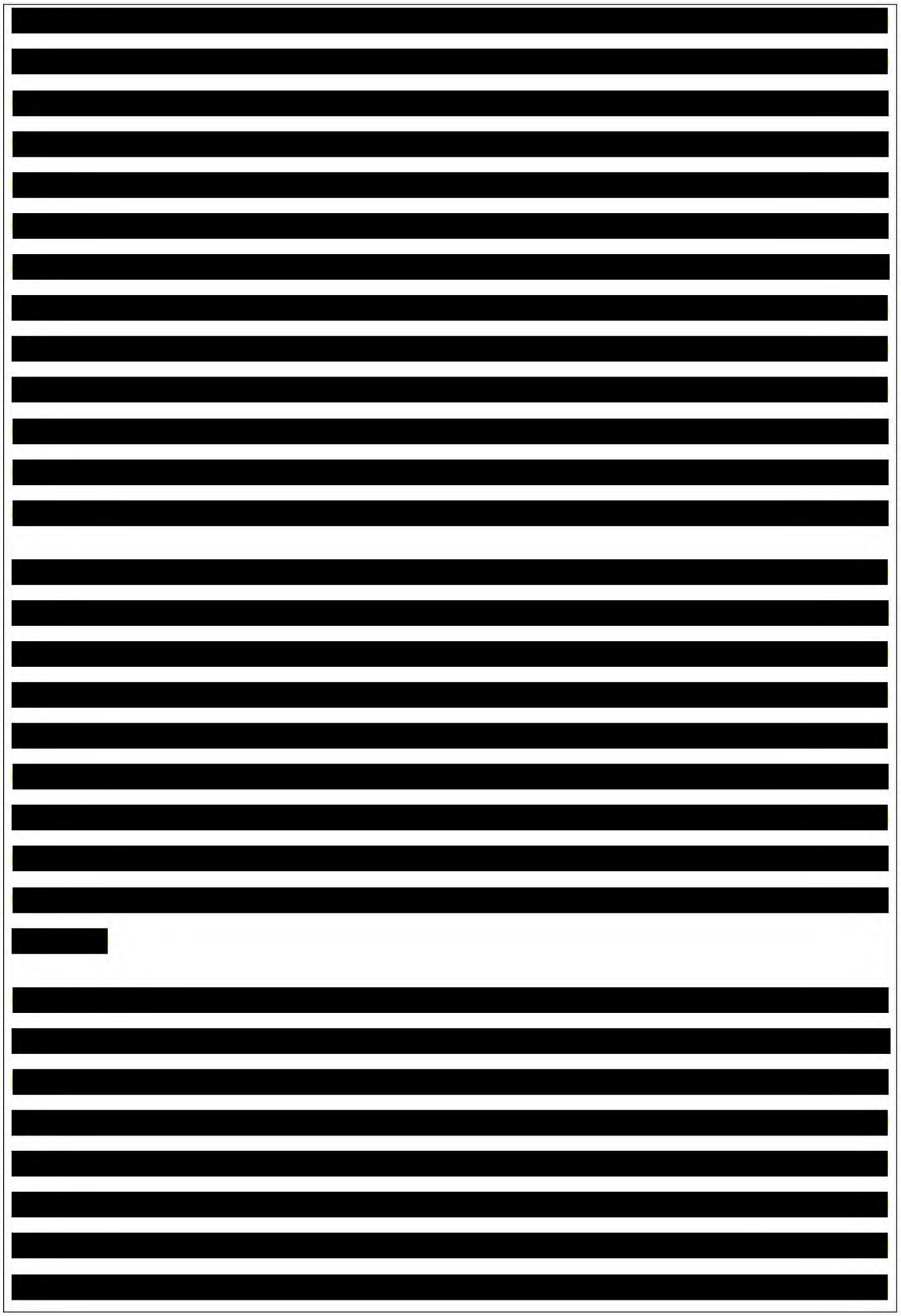
(d) Relevant WhatsApp correspondence, emails or any other messages between Minister Young and Prime Minister Rowley (or any ministers, permanent secretaries, special advisors or civil service officers who were advising ~~him~~ them or involved in the matter of NiQuan's gas supply ~~or any external advisors~~) regarding the supply of gas to the GTL Plant.

Relevance and Materiality According to Requesting Party

Ref. to Pleadings, Exhibits, Witness Statements or Expert Report: [redacted]

Comments: [redacted]

Baker McKenzie.



Baker McKenzie.

[redacted]

The RTT's Responses / Objections to Document Requests N0. 19

[redacted]

[redacted]

Replies to Objections to Document Requests

[redacted]

Baker McKenzie.

[redacted]

[redacted]

Tribunal's Decisions

GRANTED IN PART AND OTHERWISE DENIED

The overall request for the full stream of correspondence between UD, UD's gas supplier (NGC or otherwise), the MoEEI and the PMO concerning the purchase of gas by UD under its GSC with the NGC or any other gas supplier to UD and the supply of gas to the GTL Plant from 29 June 2018 to 14 August 2023 is overly broad and unduly burdensome, and is therefore denied.

In relation to the Claimants' reformulated and narrowed requests:

As regards Request No. 19(a), the Respondent shall produce responsive documents for each curtailment period, which the Tribunal understands span from 15 August 2020 (First Curtailment) to 10 June 2023 (Seventh Curtailment).

As concerns Request No. 19(b), it is sufficiently specific and the requested documents appear to be *prima facie* relevant. Accordingly, the Respondent shall produce responsive documents for the specific instances mentioned in the request, i.e. in relation to messages dated 22, 25 and 30 August 2022, 8 October 2022 and 14 June 2023 (Exhibit C-145, pp. 21-29 and 36-39 pdf).

