

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. 12
14 February 2013

A. THE RESPONDENT'S EXTENSION REQUEST

1. In accordance with Procedural Order No. 11, the Respondent had until 20 February 2013 to submit its Rejoinder on the merits.
2. By e-mail of 6 February 2013, the Respondent informed the Tribunal that the Parties had reached agreement on a brief extension of the deadline for the submission of the Rejoinder on the Merits, until 27 February 2013. The Respondent also noted that this extension would not affect the dates for the hearing.
3. By e-mail of 7 February 2013, the Claimants confirmed the abovementioned agreement.
4. By e-mail of the same date, the Tribunal accepted the agreement reached by the Parties and indicated that it would be formalized in a further Procedural Order.

B. THE RESPONDENT'S REQUEST FOR A DOCUMENT PRODUCTION ORDER

5. By letter dated 12 February 2013, the Respondent informed the Tribunal that the Claimants had to date not provided it with any of the documents requested by letter dated 31 January 2013.
6. According to the Respondent, by e-mail of 11 February 2013, the Claimants informed the Respondent that they would be "*in a position to provide with any responsive documents later in this week*" (i.e. no later than 15 February 2013).
7. Nevertheless, the Respondent considers that there is no guarantee that the Claimants will send the abovementioned documents by that date. Therefore, the Respondent requests that the Tribunal "*order the Claimants to communicate all the required documents within 2 days and, in any case, no later than Monday 18 February 2013*" (unofficial translation).

C. THE RESPONDENT'S REQUEST FOR *CAUTIO JUDICATUM SOLVI* (SECURITY FOR COSTS)

8. In the same letter mentioned in paragraph 5, and by way of a formal request, the Respondent requests the Tribunal to order the Claimants to establish security "as a condition for the hearing to take place" (unofficial translation) due to (i) the costs that Bolivia will incur during the hearing, (ii) the lack of financial resources of the Claimants, and (iii) the significance of the jurisdictional objections raised by Bolivia.

D. DECISION

9. The Tribunal hereby confirms the Parties' agreement. The Respondent shall therefore submit its Rejoinder on the Merits by **27 February 2013**.

10. Additionally, the Tribunal requests that the Claimants submit their comments regarding the document production request by Friday, **15 February 2013** using the Redfern Schedule. Likewise, the Tribunal requests that the Claimants submit any comments they may have with regard to the request for security for costs by Monday, **18 February 2013**.

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

14 February 2013



José Miguel Júdece
(President of the Tribunal)