

PCA CASE NO. 2011-17

IN THE MATTER OF AN ARBITRATION UNDER

A. THE TREATY BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF BOLIVIA CONCERNING THE ENCOURAGEMENT AND RECIPROCAL PROTECTION OF INVESTMENT

-and-

B. THE AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE REPUBLIC OF BOLIVIA FOR THE PROMOTION AND PROTECTION OF INVESTMENTS

-and-

C. THE ARBITRATION RULES OF THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW (UNCITRAL)

-between-

- 1. GUARACACHI AMERICA, INC.**
- 2. RURELEC PLC**

(the “Claimants”)

-and-

THE PLURINATIONAL STATE OF BOLIVIA

(the “Respondent,” and together with the Claimants, the “Parties”)

PROCEDURAL ORDER NO. 18
1 April 2013

A. REQUEST FOR THE ADMISSION OF NEW DOCUMENTS

1. According to Procedural Order No. 17, the Claimants submitted certain new documents and the Parties submitted their respective arguments in support of their positions regarding their admission. The Respondent also submitted certain additional documents.
2. By letter dated 29 March 2013, the Claimants requested that the Tribunal allow them to submit a response to Respondent's letter dated 28 March 2013. Additionally, considering the length of the exhibits R-170 and R-171 submitted by the Respondent, the Claimants requested that the Respondent identify the excerpts of Professor Damodaran's work on which the Respondent intends to rely during the hearing.
3. By subsequent e-mails of the same date, the Tribunal decided that the submission of further comments by the Claimants was unnecessary and, with the exception of exhibits C-363 to C-367 and R-169, admitted all the new documents submitted by the Parties.

B. DECISION

4. Considering the above, the Tribunal hereby confirms its decision to admit the new exhibits submitted by the Claimants, with the exception of exhibits C-363 to C-367, which do not provide any essential new information which could not have been submitted earlier, well ahead of the hearing. On the other hand, the admission of the remainder of the documents is in keeping with the agreement between the Parties in this regard. Furthermore, these new documents do not appear to risk unduly complicating the conduct of the hearing and, as these are academic documents, may prove useful for the Tribunal's better understanding of certain issues. As for the new documents submitted by the Respondent, the Tribunal decides to admit all of these except for R-169, whose corresponding Claimants' exhibit has also not been admitted.
5. Regarding the Claimants' request regarding exhibits R-170 and R-171, the Tribunal believes that it would be useful if the Respondent identified the excerpts of Professor Damodaran's work on which it intends to rely during the hearing. However, the Tribunal does not require such identification in order to admit the full works contained in exhibits R-170 and R-171 as already decided above.

The co-arbitrators have approved this order, signed only by the President.

1 April 2013



José Miguel Júdece
(President of the Tribunal)