For the same reasons, as regards Request No. 19(c), the Respondent shall produce responsive documents for the instances mentioned in that request, i.e. in relation to messages dated 1 September 2022, 8, 11 and 17 October 2022, 20 January 2023, 4, 13-14 and 29 April 2023 (Exhibit C-208, pp. 36-42, 44-50, 56-59 and 61-71 pdf).

As for Request No. 19(d), the request is overly broad and unduly burdensome, and the *prima facie* relevance is insufficiently explained. The request is accordingly denied.

Baker McKenzie.

Request No: 20
Documents or Category of Documents Requested
To the extent not covered by Request 19 above, letters, emails, notes of calls and meetings within ~~documents exchanged~~ between UD and the MoEEI and~~,~~ the PMO ~~or any other relevant GoRTT instrumentality~~ relating to the negotiation and execution of the GSC2 and Letter Agreement from 7 March 2022 to 25 May 2022.
Relevance and Materiality According to Requesting Party
Ref. to Pleadings, Exhibits, Witness Statements or Expert Report: [redacted] Comments: [redacted]
The RTT's Responses / Objections to Document Requests No. 20
[redacted]

[redacted]

Replies to Objections to Document Requests

[redacted]

[redacted]

Tribunal's Decisions

GRANTED IN PART AND AS SPECIFIED

The initial and reformulated request is not specific enough, overly broad, and is denied. However, documents showing that UD "attempt[ed] to obtain specific approval" from the government of the RTT for the terms of the GSC2 and the Letter Agreement are sufficiently specific and appear to be *prima facie* relevant and the Respondent shall produce any such documents.

Baker McKenzie.

Request No: 21
Documents or Category of Documents Requested
To the extent not covered by Requests 19 and 20 above, letters, emails, notes of calls and meetings within ~~documents exchanged~~and between UD and the MoEEI and~~,~~ the PMO ~~or any other relevant GoRTT instrumentality~~ relating to the meeting between Mr Gill and Mr Jeremie on/or around 17 May 2022.
Relevance and Materiality According to Requesting Party
Ref. to Pleadings, Exhibits, Witness Statements or Expert Report: [redacted] Comments: [redacted]
The RTT's Responses / Objections to Document Requests No. 21
[redacted]

[redacted]

Replies to Objections to Document Requests

[redacted]

[redacted]

Tribunal's Decisions
GRANTED

Baker McKenzie.

The request is sufficiently specific and the *prima facie* relevance is not challenged. To the extent the request relates to exchanges between UD and the MoEEI and PMO, the Respondent shall produce any responsive documents. To the extent it concerns internal documents of UD, the Respondent shall use its best efforts to obtain and produce responsive documents.

Baker McKenzie.

Request No: 22
Documents or Category of Documents Requested
To the extent not covered by Requests 19 and 20 above, letters, emails, notes of calls and meetings within ~~all documents exchanged between~~ and between UD and the MoEEI, the PMO and~~,~~ the NGC ~~or any other relevant GoRTT instrumentality~~ relating to the meeting between Ms Lewis and Ms Sandra Frasier in or around May 2022 during which Ms Frasier referred to the Touchstone Gas Field as being a potential source of gas for the GTL Plant.
Relevance and Materiality According to Requesting Party
Ref. to Pleadings, Exhibits, Witness Statements or Expert Report: [redacted]

Baker McKenzie.

The RTT's Responses / Objections to Document Requests No. 22

[redacted]

Replies to Objections to Document Requests

[redacted]

[redacted]

Tribunal's Decisions

GRANTED

For the same reasons as for Request No. 21 above, with the specification that the Respondent's best efforts obligation extends to NGC.

Baker McKenzie.

Request No: 23
Documents or Category of Documents Requested
~~Documents~~ Letters, emails, memoranda, reports, spreadsheets and notes of calls or meeting between or within~~held by~~ UD, the MoEEI, the NGC or any other relevant GoRTT instrumentality which supplies gas ~~demonstrating~~ the extent of curtailment suffered by each downstream purchaser of gas in the RTT (whether a customer of the NGC or otherwise supplied with gas directly or indirectly by the GoRTT through other means, including through the Minister's Share) during each of the Curtailment Periods, proportionate to each downstream participant's daily or annual contractual entitlement. For the avoidance of doubt, the RTT is requested to disclose a summary of the terms of the contract pursuant to which each downstream participant was purchasing gas from the NGC and/or other ~~instrumentality~~supplier of gas, including relevant contract quantities and whether gas supply obligations were subject to availability of gas, or other letters, emails, memoranda, reports or spreadsheets containing the same details.
Relevance and Materiality According to Requesting Party
Ref. to Pleadings, Exhibits, Witness Statements or Expert Report: [redacted]

Baker McKenzie.

[redacted]

