

**INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT  
DISPUTES**

**(ICSID CASE NO. ARB/10/23)**

**RESUBMISSION PROCEEDINGS**

**TECO GUATEMALA HOLDINGS, LLC**

Claimant

**-v-**

**REPUBLIC OF GUATEMALA**

Respondent

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**RESPONDENT'S SUMMARY OF COSTS  
24 APRIL 2019**

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BEFORE

Prof. Vaughan Lowe, Q.C. (President)

Prof. Stanimir Alexandrov

Prof. Brigitte Stern



Freshfields Bruckhaus Deringer US LLP  
700 13th Street NW, 10<sup>th</sup>  
floor Washington, DC 20005  
United States of America

## I. INTRODUCTION

1. Guatemala hereby submits this Summary of Costs pursuant to the Tribunal's instructions during the final hearing, the agreement of the parties, and the ICSID Arbitration Rules.<sup>1</sup>
2. As reflected in its pleadings filed in this arbitration, Guatemala respectfully requests the Tribunal to order TECO to bear Guatemala's costs in their entirety, with interest.<sup>2</sup> The parties and the Tribunal agreed during the last day of the final hearing that this submission should only be informative of the costs without including supporting arguments on their responsibility.<sup>3</sup> Thus, this submission only summarizes the amounts that Guatemala seeks to recover from the Claimant.

## II. GUATEMALA'S COSTS

3. Guatemala seeks reimbursement of the following costs:
  - (a) the advances of fees and disbursements of the members of the Tribunal and ICSID's administrative fees;
  - (b) the travel costs and other disbursements incurred by Guatemala's public officials;
  - (c) the fees and disbursements of Guatemala's independent valuation experts; and
  - (d) the fees and disbursements of Guatemala's legal representation.
4. A summary of the costs accrued and paid by Guatemala up to the date of this submission is included in **Section III**. Guatemala notes that there is a lapse between the time invoices for each phase of work are issued and the time when payment is made. The amounts accrued and not yet paid will be paid within the next four months. If the Tribunal so wishes Guatemala offers to confirm in writing

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<sup>1</sup> Hearing transcripts, D4:P1070:L10-18; Letter from Guatemala to the Tribunal, 27 March 2019; E-mail from TECO to the Tribunal, 30 March 2019; ICSID Arbitration Rule 28.

<sup>2</sup> Counter-Memorial, 2 February 2018, para. 283; Rejoinder, 25 September 2018, para. 240.

<sup>3</sup> Hearing transcripts, D4:P1071:L7-10 ("PRESIDENT LOWE: I think we all take that view, that what we're looking for is really an accounting exercise rather than a new round of pleadings on responsibility for costs.").

once such amounts have been paid.

**A. THE FEES AND DISBURSEMENTS OF ICSID AND THE TRIBUNAL**

5. Guatemala seeks reimbursement of the aggregate amount of US\$400,000 it has paid to date in fees and disbursements of the Tribunal and administrative fees of ICSID over the course of the proceedings.

**B. THE TRAVEL COSTS AND DISBURSEMENTS OF GUATEMALA'S PUBLIC OFFICIALS**

6. Guatemala seeks reimbursement of the aggregate amount of US\$11,665.8, already accrued and paid in full, in connection with travel and other disbursements incurred by Guatemala's public officials<sup>4</sup> for the purposes of these arbitral proceedings, including travel and accommodation costs and related disbursements for arbitration-related meetings and for the final hearing in Washington, DC between 11 and 14 March 2019.

**C. THE FEES AND DISBURSEMENTS OF GUATEMALA'S INDEPENDENT VALUATION EXPERTS**

7. Guatemala seeks reimbursement of the fees of its independent valuation experts, Dr. Manuel Abdala and Mr. Julian Delamer of the firm Compass Lexecon, and the reasonable disbursements incurred by such experts in relation to this arbitration. These amount to a total of US\$800,000 distributed as follows:
  - (a) US\$564,705.88 for fees and disbursements accrued and paid to date; and
  - (b) US\$235,294.12 for fees and disbursements accrued but not yet paid.

**D. THE FEES AND DISBURSEMENTS OF GUATEMALA'S LEGAL REPRESENTATION**

8. Guatemala seeks reimbursement of the fees of its international counsel, Freshfields Bruckhaus Deringer US LLP and the reasonable disbursements incurred by such counsel in representing Guatemala, in the aggregate amount of US\$3,570,750 distributed as follows:
  - (a) US\$2,266,650 for fees and disbursements accrued and paid to date; and

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<sup>4</sup> This includes Mr. Jorge Luis Donado Vivar (Attorney General of Guatemala), Mr. Mario de Jesús Morales Morales (advisers at the Office of the Attorney General of Guatemala), and Mrs. Ana Luisa Gatica Palacios (head of international affairs at the Office of the Attorney General of Guatemala).

(b) US\$1,304,100 for fees and disbursements accrued but not yet paid.

### III. SUMMARY OF GUATEMALA'S COSTS

9. The table below summarizes costs claimed by Guatemala:

	Amounts paid	Amounts accrued and not yet paid	Total
<b>Tribunal and ICSID</b>			
Guatemala's share of costs	US\$400,000	N/A	US\$400,000
<b>Guatemala's public officials</b>			
Travel costs and other disbursements	US\$11,665.80	N/A	US\$11,665.8
<b>Valuation experts for Guatemala</b>			
Compass Lexecon	US\$564,705.88	US\$235,294.12	US\$800,000
<b>Guatemala's legal representation</b>			
Freshfields Bruckhaus Deringer US LLP	US\$2,266,650	US\$1,304,100	US\$3,570,750
<b>Total costs claimed by Guatemala in the arbitration</b>			<b>US\$4,782,415.80</b>

Respectfully submitted on behalf of the Respondent on 24 April, 2019.



Nigel Blackaby