The RTT's Responses / Objections to Document Requests No. 23

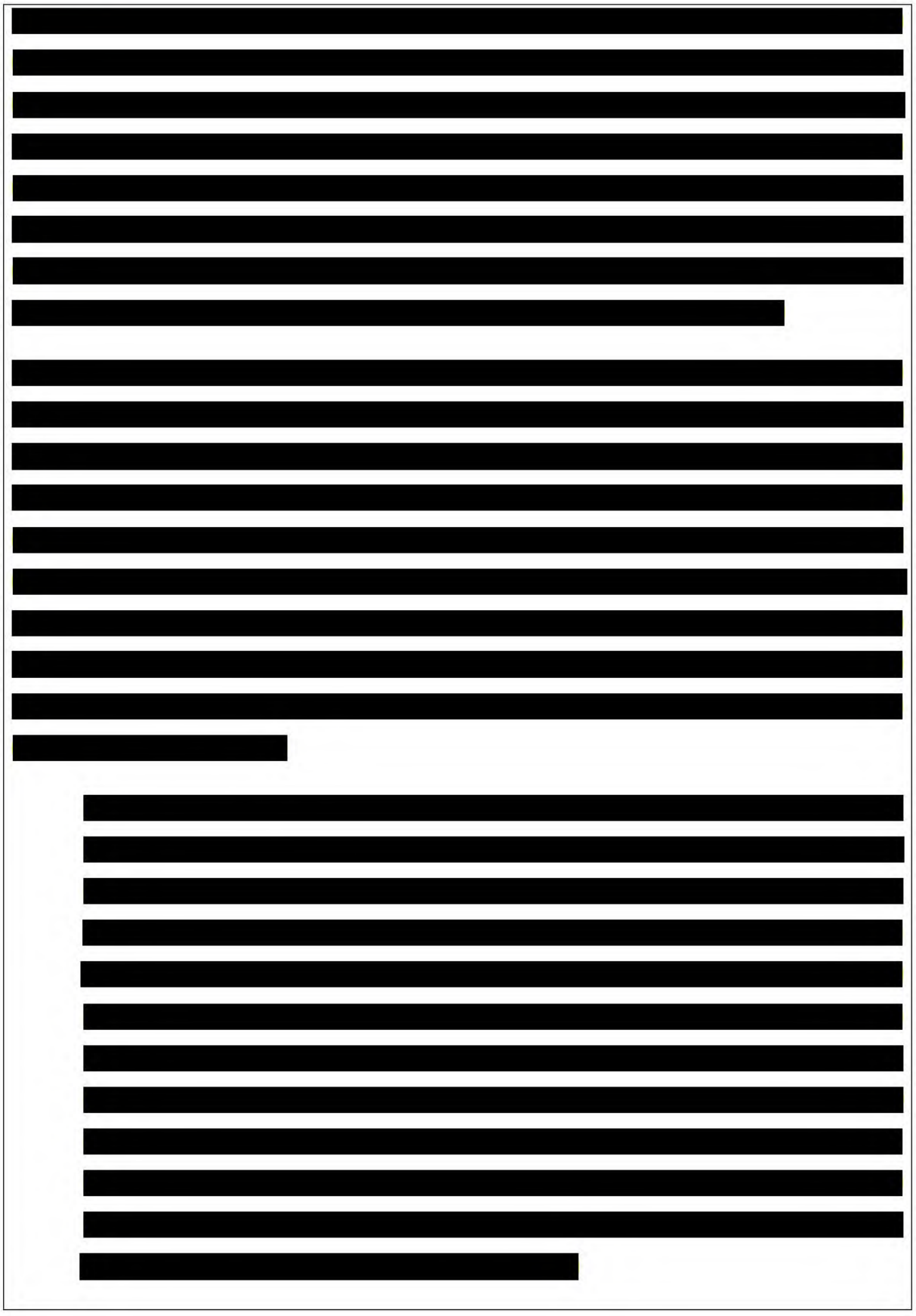
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Replies to Objections to Document Requests

[redacted]

Baker McKenzie.



[redacted]

Tribunal's Decisions

GRANTED IN PART AND AS SPECIFIED

The request, even as reformulated, is overly broad and unduly burdensome. Moreover, the *prima facie* relevance of documents containing the terms of contracts (including in summary form) with each downstream participant is not sufficiently demonstrated. However, documents sufficient to show how much gas was supplied, to whom and on which dates it was supplied, and detailing the level of curtailment of each downstream gas purchaser during the so-called curtailment period, which the Tribunal understands spans from 15 August 2020 (First Curtailment) to 10 June 2023 (Seventh Curtailment), are *prima facie* relevant and the Respondent shall produce the documents in its possession and use its best efforts to obtain any such documents from UD, NGC, or any other gas supplier in the RTT (if any).

Baker McKenzie.

Request No: 24
Documents or Category of Documents Requested
Letters, emails, memoranda, reports, spreadsheets and notes of calls or meeting ~~All documents~~ held by MoEEI, UD, ~~or any other instrumentality of RTT~~ the NGC- and any other supplier of gas in the RTT~~relating~~ sufficient to evidence the~~o~~ the *actual* gas supply and demand within the country between 2017 to 2023, split by all downstream uses and purposes.
Relevance and Materiality According to Requesting Party
Ref. to Pleadings, Exhibits, Witness Statements or Expert Report: [redacted]

[redacted]

The RTT's Responses / Objections to Document Requests No. 24

[redacted]

Replies to Objections to Document Requests

[redacted]

Tribunal's Decisions

Baker McKenzie.

GRANTED IN PART AND AS SPECIFIED

To the extent not already covered by Request No. 23 above, the Respondent shall produce documents sufficient to evidence the supply of and demand for gas for the years 2017 to 2023. To the extent not already covered by Request No. 23 above, it shall also produce (and use its best efforts to obtain from UD and NGC) documents showing how much gas deficit there was and how actual supply was distributed during the so-called curtailment period, i.e. between 15 August 2020 and 10 June 2023.

Baker McKenzie.

Request No: 25
Documents or Category of Documents Requested
Letters, emails, notes of calls and meetings within and between ~~Documents relating to or evidencing exchanges or meetings~~ between UD and the MoEEI, the PMO, the NGC~~,~~ and the Ministry of Justice and Office of the Attorney General ~~or any other relevant GoRTT instrumentality~~ concerning: (a) The preparation and issuance of the Disputed Invoices (Memorial, para. 211(c)(iii)) between 1 March 2023 and 11 May 2023; (b) The NETL Dispute Notice (Memorial, para. 211(c)(iv)) between 22 May 2023 and 14 August 2023; (c) The virtual meeting between Ms Haynes and Mr Gill on 22 May 2023 (Memorial, para. 211(c)(iv)) between 22 May 2023 and 1 June 2023; (d) The Notice of Late Payment dated 1 June 2023 (**Exhibit R-101**) between 1 June 2023 and 14 August 2023; (e) The Notice to Remedy dated 10 July 2023 (**Exhibit C-332** between 1 June 2023 and 14 August 2023); (f) The Purported Termination Notice under the GSC2 (**Exhibit C-49**) between 22 May 2023 and 14 August 2023; (g) The statement by Prime Minister Rowley on 14 September 2023, during which he stated (in response to the question regarding the dispute between NiQuan and the GoRTT) that "*at the end of the day public interest and private interest may not converge*", and also referred to NiQuan as a "*maga dog*" (**Exhibit C-50** and **Exhibit C-339**); and (h) The statement by Mr Young to the RTT House of Representatives on 13 May 2024, during which he stated that "*Trinidad and Tobago Upstream Downstream took a decision to protect the taxpayers, its shareholders, by terminating the contract*" and "*the Government is currently seeking legal advice to pursue the recovery of all moneys owed by NiQuan Energy to*

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Trinidad and Tobago Upstream Downstream and or the Government" (see **Exhibit C-348**, pp. 21, 23).

Relevance and Materiality According to Requesting Party

Ref. to Pleadings, Exhibits, Witness Statements or Expert Report: [redacted]

Comments: [redacted]

Baker McKenzie.

The RTT's Responses / Objections to Document Requests No. 25
[redacted]

[redacted]

Replies to Objections to Document Requests

[redacted]

[redacted]

Tribunal's Decisions

GRANTED IN PART AND OTHERWISE DENIED

The Respondent admits that Requests No. 25(a)-(b) and (d)-(f) are relevant. It shall therefore produce any responsive documents and, to the extent they concern UD and NGC, make use of its best efforts to obtain and produce such documents. As for documents generated by or exchanged with the Office of the Attorney General, to the extent that responsive documents contain information covered by legal professional privilege in the sense of Article 9(2)(b) of the IBA Rules, the Respondent may redact the document in part or in whole and shall provide a privilege log setting forth the elements described in Request No. 7 above.

Requests No. 25(c), (g) and (h) are denied because their *prima facie* relevance is insufficiently explained.

Baker McKenzie.

Request No: 26
Documents or Category of Documents Requested
A summary spreadsheet by~~Documents held by~~ the MoEEI and OSHA ~~concerning~~setting out the following details (or alternatively such letters, emails, memoranda, reports or spreadsheets sufficient to disclose the following details): (a) The details of accidents which have occurred at onshore industrial plants in the RTT since 2015 resulting in either death or critical injury, including whether the relevant plant was in opàeration at the time the accident occurred; (b) For each accident disclosed pursuant to paragraph (a); (c) Whether the relevant facility faced a closure order either from OSHA or the MoEEI as part of the investigation and the length during which such a closure order remained in place; (d) Whether the closure order remained in place after a Certificate of Compliance was issued and relevant Prohibition Notice was lifted, or whether closure continued pending outcome of separate MoEEI process; and (e) The total duration of the relevant OSHA and MoEEI investigation(s) concerning the accident, from the date of commencement until the date on which the relevant investigation report was concluded and recommendations or corrective measures were communicated to the operator of the relevant facility.
Relevance and Materiality According to Requesting Party
Ref. to Pleadings, Exhibits, Witness Statements or Expert Report: [redacted]

Baker McKenzie.

[redacted]

The RTT's Responses / Objections to Document Requests No. 26

[redacted]

[redacted]

Replies to Objections to Document Requests

[redacted]

[redacted]

Tribunal's Decisions

GRANTED AS SPECIFIED

Considering that OSHA already provided similar information to NiQuan for the year 2024 (see C-350, pp. 8-10 pdf), that the requested documents appear to be *prima facie* relevant at least as they relate to "other downstream plants" in the gas sector (see Memorial, para. 378(c)), the Respondent shall produce, without disclosing any personal data from any individuals (if necessary by anonymising such data), documents (such as reports, correspondence, memos, spreadsheets) sufficient to show the information mentioned in this request as it relates to other downstream gas plants, i.e. (i) the name of the gas plant, (ii) information about the type of accident, (iii) its date, (iv) the severity and (v) type of injury (if any), (vi) whether there was any closure order by OSHA or the MoEEI and, if so, (vii)

Baker McKenzie.

the duration it remained in place, (viii) whether any such closure order remained in place after a Certificate of Compliance was issued and relevant Prohibition Notice was lifted, or whether closure continued pending outcome of separate MoEEI process, and (ix), if there was a separate MoEEI process, how long that process lasted. If it is less burdensome, the Respondent may compile the information mentioned above and present it in the form of a summary spreadsheet.

Baker McKenzie.

Request No: 27
Documents or Category of Documents Requested
Letters, emails, memoranda, reports and notes of meetings or calls within or between ~~Documents held by~~ the MoEEI and OSHA between 15 June 2023 and 21 November 2023 concerning: (a) The terms of reference for both MoEEI and OSHA personnel / committees / investigators tasked to investigate the Flash Fire Incident; (b) OSHA's investigation of the Flash Fire Incident, commencing with the issuance of the Prohibition Notice and issuance of the Certificate of Compliance; (c) The resulting OSHA Investigation Report, following the investigation referred to in paragraph (b) above; (d) the MoEEI's separate investigation of the Flash Fire Incident; (e) Notes of any interviews conducted by OSHA and/or the MoEEI in connection with the Flash Fire Incident; (f) OSHA's or the MoEEI's review of the RCA Report at **Exhibit C-334**; (g) The MoEEI's analysis and consideration of NETL's correspondence reflected in **Exhibits C-52, C-53, C-57, C-337, C-338** (the last of these letters was sent on 2 January 2024, and therefore the RTT should be required to search for documents until approximately 1 March 2024 for evidence of consideration of this letter); (h) the MoEEI Investigative Report relating to the Flash Fire Incident dated 2 January (**Exhibit C-341**); (i) the decision to publicise the MoEEI Investigative Report in full on 18 June 2025, and the prior decision to share only a summary of that Report with NiQuan (**Exhibit C-345**) (documents pertaining to this sub-paragraph will be dated from before June 2025); and

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(j) MEES (Massey) Final Accident Investigation Report to MoEEI dated 12 September 2023 (**Exhibit C-341**).
Relevance and Materiality According to Requesting Party
Ref. to Pleadings, Exhibits, Witness Statements or Expert Report: [redacted]

Baker McKenzie.

[redacted]

The RTT's Responses / Objections to Document Requests No. 27

[redacted]

[redacted]

Replies to Objections to Document Requests

[redacted]

[redacted]

Tribunal's Decisions

GRANTED IN PART AND OTHERWISE DENIED

The request is overly broad and unduly burdensome. That said, the Tribunal understands that the Claimants neither have the OSHA Investigation Report (Request No. 27(c)) nor the MEES Final Accident Investigation Report of 12 September 2023 (Request No. 7(j)). Even though the latter was produced by NETL's contractor MEES and that it is unclear why the Claimants would not have access to it, the Respondent shall produce both of these reports.

Regarding Requests No. 27(a)-(b) and (d) to (i), in addition to being overly broad and unduly burdensome, the *prima facie* relevance of the requested documents is not sufficiently demonstrated.

Baker McKenzie.

Request No: 28
Documents or Category of Documents Requested
Letters, emails, memoranda, reports, spreadsheets and notes~~Documents~~ held by UD relating to the quantity of gas actually supplied by UD to the GTL Plant between 29 June 2018 and 14 August 2023.
Relevance and Materiality According to Requesting Party
Ref. to Pleadings, Exhibits, Witness Statements or Expert Report: [redacted]
The RTT's Responses / Objections to Document Requests No. 28

[redacted]

Replies to Objections to Document Requests

[redacted]

[redacted]

Tribunal's Decisions

DENIED

The Claimants do not challenge the Respondent's assertion that the Claimants already have data on the actual gas supplied by UD between 29 June 2018 and 14 August 2023 and that their expert has relied on that data. The Claimants insufficiently explain how additional responsive documents held by UD are necessary to determine "the start / end dates" of the curtailments, especially since they do not identify any gaps in the record at their disposal that would justify more extensive disclosure.

Baker McKenzie.

Request No: 29
Documents or Category of Documents Requested
Letters, emails, memoranda, reports, spreadsheets and notes~~Documents~~ held by Petrotrin (or its successors / assignees) concerning the technical and financial viability of the GTL Plant as an opportunity being pursued by WGTL Trinidad before NiQuan.
Relevance and Materiality According to Requesting Party
Ref. to Pleadings, Exhibits, Witness Statements or Expert Report: [redacted] Comments: [redacted]
The Responses / Objections to Document Requests No. 29
[redacted]

Baker McKenzie.

[redacted]

Replies to Objections to Document Requests

[redacted]

[redacted]

Tribunal's Decisions

GRANTED

The requested documents appear to be *prima facie* relevant.

Baker McKenzie.

Respectfully submitted for and on behalf of the Claimants

Andy Moody, Judith Mulholland, Kartik Singh, Janek Bednarz and Roberto Kehinde
of Baker & McKenzie LLP

Counsel to the Claimants
12 December 2025

Baker McKenzie.

Schedule (Request 18)

NiQuan refers to the following instances in which UD referred to correspondence with the NGC (or any other supplier of gas to UD) in correspondence with NETL, and requests documents relating to the following:

1. From UD's email to NETL dated 22 December 2020 (**Exhibit C-175**), evidence that *"TTUDEOCL is requesting the maximum gas requirement for the plant between today and December 31, 2020"*;

2. From UD's email to NETL of 28 December 2020 (**Exhibit C-176**), evidence *"that TTUDEOCL gas supplier was unable to meet NiQuan's gas supply requirements for the period of increased gas intake above 1.3MMscf/d in December"*;

3. From UD's letter to NETL dated 2 March 2021 (**Exhibit R-5**), evidence that UD "*is restrained by limitations under its current gas sales agreement, which restrict the amount of gas that TTUDEOCL is able to supply to NiQuan*";

4. From UD's letter to NETL dated 24 May 2021 (**Exhibit R-14**), evidence that UD's "*bargaining efforts with our supplier have been rendered feeble and ineffective because [UD] have been unable to pay our supplier for the gas that was supplied from July 2020 through March 2021*" and that the "*supplier is demanding payment and is not amenable to providing further supplies of gas due to non-payment of outstanding balances*", as further referred to in UD's letters to NETL dated 1 July 2021 (**Exhibit R-18**) and 22 July 2021 (**Exhibit R-21**);

5. From UD's letter to NETL dated 2 August 2021 (**Exhibit R-25**), evidence that UD "*continues to be placed in a detrimental position, facing serious consequences of liabilities imposed by our gas supplier and transporter, and remains with limited options for accommodation of NiQuan's challenges*";

6. The Notice evidencing that UD's "*TTUDEOCL's relationships with its suppliers have been negatively impacted*" per Mr Jeremie's email to Mr Gill dated 19 April 2022 (**Exhibit C-47**, p. 2);

7. From UD's email to NETL of 4 July 2022 (**Exhibit C-243**, p.7) evidence that UD's request for a *"gas demand forecast for the month of July 2022..."* was *"required by [its] gas supplier"*;

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8. From UD's email to NETL of 8 July 2022 (**Exhibit C-243**, p.6) evidence that UD required gas estimates from NETL for the benefit of its gas supplier (*"As part of coordinating the gas supplies with the gas supplier, TTUDEOCL would like to request the best estimate for the period of the COD and more importantly the period for the LRT."*);

9. From UD's email to NETL of 19 July 2022 (**Exhibit C-243**, p.3), evidence that *"TTUDEOCL would have to alert its gas supplier of NiQuan's gas needs going forward in order to attain LRT"* and evidence that it did so;

10. From UD's email to NETL of 29 July 2022 (**Exhibit C-243**, p.2), evidence that *"TTUDEOCL has been advise [sic] by its gas supplier that gas volumes up to 27.39 mmscf/d would be made available for the period August 1, 2022 to August 5, 2022."*;

11. From UD's email to NETL of 15 August 2022 (**Exhibit C-246**, p.3) evidence of the fact that the NiQuan gas intake needed to be urgently reduced due to the fact that *"the pressures on the transmission system are approaching critical levels which can severely affect the power network (T&TEC), which would be increasing gas intake, as night approach"*;

12. From UD's letter to NETL of 17 August 2022 (**Exhibit C-248**, p.1), evidence that UD's *"suppliers"* advised it of the meaning of a *"force majeure event"*;

13. From UD's email to NETL of 18 August 2022 (**Exhibit C-250**, p.6), evidence that UD had *"been advised by our gas supplier that the upstream issues were rectified and as such the situation is normalizing"*;

14. From UD's email to NETL of 18 August 2022 (**Exhibit C-250**, p.6), evidence that UD's *"gas suppliers [sic] is experiencing gas supply issues."* and (per UD's email on 22 August 2022 (**Exhibit C-250**, p. 3)), evidence that UD had been advised that *"the gas supply situation has not improved, as such, the gas supplier would be unable to facilitate your request"* and on the same day (**Exhibit C-250**, p.4) evidence that the *"gas supplier continues to experience supplies disruptions as two of its gas suppliers will be providing reduced rates over the next 4 days so unless they get incremental gas from other suppliers..."*;

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15. From UD's email to NETL of 23 August 2022 (**Exhibit C-250**, p.1), evidence that UD *"...has no control over the supply of gas and is guided as to availability by its supplier."* and evidence underpinning UD's assertion that *"...we are in a force majeure circumstance and can only supply up to the volumes indicated by our supplier. As was pointed out to you, due to the poor situation on the gas transmission system, apart from two upstream supplier being down, T&TEC issues still continue"*;

16. From UD's email to NETL of 24 August 2022 (**Exhibit C-251**, p.4), evidence that *"the gas supplier has advised that NiQuan has started to increase gas intake above 2mmscf/d."* and in a further email on the same day (**Exhibit C-251**, p.3), evidence that the *"gas supplier has advised that NiQuan can maintain its current gas intake of 5mmscf/d until further notice"*.

17. From UD's email to NETL of 25 August 2022 (**Exhibit C-252,** p.1) evidence that *"TTUDEOCL is making every effort to ensure gas is made available to NiQuan to satisfy gas requirement without interruption to meet the COD and LRT, but this is out of our control, as the situation, as previous mentioned is dependent on the two upstream platforms returning to full operations"* and from UD's email to NETL (**Exhibit C-252**, p.2), evidence that its *"gas supplier has advise [sic] that they would not be able to meet the request for gas above 5mmscf/d at this time, until the two upstream operators come on production"*;

18. From UD's email to NETL of 26 August 2022 (**Exhibit C-254**, p.9), evidence that *"TTUDEOCL has been in continuous conversation with our gas supplier and is making every effort to ensure gas is made available to NiQuan at the earliest"*;

19. The "*notice from [UD's] gas supplier*" which Mr Jeremie stated UD was awaiting in his email to Mr Gill dated 29 August 2022 (**Exhibit C-74**, pp. 1-2);

20. The notice under which UD's "g*as supplier has indicated that arrangements are being made to facilitate NiQuan Energy Trinidad Limited with the requisite volumes of gas to attain its Commercial Operation Date (COD) and Lenders Reliability Test (LRT) starting from September 12, 2022*", as referred to in the letter from UD to NETL dated 2 September 2022 (**Exhibit C-75**);

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21. From UD's email to NETL of 19 September 2022 (**Exhibit C-254**, p.7), documentary evidence relating to the fact that *"TTUDEOCL would like to get an update on the scheduled LRT in order to inform our gas supplier"*;

22. From UD's email to NETL of 26 September 2022 (**Exhibit C-254**, p.5), documentary evidence relating to the fact that *"TTUDEOCL would like to get an update on the status of the LRT. This information is required to advise our gas supplier"*;

23. From UD's email to NETL of 27 September 2022 **(Exhibit C-254**, p.3), evidence that it informed its *"gas supplier of the revised LRT dates..."*;

24. From UD's email to NETL of 30 September 2022 (**Exhibit C-254**, p.3), evidence that *"TTUDEOCL gas supplier has advised that gas supplies cannot be guaranteed to the NiQuan plant during the revised dates (October 7-10, 2022) for the LRT, as a major upstream gas producer would be going down during late next week"*;

25. From UD's email to NETL of 30 September 2022 (**Exhibit C-254**, p.2), evidence of the information provided to UD from the gas supplier relating to minimum gas requirements for LRT (*"Based on the information from the gas supplier it would not be possible to the request below"*);

26. From UD's email to NETL of 4 October 2022 (**Exhibit C-254**, p.2), evidence that "*TTUDEOCL would like to request NiQuan's gas requirements for the month of October, 2022, including dates for COD and LRT. This is to advise our gas supplier*" and that they did advise their gas supplier;

27. From UD's letter to NETL dated 7 October 2022 (**Exhibit R-50)**, documents evidencing the "*deleterious effect of NiQuan's non-payment on both the commercial endurance of TTUDEOCL and TTUDEOCL's contractual relationship with its gas supplier*" and any instance of UD's "*gas supplier's decision to suspend the gas supply*" on grounds of UD's non-payment;

28. From UD's email to NETL of 15 October 2022 (**Exhibit C-255**, p.6), evidence that NETL's request for gas *"...was communicated to the gas supplier"*, and from UD's email of the same day 2022 (**Exhibit C-255**, p.5), evidence of the fact that the *"gas supplier is unable to provide the additional gas at this time"*;

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29. From UD's email to NETL of 19 October 2022 (**Exhibit C-255**, p.1), evidence that UD has *"...been liaising with our gas supplier and requested an update on the gas supply situation"* and from UD's email to NETL on the same day (**Exhibit C-256**, p.7), evidence that *"the gas supplier has indicated that NiQuan can increase its gas intake by 3mmscf/d from tomorrow"*;

30. From UD's email to NETL of 21 October 2022 (**Exhibit C-256**, p.5), evidence that *"[t]he gas supplier has advised that they will be able to facilitate the requested increase to achieve LRT"*;

31. From UD's email to NETL of 25 October 2022 (**Exhibit C-256**, p.4), evidence that *"[t]he gas supplier has reported lower than requested gas intake (18-20 mmscf/d) over the weekend October 22-24"*;

32. From UD's email to NETL of 26 October 2022 (**Exhibit C-256**, p.3), evidence that *"[t]he gas supplier was informed"* of NiQuan's gas requirement update;

33. From UD's email to NETL of 27 October 2022 (**Exhibit C-256**, p.3), evidence that *"TTUDEOCL is requesting an update as to when the plant LRT would start....This information is needed urgently to advise the gas supplier."*;

34. From UD's email to NETL of 27 October 2022 (**Exhibit C-256**, p.1), evidence that *"[t]he gas supplier is having supply issues from the upstream companies and the NiQuan plant gas supply would have to be curtailed"*;

35. From UD's email to NETL of 27 October 2022 (**Exhibit C-264**, p.2), evidence that *"the NiQuan plant has to be shut-down, as a result of upstream production issues, which has caused the pressures on the gas system to fall to critical levels"*;

36. From UD's email to NETL of 27 October 2022 (**Exhibit C-265**, p.2), evidence that *"[t]he gas supplier is having supply issues from the upstream companies..."*;

37. From UD's letter to NETL dated 28 October 2022 (**Exhibit R-52**), the notice under which UD was informed by its gas supplier that it was "*not amenable to supplying further volumes of gas without receiving full payment for gas already delivered*" (p. 2), notice under which UD's supplier threatened to "*terminat[e] [UD's] agreement on the ground of breach of contract for the non-payment of outstanding balances*" (p. 3),

correspondence demonstrating that NiQuan's non-payment has severely "*hampered [UD's] negotiating prowess with its Supplier*" (p. 4);

38. From UD's email to NETL of 4 November 2022 (**Exhibit C-265**, p.1, evidencing that *"[a]ccording to our gas supplier, the gas volumes supplied are lower than the forecast..."*;

39. From UD's email to NETL of 4 November 2022 (**Exhibit C-266**, p.1) evidence that the *"gas supplier would be informed accordingly."* of the update to NiQuan's LRT schedule;

40. From UD's email to NETL of 8 November 2022 (**Exhibit C-269**. P.2), evidence that NiQuan's update and *"information would be forwarded to the gas supplier for planning purposes"*;

41. From UD's email to NETL of 8 November 2022 (**Exhibit C-271**, p.1), evidence that *"TTUDEOCL's gas supplier has indicated that it is about six (6)months of gas supplies without payment for gas delivered, and this situation cannot continue indefinitely"*;

42. Copies of the "*most recent correspondences with our gas supplier*" referred to in UD's letter dated 6 December 2022 (**Exhibit R-57**) in which UD's gas supplier "*either suspend[ed] gas supply and/or appl[ied] other sanctions*";

43. UD's gas suppliers "*demand for payment*" referred to in UD's letter to NETL dated 9 December 2022 (**Exhibit R-59**);

44. From UD's email to NETL of 20 December 2022 (**Exhibit C-276**, p.1), evidence of UD's *"consultations with our Gas Supplier"* following which it informed NETL *"that TTUDEOCL is not in a position to supply the requested volumes (either a hold at current volumes of 15mmscf/d or increased volumes to meet LRT) at this particular time"* and evidence that UD *"remain[ed] in constant communication with our supplier, but there is a systems problem that has developed that is out of our control and we remain guided by the guidance given by our supplier in terms of this developing situation"*;

45. From UD's email to NETL of 21 December 2022 (**Exhibit C-279**), evidence that *"the availability of gas will depend on our various vendor/s and/or supplier/s' willingness to accept part-payments in the updated timelines proposed by NiQuan"*;

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46. Evidence of "*discussions with [UD's] gas supplier*" referred to in UD's letter to NETL dated 5 January 2023 (**Exhibit R-62**);

47. From UD's email to NETL of 6 January 2023 (**Exhibit C-281**, p.1), evidence that UD's *"gas supplier cannot make any commitments at this time as they are currently under curtailment"*;

48. From UD's email to NETL of 11 January 2023 (**Exhibit C-282**, p.2), evidence that *"the gas supplier has advised that due to issues at T&TEC, the gas supplies is projected to be increased to NiQuan by January 14, 2023"*;

49. From UD's email to NETL of 13 January 2023 (**Exhibit C-282**, p.1), evidence that *"the gas supplier has forecasted that gas may be made available by Monday (January 16, 2023)"*;

50. From UD's email to NETL of 14 January 2023 (**Exhibit C-283**, p.10), evidence that UD did *"communicate and discuss [NETL's] propose [sic] payment schedule, in [NETL's] letter, with our gas supplier. Approval of the proposed schedule would depend on our gas supplier acceptance of such."*;

51. From UD's email to NETL of 16 January 2023 (**Exhibit C-283**, p.9), evidence that UD's *"gas supplier has informed TUDEOCL that the gas curtailment continues until the situation on the system improves and would advise when gas would be made available"* and on the same day, evidence from UD's email (**Exhibit C-283**, p.9) that *"the gas supplier has informed TTUDEOCL that due to an upstream company issues, they would likely extend the gas curtailment until this coming Saturday (January 21)*";

52. From UD's email to NETL of 17 January 2023 (**Exhibit C-283**, p.7), evidence that *"TTUDEOCL has notified the gas supplier wrt [sic] the payment received from NiQuan. We are currently in discussions with the supplier to determine when gas can be made available*" and evidence that the *"gas supplier has asked for some details on the LRT ie volumes, duration and any other information that they may need to know"*;

53. From UD's email to NETL of 18 January 2023 (**Exhibit C-283**, p.4), evidence that *"TTUDEOCL has been informed by its gas supplier that they are unable to increase the supply of gas to the NiQuan plant"*;

54. From UD's email to NETL of 20 January 2023 (**Exhibit C-283**, p.1), evidence that *"The gas supplier has informed TTUDECOL that an increase of 10mmscf/d would be made available from tomorrow morning (Saturday 21 January, 2023), to the NiQuan plant"*;

55. From UD's email to NETL of 21 January 2023 (**Exhibit C-287**, p.2), evidence that *"TTUDEOCL was informed by our gas supplier last night about 8.30pm, that gas would not be made available as earlier stated, due to upstream issues*" and evidence of UD notifying its supplier about changes to NGC Operations gas levels (*"[t]he information was sent to TTUDEOCL gas supplier"*) (**Exhibit C-287**, p.1);

56. From UD's email to NETL of 1 February 2023 (**Exhibit C-288**, p.2), evidence that *"TTUDEOCL gas supplier has requested that we provide the timing for LRT such that the required gas can be made available"*;

57. From UD's email to NETL of 2 February 2023 (**Exhibit C-289**, p.5), evidence that *"TTUDEOCL gas supplier has been informed"* of NETL's updated LRT dates;

58. From UD's email to NETL of 31 March 2023 (**Exhibit C-290**, p.21), evidence that *"TTUDEOCL has informed the gas supplier of NiQuan's request and is awaiting a response."* The request was NiQuan's gas supply schedule. On the same day, from an email from UD to NETL (**Exhibit C-290**, p.20), evidence that *"[t]he gas supplier has advised that they are unable to meet the requested volumes"* and evidence that UD *"would continue liaise with them*";

59. From UD's email to NETL of 3 April 2023 (**Exhibit C-290**, p.19), evidence that UD *"communicated with our gas supplier and is awaiting a response when gas would be made available to the NiQuan plant"*;

60. From UD's email to NETL of 13 April 2023 (**Exhibit C-290**, p.14), evidence in reference to a 4 April 2024 email, that UD *"had been informed by the gas supplier that they were challenged in its gas supply due to reduced flow from a major upstream supplier which was expected to last through April."* and that UD *"has been communicating with our gas supplier accordingly"*;

61. Further from UD's email of 13 April 2023 (**Exhibit C-290**, p.14), evidence that UD continued *"to liaise with our supplier to request supply to NiQuan.."* and further

evidence that the *"situation remains challenging in the context of the previously mentioned critical supply issue being faced by the gas supplier, and further as outstanding monies were only paid late yesterday into the gas supplier's account due to the circumstances outlined herein"*;

62. From UD's email of 14 April 2023 (**Exhibit C-290**, p.12), evidence that "*TTUDEOCL has been informed by its gas supplier that they are unable to commit to a date before May 1st based on latest information from the Upstream*" and evidence *"As pointed out in previous emails, the gas supplier is unable to supply gas before the end of April"*;

63. From UD's email of 14 April 2023 (**Exhibit C-290**, p.6), evidence that *"TTUDEOCL has advise by our gas supplier, that May 1, 2023, is the best estimate for the resumption of gas to the NiQuan plant"* and from the email of 25 April 2023 (**Exhibit C-290**, p.6), that *"TTUDEOCL's gas supplier has advised that they can provide an additional 3mmscf/d for a total supply of 5mmscf/d"*;

64. Letter from UD to NETL of 24 April 2023 (**Exhibit C-307**, p.1), evidence that *"NiQuan's continuous late payments have weakened effective negotiations with TTUDEOCL's gas supplier who is becoming increasingly hesitant and timorous with regards to relying on payment schedules provided by TTUDEOCL"*;

65. From UD's email to NETL of 1 May 2023 (**Exhibit C-290**, p.3), evidence that *"TTUDEOCL's gas supplier has indicated that due to continued upstream issues, the new date of the resumption of gas to the NiQuan plant is estimate at May 05, 2023"*;

66. From UD's email to NETL of 4 May 2023 (**Exhibit C-290**, p2), evidence that UD "*were in contact with the gas supplier yesterday and this morning and is awaiting a response*"; and

67. From UD's email to NETL of 10 June 2023 (**Exhibit C-318**, p.5), evidence that *"TTUDEOCL has been advised by its gas supplier that NiQuan is required to immediately curb its gas intake to no more than 3mmscf/d."*